

III. Withdrawal of Authorization

Pursuant to TSCA section 404(c), the Administrator may withdraw a State or Tribal lead-based paint activities program authorization, after notice and opportunity for corrective action, if the program is not being administered or enforced in compliance with standards, regulations, and other requirements established under the authorization. The procedures EPA will follow for the withdrawal of an authorization are found at 40 CFR 745.324(i).

IV. Public Record

The official record for this action, as well as the public version, has been established under docket control number PB-402404-WI. Copies of this notice, Wisconsin's Department of Health and Family Service's authorization application, and all supporting material for EPA's authorization decision are available for inspection in the Region V office: Toxics Program Section, Environmental Protection Agency, Region V, 8th floor, 77 West Jackson Blvd., Chicago, IL, from 8:30 a.m. to 5 p.m., Monday through Friday, excluding legal holidays.

V. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

EPA's actions on State or Tribal lead-based paint activities program applications are informal adjudications, not rules. Therefore, the requirements of the Regulatory Flexibility Act (RFA, 5 U.S.C. 601 *et seq.*), the Congressional Review Act (5 U.S.C. 801 *et seq.*), Executive Order 12866 ("Regulatory Planning and Review," 58 FR 51735, October 4, 1993), and Executive Order 13045 ("Protection of Children from Environmental Health Risks and Safety Risks," 62 FR 1985, April 23, 1997), do not apply to this action. This action does not contain any Federal mandates, and therefore is not subject to the requirements of the Unfunded Mandates Reform Act (2 U.S.C. 1531-1538). In addition, this action does not contain any information collection requirements and therefore does not require review or approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

B. Executive Order 12875

Under Executive Order 12875, entitled "Enhancing Intergovernmental Partnerships" (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or Tribal government, unless the Federal government provides the funds

necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local, and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local, and Tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's action does not create an unfunded Federal mandate on State, local, or Tribal governments. This action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this action.

C. Executive Order 13084

Under Executive Order 13084, entitled "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655, May 19, 1998), 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. If the mandate is unfunded, EPA must provide OMB, 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 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 action does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Authority: 15 U.S.C. 2682, 2684.

List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: March 26, 1999.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 99-16684 Filed 6-29-99; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

June 22, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before July 30, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0095.

Title: Annual Employment Report—Cable Television.

Form Number: FCC 395-A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 2,564.

Estimated Time per Response: 1.83 hours (avg.).

Frequency of Response: Annually.

Total annual burden: 4,683 hours.

Total annual costs: None.

Needs and Uses: The Annual Employment Report (FCC Form 395-A) is a data collection device used to assess and enforce the Commission's EEO requirements. The report identifies employees by gender, race, color, and/or national origin in nine major job categories. Every cable entity with 6 or more full-time employees and all Satellite Master Antenna Television Systems serving 50 or more subscribers and having 6 or more full-time employees must file annually a full FCC Form 395-A. However, cable entities with 5 or fewer full-time employees must only file Sections I, II, and IX of the FCC Form 395-A, and thereafter, need not file again unless its employment increases. In addition, cable entities with 6 or more full-time employees will file a Supplemental Investigation Sheet once every 5 years. The data are used by FCC staff to monitor a cable unit's efforts to afford equal employment opportunity in employment. The data are also used to assess industry trends.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99-16595 Filed 6-29-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[FCC 99-123]

Canyon Area Residents for the Environment

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document denies an Application for Review of a letter ruling of October 9, 1998, by Dale Hatfield,

Chief of the Office of Engineering and Technology, which denied the request of Canyon Area Residents for the Environment (CARE) for a blanket prohibition on the siting of communications facilities on Lookout Mountain near Denver, Colorado, and denied CARE's proposal that the Commission adopt stricter limits on public exposure to radiofrequency (RF) radiation.

DATES: Effective June 30, 1999.

FOR FURTHER INFORMATION CONTACT:

Robert Cleveland, Office of Engineering and Technology, (202) 418-2422.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, FCC 99-123, adopted May 27, 1999, and released May 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (TW-A306), 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20036.

Summary of the Memorandum Opinion and Order

1. The Commission has before it an Application for Review and related pleadings filed by the Canyon Area Residents for the Environment (CARE) dated November 5, 1998, seeking review of a letter ruling of October 9, 1998, by Dale Hatfield, Chief of the Office of Engineering and Technology (OET Letter), which denied CARE's request for a blanket prohibition on the siting of communications facilities on Lookout Mountain near Denver, Colorado, and denied CARE's proposal that the Commission adopt stricter limits on public exposure to radiofrequency (RF) radiation. CARE's Application for Review was opposed by the Lake Cedar Group (LCG). We deny the Application for Review.

Procedural Issues

2. As an initial matter, we note that CARE's Application for Review and its supplementary filings raise a number of issues that were not before the staff when it considered CARE's earlier filings in the OET Letter. CARE raises for the first time the questions of historical preservation, endangered species, and blanketing interference. Section 1.115(c) of the Commission's Rules states that: "[N]o application for review will be granted if its relies on questions of fact or law upon which the designated authority has been afforded

no opportunity to pass. 47 CFR 1.115(c). In this case, CARE has not adequately explained why it was unable to raise these matters in a more timely fashion. We cannot allow a party to "sit back and hope that a decision will be in its favor and, when it isn't, to parry with an offer of more evidence. No judging process in any branch of government could operate efficiently or accurately if such a procedure were allowed." *Colorado Radio Corp. v. FCC*, 118 F. 2d 24, 26 (D.C. Cir. 1941). Therefore, we are not obligated to consider the new matters raised in CARE's filings. However, we have examined the new matters raised by CARE, and we find that CARE has failed to present any relevant evidence or law demonstrating that we should not have granted the DTV applications.

3. CARE also requests that the Commission seek public comment on its Application for Review. It is not the Commission's practice to solicit additional public comment on rulemaking proceedings that have been concluded and license applications that have been granted, and our rules do not require us to do so. CARE provides no reasons why additional public comment would be beneficial. Since there appears to be little or no benefit to be achieved by seeking additional public comment on the matters raised by CARE, and the present record is adequate for the Commission to decide the matter, CARE's request that we allow public comment on the Application for Review is denied.

Arguments Concerning RF Radiation

4. The results of the Commission studies of the Lookout Mountain have been described in separate reports, dated November 12, 1998, and January 4, 1999, respectively. Non-complying areas were identified as a result of these studies, and recommendations were made for corrective actions to ensure that the Lookout Mountain site was brought into compliance with Commission exposure limits. CARE's claim that it has supplied the information necessary to trigger an Environmental Assessment (EA) of the site, as specified in the Commission's Rules [47 CFR 1.1307(c)], is now moot since the extensive Commission studies and follow-up activities obviate the need for the preparation of an EA.

5. CARE claims that the Commission has violated the National Environmental Policy Act (NEPA) of 1969 (Sections 5 and 6) and that the Commission's guidelines are not sufficiently protective of human health. The Commission adopted new RF exposure guidelines (ET Docket 93-62) following a one-year period for public comment with