

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 300**

[FRL-7110-1]

**National Priorities List for Uncontrolled Hazardous Waste Sites; Notice of Amendment to Proposed Listing of the Smelertown-Operable Unit 3 (CoZinCo) Superfund Site, Salida, Chaffee County, CO****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of amendment to proposed listing.

**SUMMARY:** In accordance with the requirements of section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(h)(1), notice is hereby given that the proposal to list the Smelertown-Operable Unit 3 site on the National Priorities List (NPL) is amended to exclude the CoZinCo facility from the scope of listing under section 122(h) of CERCLA, 42 U.S.C. 9622(h). The Smelertown-Operable Unit 3 Site is located in Salida, Chaffee County, Colorado (the Site). This amendment was initially proposed on May 11, 2000 (65 FR 30489). CoZinCo, Inc., submitted comments on July 10, 2000, supporting the amendment, but disputing the rationale for such action. On August 14, 2000, CoZinCo, Inc., amended its comments, withdrawing its request for a written response from EPA regarding the Agency's rationale for the amendment for the proposed NPL listing. On August 25, 2000, CoZinCo, Inc. withdrew its comments in their entirety. No other comments were received by EPA.

**FOR FURTHER INFORMATION CONTACT:** Andrea Madigan, Legal Enforcement Attorney (ENF-L) Legal Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202-2466, (303) 312-6904.

Dated: November 15, 2001.

**Diane L. Sipe,***Acting Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region VIII.*

[FR Doc. 01-29657 Filed 11-29-01; 8:45 am]

**BILLING CODE 6560-50-P****FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 51**

[CC Docket No. 01-318, CC Docket No. 98-56, CC Docket No. 98-157, CC Docket No. 96-98, CC Docket No. 98-141; FCC 01-331]

**Performance Measurements and Standards for Unbundled Network Elements and Interconnection****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** This document seeks comment on whether the Commission should adopt a select group of measurements and standards for evaluating incumbent local exchange carrier (LEC) performance in the provisioning of facilities that are used by their carrier-customers to compete for end-user customers. In particular, the Commission offers for comment performance measurements and standards that could apply to the key aspects of pre-ordering, ordering, provisioning, and maintaining those facilities and services that are critically important to ensuring that competitive LECs can enter the market for local exchange services, as contemplated by the Telecommunications Act of 1996. The Commission therefore seeks comment on measurements and standards for collocation, loop, transport, and interconnection trunk facilities. The Commission also seeks comment on enforcement policies and guidelines should the Commission promulgate national measurements and standards for unbundled network elements and interconnection.

**DATES:** Comments are due December 31, 2001 and Reply Comments are due January 22, 2002.

**FOR FURTHER INFORMATION CONTACT:** Cathy Carpino, Attorney Advisor, Policy and Program Planning Division, Common Carrier Bureau, (202) 418-1580.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in CC Docket No. 01-318, FCC 01-331, adopted November 8, 2001, and released November 19, 2001. The complete text of this NPRM is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street,

SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com). It is also available on the Commission's website at <http://www.fcc.gov>.

**Synopsis of the Notice of Proposed Rulemaking**

1. Background. The Commission intends to fold all relevant proceedings relating to measurements and standards for UNEs and interconnection into the instant proceeding. Toward that end, the Commission terminates CC Docket No. 98-56 and urges all interested parties that filed comment in that docket to participate in this proceeding. Moreover, the Commission incorporates by reference the record generated by the Association for Local Telecommunications Services' petition related to UNE and interconnection measurements and standards. Finally, the Commission requests further comment on a 90-day collocation provisioning interval and incorporates by reference the record on this issue created in CC Docket Nos. 98-147 and 96-98.

2. Legal Authority, Enforcement and Scope. Although the Commission seeks comment on whether to adopt national performance measurements and standards, its authority to do so is clear, pursuant to sections 201(b), 251 and 252 of the Communications Act of 1934, as amended (Act). The Commission recognizes that many state commissions have adopted extensive performance measurements, standards, and penalty plans to capture incumbent LECs' performance in provisioning UNEs, interconnection trunks and collocation. Accordingly, the Commission seeks comment on how to build on states' efforts in developing national performance measures and standards.

3. The Commission seeks comment on whether and how state and federal performance requirements could be harmonized and streamlined through the adoption of national measurements and standards. Should this harmonization not occur, however, the adoption of national measurements and standards could increase overall reporting burdens on incumbent LECs. Thus, the Commission seeks comment on the possibility of national performance measurements and standards reducing an incumbent's reporting requirements and on the likelihood of differences between state and national performance requirements. In particular, the Commission seeks comment on whether it is consistent with the deregulatory emphasis of the Act to have separate sets of federal and