

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with OSM representatives to discuss the proposed amendment, you may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations*Executive Order 12866—Regulatory Planning and Review*

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart federal regulation.

Executive Order 13132—Federalism

This rule does not have federalism implications. SMCRA delineates the roles of the federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of state regulatory programs and program amendments since each such program is drafted and promulgated by a specific state, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and

30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed state regulatory programs and program amendments submitted by the states must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule 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.*). The state submittal which is the subject of this rule is based upon counterpart federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the state. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart federal regulation.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- a. Does not have an annual effect on the economy of \$100 million.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

c. Does 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.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 948

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 14, 2001.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 01-13156 Filed 5-23-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[CA 224-0279b; FRL-6982-7]

Revisions to the California and Arizona State Implementation Plans, Antelope Valley Air Pollution Control District and Maricopa County Environmental Services Department

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Antelope Valley Air Pollution Control District (AVAPCD) and Maricopa County Environmental Services Department (MCESD) portions of the respective California and Arizona State Implementation Plans (SIPs). These revisions concern volatile organic compound (VOC) emissions from solvent cleaning operations and automotive windshield washer fluid use. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by June 25, 2001.

ADDRESSES: Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection

Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 1001 "I" Street,
Sacramento, CA 95814.

Arizona Department of Environmental
Quality, 3033 North Central Avenue,
Phoenix, AZ 85012.

Antelope Valley Air Pollution Control
District, 43301 Division Street, Suite
206, Lancaster, CA 93539.

Maricopa County Environmental
Services Department, Air Quality
Division, 1001 North Central Avenue,
Suite 201, Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT:

Yvonne Fong, Rulemaking Office (Air-4), U.S. Environmental Protection Agency, Region IX, (415) 744-1199.

SUPPLEMENTARY INFORMATION: This proposal addresses the following local rules: AVAPCD 1171 and MCESD 344. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this proposed rule. We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: April 27, 2001.

Michael Schulz,

Acting Regional Administrator, Region IX.
[FR Doc. 01-13046 Filed 5-23-01; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 73, 74, and 78

[ET Docket No. 01-75; FCC 01-92]

Revisions to Broadcast Auxiliary Service Rules

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: In this document the Commission conducts an extensive review of the Broadcast Auxiliary Services (BAS) rules and proposes changes to create a more efficient BAS that can readily adapt to regulatory and technological changes. In addition, the Commission examines the relationship between BAS, the Cable Television Relay Service (CARS), and the Fixed Microwave Service. The Commission also examines the use of wireless assist video devices (WAVDs) on unused television channels.

DATES: Comments must be submitted on or before June 25, 2001, and reply comments on or before July 23, 2001.

ADDRESSES: All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of Secretary, Federal Communications Commission, 445 12th Street, SW., TW-A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Ira Keltz, Office of Engineering and Technology, (202) 418-0616.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making* in ET Docket No. 01-75, adopted March 16, 2001, and released March 20, 2001. The complete text of this *Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of the Notice of Proposed Rule Making

1. The *Notice of Proposed Rule Making* conducts an extensive review of the Broadcast Auxiliary Services (BAS) rules and proposes changes to create a more efficient BAS that can readily adapt to regulatory and technological changes. The *Notice of Proposed Rule Making* also examines the relationships between the BAS and the radio services that share frequency bands with the BAS. In many cases the BAS, the Cable Television Relay Service (CARS) (part 78), and Fixed Microwave Services (FS) (part 101) authorize technically and operationally similar stations (i.e., they use the same equipment, channelization, bandwidth, etc.) in shared frequency bands. The technical rules for these services are not always consistent, which, at times, has led to confusion regarding compliance and difficulties when licensees in different services have tried to operate in common geographic areas. Because we

believe that this issue must be addressed to ensure that shared bands are used as efficiently as possible, we initiate this proceeding and again seek comment on the best way to conform the technical rules for these services.

2. One of our main goals is to ensure that licensees can operate in an environment in which the potential for interference is minimized. Interference protections are essential to spectrum usage rights to prevent licensees from unduly affecting other licensees in terms of system operation or cost. Nonetheless, we attempt to establish rules that are no more restrictive than necessary to achieve our goals in order to provide maximum flexibility to our licensees. Therefore, we seek comment on the extent that commenters believe our proposals or other portions of the rules relevant to this proceeding are more restrictive than necessary to achieve our goals.

3. The significant proposals made by this *NPRM* concerning BAS, as well as CARS and FS operations that share frequency bands with BAS, are as follows:

- We propose to permit TV and aural BAS stations to use any available digital modulation techniques in all BAS frequency bands. This proposal would allow BAS stations to take advantage of the latest developments in technology and to smooth the transition to digital TV and radio.

- We propose to update the BAS emission masks to facilitate the introduction of digital equipment and to provide consistency with those used in part 101.

- We propose to modify the equation used by BAS and CARS for determining the maximum effective isotropic radiated power (EIRP) for short path lengths. This proposal would eliminate the steep reduction in EIRP for path lengths shorter than the minimum for which we permit the use of full power.

- We propose to allow BAS and CARS stations to use automatic transmit power control (ATPC) in order to facilitate more efficient spectrum use.

- We propose to update the transmitter power rules for BAS and CARS to provide EIRP limits for all frequency bands.

- We propose to require TV BAS and CARS services to prior coordinate their frequency use when using shared frequency bands. This proposal would serve to minimize instances of harmful interference that occur when a new station begins transmitting.

4. In addition, we make a variety of proposals designed to update the BAS rules. Our initiatives include instituting temporary conditional authority for all