EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State adoption date	EPA approval date	Explanation
* * *	* * *	*	*	*
Chapter 115 (Reg 5)—Control of Air Pollution from Volatile Organic Compounds				
* * *	* * *	*	*	*
Subchapter G—Consumer-Related Sources				
Section 115.600 to 115.619	Consumer Products	08/26/98	11/12/99	
* * *	* * *	*	*	*

[FR Doc. 99–29299 Filed 11–10–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6472–2]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of partial deletion of the Tipton Army Airfield portion of the Fort George G. Meade Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the partial deletion of the Tipton Army Airfield portion of the Fort George G. Meade Site in Fort Meade, Maryland from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Maryland have determined that all appropriate responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Maryland have determined that response actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: November 12, 1999.

ADDRESSES: Comprehensive information on this release is available for viewing at the Site information repositories at the following locations:

(1) Provinces Public Library, 2624 Annapolis Road, Severn, MD 21144, Phone: (410) 222–6280.

(2) U.S. Army, Directorate of Public Works, Attn: ANME–PWE, Bldg. 239, 2½ Street and Ross Road, Fort Meade, MD 20755, Phone: (301) 677–9648.

FOR FURTHER INFORMATION CONTACT: Nicholas J. DiNardo, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, telepone (215) 814–3365.

SUPPLEMENTARY INFORMATION: The portion of the site to be deleted from the NPL is: Tipton Army Airfield, Fort Meade, Maryland

A Notice of Intent to Delete for this site was published September 17, 1999 (64 FR 50477). The closing date for comments on the Notice of Intent to Delete was October 19, 1999. EPA received no comments.

The EPA identifies releases which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those releases. Releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund. Any release deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund.

Dated: October 28, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

2. The Table 2 of Appendix B of part 300 is amended by revising the entry for Fort George G. Meade, Odenton, MD to read as follows:

Appendix B to Part 300—National Priorities List

* * * * *

TABEL 2.—FEDERAL FACILITIES SECTION

St	Site name	City/County	Notes(a)
* * *	* * *	*	*
MD	Fort George G. Meade	Odenton	P
* * *	* * *	*	*

(a) * * *

P = Sites with partial deletion(s).

[FR Doc. 99–29305 Filed 11–10–99; 8:45 am]
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter 1

[CC Docket No. 96–149, FCC 99–242]

Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document declines to reconsider the Commission's *Non-Accounting Safeguards Order*. It also clarifies several points concerning the non-accounting safeguards requirements set forth in section 272 of the Act, which prescribes the manner in which the Bell Operating Companies may enter certain markets.

DATES: Effective December 13, 1999.

FOR FURTHER INFORMATION CONTACT: Michelle Carey, Deputy Chief, Policy and Program Planning Division, Common Carrier Bureau, (202) 418–1580 or via the Internet at mcarey@fcc.gov. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202/418–0484.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted September 8, 1999, and released October 1, 1999. The full text of this Order is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, S.W., Room CY–A257, Washington, DC. The complete text also may be obtained through the World Wide Web, at http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc99242.wp, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th St., NW., Washington, DC 20036.

Synopsis of Third Order on Reconsideration

I. Introduction

1. On December 24, 1996, the Commission adopted the *Non-Accounting Safeguards Order*, 62 FR 2927, (January 21, 1997), in its proceeding implementing the non-accounting safeguards provisions of the Communications Act of 1934 (the Act), as amended by the Telecommunications Act of 1996 (the 1996 Act). On February 2, 1997, several parties (the Association for Local Telecommunications Services, AT&T, BellSouth, Cox Communications, MCI, TCG, Time Warner Cable and US WEST) filed separate petitions to reconsider various aspects of the Non-Accounting Safeguards Order. For the reasons discussed, we deny all of the petitions. We also, on our own motion, clarify certain language in the *Non-Accounting Safeguards Order* relating to so-called teaming arrangements.

II. Background

2. Section 272 addresses the safeguards and statutory separate affiliate requirements necessary for the BOCs' provision of manufacturing activities, interLATA telecommunications services originating in their in-region states, and interLATA information services. Consistent with the statutory framework, the Commission held in the *Non-Accounting Safeguards Order* that section 272 allows a BOC to engage in manufacturing activities, origination of certain interLATA telecommunications services, and the provision of interLATA information services, as long as the BOC provides these activities through a separate affiliate.

3. Parties request reconsideration with respect to the Commission's interpretation in the *Non-Accounting Safeguards Order* of various provisions in section 272. We deny these petitions, and affirm and clarify the decisions in the underlying Order as follows:

(a) We affirm the prior conclusion that section 272(b)(1)'s ''operate independently'' requirement has no plain or ordinary meaning.

(b) We affirm the conclusion that specific reporting requirements to implement section 272(e)(1) are unnecessary at this time.

(c) We find unpersuasive BellSouth's argument that a broader reading of ''marketing'' and ''sale of services'' is consistent with the language and purpose of section 272, and affirm the view that the question of whether a section 272 affiliate is operating independently if a BOC designs and develops its affiliate's services should be decided on a case-by-case basis.

(d) We affirm the conclusion that section 272(a)(2)(C) does not exclude out-of-region interLATA information services from the separate affiliate requirement.

(e) We clarify that the conclusions in the *Non-Accounting Safeguards Order* are binding regardless of whether they are codified in the Code of Federal Regulations and decline to codify further those conclusions.

(f) We conclude in this *Third Order on Reconsideration* that section 272 of the Act does not require BOCs to provide video programming services through a separate affiliate.

(g) We clarify, on our own motion, that the *Non-Accounting Safeguards Order* was not intended as an affirmative sanction of teaming arrangements between a BOC and an unaffiliated entity.

(h) We find that Cox's petition requesting the Commission to reconcile the *Non-Accounting Safeguards* with certain other proceedings is moot.

III. Third Order on Reconsideration

A. Section 272(b)(1)'s ''Operate Independently'' Requirement

1. Inadequate Separation Of Operations

a. Background.

4. Section 272(b)(1) directs that the separate affiliate required pursuant to section 272(a) ''shall operate independently from the [BOC].'' In the *Non-Accounting Safeguards Order*, the Commission concluded that the ''operate independently'' requirement of section 272(b)(1) imposes certain requirements beyond the structural separation requirements contained in sections 272(b)(2)–(5), including the preclusion of joint ownership of transmission and switching facilities by a BOC and its section 272 affiliate, as well as the joint ownership of the land and buildings where those facilities are located. Additionally, we found that the ''operate independently'' requirement precludes a section 272 affiliate from performing operating, installation, and maintenance functions associated with the BOC's facilities, and also prohibits the BOC from performing such functions associated with the facilities that its section 271 affiliate owns, or leases from a third party provider. The Order declined, however, to impose additional restrictions on the sharing of services or on the joint ownership of other property between the BOC and its section 272 affiliate, concluding that additional structural separation requirements were unnecessary ''given the nondiscrimination safeguards, the biennial audit requirement, and other public disclosure requirements imposed by section 272.'' The Order also concluded that section 272(b)(3)'s ''separate employee'' requirement does not prohibit the sharing of services (other than operating, installation and maintenance services) between a BOC and its section 272 affiliate.

b. Discussion.

5. AT&T and MCI contend that the requirements the Commission adopted pursuant to section 272(b)(1) inadequately separate the functions of the BOC from those of its section 272