

and supporting documentation are available from Linda Glatz, management and program analyst, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone: (301) 504-0416, ext. 2226.

Dated: December 9, 1999.

**Sadye E. Dunn,**

*Secretary, Consumer Product Safety Commission.*

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## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Proposal To Issue and Modify Nationwide Permits

**AGENCY:** Army Corps of Engineers, DoD.

**ACTION:** Notice of extension of expiration date for Nationwide Permit 26.

**SUMMARY:** In Part III of the July 21, 1999, issue of the **Federal Register** (64 FR 39252), the Corps of Engineers (Corps) published its proposal to issue five new Nationwide Permits (NWP), to modify six existing NWPs, and add three new NWP general conditions to replace NWP 26 when it expires. To thoroughly review and consider the 1,700 comments received in response to the July 21, 1999, **Federal Register** notice and make necessary changes to the proposed NWPs and general conditions, additional time is required and a new schedule for finalizing the NWPs has

been developed. The Corps is also announcing a process for submitting NWP 26 PCNs that will provide for an efficient transition from NWP 26 to the new and modified NWPs.

**DATES:** The process for accepting NWP 26 PCNs is effective on December 15, 1999.

**ADDRESSES:** HQUSACE, ATTN: CECW-OR, 20 Massachusetts Avenue, NW, Washington, DC 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson or Mr. Sam Collinson at (202) 761-0199 or access the Corps of Engineers Regulatory Home Page at: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.

**SUPPLEMENTARY INFORMATION:** In response to the proposal published in the July 21, 1999, **Federal Register** to issue 5 new NWPs, to modify 6 existing NWPs, and to add 3 new NWP general conditions to replace NWP 26, the Corps received over 1,700 comments. To thoroughly review and consider these comments, the Corps needs additional time to make changes to the proposed new and modified NWPs and general conditions and address the comments received in response to the July 21, 1999, **Federal Register** notice. The new and modified NWPs will be issued on or before February 14, 2000, and will become effective 60 days later on or before April 14, 2000.

To ensure that there continues to be an NWP available to authorize activities in headwaters and isolated waters that have minimal adverse effects on the aquatic environment, the expiration date of NWP 26 is extended until April 14, 2000, except as indicated below. To

provide an efficient transition from NWP 26 to the new and modified NWPs that will replace NWP 26, Corps district offices will process all preconstruction notifications (PCNs) for NWP 26 activities that are submitted to Corps district offices on or before the publication date of the final new and modified NWPs in the **Federal Register** (currently scheduled for February 14, 2000). For such NWP 26 PCNs, where the Corps subsequently determines that the project meets the terms and conditions of NWP 26, the verification will remain in effect until February 11, 2002. As of today, the Corps is suspending the 45 day period in paragraph (a)(3) of General Condition 13. The Corps will continue to process such PCNs and reach final decisions as expeditiously as possible. However, a prospective permittee who submits a NWP 26 PCN after today's date cannot assume, after 45 days have passed, that the proposed work is authorized by NWP 26. Consequently, an NWP 26 verification must be received prior to commencing the work. PCNs submitted to Corps district offices after the publication date of the final new and modified NWPs will be processed under the procedures for the new and modified NWPs or the other existing NWPs. The revised schedule for the new and modified NWPs is illustrated in Figure 1.

Dated: December 10, 1999.

**Charles M. Hess,**

*Chief, Operations Division, Directorate of Civil Works.*

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