Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand. Send a copy of any comments that concern how we could make this rule easier to understand to: USFWS, Office of Subsistence Management, Thomas H. Boyd, 1011 E. Tudor Road, Anchorage, Alaska 99503. You may also e-mail the comments to this address: Bill__Knauer@fws.gov.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as ammunition, snowmachine, fishing tackle, boat, motor, and gasoline dealers. The number of small entities affected is unknown, but the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that the effects will not be significant.

In general, the resources harvested under rules contained in 36 CFR 242 and 50 CFR 100 will be consumed by the local harvester and do not result in a dollar benefit to the economy. We estimate a harvest of 2 million pounds of meat and 24 million pounds of fish (including 8.3 million pounds of salmon) are harvested by the local subsistence users annually and, if given a dollar value of $3.00 per pound for meat and salmon and $0.58 per pound for other fish, would equate to about $40 million in food value statewide.

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Act. This rule will not have an effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and no cost is involved to any State or local entities or tribal governments.

The Service has determined that this rule meets the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

In accordance with Executive Order 13132, the rule does not have any federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising management authority over fish or wildlife resources on Federal lands unless it meets certain requirements.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

Drafting Information

This document was drafted by William Knauer under the guidance of Thomas H. Boyd of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Curt Wilson, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Area Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Accordingly, for the reasons set out in the preamble, the Departments propose to maintain the current regulations pertaining to rural determinations for the 2000 subsistence seasons and beyond found at § ____.23(a) of title 36, part 242, and title 50, part 100, of the Code of Federal Regulations (CFR). Following a review of any comments received on this proposed rule and a meeting of the Federal Subsistence Board in May 2000, we will publish a final rule either maintaining the current regulations found in 36 CFR 242.23(a) and 50 CFR 100.23(a) or amending those regulations to remove the Kenai Peninsula communities from the list of areas determined to be nonrural.

Dated: February 2, 2000.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

Dated: February 2, 2000.

Kenneth E. Thompson,

Acting Regional Forester, USDA—Forest Service.

[FR Doc. 00–4271 Filed 2–17–00; 4:03 pm]

BILLING CODE 3410–11–P 4310–55–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA095–0216; FRL–6539–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval of revisions to the California State Implementation Plan (SIP) which concerns the control of sulfur emissions within the Ventura County Air Pollution Control District.

The intended effect of proposing a limited approval of this rule is to regulate emissions of sulfur dioxide (SO_2) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this proposed rule will incorporate it into the federally approved SIP. EPA has evaluated this rule and is proposing a limited approval under provisions of the CAA regarding EPA action on SIP submittals and

general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions.

DATES: Comments must be received on or before March 23, 2000.

ADDRESSES: Comments may be mailed to: Andrew Steckel, Rulemaking Office [AIR–4], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule and EPA's evaluation report of the rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule are also available for inspection at the following locations:

Environmental Protection Agency, Air Docket, 401 ''M'' Street, SW., Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

Ventura County APCD, 669 County Square Dr., 2nd Fl., Ventura, CA 93003–5417

FOR FURTHER INFORMATION CONTACT: Stanley Tong, Rulemaking Office, [AIR–4], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1191.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rule being proposed for approval into the California SIP is: Ventura County Air Pollution Control District (VCAPCD) Rule 54, Sulfur Compounds. VCAPCD Rule 54 was submitted by CARB to EPA on July 13, 1994.

II. Background

40 CFR 81.305 provides the attainment status designations for air districts in California. Ventura County Air Pollution Control District is listed as being in attainment for the national ambient air quality standards (NAAQS) for sulfur dioxide (SO_2). Therefore, for purposes of controlling SO_2, this rule need only comply with the general provisions of section 110 of the Act.

Sulfur dioxide is formed by the combustion of fuels containing sulfur compounds. High concentrations of SO_2 affect breathing and may aggravate existing respiratory and cardiovascular disease. VCAPCD adopted Rule 54, Sulfur Compounds, on June 14, 1994 to control sulfur dioxide emissions. On July 13, 1994, the State of California submitted many rules for incorporation into its SIP, including VCAPCD Rule 54. This rule was found to be complete on September 12, 1994 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V and is being proposed for limited approval.

The following is EPA's evaluation and proposed action for VCAPCD Rule 54.

III. EPA Evaluation and Proposed Action

In determining the approvability of an SO_2 rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

While the VCAPCD is in attainment with the SO_2 NAAQS, many of the general SIP requirements regarding enforceability, for example, are still appropriate for this rule. In determining the approvability of this rule, EPA evaluated it in light of the ''SO_2 Guideline Document,'' EPA–452/R–94–008.

On April 17, 1987, EPA approved into the SIP a version of VCAPCD Rule 54, Sulfur Compounds, that had been adopted by VCAPCD on July 5, 1983. VCAPCD submitted the current revision to Rule 54 which includes the following significant changes from the current SIP:

- Clarified that the SO_2 limits also apply at sea level
- The rule now covers sulfur emissions from outer continental shelf sources
- Reduced the SO_2 ground level limits from 0.5 ppm down to 0.25 ppm to match state standards.
- Added an exemption for planned and unplanned flaring events provided conditions described in the Rule are met.
- Added a section on test methods.

Although VCAPCD's Rule 54 will strengthen the SIP, this rule contains the following deficiency which should be corrected.

- The rule specifies a 300 ppm SO_2 limit at the point of discharge for any combustion operation. The rule should also indicate that the standard is on a dry basis and should specify the percent excess air. EPA also recommends the following improvement to the rule.
- The period of record retention specified should be consistent with the federal record retention requirement of 5 years.

A detailed discussion of the rule deficiency and recommendation for rule improvement can be found in the Technical Support Document for VCAPCD Rule 54 (1/14/2000), which is available from the U.S. EPA, Region IX office.

Because of the deficiency identified for the rule being acted on in this document, it is not fully approvable and may lead to rule enforceability problems. Because of the above deficiency, EPA cannot grant full approval of the rule under section 110(k)(3). Also, because the submitted rule is not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rule under section 110(k)(3). However, EPA may grant a limited approval of the submitted rule under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to advance the Act's overarching air quality protection goals by strengthening the SIP. In order to strengthen the SIP by advancing the SO_2 air quality protection goal of the Act, EPA is proposing a limited approval of VCAPCD Rule 54 under sections 110(k)(3) and 301(a) of the Act. However, this limited approval would not approve those measures as satisfying any other specific requirement of the

Act, nor would it constitute full approval of the SIP submittal pursuant to section 110(k)(3). Rather, a limited approval of this rule by EPA would mean that the emission limitations and other control measure requirements become part of the California SIP and are federally enforceable by EPA. See *e.g.* sections 302(q) and 113 of the Act.

It should be noted that the rule covered by this proposed rulemaking has been adopted and is currently in effect in the air pollution control district to which this action pertains. EPA's final limited approval action will not prevent VCAPCD or EPA from enforcing this rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, Regulatory Planning and Review.

B. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed 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 3255, 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. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

C. Executive Order 13045

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a

Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: February 8, 2000.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 00–4048 Filed 2–18–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Docket 24–7004; FRL–6540–3]

Federal Rulemaking for the FMC Facility in the Fort Hall PM–10 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; announcement of public hearings and extension of public comment deadline; correction.

SUMMARY: By this action, we are announcing the date, time, and location of two public hearings that EPA will hold to accept oral comments on EPA's supplemental proposal for the Federal Rulemaking for the FMC Facility in the Fort Hall PM–10 Nonattainment Area. We are also extending the deadline for receiving written comments on the supplemental proposal from February 28, 2000, to March 13, 2000. Finally, we are correcting a minor error in the location of the docket.

DATES: Written comments, identified by the docket control number ID 24–7004, must be received by EPA on or before March 13, 2000. EPA will hold public hearings at the following times at the addresses listed below: Tuesday, February 29, 2000, 6:00 p.m. to 8:00 p.m., and Wednesday, March 1, 2000, 6:00 p.m. to 8:00 p.m.

ADDRESSES: Comments should be submitted (in triplicate if possible) to: Christine Lemme, Environmental Protection Agency, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle Washington 98101.

FOR FURTHER INFORMATION CONTACT: Steven K. Body, Office of Air Quality (OAQ–107), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–0782.

SUPPLEMENTARY INFORMATION: On January 27, 2000, we solicited public comment on a supplemental proposal for the Federal Rulemaking for the FMC Facility in the Fort Hall PM–10 Nonattainment Area (65 FR 4466).[1] In that supplemental proposal, we stated that we would accept written public comments on the supplemental proposal until February 28, 2000. We also stated that we would not hold a public hearing on the supplemental proposal unless one was requested and a sufficient reason for holding a hearing was provided.

Based on letters we received prior to publication of the supplemental proposal, we believe there is a significant public interest in the supplemental proposal. We have therefore decided to hold public hearings on the supplemental proposal in advance of a specific request during the public comment period. The public hearings will be held on:

Tuesday, February 29, 2000, 6:00 p.m. to 8:00 p.m., Pocatello City Council Chambers, 711 North 9th, Pocatello, Idaho

Wednesday, March 1, 2000, 6:00 p.m. to 8:00 p.m., Shoshone-Bannock Tribal Council Chambers, Agency Road and Bannock Drive, Fort Hall, Idaho

To accommodate the public hearings, we are also extending the deadline for receiving written public comments on the supplemental proposal to March 13, 2000. Interested persons are invited to attend the public hearings and to comment on all aspects of EPA's supplemental proposal. The January 27, 2000, supplemental notice also stated that the docket for the supplemental proposal is available for public inspection at EPA's Central Docket Section, Office of Air and Radiation, Room 1500 (M–6102), 401 M Street, SW., Washington, D.C. 20460; EPA Region 10, Office of Air Quality, 10th Floor, 1200 Sixth Avenue, Seattle, Washington; the Shoshone-Bannock Tribes, Office of Air Quality Program, Land Use Commission, Fort Hall Government Center, Agency and Bannock Roads, Fort Hall, Idaho 83203; the Shoshone-Bannock Library, Pima and Bannock, Fort Hall, Idaho, 83203; and the Idaho State University Library, Government Documents Dept., 850 South 9th Avenue, Pocatello, Idaho. This notice is also to clarify that the full docket is available for review at EPA's Central Docket Section, Office of Air and Radiation; EPA Region 10, Office of Air Quality; and the Shoshone-Bannock Tribes, Office of Air Quality Program, Land Use Commission. Only a copy of the supplemental proposal and a copy of the index to the docket are available for review at the Shoshone-Bannock Library and the Idaho State University Library.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 9, 2000.

Jane Moore,

Acting Regional Administrator, Region 10.

[FR Doc. 00–4141 Filed 2–18–00; 8:45 am]

BILLING CODE 6560–50–P

[1] The supplemental proposal proposed to revise certain aspects of the original proposal published in the **Federal Register** on February 12, 1999 (64 FR 7308).

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–188; MM Docket No. 99–108; RM–9511; MM Docket No. 99–112; RM–9540; MM Docket No. 99–147; RM–9555]

Radio Broadcasting Services; Sawpit, CO; Thermal, CA; Congress, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; denials.

SUMMARY: This document denies three petitions for rule making filed by Mountain West Broadcasting proposing the allotment of new FM channels to Sawpit, Colorado (MM Docket No. 99–108; RM–9511), 64 FR 17139, April 8, 1999; Thermal, California (MM Docket No. 99–112; RM–9540), 64 FR 17142, April 8, 1999; and Congress, Arizona (MM Docket No. 99–147; RM–9555), 64 FR 26717, May 17, 1999, for failure to demonstrate each locality's status as a *bona fide* community for allotment purposes. With this action, the referenced proceedings are terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99–108; MM Docket No. 99–112; and MM Docket No.