

inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 14, 2000.

**David A. Ullrich,**

*Acting Regional Administrator, Region 5.*

[FR Doc. 01-35 Filed 1-3-01; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 91-137, RM-7494, FCC 00-409]

#### FM Broadcasting Services; Saltville, VA and Jefferson, NC.

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In MM Docket No. 91-137, the Commission denied an application for review filed by Smith Communications, licensee of Station WZJS(FM), Channel 264A, Banner Elk, North Carolina, of the Memorandum Opinion and Order, 61 FR 20,490, published May 7, 1996. The Commission denied review because it found no reason to depart from staff's reasoning set forth in the Memorandum Opinion and Order. It found that the staff had fully considered and rejected each of Smith's contentions that irregular terrain would prevent full signal coverage by the proposed upgraded Jefferson, North Carolina

station. Additionally, since the release of the Memorandum Opinion and Order, a construction permit had been granted for an actual transmitter site at a location different from the theoretical one used previously. The Commission reexamined the expanded coverage area from that site and found the coverage to be adequate and of similar size to that predicted using the theoretical site. With this action, the proceeding is terminated.

**FOR FURTHER INFORMATION CONTACT:** J. Bertron Withers, Jr., Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTAL INFORMATION:** This is a summary of the Memorandum Opinion and Order, MM Docket 91-137, adopted November 17, 2000, and released November 28, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Information Center (room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this decision may be also purchased from the Commission's copy contractor, International Transcription Service, 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800. Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 20

RIN 1018-AH64

#### Migratory Bird Hunting; Approval of Tungsten-Nickel-Iron Shot as Nontoxic for Hunting Waterfowl and Coots

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We amend 50 CFR 20.21(j) to approve shot formulated of 50% tungsten, 35% nickel, and 15% iron as nontoxic for hunting waterfowl and coots. We assessed possible effects of the tungsten-nickel-iron (TNI) shot, and we believe that it is not a significant threat to wildlife or their habitats and that further testing of the shot is not necessary. In addition, approval of TNI shot may induce more waterfowl hunters to switch away from illegal use of lead shot, reducing lead risks to species and habitats.

**DATES:** This rule takes effect on January 4, 2001.

**ADDRESSES:** Copies of the Environmental Assessment are available from the Chief of the Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 634, Arlington, Virginia 22203-1610.

**FOR FURTHER INFORMATION CONTACT:** Jon Andrew, Chief, or Dr. George T. Allen, Division of Migratory Bird Management, 703-358-1714.

**SUPPLEMENTARY INFORMATION:** The Migratory Bird Treaty Act of 1918 (Act) (16 U.S.C. 703-712 and 16 U.S.C. 742 a-j) implements migratory bird treaties between the United States and Great Britain for Canada (1916 and 1996 as amended), Mexico (1936 and 1972 as amended), Japan (1972 and 1974 as amended), and Russia (then the Soviet Union, 1978). These treaties protect certain migratory birds from take, except as permitted under the Act. The Act authorizes the Secretary of the Interior to regulate take of migratory birds in the United States. Under this authority, the Fish and Wildlife Service controls the hunting of migratory game birds through regulations in 50 CFR part 20.

Since the mid-1970s, we have sought to identify shot that does not pose a significant toxicity hazard to migratory birds or other wildlife. Compliance with the use of nontoxic shot has increased over the last few years (Anderson *et al.* 2000). We believe that it will continue to increase with the approval and availability of other nontoxic shot types. Currently, steel, bismuth-tin, tungsten-iron, tungsten-polymer, and tungsten-matrix shot are permanently approved as nontoxic. We have approved tin shot for the 2000-2001 hunting season (65 FR 76886). The purpose of this rule is to approve the use of TNI shot in the tested formulation (50% tungsten, 35% nickel, and 15% iron by weight) for waterfowl and coot hunting. On October 30, 2000 (65 FR 64650) we proposed to amend 50 CFR 20.21 (j), to include TNI shot on the list of approved nontoxic shot types.

On April 9, 1999 (64 FR 17308), we announced receipt of an application from Standard Resources Corporation (Standard) of Cherry Hill, New Jersey for nontoxic approval of HEVI-METAL shot in the 50% tungsten, 35% nickel, 15% iron formulation. The density of the shot in that formulation is 11.0 grams/cm<sup>3</sup>. The manufacturer believes that the shot does not need a coating because it is sufficiently noncorrosive under neutral pH. It is not chemically or physically altered by firing from a shotgun.