

on September 23, 1991. Institutional controls along with deed restrictions were put in place late 1991 at the Site.

A five-year review pursuant to OSWER Directive 9355.7-02 ("Structure and Components of Five-Year Reviews") was conducted at the Site. The Five-Year review was signed November 13, 1997.

EPA, with concurrence from the State of Michigan, has determined that all appropriate Fund-financed responses under CERCLA at the Mason County Landfill Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. The long-term maintenance of the landfill cap and monitoring of the groundwater will continue to ensure that the effectiveness of the remedy is sustained. Therefore, EPA proposes to delete the Site from the NPL.

Dated: July 14, 1999.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 99-18720 Filed 7-23-99; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 99-262, RM-9659]

Digital Television Broadcast Service; Spokane, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Spokane School District #81, licensee of station KSPS(TV), NTSC Channel *7, Spokane, Washington, proposing the substitution of DTV Channel *8 for station KSPS(TV)'s assigned DTV Channel *39. DTV Channel *8 can be allotted to Spokane, Washington, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 47-34-34 N. and 117-17-58 W. However, since the community of Spokane is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence by the Canadian government must be obtained for this allotment. As requested, we propose to modify station KSPS(TV)'s authorization to specify operation on DTV Channel *8 at Spokane, Washington, with a power of 21.6 (kW)

and a height above average terrain (HAAT) of 558.

DATES: Comments must be filed on or before September 13, 1999, and reply comments on or before September 28, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John Crigler, Esq., Haley, Bader & Potts P.L.C., 4350 North Fairfax Drive, Suite 900, Arlington, Virginia 22203-1633 (Counsel for Spokane School District #).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-262, adopted July 19, 1999, and released July 21, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 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.

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

Digital television broadcasting.
Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 99-18958 Filed 7-23-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. OST-99-5947]

RIN 2105-AC82

Standard Time Zone Boundary in the State of Nevada: Proposed Relocation

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the City of West Wendover, Nevada, DOT proposes to relocate the boundary between Pacific time and mountain time in the State of Nevada. DOT proposes to relocate the boundary in order to move West Wendover, Nevada from the Pacific Time Zone to the Mountain Time Zone.

DATES: Comments should be received by September 24, 1999 to be assured of consideration. Comments received after that date will be considered to the extent practicable. If the time zone boundary is changed as a result of this rulemaking, the effective date would be 2:00 a.m. PDT Sunday, October 31, 1999.

ADDRESSES: You may submit your comments and related material by one of the following methods:

(1) By mail to the Docket Management Facility (OST-1999-5947), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001.

(2) By hand delivery to room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

(3) By fax to Docket Management Facility at 202-493-2251.

(4) Electronically through the Web Site for the Docket Management System at <http://dms.dot.gov>.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets,

Department of Transportation, telephone 202-366-9329.

Public Hearing: A public hearing will be chaired by a representative of DOT at the West Wendover Library, Pilot Peak Room, 590 Camper Drive, West Wendover, Nevada, on Tuesday, August 10, 1999, at 6:00 p.m. MDT/5:00 p.m. PDT. The hearing will be informal and will be tape recorded for inclusion in the docket. Persons who desire to express opinions or ask questions at the hearings do not have to sign up in advance or give any prior notification. To the greatest extent practicable, the DOT representative will provide an opportunity to speak for all those wishing to do so.

FOR FURTHER INFORMATION CONTACT:

Joanne Petrie, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 Seventh Street, Washington, D.C. 20590, (202) 366-9315; email address: joanne.petrie@ost.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260-64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce."

Petition for Rulemaking

On January 8, 1999, Mayor Walter F. Sanders, Mayor of the City of West Wendover, Nevada sent a letter to the Department of Transportation asking the Department to change the city from the Pacific time zone to the Mountain time zone. The letter noted the following facts in support of its petition.

1. West Wendover is located on the border of Utah and Nevada and is directly adjacent to the City of Wendover, Utah, which is in the Mountain time zone.

2. It is more than one hundred miles to the nearest city.

3. Businesses in West Wendover make most of their purchases from Salt Lake City, which is in the Mountain time zone.

4. The city receives all of its television and radio broadcasts from Salt Lake City. Due to mountain ranges west of West Wendover, radio broadcasts cannot be received from the Nevada area.

5. West Wendover has one weekly local newspaper, which is printed in Salt Lake City.

6. The City of West Wendover currently has no passenger rail service. The nearest public rail service is located in either Salt Lake City, Utah or Elko, Nevada. Both cities are more than one hundred miles from West Wendover.

7. Greyhound buses travel through West Wendover on an east/west run, but only stop in Wendover, Utah.

8. Wendover, Utah has a small airport, which is limited to mostly small private aircraft and which receives no commercial air service. Tooele County, Utah, which is on Mountain time, is in the process of renovating its airport. The closest major airport is Salt Lake City International Airport.

9. A small percentage of West Wendover's working population resides outside the City limits. The majority of employed residents work in the gaming/tourism industry.

10. Medical services are currently provided by a local medical clinic. The facility is owned by the City of West Wendover, which in turn has leased the facility to the University of Utah—Medical Facility. This agreement provided the opportunity for expanded medical services to the community. Most residents of West Wendover travel to Salt Lake City for major and routine health care.

11. Secondary education is offered in Salt Lake City, Utah and Elko, Nevada.

12. West Wendover is in the process of expanding its recreation facilities. These recreational services are designed to accommodate people from the Wastach Front area, which is on Mountain time.

13. West Wendover's residents must travel to Salt Lake City or Elko in order to obtain a greater variety of services, shopping, and recreation.

14. The City of West Wendover is trying to purchase Air Force property adjacent to the Tooele County Airport. This purchase is expected to provide opportunities to establish a more diversified economy within the Wendover/West Wendover community.

15. Historically, West Wendover has always operated on Mountain time. Prior to the 1980s, there was no reason to do otherwise because there was literally nothing to the town fifty yards past the state line. When West Wendover began to "boom," the town tried to operate by Pacific time. According to the Mayor, this action created mass confusion for both residents and those outside the community.

The Mayor stated that by allowing West Wendover to formally move into

the Mountain time zone, commerce within the Wendover/West Wendover community would be facilitated and confusion would be eliminated.

Under DOT procedures to change a time zone boundary, the Department will generally begin a rulemaking proceeding if the highest elected officials in the area make a *prima facie* case for the proposed change. DOT has determined that the petition from the City of West Wendover makes a *prima facie* case that warrants opening a proceeding to determine whether the change should be made. Consequently, in this notice of proposed rulemaking, DOT is proposing to make the requested change and is inviting public comment.

Although the City of West Wendover has submitted sufficient information to begin the rulemaking process, the decision whether actually to make the change will be based upon information received at the hearing or submitted in writing to the docket. Persons supporting or opposing the change should not assume that the change will be made merely because DOT is making the proposal. We are not bound either to accept or reject the proposal of the City of West Wendover at the present time in the proceeding. The Department here issues no opinion on the merits of the City's request. Our decision will be made on the basis of information developed during the rulemaking proceeding.

Impact on Observance of Daylight Saving Time

This time zone proposal does not directly affect the observance of daylight saving time. Under the Uniform Time Act of 1966, as amended, the standard time of each time zone in the United States is advanced one hour from 2:00 a.m. on the first Sunday in April until 2:00 a.m. on the last Sunday in October, except in any State that has, by law, exempted itself from this observance.

Regulatory Analysis & Notices

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

The rule primarily affects the convenience of individuals in scheduling activities. By itself, it imposes no direct costs. Its impact is localized in nature.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This proposal, if adopted, would primarily affect individuals and their scheduling of activities. Although it would effect some small businesses, not-for-profits and, the City of West Wendover, it would not be a substantial number. In addition, the change should have little, if any, economic impact.

Therefore, the Office of the Secretary certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment to the Docket Management Facility at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call Joanne Petrie at (202) 366–9315.

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this proposed rule under E.O. 12612 and have determined that this rule does not have sufficient implications for federalism to warrant

the preparation of a Federalism Assessment.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and E.O. 12875, Enhancing the Intergovernmental Partnership, (58 FR 58093; October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

This rulemaking is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act and, therefore, an environmental impact statement is not required.

List of Subjects in 49 CFR Part 71

Time zones.

For the reasons discussed above, the Office of the Secretary proposes to amend Title 49 Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 would continue to read as follows:

Authority: Secs. 1–4, 40 Stat. 450, as amended; sec. 1, 41 Stat. 1446, as amended; secs. 2–7, 80 Stat. 107, as amended; 100 Stat. 764; Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 and Pub. L. 97–449, 15 U.S.C. 260–267; Pub. L. 99–359; 49 CFR 159(a), unless otherwise noted.

2. In § 71.9 paragraph (b) would be revised to read as follows:

§ 71.9 Boundary line between mountain and Pacific zones.

(a) * * *

(b) *Utah-Nevada-Arizona-California.* From the northeast corner of the State of Nevada southerly along the Utah-Nevada boundary to the junction with the northern border of the City of West Wendover, Utah. Then westward along the northern, western, and southern boundaries of the City of West Wendover back to the Utah-Nevada boundary. Then southerly along the Utah-Nevada boundary, the Nevada-Arizona boundary, and the Arizona-California boundary to the boundary between the United States and Mexico.

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Issued in Washington on July 12, 1999, under authority delegated in 49 CFR § 1.57(a).

Rosalind Knapp,

Acting General Counsel.

[FR Doc. 99–19041 Filed 7–23–99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF03

Endangered and Threatened Wildlife and Plants; Canada Lynx; Special Rule Record of Compliance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: On July 8, 1998, we published a proposed rule to list the United States (lower 48 States) population segment of the Canada lynx as threatened under the Endangered Species Act of 1973, as amended (Act). The listing included a special rule regulation issued under section 4(d) of the Act that would allow the export under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of live captive-bred Canada lynx, and skins derived from the captive-bred population of Canada lynx. This notice announces the availability of the Record of Compliance with the various statutory, Executive Order, and Departmental requirements applicable to the special rule regulation and invites comments on the Record of Compliance.

ADDRESSES: To request a copy of the Record of Compliance, contact the U.S. Fish and Wildlife Service, Montana