

RCRA as well as the Superfund Program.

#### Five-Year Review

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requires five-year review of all sites where hazardous substances remain above health-based levels for unrestricted use of the site. Under CERCLA Section 121(c), a review is also conducted to ensure that the selected remedy continues to be protective of human health and the environment. The next five-year review at this site is scheduled for the year 2003.

#### V. Action

The remedy selected for this site has been implemented in accordance with the Record of Decision. Therefore, no further response action is necessary. The remedy has resulted in the significant reduction of the long-term potential for release of contaminants, therefore, human health and potential environmental impacts have been minimized. The EPA and the Iowa Department of Natural Resources find that the remedy implemented continues to provide adequate protection of human health and the environment.

The EPA, with concurrence of the State of Iowa, has determined that the criteria for deletion of the release have been met. Therefore, EPA is deleting the site from the NPL.

This action will be effective January 22, 2001. However, if EPA receives dissenting comments by December 22, 2000, EPA will publish a document that withdraws this action.

#### List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 17, 2000.

**William Rice,**

*Acting Regional Administrator, Region VII.*

Part 300, title 40 of chapter 1 of the Code of Federal Regulations is amended as follows:

#### 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, 56FR 54757, 3CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p.193.

#### Appendix B [Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the site for “John Deere Ottumwa Works Landfills, Ottumwa, Iowa”.

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 444

[FRL–6866–7]

RIN 2040–AC23

#### Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Commercial Hazardous Waste Combustor Subcategory of the Waste Combustors Point Source Category; Correction

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

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Environmental Protection Agency promulgated regulations establishing effluent limitations and pretreatment standards for the Commercial Hazardous Waste Subcategory of the Waste Combustors Point Source Category. The final rule was published in the **Federal Register** on January 27, 2000. Due to a formatting error, the published text includes two references on the wrong line of text. Also, a formatting error caused part of § 444.12(b)(1) to be misidentified as § 444.12(b)(2). This document places the references in the correct location and removes the incorrect section identification.

**DATES:** Effective on November 22, 2000.

**FOR FURTHER INFORMATION CONTACT:** Samantha Lewis, 202–260–7149.

**SUPPLEMENTARY INFORMATION:** Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today’s rule final without prior proposal and opportunity for comment because the corrections are non-substantive, formatting revisions. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. 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). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction does not involve technical standards; 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. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). 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, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). 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.*). EPA’s compliance with these statutes and Executive Orders for the underlying

rule is discussed in the January 27, 2000 **Federal Register** document.

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of November 22, 2000. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 444

Environmental protection, Hazardous waste, Incineration, Waste treatment and disposal, Water pollution control.

Dated: August 31, 2000.

**J. Charles Fox,**

*Assistant Administrator for Water.*

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 444 continues to read as follows:

**Authority:** Secs. 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act, as amended; 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361.

#### § 444.12 [Amended]

2. Section 444.12 is amended by:
- Removing the paragraph designation for the first paragraph (b)(2) and designating the text as the last two sentences of paragraph (b)(1).
  - Redesignating the table entitled "List of Approved Inorganic Test Procedures" to paragraph (b)(1).
  - Amending the entry "2. Cadmium" in the table to paragraph (b)(1) by transferring "D3557-90(D)" from the entry for ICP/AES to the entry for AA furnace in the 4th column of the table.
  - Amending the entry "11. Zinc" in the table to paragraph (b)(1) by

transferring "D4190-82(88)" from the entry for Colorimetric (Dithizone) to the entry for DCP in the 4th column of the table.

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## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### 48 CFR Parts 1807, 1815, 1816, 1823, 1849, and 1852

#### Risk Management

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Interim rule adopted as final with changes.

**SUMMARY:** This is a final rule amending the NASA FAR Supplement (NFS) to emphasize considerations of risk management, including safety, security (including information technology security), health, export control, and damage to the environment, within the acquisition process. This final rule addresses risk management within the context of acquisition planning, selecting sources, choosing contract type, structuring award fee incentives, administering contracts, and conducting contractor surveillance.

**EFFECTIVE DATE:** November 22, 2000.

**FOR FURTHER INFORMATION CONTACT:** James H. Dolvin, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), (202) 358-1279, email: jdolvin1@mail.hq.nasa.gov.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

NASA is adopting as final, with changes, the interim rule published in the **Federal Register** (65 FR 37057-37061, June 13, 2000) that revised various NFS Parts to refocus on risk as a core acquisition concern as part of NASA's risk-based acquisition management initiative. Comments were received from one company and an industry association. All comments were considered in the development of the final rule. Revisions primarily affect internal procedures and include the following: (1) In section 1807.105 the reference to a NASA document is revised; (2) in section 1815.203-72, the words "and RFOs" are added after "RFPs" to make it clear that the section applies to MidRange procurements; (3) in section 1816.405-274 and new section 1849.102-71, language is added to require the contracting officer to notify the Associate Administrator for

Procurement prior to the determination of a zero award fee in accordance with NFS 1816.405-274, and prior to exercising remedies under NFS clause 1852.223-75; (4) in section 1823.7001, the word at the end of paragraph (b)(1) is changed from "or" to "and", and the word "concurrence" in paragraph (b)(2) is changed to "approval", to enhance the role of installation safety officials in the application of the Safety and Health clause; and (5) in section 1852.223-75, the words "or mission failure" are added after "fatality" in paragraph (a), to achieve consistency with similar language in section 1816.405-274(c)(2).

##### B. Regulatory Flexibility Act

NASA certifies that this final rule will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because this rule simply focuses attention on risk management, an existing business practice, and does not impose any significant new requirements which might have an economic impact.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 41 U.S.C. 3501, *et seq.*

### List of Subjects in 48 CFR Parts 1807, 1815, 1816, 1823, 1849, and 1852

Government procurement.

**Tom Luedtke,**

*Associate Administrator for Procurement.*

#### Interim Rule Adopted as Final With Changes.

Accordingly, the interim rule published at 65 FR 37057-37061, June 13, 2000, is hereby adopted as final with the following changes:

1. The authority citation for 48 CFR Parts 1807, 1815, 1816, 1823, 1849, and 1852 continues to read as follows:

**Authority:** 42 U.S.C. 2473 (c)(1).

#### PART 1807—ACQUISITION PLANNING

2. In section 1807.105, revise paragraph (a)(7) to read as follows:

##### 1807.105 Contents of written acquisition plans.

\* \* \* \* \*

(a) \* \* \*

(7) Discuss project/program risks (see NPG 7120.5, NASA Program and Project