

also announcing that there will be an informational meeting to present an overview of the issues involved in the proposal and to provide an opportunity for the public to ask questions regarding the proposal.

DATES: All comments regarding EPA's proposed rulemaking published on November 16, 2000 must be received in writing on or before close of business on December 27, 2000.

ADDRESSES: Submit written comments to Donna Deneen, EPA, Region 10, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101. You may view documents supporting this action during normal business hours at the following location: EPA, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Donna Deneen, EPA Region 10, Office of Air Quality, at (206) 553-6706.

SUPPLEMENTARY INFORMATION: On November 16, 2000, we solicited public comment on a proposal to find that the Wallula nonattainment area has not attained the National Ambient Air Quality Standards for particulate matter with an aerodynamic diameter of less than or equal to 10 microns (PM₁₀) by the attainment date of December 31, 1997, as required by the Clean Air Act. If EPA takes final action on this proposal, the Wallula PM₁₀ nonattainment area will be reclassified by operation of law as a serious PM₁₀ nonattainment area. See 65 FR 69275. In the proposal, we stated that EPA would accept public comments on the proposal until December 1, 2000.

During the public comment period that ended December 1, 2000, numerous commenters asked for an extension of the public comment period. In light of the significant public interest in the proposal, as evidenced by the letters EPA has received to date, we are extending the public comment period to December 27, 2000, to provide additional time for interested parties to submit written comments. All written comments received by EPA by December 27, 2000, will be considered in our final action.

In addition, based on the strong public interest in the proposal, there will be an informational meeting regarding the proposal. The meeting, which has not yet been scheduled, will provide an opportunity for EPA to explain to the community the basis for its proposal and an opportunity for the community to ask questions of EPA. Comments on the proposal must be submitted in writing to the EPA address listed above on or before December

27th, 2000. There will also be an opportunity to submit written comments at the informational meeting. The time, date, and location of the informational meeting will be announced in local newspapers.

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter.

Dated: December 4, 2000.

Randall F. Smith,

Acting Regional Administrator, Region 10.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 61 and 69

[CC Docket No. 96-262; DA 00-2751]

CLEC Access Charge Reform

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document seeks additional comment in connection with an ongoing FCC proceeding considering whether and how to reform the manner in which competitive local exchange carriers (CLECs) may tariff the charges for the switched local exchange access service that they provide to inter-exchange carriers (IXCs). Specifically, it seeks comment on the possibility of a rural exemption to a benchmarking mechanism under consideration and information about the level of CLEC access charges.

DATES: Submit comment on or before December 27, 2000.

Submit reply comments on or before January 11, 2001.

ADDRESSES: Send comments to Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW., Room TW-A325, Washington, DC 20554. Or comments may be filed electronically via the Internet at <http://www.fcc.gov/e-file/ecfs.html>.

FOR FURTHER INFORMATION CONTACT: Scott K. Bergmann, 202-418-0940, or Jeffrey H. Dygert, 202-418-1500.

SUPPLEMENTARY INFORMATION: The FCC's Common Carrier Bureau (the Bureau) seeks comment on the following issues.

Scope of a Rural Exemption to Benchmark Rates: Many of the comments previously submitted in the access charge reform docket have advocated establishing a benchmark for

CLEC access charges so that charges at or below the benchmark would be presumed to be just and reasonable. These proposals have suggested a benchmark that could apply to a broad range of CLECs with widely varying cost characteristics and operating in many different markets.

It may be problematic to limit all CLECs to a single benchmarked rate, regardless of the characteristics of the market that they serve. Thus, the Commission has previously raised the prospect that a benchmark might vary depending on whether the CLEC serves high cost areas or low cost areas. The Bureau seeks additional comment on whether and how to create a "rural exemption" that would prevent a CLEC operating in a rural or high-cost area from being subject to a benchmark that may be more appropriate for CLECs doing business in more concentrated, urbanized areas. Is such an exemption necessary? How should the Commission define the types of areas in which such a rural exemption would be available to CLECs? Can the definition be premised on the Communications Act's definition of "rural telephone company"? 47 U.S.C. 154(37). Should the exemption apply to all areas that fall outside of the defined metropolitan statistical areas? Should the availability of a rural exemption turn instead on the overall population density within a particular CLEC's service area, or should it turn on the density of the CLEC's customers within its service area? If population density is the appropriate factor, commenters are requested to propose what density figure should serve as the cut-off for the availability of a rural exemption and to explain why that number is the appropriate one. Should the Commission tie such an exemption to the presence, within the CLEC's service area, of a town or incorporated place with a certain population? Should a CLEC be required to qualify for and receive rural or high-cost universal service support before it could avail itself of such a rural exemption?

How should a rural exemption apply where, within a single service area, a CLEC serves customers that reside in areas of markedly different density? Is it feasible for a CLEC to charge different access rates within a single service area depending on the population density surrounding particular end users? Should the availability of such an exemption be determined by the actual location of a CLEC's customers or by the location of a CLEC's switch or some other portion of its network?

Should a rural exemption be tied to the volume of access traffic generated by a CLEC's customers? Thus, should a

CLEC serving primarily or exclusively a large institution, or some other high-volume user, qualify for the rural exemption? Alternatively, should the availability of the rural exemption be tied to the number or type of a CLEC's customers? The Bureau also solicits any additional comments that may bear on the appropriate definition or limitation of a rural exemption to benchmark rates for CLEC access service. Specifically, comment is invited on the proposed definitions for a rural exemption submitted, as ex partes in this docket, by the Rural Independent Competitive Alliance and by Sprint Corporation.

CLEC Access Rates: The Bureau seeks additional information on how CLEC access rates compare to ILEC rates. For example, should the multi-line business presubscribed interexchange carrier charge (PICC) or other charges be included in ILEC access revenue when comparing incumbents' and competitors' rates for switched access service? Additional specific information is also sought on the level of CLEC access rates. Thus, for example, interested parties are requested to file with the Commission surveys or other data regarding the range of access charges imposed by either CLECs or ILECs.

The Commission has previously conducted an initial regulatory flexibility analysis relating to the issue of CLEC access charges. Pricing Flexibility Order and Notice, 64 FR 51280 (Sept. 22, 1999). The Bureau invites further comment on it at this time. Additionally, the Bureau invites comment on significant alternatives for the reform of CLEC access charges that would: establish different compliance requirements for small entities; clarify, consolidate or simplify compliance requirements for small entities; or exempt small entities from coverage.

List of Subjects

47 CFR Part 0

Organization and functions.

47 CFR Part 1

Administrative practice and procedures, Communications common carrier, telecommunications.

47 CFR Part 61

Communications common carriers, Tariffs.

47 CFR Part 69

Communications common carriers, Access charges.

Federal Communications Commission.

Shirley Suggs,

Chief, Publications Group.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 0002180448-0295-02; I.D. 013100A]

RIN 0648-AN59

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Activities

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS has received a request from the U.S. Navy for a Letter of Authorization (LOA) to take a small number of marine mammals incidental to shock testing the USS WINSTON S. CHURCHILL (DDG-81) in the offshore waters of the Atlantic Ocean off either Mayport, FL, or Norfolk, VA or the offshore waters of the Gulf of Mexico off Pascagoula, MS. In order to authorize the take, NMFS must determine that the taking will have no more than a negligible impact on the affected species and stocks of marine mammals and issue regulations governing the take. NMFS proposes regulations to govern the take and invites comment on the application and the proposed regulations.

DATES: Comments and information must be postmarked no later than January 26, 2001. Comments will not be accepted if submitted via e-mail or the Internet.

ADDRESSES: Address comments to Donna Wieting, Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226. A copy of the application and/or a list of references used in this document may be obtained by writing to this address, or by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**). A limited number of copies of the Navy's Draft Environmental Impact Statement (DEIS) for conducting the shock trial are also available through this contact. To be

placed on the mailing list for receiving a copy of the Final Environmental Impact Statement (FEIS), please contact Will Sloger, U.S. Navy, at (843) 820-5797.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead (301) 713-2055, ext. 128.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the Marine Mammal Protection Act (16 U.S.C. 1361 *et seq.*) (MMPA) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations governing the taking are issued.

Permission may be granted for periods of 5 years or less if the Secretary finds that the taking will have no more than a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and if regulations are prescribed setting forth the permissible methods of taking and the requirements pertaining to the monitoring and reporting of such taking.

Summary of Request

On January 12, 2000, NMFS received an application for an LOA under section 101(a)(5)(A) of the MMPA from the U.S. Navy to take a small number of marine mammals incidental to shock testing the USS WINSTON S. CHURCHILL in the offshore waters of the Atlantic Ocean off either Mayport, FL, or Norfolk, VA or the offshore waters of the Gulf of Mexico off Pascagoula, MS. A final decision on the location for the shock trial will be made by the Navy, based, in part, on findings and determinations made under the National Environmental Policy Act (NEPA).

Section 2366, Title 10, United States Code (10 U.S.C. 2366) requires realistic survivability testing of a covered weapon system to ensure the vulnerability of that system under combat conditions is known. (In this case, the covered weapon system is the USS WINSTON S. CHURCHILL.) Realistic survivability testing means testing for the vulnerability of the ship in combat by firing munitions likely to be encountered in combat with the ship configured for combat. This testing is commonly referred to as \geq Live Fire Test & Evaluation \geq (LFT&E). Realistic testing by firing live ammunition at the ship or detonating a real mine against the ship's