

described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing Plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a Plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a Plan submission, to use VCS in place of a Plan submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must

submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Hospital/medical/infectious waste incineration, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 31, 2000.

Jerry Clifford,

Acting Regional Administrator Region 6.

40 CFR part 62 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7617q.

Subpart LL—Oklahoma

2. Section 62.9100 is amended by adding paragraphs (b)(5), (c)(4), and (c)(5) to read as follows:

§ 62.9100 Identification of plan.

* * * * *

(b) * * *

(5) Control of air emissions from designated hazardous/medical/infectious waste incinerators, submitted by the Oklahoma Department of Environmental Quality on November 17, 1999 (OAC 252:100-17, Part 7).

* * * * *

(c) * * *

(4) Municipal solid waste landfills.

(5) Hazardous/medical/infectious waste incinerators.

3. Subpart LL is amended by adding a new § 62.9170 and a new undesignated center heading to read as follows:

Air Emissions From Hazardous/Medical/Infectious Waste Incinerators

§ 62.9170 Identification of sources.

The plan applies to existing hazardous/medical/infectious waste incinerators for which construction, reconstruction, or modification was commenced before June 20, 1996, as described in 40 CFR part 60, subpart Ce.

4. Subpart LL is amended by adding a new § 62.9171 and a new undesignated center heading to read as follows:

Effective Date

§ 62.9171 Effective date.

The effective date for the portion of the plan applicable to existing hazardous/medical/infectious waste incinerators is July 3, 2000.

[FR Doc. 00-10761 Filed 5-1-00; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

RIN 1090-AA75

Summary Distribution

AGENCY: Office of Hearings and Appeals, Office of the Secretary, Interior.

ACTION: Technical amendment.

SUMMARY: The Office of Hearings and Appeals (OHA) today is making a technical change to its rules regarding summary distribution of decedents estates as published on August 24, 1999, (64 FR 46152). Under the existing regulations, Bureau of Indian Affairs (BIA) Superintendents are identified as the authority to make summary distributions when an Indian dies intestate leaving only trust personal property or cash valued at less than \$5,000. The appeals procedure for OHA acknowledges appeals from summary distribution decisions made by BIA superintendents. The technical change now refers only to "the Bureau of Indian Affairs" as the authority for making summary distribution decisions (and against whom an aggrieved party may appeal to OHA), recognizing the authority of the BIA to designate the superintendent, or other officials as may

be appropriate, to make such summary distribution decisions.

EFFECTIVE DATE: May 2, 2000.

FOR FURTHER INFORMATION CONTACT: Charles E. Breece, Deputy Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Telephone: 703/235-3810.

SUPPLEMENTARY INFORMATION: This technical amendment is being published pursuant to the revised High Level Implementation Plan (HLIP) filed with the U.S. District Court for the District of Columbia in connection with the *Cobell v. Babbitt* case. Among other representations in the HLIP, the Department of the Interior has committed to making a technical amendment to the summary distribution regulations at 43 CFR 4.271. The Department has further committed to promulgate this technical amendment by April 30, 2000. The technical amendments to sections 4.271 and 4.320 of 43 CFR do not impact the substance of the regulations but increase the flexibility of the Department to direct resources as appropriate to the caseload of pending summary distribution cases. Consequently, the technical amendment acknowledges the authority of the BIA to delegate its authority to make such summary distribution decision to other BIA officials as deemed qualified to perform this function. Pursuant to 5 U.S.C. 553(b), public comment is not required for this technical amendment as this amendment does not make any substantive regulatory change and simply promotes administrative efficiency. Pursuant to 5 U.S.C. 553(d), the rulemaking will take effect immediately for good cause as the caseload of the BIA for summary distribution of Indian decedents' estates and the HLIP require, as may be appropriate, the delegation of certain other qualified officials of the BIA other than its agency superintendents.

List of Subjects in 43 CFR Part 4

Administrative practice and procedure, Claims, Indians, Public lands.

PART 4—[AMENDED]

1. The authority citation for Part 4 continues to read as follows:

Authority: R.S. 2478, as amended, 43 U.S.C. sec. 1201, unless otherwise noted.

2. Section 4.271 is revised to read as follows:

§ 4.271 Summary distribution.

When an Indian dies intestate leaving only trust personal property or cash of

a value of less than \$5,000, not including any interest that may have accrued after the death of the decedent, the Bureau of Indian Affairs will assemble the apparent heirs and hold an informal hearing to determine the proper distribution of the estate, unless it appears that the decedent left a last will and testament intending to devise his estate, and/or the decedent dies possessed of an interest in trust or restricted real property. A memorandum covering the hearing will be retained in the agency files showing the date of the decedent's death, the date of the hearing, the persons notified and attending the hearing, the amount on hand, and its disposition. In the disposition of such funds, the Bureau of Indian Affairs will credit the balance, if any, to the legal heirs. When requested by the Bureau of Indian Affairs, an administrative law judge may assume jurisdiction to dispose of creditors' claims or to make distribution determinations if the administrative law judge finds that exceptional circumstances exist. A party in interest may appeal a distribution determination in accordance with 43 CFR 4.320.

3. Section 4.320 is amended by revising the introductory text to read as follows:

§ 4.320 Who may appeal.

A party in interest has a right to appeal to the Board of Indian Appeals from an order from an administrative law judge on a petition for rehearing, petition for reopening, or regarding tribal purchase of interests in a deceased Indian's trust estate, and also from a summary distribution order made by the Bureau of Indian Affairs or an administrative law judge pursuant to § 4.271.

* * * * *

Dated: April 26, 2000.

John Berry,
Assistant Secretary, Policy, Management and Budget.

[FR Doc. 00-10869 Filed 5-1-00; 8:45 am]

BILLING CODE 4310-RK-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[PR Docket No. 92-115; FCC 00-131]

Revision of the Commission's Rules Governing the Public Mobile Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; dismissal.

SUMMARY: In this document, the Commission dismisses in part, and grants in part thirty-seven petitions for reconsideration filed against an earlier Federal Communications Commission (Commission) order. The Commission also dismisses a petition for declaratory ruling filed by Graceba Total Communications, Inc. (Graceba) regarding Basic Exchange Telephone Radio Systems (BETRS). These actions are taken because most of the issues raised on reconsideration have either been resolved or rendered moot by the transition to geographic area licensing in the paging services. The other issues were rendered moot by the Universal Licensing System (ULS) proceeding which streamlined the application, assignment, and transfer processes according to the Commission's rules to facilitate the development and use of the ULS. The Commission also grants various petitions because any disadvantages to permitting shared use are outweighed by the cost efficiencies to licensees and creates a potential cost savings to the public. With regards to the Graceba petition, this action was taken because the issue was resolved in a previous Commission order.

DATES: Effective May 2, 2000.

FOR FURTHER INFORMATION CONTACT: Don Johnson, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7444.

SUPPLEMENTARY INFORMATION: This Memorandum Opinion and Order on Reconsideration in CC Docket No. 92-115, adopted April 6, 2000 and released April 17, 2000 is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, S.W., Washington D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington D.C. 20036 (202) 857-3800. The document is also available via the internet at <http://www.fcc.gov/Bureaus/Wireless/Orders/2000/index2.html>.

Synopsis of *Memorandum Opinion and Order on Reconsideration*: In (MO&O on Reconsideration), the Commission disposes of 37 petitions for reconsideration (petitions) regarding various issues addressed in the *Part 22 Rewrite Order*. We grant various petitions to the extent they seek reconsideration of our policy prohibiting the use of shared transmitters by Part 22 licensees. With respect to all other issues addressed, we dismiss or deny the petitions. Additionally, we dismiss a petition for