

information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

*Regulated Entities.* The regulated category and entities affected by this action include:

Category	NAICS codes	SIC codes	Examples of regulated entities
Industry .....	Typically, 325199 and 325320	Typically, 2869 and 2879 .....	<ul style="list-style-type: none"> <li>Producers of pesticide active ingredients that contain organic compounds that are used in herbicides, insecticides, or fungicides.</li> <li>Producers of any integral intermediate used in onsite production of an active ingredient used in an herbicide, insecticide, or fungicide.</li> </ul>

This table is not intended to be exhaustive, but rather provides a guide for readers likely to be interested in the proposed revisions to the regulation affected by this action. To determine whether your facility, company, business, organization, etc., is regulated by this action, you should carefully examine all of the applicability criteria in 40 CFR part 63, subpart MMM. If you have questions regarding the applicability of this proposed amendment to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

#### I. What Action Is EPA Proposing?

This proposal would revise the definition of "process tank" in 40 CFR part 63, subpart MMM. For further information, please see the direct final rulemaking notice located in the "Rules and Regulations" section of today's **Federal Register**.

#### II. What Are the Administrative Requirements for This Action?

*Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.*

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute 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 organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this proposed rule amendment on small entities, a small entity is defined as: (1) A small business in the North American Industrial Classification System (NAICS) code 325320 that has as many as 500 employees; (2) a small business in NAICS code 325199 that has as many as 1,000 employees; (3) a small

governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (4) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of this proposed rule amendment on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives "which minimize any significant economic impact on small entities" (5 U.S.C. Sections 603 and 604). Thus, an agency may conclude that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. The EPA has 1 determined that none of the small entities will experience a significant impact because the proposed amendment imposes no additional regulatory requirements on owners or operators of affected sources.

For information regarding other administrative requirements for this action, please see the direct final rule action that is located in the "Rules and Regulations" section of this **Federal Register** publication.

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

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

Dated: November 15, 2001.

**Christine Todd Whitman,**  
*Administrator.*

[FR Doc. 01-29099 Filed 11-20-01; 8:45 am]

**BILLING CODE 6560-50-P**

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-2568; MM Docket No. 01-311, RM-10318]

#### Radio Broadcasting Services; Burney, CA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes an allotment in Burney, CA. The Commission requests comment on a petition filed by Corey J. McCaslin proposing the allotment of Channel 225A at Burney, California, as the community's first competing FM broadcast service. Channel 225A can be allotted to Burney in compliance with the Commission's minimum distance separation requirements at center city coordinates without site restriction. The coordinates for Channel 225A at Burney are 40-52-56 North Latitude and 121-39-34 West Longitude. See **SUPPLEMENTARY INFORMATION** *infra*.

**DATES:** Comments must be filed on or before December 24, 2001, and reply comments on or before January 8, 2002.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Corey J. McCaslin, Post Office Box 7612, Chico, California 94592.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Dupont, Mass Media Bureau (202)418-7072.

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

Proposed Rule Making, MM Docket No. 01-311, adopted October 31, 2001 and released November 2, 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.

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 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 California, is amended by adding Channel 225A at Burney.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 01-29086 Filed 11-20-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 01-2569; MM Docket No. 99-244; RM-9678, 9873]

#### Radio Broadcasting Services; Cumberland, KY and Weber City, VA; Glade Spring, Marion, Richlands and Grundy, VA

**AGENCY:** Federal Communications Commission.

**ACTION:** Order to show cause.

**SUMMARY:** The Commission requests a written statement from Virginia-Kentucky Broadcasting Co., why its license should not be modified to specify operation on Channel 264A in lieu of Channel 249A at Grundy, Virginia, to accommodate the counterproposal filed by Holston Valley Broadcasting Corporation requesting the allotment of Channel 274A at Glade Spring, Virginia. See 14 FCC Rcd 10545 (1991). Channel 249A can be substituted at Grundy in compliance with the Commission's minimum distance separation requirements at Station WMJD(FM)'s presently licensed site. The coordinates for Channel 249A at Grundy are 37-18-08 North Latitude and 82-07-04 West Longitude.

**DATES:** Statements must be filed on or before December 24, 2001.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing a written statement to FCC, Virginia-Kentucky Broadcasting Co., should serve the following: William J. Pennington, Esq., Post Office Box 403,

Westfield, Massachusetts 01086 (Counsel for Cumberland City Broadcasting Co.); and Dennis J. Kelly, Esq., Post Office Box 6648, Annapolis, Maryland 21401 (Counsel for Holston Valley Broadcasting Corporation).

#### FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order to Show Cause, MM Docket No. 99-244, adopted October 24, 2001, and released November 2, 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 20054.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

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

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