

thermal desorption to vaporize and destroy the PCB's;

2. Allowing the University to restrict access to the three disposal sites with soil PCB levels which ranged between 10 and 25 ppm PCBs rather than consolidating this soil; and

3. Requiring the University to perform a review of the effectiveness of the remedial action three years after completion of the remedy rather than three years after the approval of the remedial action clean-up plan.

In order to operate a thermal destruction unit in the State of Minnesota, the MPCA issued the University an "Authorization to Install and Operate a Thermal Destruction Unit, University of Minnesota Rosemount Research Station," (Authorization to Burn) on December 27, 1991. The Authorization to Burn was modified on February 3, 1992, and August 17, 1992. These modifications reduced the scope of the Authorization to Burn based on additional information received from the University and from Roy F. Weston, Inc. (Weston), the University's clean-up contractor.

The University chose to destroy the PCBs using the on-site incineration option. Weston began site activities on June 30, 1992; began incinerating contaminated soil at the Site in March 1993; and completed the thermal destruction of soil and concrete in July 1993.

The MPCA approved the shutdown of the pump and treatment system on October 30, 1991. This was in part due to the Minnesota Department of Health (MDH) changing its Recommended Allowable Limit (RAL) for chloroform from 5 to 57 ppb. The groundwater was also found to meet other state groundwater drinking water criteria.

On June 1, 1993, the University requested that it be allowed to consolidate PCB contaminated soil which ranged between 10 and 25 ppm at GUE as originally described in the ROD. The University decided that it was now more feasible to consolidate the soil than was envisioned at the time of the first ESD. The ESD also indicated that all remaining soil contaminated with one to 10 ppm PCBs will be covered with 10 inches of clean fill in order to comply with the TSCA PCB Spill Policy and to provide unrestricted access to these areas. The MPCA prepared a second ESD to address these changes and EPA concurred with the ESD on October 1, 1993.

On September 24, 1993, the EPA and the MPCA performed the preliminary site inspection. At that time, the remedy was substantially complete with the exception of consolidating a small

amount of soil into the GUE depression and also transporting a small quantity of soil to an off-site landfill. A final site inspection was conducted on September 20, 1994, and all construction activities were found to be completed.

V. Action

The remedy selected for this Site has been implemented in accordance with the Record of Decision and subsequent Explanation of Significant Difference. 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. EPA and the State of Minnesota find that the remedies implemented continue to provide adequate protection of human health the environment.

The MPCA concurs with EPA that the criteria for deletion of releases have been met. Therefore, EPA is deleting the Site from the NPL.

This action will be effective February 6, 2001. However, if EPA receives dissenting comments by January 8, 2001, 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: November 28, 2000.

Elissa Speizman,

Acting Regional Administrator, EPA, Region 5.

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, 56 FR 54757, 3 CFR, 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 "University of Minnesota Rosemount, Res Cen, Rosemount, Minnesota."

[FR Doc. 00–31191 Filed 12–7–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 00–2681, MM Docket No. 00–97; RM–9865]

Digital Television Broadcast Services; Richmond, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Central Virginia Educational Telecommunications Corporation, licensee of noncommercial station WCVE-TV, substitutes DTV Channel *42 for station WCVE-TV's assigned DTV Channel *24a at Richmond, Virginia. See 65 FR 36808, June 12, 2000. DTV Channel *42 can be allotted to Richmond at coordinates (37–30–46 N. and 77–36–06 W.) with a power of 100, HAAT of 327 meters and with a DTV service population of 1097 thousand.

With this action, this proceeding is terminated.

DATE: Effective January 16, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–97, adopted November 30, 2000, and released December 1, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Virginia, is amended by removing DTV Channel *24d and adding DTV Channel *42 at Richmond.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 00-30972 Filed 12-7-00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 76

[MM Docket Nos. 98-204 and 96-16, FCC 00-338]

Revision of Broadcast and Cable EEO Rules and Policies

AGENCY: Federal Communications Commission.

ACTION: Final rule; clarification; petition for partial reconsideration.

SUMMARY: This document grants in part, and denies in part, both one petition for partial reconsideration and clarification and one petition for expedited clarification of the Commission's new broadcast and cable Equal Employment Opportunity (EEO) rules and policies. The document also considers certain issues pertaining to the EEO rules on the motion of the Commission, primarily as a result of informal inquiries from the public. In addition, the document amends the EEO rules to clarify that data concerning the gender, race and ethnicity of a broadcaster's or cable entity's workforce will not be used to assess its compliance with the rules. The intended effect is to clarify the Commission's EEO rules for the broadcasting and cable industries.

DATE: Effective January 8, 2001.

FOR FURTHER INFORMATION CONTACT: EEO Staff, (202) 418-1450.

SUPPLEMENTARY INFORMATION: 1. This is a synopsis of the Commission's Memorandum Opinion and Order (MO&O) in MM Docket Nos. 98-204 and 96-16, adopted September 11, 2000, and released November 22, 2000. The complete text of this MO&O is available for inspection and copying during normal business hours in the FCC Reference Information, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., at 202-857-3800, CY-B400, 445 12th St., SW., Washington, D.C.

Synopsis of Memorandum Opinion and Order

2. In this MO&O, the Commission addresses petitions for reconsideration and clarification of the Report and Order in this proceeding, 65 FR 7448,

February 15, 2000, in which it adopted new broadcast and cable EEO rules and policies consistent with the D.C. Circuit's decision in *Lutheran Church—Missouri Synod v. FCC*, 141 F.3d 344 (D.C. Cir. 1998), *pet. for reh'g denied*, 154 F.3d 487, *pet. for reh'g en banc denied*, 154 F.3d 494 (D.C. Cir. 1998). The EEO rules include broad and inclusive outreach requirements designed to ensure that all qualified applicants have the opportunity to compete for jobs in the broadcast and cable industries on an equal basis.

3. Under Option A of the Commission's EEO rules, broadcasters are required to implement two supplemental recruitment measures: (1) Notification of job vacancies to any recruitment organization that requests such notification; and (2) outreach activities such as job fairs, internship programs, training programs, scholarship programs, mentoring programs, and participation in educational and community activities relating to broadcast employment. Broadcasters with five to ten full-time employees must perform two activities every two years, while larger broadcasters must perform four activities every two years. The MO&O clarifies that broadcasters may implement half of two activities and combine the two halves to count as one of the four required activities (or two in the case of stations with five to ten employees), *e.g.*, by combining attendance at two (rather than four) job fairs and sponsorship of one (rather than two) community events.

4. The MO&O reiterates that a broadcaster may use the internet as one of several recruitment tools, but not as its only recruitment source. It also retains the requirement that broadcasters with web sites post their public file report on those sites, and clarifies that there is no requirement that the public file report include the names of interviewees or applicants.

5. The MO&O clarifies the filing schedule for the initial statement of compliance (FCC Form 397) so that beginning in 2001, all radio and television stations will file a statement of compliance on the second, fourth or sixth anniversary of the filing of their last renewal application. Beginning February 1, 2001, low power television stations and Class A television stations with five or more full-time employees will file statements of compliance in accordance with the schedule for television stations.

6. The MO&O also clarifies that broadcasters and cable entities have the discretion of electing either Option A or B of the Commission's EEO rules, and

any state law interpreted as removing that discretion would be inconsistent with the rules. The MO&O further clarifies the extent to which broadcasters may engage in joint recruitment measures under Option A. In addition, the MO&O clarifies that broadcasters have good faith discretion in defining what constitutes an applicant and their market/community under the EEO rules. The MO&O also addresses how the Commission will monitor religious broadcasters' compliance with the EEO rules.

7. Finally, the MO&O retains the requirement that broadcasting and cable entities file annual employment reports which include data on the gender, race and ethnic status of the entity's workforce. The MO&O reiterates that the data will be used only for purposes of analyzing industry trends and reporting to Congress, and not for assessing an entity's compliance with the Commission's EEO rules. Accordingly, the MO&O amends the rules to reflect this fact.

Paperwork Reduction Act of 1995 Analysis

The actions contained in this Memorandum Opinion and Order have been duly analyzed with respect to the Paperwork Reduction Act of 1995 and found to impose no new or modified information collection requirements.

Final Regulatory Flexibility Certification

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601 *et seq.*, as amended by the Contract with America Advancement Act of 1996 (CWAAA), Public Law 104-121, 110 Stat. 847 (1996), requires that a final regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." (Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996). The RFA generally defines the term "small entity" as having the same meaning as the terms "small business" "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. 632. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration. In addition to stating various clarifications to the