

In reviewing SIP 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 SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP 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.*).

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 November 20, 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 will 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 52**

Environmental protection, Air pollution control, Intergovernmental relation, Lead, Reporting and recordkeeping requirements.

Dated: September 5, 2000.

**Mike V. Peyton,**

*Acting Regional Administrator, Region 4.*

Chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

**PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart B—Alabama**

2. Section 52.50 is revising the entry for section 335-3-14.05 in the table in paragraph (c) to read as follows:

**§ 52.50 Identification of plan.**

\* \* \* \* \*

(c) EPA approved regulations.

**EPA APPROVED ALABAMA REGULATIONS**

State citation	Title subject	Adoption date	EPA approval date	Federal Register notice
(1) Chapter No. 335-3-14 * * * *	(2) Air Permit. * * * *	* * * *	* * * *	* * * *
Section 335-3-1-14-05 .... * * * *	Air Permits Authorizing Construction in or Near Non-Attainment Areas. * * * *	December 7, 1999 .....	September 20, 2000 .....	65 FR 56798 * * * *

\* \* \* \* \*  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 60, 63, 260, 261, 264, 265, 266, 270, and 271**

[FRL-6870-8]

**Hazardous Waste Combustion National Emission Standards for Hazardous Air Pollutants (NESHAP) Toolkit; Notice of Availability**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Availability of new implementation toolkit related to final regulations.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing notice of the August 10, 2000 release of the Hazardous Waste Combustion NESHAP Toolkit on the Internet. The Toolkit provides implementation guidance and other materials related to the final regulation NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (64 FR 52828, September 30, 1999). The purpose of the Toolkit is to assist all interested stakeholders, including the general public, regulators and industry, in understanding the implementation aspects of the new standards and our new approach to permitting the facilities or sources subject to them. The Toolkit's primary focus is on general and process-oriented information and includes: descriptions of Resource Conservation and Recovery Act (RCRA)

and Clean Air Act (CAA) permitting requirements and policies, a time line of important compliance dates, a list of affected facilities or sources, links to related websites, a list of RCRA and CAA regulatory contacts, and commonly used acronyms. The Toolkit does not provide guidance on any technical requirements associated with the rule (e.g., test methods, monitoring techniques, etc.).

**FOR FURTHER INFORMATION CONTACT:** For general information, you can contact the RCRA Hotline at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). In the Washington, D.C. metropolitan area, call 703-412-9810 or TDD 703-412-3323. The RCRA Hotline is open Monday through Friday from 9 a.m. to 6 p.m. Eastern Standard Time. To access the Toolkit, please see our Internet page: <http://www.epa.gov/>

[epaoswer/hazwaste/combust/toolkit/toolkit.htm](http://epaoswer/hazwaste/combust/toolkit/toolkit.htm).

For specific information related to the Toolkit, you can contact Ms. Rosemary Workman at 703-308-8725 or [workman.rosemary@epa.gov](mailto:workman.rosemary@epa.gov). For specific questions related to the final rulemaking for the new standards, you can contact Mr. David Hockey at 703-308-8846 or [hockey.david@epa.gov](mailto:hockey.david@epa.gov). For questions related to the implementation of the new standards for a specific facility or source, please contact either your regional or state RCRA or CAA regulatory officials.

**SUPPLEMENTARY INFORMATION:** On September 30, 1999, we finalized the National Emission Standards for Hazardous Air Pollutants (NESHAP) for three categories of hazardous waste combustors (HWCs): incinerators, cement kilns and light-weight aggregate kilns (64 FR 52828, September 30, 1999). We promulgated these standards under the joint authority of the CAA and RCRA. Before the final rule went into effect, we regulated air emissions from the three types of HWCs primarily under the authority of section 3004(a) of RCRA. With the release of the final rule, however, we now regulate air emissions from these sources primarily under the CAA. Even though both statutes give us the authority to regulate air emissions, we determined that having standards and permitting requirements in both sets of implementing regulations would be duplicative. For this reason, we used the final rule as a vehicle for changing our approach to permitting air emissions from HWCs. Thus, with one exception, we are now requiring that such emissions be permitted only under title V of the CAA. The exception concerns section 3005(c)(3) of RCRA, which requires that each RCRA permit contain the terms and conditions necessary to protect human health and the environment. Under this provision of RCRA, if a regulatory authority determines that more stringent conditions are necessary to protect human health and environment for a particular facility, then that regulatory authority may impose those conditions in the facility's RCRA permit.

As an Internet-based guidance, the Toolkit is available only through the world wide web. It can be accessed at <http://www.epa.gov/epaoswer/hazwaste/combust/toolkit/toolkit.htm>.

To access other available electronic documents related to the new standards, specifically, or hazardous waste combustion, generally, please see our Internet page: <http://www.epa.gov/epaoswer/hazwaste/combust.htm>.

Dated: September 6, 2000.

**Elizabeth A. Cotsworth,**

*Director, Office of Solid Waste.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-2062; MM Docket No. 00-84; RM-9855; MM Docket 00-85; RM-9868; MM Docket No. 00-86; RM-9869; MM Docket 00-89; RM-9872; MM Docket No. 00-111; RM-9900; MM Docket No. 00-112; RM-9901]

**Radio Broadcasting Services; Jacksonville, GA; Las Vegas, NM; Vale, OR; Waynesboro, GA; Fallon, NV; Weiser, OR**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission allots: (1) Channel 272A to Jacksonville, GA, as its first local aural service, at the request of Clyde and Connie Lee Scott, d/b/a EME Communications, (2) Channel 224A to Las Vegas, NM, as its fifth local commercial FM service, at the request of Sangre de Christo Broadcasting Company, Inc.; (3) Channel 288C to Vale, OR, as its first local aural service, at the request of New West Broadcasting; (4) Channel 225A to Waynesboro, GA, as its third local FM service, at the request of SSR Communications Incorporated; (5) Channel 281C to Fallon, NV, as its third local FM service, at the request of FBB Broadcasting; and (6) Channel 280C1 to Weiser, OR, as its first local aural service, at the request of WE Broadcasting. See, 65 FR 3499, June 1, 2000, 65 FR 47370, August 2, 2000. All of the channels can be allotted in compliance with the Commission's minimum distance separation requirements. Channel 272A at Jacksonville, GA, requires a site restriction of 13.5 kilometers (8.4 miles) northwest, at coordinates 31-51-54 NL; 83-06-16 WL, to avoid a short-spacing to Stations WZAT, Channel 271C, Savannah, GA; WBGA, Channel 273C1, Waycross, GA, and WYSC, Channel 274A, McRae, GA. See **SUPPLEMENTARY INFORMATION.**

**DATES:** Effective October 23, 2000.

**ADDRESSES:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket Nos. 00-84, 00-85, 00-86, 00-89, 00-111 and 00-112, adopted August 30, 2000, and released September 8, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036. Channel 224A at Las Vegas, NM, can be allotted without a site restriction, at coordinates 35-36-00 NL; 105-13-00 WL. Channel 288C at Vale, OR, requires a site restriction of 9.6 kilometers (6.0 miles) west, at coordinates 44-00-06 NL; 117-21-32 WL, to avoid a short-spacing to Stations KJOT, Channel 286C, Boise, ID, and KCIX, Channel 290C, Garden City, ID. Channel 225A at Waynesboro, GA, requires a site restriction of 2.0 kilometers (1.3 miles) northeast, at coordinates 33-06-23 NL; 82-00-14 WL, to avoid a short-spacing to Stations WKKZ, Channel 224C2, Dublin, GA, and WEAS-FM, Channel 226C1, Savannah, GA. Channel 281C at Fallon, NV, requires a site restriction of 8.4 kilometers (5.2 miles) east, at coordinates 39-28-30 NL; 118-40-43 WL, to avoid a short-spacing to Stations KODS, Channel 279C1, Carnelian Bay, CA, and Station KDOT, Channel 283C, Reno, NV. Channel 280C1 at Weiser, OR, requires a site restriction of 17.8 kilometers (11 miles) northwest, at coordinates 44-20-39 NL; 117-07-14 WL, to avoid a short-spacing to Stations KSAS-FM, Channel 277C, Caldwell, ID, and KLTB, Channel 282C, Boise, ID. A filing window for these channels will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, and 336.

### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Jacksonville, Channel 272A