

prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

Submission to Congress and the Comptroller General

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. EPA will submit a report containing the 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**. A major rule cannot take effect until 60 days after it

is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 16, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: June 4, 2002.

Jane M. Kenny,

Regional Administrator, Region 2.

Part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart BBB—Puerto Rico

2. Subpart BBB is amended by adding a new undesignated center heading and § 62.13106 to read as follows:

Control of Air Emissions of Designated Pollutants From Existing Hospital, Medical, and Infectious Waste Incinerators

§ 62.13106 Identification of plan.

(a) The Puerto Rico Environmental Quality Board submitted to the Environmental Protection Agency on February 20, 2001, a "State Plan for implementation and enforcement of 40 CFR part 60, subpart Ce, Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators.

(b) Identification of sources: The plan applies to all applicable existing hospital/medical/infectious waste

incinerators for which construction commenced on or before June 20, 1996.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 01-150; FCC 02-78]

Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: This document announces the effective date of the rules to govern and streamline review of applications for section 214 of the Communications Act of 1934, as amended (the Act), to transfer control of domestic transmission lines. These rules add predictability, efficiency, and transparency to the Commission's domestic section 214 transfer of control review process and greatly improve the Commission's current domestic section 214 transfer of control procedures. The Report and Order in CC Docket No. 01-150 was published in the **Federal Register** on April 17, 2002 (67 FR 18827). Because the new procedures entail new information collection requirements, they could not become effective until the Commission received approval from the Office of Management and Budget (OMB).

DATES: Sections 63.01, 63.03, and 63.04, published at 67 FR 18827, April 17, 2002, were approved by the OMB on June 4, 2002, and became effective on June 14, 2002.

FOR FURTHER INFORMATION CONTACT: Aaron Goldberger, Attorney-Advisor, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1580, or via the Internet at agoldber@fcc.gov

SUPPLEMENTARY INFORMATION: On March 21, 2002, the Commission released a Report and Order in CC Docket No. 01-150 (Order), April 17, 2002, (67 FR 18827) adopting rules to govern and streamline review of applications for section 214 of the Act. Specifically, the Order establishes a thirty day streamlined review process that will presumptively apply to domestic section 214 transfer applications meeting specified criteria, and that will apply on a case-by-case basis to all other domestic section 214 applications. The Order also sets forth the information

that applicants must provide in their domestic section 214 applications, whether filed separately or in combination with an international section 214 application. Moreover, the Order defines pro forma transactions in a manner that is consistent with the definition used by the Commission in other contexts, and harmonizes the treatment of asset acquisitions with the treatment of acquisitions of corporate control. A summary of the Order was published in the **Federal Register**. See 67 FR 18827, April 17, 2002. The new rules entail new information collection requirements that required OMB approval. On June 4, 2002, OMB approved the information collection requirements. See OMB No. 3060-0989. Sections 63.01, 63.03 and 63.04, published at 67 FR 18827, April 17, 2002, takes effect on June 14, 2002. This publication satisfies the statement in the April 17, 2000 **Federal Register** notice that the Commission would publish a document in the **Federal Register** announcing the effective date of the rules.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

47 CFR Part 301

[001206341-2027-02]

RIN 0660-AA14

Mandatory Reimbursement Rules for Frequency Band or Geographic Relocation of Federal Spectrum-Dependent Systems

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Final rule.

SUMMARY: In this document, the National Telecommunications and Information Administration (NTIA) adopts rules governing reimbursement to Federal entities by the private sector as a result of reallocation of frequency spectrum. This rule implements provisions of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (NDAA 99) which authorized Federal entities to accept compensation payments when they relocate or modify their frequency use to accommodate non-Federal users of the

spectrum. By this action, spectrum that has been identified for reallocation can be provided to the private sector for future commercial wireless service, and the Federal Government will be compensated for the costs incurred in making that reallocated spectrum available.

DATES: These rules become effective July 17, 2002.

ADDRESSES: A complete set of comments filed in response to the Notice of Proposed Rulemaking¹ is available for public inspection at the Office of the Chief Counsel, National Telecommunications and Information Administration, Room 4713, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC. The responses can also be viewed electronically at <http://www.ntia.doc.gov>.

FOR FURTHER INFORMATION CONTACT: Milton Brown, NTIA, (202) 482-1816.

SUPPLEMENTARY INFORMATION:

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Background

1. NTIA is the executive branch agency principally responsible for developing and articulating U.S. domestic and international

¹ See Mandatory Reimbursement Rules for Frequency Band or Geographic Relocation of Federal Spectrum-Dependent Systems, National Telecommunications and Information Administration, Docket No. 001206341-0341-01, *Notice of Proposed Rule Making*, 66 FR 4771 (Jan. 18, 2001) (NPRM).

telecommunications policy. NTIA is the principal advisor to the President on telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry. NTIA also manages the Federal Government's use of the radio spectrum.

2. On August 10, 1993, Title VI of the Omnibus Budget Reconciliation Act of 1993 (OBRA-93) was signed into law.² OBRA-93 authorized the Federal Communications Commission (FCC or Commission) to use competitive bidding (auctions) for the reassignment and licensing of spectrum frequencies for certain commercial services. OBRA-93 also directed the Secretary of Commerce to transfer at least 200 megahertz (MHz) of spectrum below 5 gigahertz (GHz) from Federal agencies to the FCC for licensing to the private sector. Pursuant to OBRA-93, NTIA identified Federal bands for reallocation totaling 235 MHz from the Federal Government to non-Government use in its February 1995 Spectrum Reallocation Final Report.³

3. Title III of the Balanced Budget Act of 1997 (BBA-97) required the Secretary of Commerce to identify an additional 20 MHz below 3 GHz for reallocation to non-Government users.⁴ In response to this directive, NTIA issued a Spectrum Reallocation Report in February 1998 which identified the additional bands for reallocation.⁵ BBA-97 directed the FCC to auction the 20 MHz by 2002 and the 1710-1755 MHz band identified in the 1995 Spectrum Reallocation Final Report after January 1, 2001.⁶ Finally, BBA-97 authorized Federal entities to accept cash or in-kind payment as compensation for costs associated with vacating spectrum transferred from Federal to non-Federal use.

4. In 1998, Congress passed the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (NDAA-99).⁷ This legislation sought to

² Pub. L. No. 103-66, 107 Stat. 312 (1993).

³ See National Telecommunications and Information Administration, U.S. Department of Commerce, NTIA Special Publication 95-32, *Spectrum Reallocation Final Report* (Feb. 1995).

⁴ Pub. L. No. 105-33, 111 Stat. 251 (1997).

⁵ See National Telecommunications and Information Administration, U.S. Department of Commerce, NTIA Special Publication 98-36, *Spectrum Reallocation Report* (Feb. 1998).

⁶ Pub. L. No. 105-33, Sec. 3002(b), *codified at* 47 U.S.C. 925 note (2001). Of the 20 MHz of spectrum, eight (8) MHz (i.e., 139-140.5 MHz, 141.5-143 MHz and 1385-1390 MHz bands) were subsequently reclaimed by the Federal Government in accordance with the National Defense Authorization Act for Fiscal Year 2000. Pub. L. No. 106-65, 113 Stat. 512, 768 (1999).

⁷ Pub. L. No. 105-261, 112 Stat. 1920 (1998) (*amending* section 113(g) of the NTIA Organization Act (*codified at* 47 U.S.C. 923(g)).