

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

**G. Petitions for Judicial Review**

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the

appropriate circuit by April 26, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve the Delaware Regulation 32—Transportation Conformity may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen oxides, Ozone.

Dated: February 5, 1999.

**W. Michael McCabe,**  
*Regional Administrator, EPA Region III.*

40 CFR part 52 is amended as follows:

**PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart I—Delaware**

2. In Section 52.420, an entry for the Delaware Transportation Conformity Regulation (Regulation No. 32) in the "EPA-Approved Regulations in the Delaware SIP" table in paragraph (c) is added to read as follows:

**§ 52.420 Identification of plan.**

\* \* \* \* \*

(c) EPA approved regulations.

**EPA—APPROVED REGULATIONS IN THE DELAWARE SIP**

State citation	Title/subject	State effective date	EPA approval date	Comments
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Regulation No. 32	Transportation Conformity	April 11, 1998	Type: February 23, 1999.	
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[FR Doc. 99-3990 Filed 2-22-99; 8:45 am]  
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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 98-134; RM-9271]

**Radio Broadcasting Services; Sheridan, WY and Colstrip, MT**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Community Media, Inc., substitutes Channel 229C for Channel 243C3 at Sheridan, Wyoming, and modifies Station KYTI(FM)'s authorization accordingly. To accommodate the upgrade, we will also allow Brian M. Encke ("Encke") to amend his construction permit (File No. 970731MK) to specify operation on Channel 258A in lieu of Channel 229A at Colstrip, Montana. See 63 FR 40873, July 31, 1998. Channel 229C can be allotted to Sheridan in compliance with

the Commission's minimum distance separation requirements at Station WYTI(FM)'s authorized construction permit site. The coordinates for Channel 229C at Sheridan are 44-37-20 North Latitude and 107-06-57 West Longitude. Additionally, Channel 258A can be allotted at Colstrip, Montana, at Encke's authorized construction permit site. The coordinates for Channel 258A at Colstrip are 45-53-42 North Latitude and 106-36-38 West Longitude With this action, this proceeding is terminated.

**EFFECTIVE DATE:** March 29, 1999.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 98-134, adopted February 3, 1999, and released February 12, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription

Service, 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 Wyoming, is amended by adding Channel 229C and removing Channel 243C3 at Sheridan.

3. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Channel 258A and removing Channel 229A at Colstrip.

Federal Communications Commission.

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

[FR Doc. 99-4447 Filed 2-22-99; 8:45 am]

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