

the credit assumed by Rhode Island, Rhode Island and EPA will take appropriate action to correct any SIP shortfall in any SIP demonstrations that may rely on credit from the I/M program.

#### **VII. What Is EPA's Proposed Action on This Submittal?**

EPA's review of this material indicates that with the exception of three nonregulatory items, the submittal addresses the requirements of the I/M rule. EPA is proposing to approve the Rhode Island SIP revision for enhanced motor vehicle inspection and maintenance, which was submitted on November 17, 2000. Prior to EPA taking final action, however, Rhode Island must include in its final submittal: (1) A commitment to maintain a 96% compliance rate (or revise the SIP accordingly), (2) the appropriate enforcement oversight provisions for the DMV, and 3) a demonstration of the performance of its test-and-repair network. Additionally, we are also proposing approval of an interim level of emission reduction credit for the inspection and maintenance program that can be utilized by Rhode Island for SIP planning. If the state fails to submit the required items in its final SIP submittal, EPA proposes to grant only a limited approval of the program. In this case, the I/M SIP would be approved as a SIP strengthening measure, and not approved as meeting the CAA requirements for an enhanced I/M program.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### **VIII. How Can the Public Participate in This Process?**

EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA-New England office listed in the *Addresses* section of this notice.

Interested parties are encouraged to participate in the concurrent state process by presenting oral or written testimony at Rhode Island's December 21, 2000 public hearing, at 10 am in

Conference Room "C" at One Capitol Hill, Providence, RI. Written comments will be accepted until 12 noon on December 22, 2000 at Office of Air Resources, Department of Environmental Management, 235 Promenade Street, Providence, RI 02908-5767.

#### **IX Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as addressing Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies 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.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the

National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

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

Dated: December 12, 2000.

**Mindy S. Lubber,**

*Regional Administrator, EPA—New England.*  
[FR Doc. 00-32236 Filed 12-15-00; 8:45 am]

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### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 60**

**[AD-FRL-6919-1]**

#### **Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources for Large Municipal Waste Combustors**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of intent to amend final rules.

**SUMMARY:** Section 129 of the Clean Air Act (CAA) directs us to develop new source performance standards (NSPS) and emission guidelines (EG) for municipal waste combustors (MWC). The final NSPS and EG limit periods of startup, shutdown, or malfunction to 3 hours per occurrence. Recently, it has come to our attention that there are a few types of malfunction which require shutdown, but, because of the nature of the malfunction and ensuing safety concerns, require longer than 3 hours for shutdown of the MWC. This notice

announces our intent to amend the NSPS and EG for large MWC to provide regulatory relief from this 3-hour limitation for shutdowns due to these types of malfunction.

**ADDRESSES:** Dockets No. A-90-45 and A-89-08 contain the supporting information for development of NSPS and EG for large MWC and are available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, telephone (202) 260-7548, fax (202) 260-4000. These dockets are available at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Fred Porter, Combustion Group, Emission Standards Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, (919) 541-5251, electronic mail address: porter.fred@epa.gov.

**SUPPLEMENTARY INFORMATION:** Section 129 of the CAA requires us to develop NSPS and EG for several categories of solid waste incinerators, one of which is MWC. On December 19, 1995, we promulgated final NSPS and EG for large MWC (60 FR 65387). These NSPS and EG contain a provision requiring large MWC to comply with the standards (*i.e.*, emission limits) at all times, except during periods of startup, shutdown, and malfunction. Periods of startup, shutdown, and malfunction, however, are limited to 3 hours per occurrence. If it takes longer than 3 hours to startup or shutdown, or if a malfunction continues for longer than 3 hours, a large MWC is required to comply with the standards during that period of startup, shutdown, or malfunction which exceeds 3 hours.

Recently, it has come to our attention that there are a few types of malfunction which require shutdown, but, because of the nature of the malfunction and the ensuing safety concerns, require longer than 3 hours to shutdown the MWC. For the most part, this does not present a problem; proper operation of the emission control systems permit the MWC to maintain compliance with the emission limits, with one exception. This exception is the emission limit for carbon monoxide (CO).

Operating experience has identified three types of malfunction which require shutdown, but which require in excess of 3 hours for shutdown, during which it is not possible to comply with the emission limit for CO. The first is

waterwall boiler tube failure, the second is loss of a combustion air fan, and the third is combustion grate failure.

These three types of malfunction lead to increased CO emissions. However, attempting to shutdown an MWC rapidly in these situations can present a risk of explosion which, in the extreme, could result in serious injury or even death of plant personnel. To avoid this risk, more than 3 hours is needed to safely shutdown the MWC under these situations.

The purpose of today's notice is to announce that we intend to amend the NSPS and EG for large MWC to provide regulatory relief from compliance with the CO emission limit during these types of malfunction and shutdown. While we intend to proceed quickly with adopting such amendments, we believe it is appropriate to announce our intent in advance.

Dated: December 13, 2000.

**Robert Perciasepe,**

*Assistant Administrator for Air and Radiation.*

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**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 54

[CC Docket No. 96-45; FCC 00-428]

### Federal-State Joint Board on Universal Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rule.

**SUMMARY:** In this document, the Commission seeks comment on the narrow issue of whether to continue to apply certain sections of the Commission's rules to transfers of telephone exchanges between non-rural carriers following the phase-down of the interim hold-harmless support.

**DATES:** Comments are due on or before January 17, 2001, and reply comments are due on or before February 1, 2001.

**ADDRESSES:** All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Parties also should send three paper copies of their filing to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Room 5-B540, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** William Scher, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418-7400.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Further Notice of Proposed Rulemaking in CC Docket No. 96-45 released on December 8, 2000. This is a companion to the Commission's Thirteenth Report and Order in CC Docket No. 96-45 also released December 8, 2000. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY-A257, 445 Twelfth Street, SW., Washington, DC 20554.

### I. Introduction

1. In this Further Notice of Proposed Rulemaking (FNPRM), we seek comment on the narrow issue of whether to continue to apply § 54.305 of the Commission's rules to transfers of telephone exchanges between non-rural carriers following the phase-down of interim hold-harmless support for non-rural carriers, as provided for in the Commission's companion Thirteenth Report and Order in CC Docket No. 96-45 released on December 8, 2000. Section 54.305 requires a carrier that acquires an exchange to step into the seller's shoes for universal service support purposes. The Commission adopted the rule in 1997 as a stopgap measure to prevent carriers receiving support based on the size of their study areas and embedded costs from "placing unreasonable reliance upon potential universal service support in deciding whether to purchase exchanges[.]" Because all non-rural carriers will receive support based on forward-looking economic costs following the phase-down of interim hold-harmless support, we believe that the need for § 54.305 would no longer exist with regard to transfers between non-rural carriers once the phase-down is complete.

### II. Further Notice of Proposed Rulemaking

2. Following the phase-down of interim hold-harmless support, all non-rural carriers will receive high-cost support based on the forward-looking economic costs of operating a given exchange. As a result, "the level of support will not be a primary factor in a [non-rural] carrier's decision to purchase exchanges because the carrier's support will not be based on the size of the study area nor embedded costs." We believe this rule change is necessary regardless of the outcome of the current Federal-State Joint Board on Universal Service examination of the