

The information to be collected under this information collection is necessary to determine the program's achievement of GPRA performance measures. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 07/03/00 (65 FR 41065); no comments were received.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 624 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information; processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Municipalities with combined sewer systems that have combined sewer overflows (CSOs).

**Estimated Number of Respondents:** 930.

**Frequency of Response:** One time for selected items and semi-annually for other items.

**Estimated Total Annual Hour Burden:** 580,044 hours.

**Estimated Total Annualized Capital and Operating & Maintenance Cost Burden:** \$182,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1680.03 and OMB Control No. 2040-0170 in any correspondence.

Dated: December 27, 2000.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 01-222 Filed 1-3-01; 8:45 am]

**BILLING CODE 6560-50-M**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6929-2]

### Public Notice of Draft NPDES General Permits for Facilities/Operations That Generate, Treat, and/or Use/Dispose of Sewage Sludge by Means of Land Application, Landfill, and Surface Disposal in EPA Region VIII

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

**ACTION:** Notice of intent to issue NPDES general permits and request for comments.

**SUMMARY:** Region VIII of EPA is hereby giving notice of its tentative determination to issue National Pollutant Discharge Elimination System (NPDES) general permits for facilities or operations that generate, treat, and/or use/dispose of sewage sludge by means of land application, landfill, and surface disposal in the States of CO, MT, ND, and WY and in Indian country in the States of CO, MT, ND, SD, WY and UT (except for the Goshute Indian Reservation and the Navajo Indian Reservation).

On June 21, 2000 and September 21, 2000, U.S. District Judge Donald W. Molloy issued orders stating that until all necessary total maximum daily loads under section 303(d) of the Clean Water Act are established for a particular water quality limited segment, the EPA is not to issue any new permits or increase permitted discharges under the NPDES program. (The orders were issued in the lawsuit *Friends of the Wild Swan, Inc., et al., v. U.S. E.P.A., et al.*, CV 97-35-M-DWM, District of Montana, Missoula Division.) EPA finds that the issuance of these proposed general permits does not conflict with this order, because (1) the proposed permits would not authorize any point source discharges into waters of the United States and (2) as discussed under the "Protection of Public Health and The Environment" section of the Fact Sheet, the use and/or disposal of sewage sludge in compliance with the conditions of these permits is not likely to have any adverse effect on any waterbody in Montana that has been listed under section 303(d) of the Clean Water Act. If any member of the public believes that EPA should interpret the District Court's order otherwise, EPA requests that this issue be brought to its

attention during the public comment period on these proposed permits.

Region VIII is proposing to use general permits instead of individual permits for permitting such sewage sludge related activities in order to reduce the Region's administrative burden of issuing separate individual permits. The administrative burden for the regulated sources is expected to be about the same under the general permits as with individual permits, but it will be much quicker to obtain permit coverage with general permits than with individual permits. The permit requirements would be essentially the same with an individual permit or under the general permit. Facilities or operations that incinerate sewage sludge are not eligible for coverage under these general permits and must apply for an individual permit. Wastewater lagoon systems that are not using/disposing of sewage sludge do not need to apply for permit coverage unless notified by the permit issuing authority. The deadlines for applying for coverage under the general permits are given in the permits and the Fact Sheet. For most facilities/operations the deadline is 90 days after the effective date of the permit.

**DATES:** Public comments on this proposal must be received, in writing, on or before March 5, 2001.

**ADDRESSES:** Public comments should be sent to: State Assistance Program (8P-SA); Attention: NPDES Permits; U.S. EPA, Region VIII; 999 18th Street, Suite 300; Denver, CO 80202-2466.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the draft permit and Fact Sheet, please write William Kennedy at the above address or telephone (303) 312-6285. Copies of the draft permit and Fact Sheet may also be downloaded from the EPA Region VIII web page at <http://www.epa.gov/region08/water/wastewater/biohome/biohome.html>. Questions regarding the specific permit requirements may be directed to Bob Brobst, telephone (303) 312-6129.

### Public Comment Period

Public comments are invited. Comments must be written and must be received by no later than March 5, 2001. Comments should be sent to: State Assistance Program (8P-SA); Attention: NPDES Permits; U.S. EPA, Region VIII; 999 18th Street, Suite 300; Denver, CO 80202-2466. Each comment should cite the page number and, where possible, the section(s) and/or paragraph(s) in the draft permit or Fact Sheet to which each comment refers. Commenters should use a separate paragraph for each issue discussed.

**SUPPLEMENTARY INFORMATION:** On February 19, 1993, (58 FR 9248) the EPA promulgated "Standards for the Use or Disposal of Sewage Sludge" (40 CFR part 503) and made revisions to the NPDES regulations to include the permitting of facilities/operations that generate, treat, and/or use/disposal of sewage sludge. The 503 regulations were amended on August 4, 1999 (64 FR

42551). The State of Utah currently is the only State in Region VIII that has been authorized to administer the biosolids (sludge) program. However, the State of South Dakota has applied for authorization to administer the biosolids program and Region VIII has public noticed (65 FR 59385) its intent to approve the application. Since the State's application is being processed,

Region VIII does not plan to issue a general permit for South Dakota unless the State's application is denied. It is proposed that general permits be issued for facilities or operations that generate, treat, and/or use/dispose of sewage sludge by means of land application, landfill, and surface disposal within the following areas:

State	Permit No.	Area covered by the general permit
Colorado .....	COG650000 COG651000 COG652000	State of Colorado except for Federal Facilities and Indian country. Indian country within the State of Colorado and the portions of the Ute Mountain Indian Reservation located in New Mexico and in Utah. Federal Facilities in the State of Colorado, except those located in Indian country, which are covered under permit COG51000.
Montana .....	MTG650000 MTG651000	State of Montana except for Indian country. Indian country in the State of Montana.
North Dakota .....	NDG650000 NDG651000	State of North Dakota except for Indian country. Indian country within the State of North Dakota (except for Indian country located within the former boundaries of the Lake Traverse Indian Reservation, which are covered under permit SDG651000) and that portion of the Standing Rock Indian Reservation located in South Dakota.
South Dakota .....	SDG651000	Indian country within the State of South Dakota (except for the Standing Rock Indian Reservation, which is covered under permit NDG651000), that portion of the Pine Ridge Indian Reservation located in Nebraska, and Indian country located in North Dakota within the former boundaries of the Lake Traverse Indian Reservation.
Utah .....	UTG651000	Indian country within the State of Utah except for the Goshute Indian Reservation, Navajo Indian Reservation, and Ute Mountain Indian Reservation (which is covered under permit COG651000).
Wyoming .....	WYG650000 WYG651000	State of Wyoming except for Indian country. Indian country within the State of Wyoming.

The State of Utah has been delegated permitting authority for sewage sludge and the State of South Dakota has applied for that authority, therefore general permits will be issued only for Indian country in those States. The general permit for Indian country in Utah does not include the portions of the Goshute Indian Reservation and the Navajo Indian Reservation in Utah because the permitting activities for these reservations are done by Region IX of EPA. The State of Colorado has not been delegated permitting authority for Federal facilities, so a general permit is proposed for Federal facilities not located in Indian country.

Authorization under the general permits may be for one of the following three categories: Category 1—Facilities/operations that generate and/or partially treat sewage sludge, but do not use/dispose of sewage sludge; Category 2—Facilities/operations that use/dispose of sewage sludge and may also generate and/or treat sewage sludge; and Category 3—Wastewater lagoon systems that need to land apply sewage sludge on an occasional, restricted basis. Authorization under the general permit will be limited to one of the three categories, but authorization may be granted to one or more subcategories

under Category 2. In applying for authorization under the general permit, the applicant will be required to specify under which category or subcategory(s) authorization is being requested. However, the permit issuing authority will have the final determination as to which category or subcategory(s) the authorization will be granted. The requirements in the permit for the use/disposal of sewage sludge are based primarily on 40 CFR part 503.

Since these permits do not involve discharges to waters of the United States, certification under section 401(a)(1) of the Clean Water Act is not necessary for the issuance of these permits and certification will not be requested.

*Economic Impact (Executive Order 12866):* EPA has determined that the issuance of this general permit is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735 (October 4, 1993)) and is therefore not subject to formal OMB review prior to proposal.

*Paperwork Reduction Act:* EPA has reviewed the requirements imposed on regulated facilities in these proposed general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection

requirements of these permits have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program under the provisions of the Clean Water Act.

*Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., as amended by the Small Business regulatory Enforcement Fairness Act (SBREFA):* The RFA requires that EPA prepare a regulatory flexibility analysis for rules subject to the requirements of 5 U.S.C. 553(b) that have a significant impact on a substantial number of small entities. The permit proposed today, however, is not a "rule" subject to the requirements of 5 U.S.C. 553(b) and is therefore not subject to the RFA.

*Unfunded Mandates Reform Act:* Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" defined to be the same as "rules" subject to the RFA on tribal state, and local, governments and the private sector. The permit proposed today, however, is not a "rule" subject to the RFA and is therefore not subject to the requirements of the UMRA.

**Authority:** Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: December 22, 2000.

**Kerrigan G. Clough,**

*Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance.*

[FR Doc. 01-220 Filed 1-3-01; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 00-2907]

### The Wireless Telecommunications Bureau Seeks Comment on a Draft Programmatic Agreement With Respect to Co-Locating Wireless Antennas on Existing Structures

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this public notice, we request comments on a Nationwide Programmatic Agreement that would adopt streamlined procedures for review of co-locations of antennas under the National Historic Preservation Act (NHPA), 16 U.S.C. 470 *et seq.* This Nationwide Programmatic Agreement is being considered for potential execution by the Federal Communications Commission, the National Conference of State Historic Preservation Officers, and the Advisory Council on Historic Preservation on or about January 29, 2001.

**DATES:** Comments are due on or before January 23, 2001.

**ADDRESSES:** All comments should reference DA 00-2907 and should be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., TW B204, Washington, DC 20554. A copy of each filing should be sent to International Transcription Services, Inc. (ITS), 445 Twelfth Street, SW., Room CY-B402, Washington, DC 20554. In addition, parties should send two copies to Joel Taubenblatt, Federal Communications Commission, Wireless Telecommunications Bureau, Commercial Wireless Division, 445 Twelfth Street, SW., Room 4A260, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Joel Taubenblatt, Wireless Telecommunications Bureau, at (202) 418-1513.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Public Notice*, DA 00-2907, released December 26, 2000. The *Public Notice* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW., Washington DC.

The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 445 Twelfth Street, SW., Room CY-B402, Washington DC 20554, (202) 857-3800. The document is also available via the internet at: [http://www.fcc.gov/Bureaus/Wireless/Public\\_Notices/2000](http://www.fcc.gov/Bureaus/Wireless/Public_Notices/2000) under the DA 00-2907 file.

### Appendix A to the Public Notice

*Draft Nationwide Programmatic Agreement among the Federal Communications Commission, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation for the Co-location of Antennas*

*Whereas*, the Federal Communications Commission (FCC) establishes rules and procedures for licensing wireless communications systems in the United States and its Possessions and Territories; and,

*Whereas*, the FCC has deregulated the review of applications for the construction of individual wireless communications antennas and, under this framework, licensees are required to prepare an environmental assessment (EA) when the licensee determines that the proposed construction falls within one of certain environmental categories, including situations which may affect historical sites listed or eligible for listing in the National Register; and,

*Whereas*, Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties and to give the Advisory Council on Historic Preservation (Council) a reasonable opportunity to comment; and,

*Whereas*, Section 36 CFR 800.14(b) of the Council's regulations, "Protection of Historic Properties" (36 CFR Part 800), allows for programmatic agreements to streamline and tailor the Section 106 review process to particular federal programs; and,

*Whereas*, in August 2000, the Council established a Telecommunications Working Group to provide a forum for the FCC, industry representatives, State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Organizations (THPOs), and the Council to discuss improved coordination of Section 106 compliance regarding wireless communications projects involving historic properties; and,

*Whereas*, the FCC, the Council and Working Group have developed this Programmatic Agreement in accordance with 36 CFR 800.14(b) to address the Section 106 review process as it applies to the co-location of antennas (*i.e.*, the

placement of antennas on existing towers and existing buildings and other non-tower structures); and,

*Whereas*, the FCC encourages licensees to consider co-location of antennas where technically and economically feasible, in order to minimize the need for new tower construction; and,

*Whereas*, the execution of this Nationwide Programmatic Agreement will streamline the Section 106 review of co-location proposals and thereby minimize the need for the construction of new towers, thus limiting potential effects on historic properties resulting from the construction of new towers; and,

*Whereas*, the FCC and the Council have agreed that measures should be incorporated into a Nationwide Programmatic Agreement to better manage the Section 106 consultation process and streamline reviews for co-location of antennas; and,

*Whereas*, the FCC has consulted with the National Conference of State Historic Preservation Officers (NCSHPO) and requested its signature on this Nationwide Programmatic Agreement in accordance with 36 CFR 800.14(b)(2)(iii); and,

*Whereas*, the FCC has consulted with Indian Tribes regarding the terms of this Nationwide Programmatic Agreement and clarified that the terms of this Programmatic Agreement do not apply on tribal lands, nor does it preclude Indian tribes or Native Hawaiian Organizations from requesting consultation with the FCC regarding co-location activities; and,

*Whereas*, the execution and implementation of this Nationwide Programmatic Agreement will not preclude members of the public from filing complaints regarding Section 106 with the FCC or the Council regarding the construction of any existing tower or any activity covered under the terms of this Programmatic Agreement.

*Now Therefore*, the FCC, the Council, and NCSHPO agree that the FCC will meet its Section 106 compliance responsibilities for the co-location of antennas involving historic properties as follows.

### Stipulations

The FCC, in coordination with licensees or tower construction companies, will ensure that the following measures are carried out. For the purpose of this Programmatic Agreement, "towers" are defined as structures built for the primary purpose of siting equipment used for radio communications services.