

Executive Order 13132. Thus, the requirements of section 6 of Executive Order 13084 do not apply to these amendments.

**List of Subjects**

*40 CFR Part 63*

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Glycol ethers, Hazardous substances, Reporting and recordkeeping requirements.

*40 CFR Part 302*

Air pollution control, Chemicals, Glycol ethers, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund.

Dated: July 24, 2000.

**Carol M. Browner,**  
*Administrator.*

For the reasons set out in the preamble, title 40, chapter I, parts 63

and 302 of the Code of Federal Regulations are amended as follows:

**PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES**

1. The authority citation for part 63 continues to read as follows:

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

**Subpart C—[Amended]**

2. Subpart C is amended by adding § 63.62 to read as follows:

**§ 63.62 Redefinition of glycol ethers listed as hazardous air pollutants.**

The following definition of the glycol ethers category of hazardous air pollutants applies instead of the definition set forth in 42 U.S.C. 7412(b)(1), footnote 2: Glycol ethers include mono- and di-ethers of ethylene

glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR'.

Where:

- n = 1, 2, or 3;
- R = alkyl C7 or less; or
- R = phenyl or alkyl substituted phenyl;
- R' = H or alkyl C7 or less; or
- OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.

**PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION**

1. The authority citation for part 302 continues to read as follows:

**Authority:** 42 U.S.C. 9602, 9603, and 9604; 33 U.S.C. 1321 and 1361.

2. In § 302.4, footnote d to Table 302.4 is revised to read as follows:

**§ 302.4 Designation of hazardous substances.**

\* \* \* \* \*

TABLE 302.4.—LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES

*	*	*	*	*	*	*
<p><sup>d</sup> Includes mono- and di-ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH<sub>2</sub>CH<sub>2</sub>)<sub>n</sub>-OR'. Where: n = 1, 2, or 3; R = alkyl C7 or less; or R = phenyl or alkyl substituted phenyl; R' = H or alkyl C7 or less; or OR' consisting of carboxylic acid ester, sulfate, phosphate, nitrate, or sulfonate.</p>						
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**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**42 CFR Part 130**

**RIN 0906-AA56**

**Ricky Ray Hemophilia Relief Fund Program**

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Interim final rule; status of comments and confirmation of effective date.

**SUMMARY:** This document is to inform potential petitioners that the Department has received several comments on the Ricky Ray Hemophilia Relief Fund Program's interim final rule, published on May 31, 2000. The Department has reviewed all of these comments carefully and continues to consider the suggestions made in these comments. However, none of the comments received by the Department

leads us to change the substance of the regulation, the petition form, or the confidential physician or nurse practitioner affidavit appended to the interim final rule at this time. In addition, these comments do not change the effective date of the interim final rule or the fact that July 31, 2000, will be the first date that petitions for payment may be postmarked or accompanied by a receipt from a commercial carrier or the U.S. Postal Service.

**DATES:** The interim final rule published on May 31, 2000, remains effective on July 31, 2000.

**FOR FURTHER INFORMATION CONTACT:** Paul T. Clark, Program Manager, Ricky Ray Program Office, Bureau of Health Professions, Health Resources and Services Administration, Room 8A-54, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; (301) 443-2330.

**SUPPLEMENTARY INFORMATION:** The Ricky Ray Hemophilia Relief Fund Act of 1998 established the Ricky Ray Hemophilia Relief Fund Program, which is designed to provide compassionate payments to

certain individuals with blood-clotting disorders, such as hemophilia, who contracted HIV through the use of antihemophilic factor administered between July 1, 1982, and December 31, 1987. The Act also provides for compassionate payments for certain persons who contracted HIV from the foregoing individuals for certain survivors of these individuals.

On May 31, 2000 (65 FR 34860), the Department published an interim final rule to establish procedures and requirements for documentation of eligibility and to establish a mechanism for providing compassionate payments to individuals who are eligible for payment under the Act. Attached to the rule was a confidential physician or nurse practitioner affidavit, a petition form, and petition instructions, which included a documentation checklist.

The May 31, 2000, document solicited public comments on the interim final rule and indicated that June 30, 2000, was the deadline for the submission of all such comments. The regulation further indicated that the interim final rule would become effective on July 31, 2000, and that petitions could be

postmarked, or accompanied by a receipt from a commercial carrier or the U.S. Postal Service, on but not before July 31, 2000. The interim final rule specified that should the Department receive any significant comments that would cause us to revise the rule in any way that would affect the filing of the petitions, the Department would be able to do so, or to advise potential petitioners of our intent to do so, before such potential petitioners took any final action to file petitions for compensation.

Since the date of the interim final rule's publication, the Department has received several comments. The Department has reviewed all of these comments carefully. Some of these comments may warrant minor modifications to the interim final rule and we may elect to publish a response to these comments at a later date. However, none of the comments received by the Department leads us to change the substance of the regulation, the petition form, or the confidential physician or nurse practitioner affidavit at this time. In addition, the documentation required for various categories of petitioners to file a complete petition has not changed. Finally, the comments received by the Department do not change the effective date of the interim final rule. Thus July 31, 2000, will continue to be the effective date of the interim final rule. Petitions for compassionate payments may be postmarked, or accompanied by a receipt from a commercial carrier or the U.S. Postal Service, on but not before July 31, 2000.

Dated: July 18, 2000.

**Claude Earl Fox,**

*Administrator, Health Resources and Services Administration.*

Dated: July 28, 2000.

**Donna E. Shalala,**

*Secretary.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[FCC 00-209]

#### Extending Wireless Telecommunications Services to Tribal Lands

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Communications Commission adopts rules and policies

that provide incentives for wireless telecommunications carriers to serve individuals living on tribal lands.

**DATES:** The rules are effective October 2, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Davida Grant, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 202-418-7050, or via the Internet at [dgrant@fcc.gov](mailto:dgrant@fcc.gov).

**SUPPLEMENTARY INFORMATION:**

Recognizing the unusually low telephone service penetration rates on tribal lands, the Commission released a Notice of Proposed Rulemaking on August 18, 1999, 64 FR 49128, seeking comment on the potential of various wireless technologies to provide service to tribal lands with low penetration rates. Specifically, the Notice sought comment on a variety of potential regulatory initiatives to encourage existing and new entrants to serve tribal lands, including: (1) Relaxing licensing and operational rules; (2) using unallocated spectrum to serve tribal residents; (3) awarding bidding credits as an incentive; (4) drawing geographic boundaries for spectrum licensing that recognize tribal boundaries; and (5) adopting satellite licensing policies to facilitate access to telecommunications services.

The record in this proceeding demonstrates that there is a substantial need for specific incentives targeted to the deployment of service on tribal lands. By virtually any measure, communities on tribal lands have historically had less access to telecommunications services than any other segment of the population. According to the 1990 Census, 23 of the 48 largest tribal reservations (those with 500 or more households) had telephone penetration rates below 60 percent, and 16 of these reservations had a penetration rate below 50 percent. Penetration rates at several of the largest reservations are lower still: 18.4 percent on the Navajo Reservation and Trust Lands in Arizona, New Mexico, and Utah; and 22.2 percent on the Gila River Reservation in Arizona. By contrast, the current nationwide telephone penetration rate is 94 percent.

The *Report and Order* adopts rules and policies that provide incentives for wireless telecommunications carriers to serve individuals living on tribal lands. Specifically, the *Report and Order* expands the Commission's bidding credit policy to make bidding credits available to winning bidders who use their licenses to deploy facilities and provide service to federally-recognized tribal lands that have a telephone

penetration rate equal to or below 70 percent ("qualifying tribal land"). Applicants who qualify for the tribal lands bidding credit may obtain this credit in addition to any other generally available bidding credit for which they are available.

The credit amount will be based on infrastructure costs and geographic area. A winning bidder may receive a \$300,000 credit for up to the first 200 square miles (518 square kilometers) of qualifying tribal land within its license area. In instances where qualifying tribal lands within a license area exceed 200 square miles (518 kilometers), a winning bidder may receive an additional \$1500 per square mile (2.59 square kilometer), or \$300,000 for each additional 200 square miles (518 square kilometers). All credits will be subject to a maximum limit based on the gross bid amount for the license for which the credit is sought. Where the gross bid amount is \$1 million or less, the cap will be 50 percent of the gross bid. Where the gross bid amount is greater than \$1 million and equal to or less than \$2 million, the cap will be \$500,000. Finally, where the gross bid amount exceeds \$2 million, the cap will be 25 percent of the gross bid. The credit will be subtracted from the applicant's final payment and will not impact the amount of the down payment required under § 1.2107 of our rules. 47 CFR 1.2107. The Commission will entertain waiver request for a higher credit where an applicant demonstrates that its infrastructure costs exceed the available credit under the formula. However, we will not grant waivers in excess of the applicable percentage caps.

A winning bidder interested in obtaining the tribal lands bidding credit for particular market must indicate on its long form application that it intends to serve qualifying tribal lands in that market. To receive the credit, an applicant must amend its long-form application within 90 days of the filing deadline for long-form applications to certify that it will comply with the bidding credit buildout requirements adopted in the *Report and Order* and consult with the tribal government(s) regarding the deployment of facilities and service on the tribal land. The applicant also must attach a certification from the tribal government that its land is a qualifying tribal land, that it will not enter into an exclusive agreement with the carrier precluding entry by other carriers or unreasonably discriminate against any carrier, and that it will consent to allow the applicant to deploy facilities on its tribal land. This requirement does not preclude tribal governments from