

one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IV. Regulatory Assessment Requirements

This final rule establishes a time-limited tolerance under FFDCA section 408. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 petition under FFDCA section 408, such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, entitled *Federalism* (64 FR 43255, August 10, 1999). 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." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

V. 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 this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 7, 2000.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), (346a) and 371.

§ 180.443 Myclobutanil; tolerances for residues.

2. In § 180.443, amend the table in paragraph (b) by revising the

Revocation/expiration date "7/31/00" to read "7/31/02" for the commodities "Artichoke" and "Peppers (bell and non-bell)."

[FR Doc. 00-23774 Filed 9-14-00; 8:45 am]

BILLING CODE 6560-50-S

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 96-61; FCC 00-308]

Policy and Rules Concerning the Interstate Interexchange Marketplace

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document dismisses as moot requests asking that the Commission forbear from application of the rate integration requirements of the Communications Act to commercial mobile radio service providers. This action is taken to comport with the recent decision of the U.S. Court of Appeals vacating the Commission's rate integration rules as applied to commercial mobile radio service carriers and remanding the matter to the Commission for further proceedings.

DATES: Effective September 15, 2000.

FOR FURTHER INFORMATION CONTACT: Peter Wolfe, 202-418-1310.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order (MO&O) in CC Docket No. 96-61, FCC 00-308, adopted August 17, 2000, and released August 23, 2000. The complete text of this MO&O is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY-B400, 445 12th Street, S.W., Washington, DC.

Synopsis of the Memorandum Opinion and Order

1. In this Memorandum Opinion and Order (MO&O), the Commission addresses requests filed by BellSouth, AT&T, the Cellular Telecommunications Industry Association, Nextel, Omnipoint, the Personal Communications Industry Association, and PrimeCo, asking that the Commission forbear from application of the rate integration requirements of section 254(g) of the Communications Act, as amended (47 U.S.C. 254(g)) to

commercial mobile radio service (CMRS) providers.

2. In light of the July 14, 2000, decision of the U.S. Court of Appeals for the District of Columbia Circuit vacating the Commission's rate integration rules as applied to CMRS carriers and remanding the matter to the Commission for further proceedings, the Commission finds that the forbearance requests are moot and premature. Accordingly, the requests are dismissed as discussed in detail in the full text of the MO&O.

Ordering Clauses

3. Pursuant to sections (4)(I) and 10 of the Communications Act of 1934, as amended, 47 U.S.C. 154(I) and 160, that the Petition for Forbearance of BellSouth is dismissed.

4. In addition, the requests for Forbearance contained in the comments filed by AT&T, CTIA, CommNet, Nextel, Omnipoint, PCIA, and PrimeCo are dismissed.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 00-23691 Filed 9-14-00; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00-1968; MM Docket No. 99-260; RM-9686]

Radio Broadcasting Services; Bristol, VT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Blue Sky Broadcasting, LLC, allots Channel 248A to Bristol, VT, as the community's first local aural service. *See* 64 FR 3996, July 23, 1999. Channel 248A can be allotted to Bristol in compliance with the Commission's minimum distance separation requirements, with respect to domestic allotments, without the imposition of a site restriction, at coordinates 44-08-18 NL; 73-05-00 WL. Canadian concurrence in the allotment, as a specially negotiated short-spaced allotment, has been received since Bristol is located within 320 kilometers (200 miles) of the U.S.-Canadian border and the allotment will be short-spaced to Station CHOM-FM, Channel 249C1, Montreal, Quebec. A filing window for Channel 248A at Bristol will not be opened at this time. Instead, the issue of

opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective October 16, 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 No. 99-260, adopted August 23, 2000, and released September 1, 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.

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, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Vermont, is amended by adding Bristol, Channel 248A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00-23694 Filed 9-14-00; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA No. 00-2016; MM Docket No. 99-336; RM-9758]

Radio Broadcasting Services; Rocksprings, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 223A at Rocksprings, Texas, in response to a petition filed by Rocksprings Radio Broadcasting Company. *See* 64 FR 68663, December 8, 1999. The

coordinates for Channel 223A at Rocksprings are 30-05-18 NL and 100-18-02 WL. There is a site restriction 11.9 kilometers (7.4 miles) northwest of the community. Although Mexican concurrence has been requested for Channel 223A at Rocksprings, final notification from Mexico has not been received. Therefore, operation with the facilities specified for Rocksprings herein is subject to modification, suspension, or termination without hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico. A filing window for Channel 223A at Rocksprings will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

DATES: Effective October 16, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 99-336, adopted August 23, 2000, and released September 1, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800, facsimile (202) 857-3805.

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 Texas, is amended by adding Channel 223A at Rocksprings.¹

¹ The community of Rocksprings, Texas, was added to the FM Table of Allotments in MM Docket No. 99-214. *See* 65 FR 35588, June 5, 2000.