

will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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). This action 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 CAA. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing requests for rule approval under CAA section 112, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 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 requests for rule approval under CAA section 112 for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a request for rule approval under CAA section 112, to use VCS in place of a request for rule approval under CAA section 112 that otherwise satisfies the provisions of the CAA. 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. 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 11, 2002. 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, pertaining to the approval of VADEQ's request for delegation of authority for the hazardous air pollutant emission standards for perchloroethylene dry cleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, ethylene oxide sterilizers, halogenated solvent cleaning, secondary lead smelting, hazardous waste combustors, portland cement manufacturing, and secondary aluminum smelting (CAA section 112), may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### **List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Dated: December 26, 2001.

**Judith M. Katz,**

*Director, Air Protection Division, Region III.*

40 CFR part 63 is amended as follows:

#### **PART 63—[AMENDED]**

1. The authority citation for part 63 continues to read as follows:

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

#### **Subpart E—Approval of State Programs and Delegation of Federal Authorities**

2. Section 63.99 is amended by adding paragraph (a)(46) to read as follows:

#### **§ 63.99 Delegated Federal authorities.**

(a) \* \* \*

(46) Virginia.

(i) Virginia is delegated the authority to implement and enforce all existing and future unchanged 40 CFR part 63 standards at major sources, as defined in 40 CFR part 70, in accordance with the delegation agreement between EPA Region III and the Virginia Department of Environmental Quality, dated April 20, 1998, and any mutually acceptable amendments to that agreement.

(ii) Virginia is delegated the authority to implement and enforce all existing 40 CFR part 63 standards and all future unchanged 40 CFR part 63 standards, if delegation is sought by the Virginia Department of Environmental Quality and approved by EPA Region III, at affected sources which are not located at major sources, as defined in 40 CFR part 70, in accordance with the final rule, dated January 8, 2002, effective March 11, 2002, and any mutually acceptable amendments to the terms described in the direct final rule.

[FR Doc. 02-407 Filed 1-7-02; 8:45 am]

**BILLING CODE 6560-50-P**

#### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[MM Docket No. 01-235 and 96-197; DA 01-2918]

**RIN 4207**

#### **Cross-Ownership of Broadcast Stations and Newspapers**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; extension of reply comment.

**SUMMARY:** This document extends the pleading cycle in an ongoing regulatory proceeding. The Commission takes this action at the request of a participant in the proceeding, and to ensure that the public has sufficient time to prepare comprehensive filings to help the Commission resolve the complex and significant public policy issues raised in the proceeding.

**DATES:** Reply comments are due February 15, 2002.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Eric J. Bash, Mass Media Bureau, Policy and Rules Division, (202) 418-2130 or [ebash@fcc.gov](mailto:ebash@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

1. This is a summary of the *Order* in MM Docket No. 01-235; DA 01-2918, adopted December 14, 2001, and released December 14, 2001. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC and may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street SW, Room CY-B-402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

2. On December 12, 2001, the AFL-CIO, Center for Digital Democracy, Civil Rights Forum on Communications Policy, Consumer Federation of America, Consumers Union, Leadership Conference on Civil Rights, Media Alliance, National Organization for Women, and Office of Communication of United Church of Christ (hereafter, "petitioners") filed a "Request for Extension of Time to File Reply Comments" in this proceeding. The current deadline to file reply comments is January 7, 2002; petitioners request the Commission to extend the deadline until February 15, 2002. Among other things, petitioners cite the volume and complexity of the record in this proceeding, and the pendency of various other proceedings in which they intend to participate, as reasons for their request. The petitioners claim that granting their requested extension will not prejudice this proceeding, and suggest that denying it could disadvantage them in particular.

3. On December 14, 2001, the Newspaper Association of America (hereafter, "NAA") filed an "Opposition to Request for Extension of Time." NAA contends that review of the newspaper/broadcast cross-ownership rule is long overdue, and that the petitioners' requested extension is excessive and will unnecessarily delay this proceeding.

4. While we appreciate NAA's concerns, we believe that the public interest would be best served by granting petitioners' request. To date, nearly 1500 commenters have filed in this proceeding. Some of these comments are extensive, with detailed factual allegations, legal arguments,

policy proposals, and supporting studies. NAA has not explained how or why a delay of approximately one month would harm its members. Given these circumstances, we believe that additional time would assist petitioners and other members of the public alike in preparing comprehensive responses, which in turn will help the Commission in its decision-making and resolving the complex and significant public policy issues raised in this proceeding.

5. Accordingly, the petitioners' Request for Extension of Time to File Reply Comments is *granted*.

6. The reply comment deadline in this proceeding is *extended* to February 15, 2002.

Federal Communications Commission.

**William, F. Caton,**

*Deputy Secretary.*

[FR Doc. 02-372 Filed 1-7-02; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-2909; MM Docket No. 98-188, RM-9346, RM-9656, RM-9657]

### Radio Broadcasting Services; Paonia and Olathe, CO

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In response to a *Notice of Proposed Rule Making*, 63 FR 57637 (October 28, 1998), this document compared mutually exclusive proposals for Channel 293C at Olathe, Colorado, and Channel 293C1 at Paonia, Colorado, under the FM Allotment Priorities and allotted Channel 293C at Olathe because this would result in a first local service. The reference coordinates for Channel 293C at Olathe are 38-37-03 NL and 107-58-33 WL.

**DATES:** Effective January 28, 2002.

**FOR FURTHER INFORMATION CONTACT:** Andrew Rhodes, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order in MM Docket No. 98-188, adopted November 28, 2001, and released December 14, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor,

Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

### 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—RADIO BROADCAST SERVICES

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 Colorado, is amended by adding Olathe, Channel 293C.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 02-375 Filed 1-7-02; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-2987; MM Docket No. 00-53; RM-9823, RM-9950]

### Radio Broadcasting Services; Detroit Lakes, and Barnesville, MN, and Enderlin, ND

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** At the request of T&J Broadcasting, Inc. this document reallocates Channel 236C1 from Detroit Lakes, Minnesota, to Barnesville, Minnesota, and modifies the Station KRVI license to specify Barnesville as the community of license. This document also dismisses a Counterproposal filed by Enderlin Broadcasting Company for a Channel 233C1 allotment at Enderlin, North Dakota. See 65 FR 17618, published April 4, 2000. The reference coordinates for Channel 236C1 allotment at Barnesville, North Dakota, are 46-49-10 and 96-45-56.

**DATES:** Effective February 6, 2002.

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau (202) 418-2177.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report*