of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian Tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian Tribal governments. Further, this rule does not impose substantial direct compliance costs on Tribal governments. This rule makes available an additional testing procedure which would be used when testing is otherwise required by a regulatory agency to demonstrate compliance with permit limits for cyanide. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

List of Subjects in 40 CFR Part 136

Environmental protection, Analytical methods, Incorporation by reference, Monitoring, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control.

Dated: December 20, 1999.

Carol M. Browner,

Administrator.

In consideration of the preceding, EPA amends 40 CFR part 136 as follows:

PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

1. The authority citation of 40 CFR part 136 continues to read as follows:

Authority: Secs. 301, 304(h), 307, and 501(a) Pub. L. 95–217, 91 Stat. 1566, *et seq.* (33 U.S.C. 1251, *et seq.*) (The Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977).

2. Section 136.3 is amended in paragraph (a), Table IB.—List of Approved Inorganic Test Procedures, by revising entry 24 and adding a new footnote 44 and by adding a new paragraph (b)(43) to read as follows:

§ 136.3 Identification of test procedures.

(a) * * *

TABLE IB.—LIST OF APPROVED INORGANIC TEST PROCEDURES

Parameter, units and method	Reference (method number or page)				
	EPA [1 35]	STD methods 18th ed.	ASTM	USGS [2]	Other
* * *	*	*	*	*	*
24. Available Cyanide, mg/L					
Cyanide amenable to chlorination (CATC), Manual distillation with $MgCl_2$ followed by titrimetry or spectrophotometry.	335.1	4500–CN G	D2036–91(B).		
Flow injection and ligand exchange, followed by amperometry.					[44] OIA–1677
* * *	*	*	*	*	*

[1] ''Methods for Chemical Analysis of Water and Wastes,'' Environmental Protection Agency, Environmental Monitoring Systems Laboratory-Cincinnati (EMSL–CI), EPA–600/4–79–020, Revised March 1983 and 1979 where applicable.

[2] Fishman, M.J., *et al.*, ''Methods for Analysis of Inorganic Substances in Water and Fluvial Sediments,'' U.S. Department of the Interior, Techniques of Water—Resource Investigations of the U.S. Geological Survey, Denver, CO, Revised 1989, unless otherwise stated.

* * * * * * *

[35] Precision and recovery statements for the atomic absorption direct aspiration and graphite furnace methods, and for the spectrophotometric SDDC method for arsenic are provided in Appendix D of this part titled, ''Precision and Recovery Statements for Methods for Measuring Metals.''

* * * * * * *

[44] Available Cyanide, Method OIA–1677 (Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry), ALPKEM, A Division of OI Analytical, P.O. Box 9010, College Station, TX 77842–9010.

(b) * * *

(43) Method OIA–1677, Available Cyanide by Flow Injection, Ligand Exchange, and Amperometry. August 1999. ALPKEM, OI Analytical, Box 648, Wilsonville, Oregon 97070 (EPA–821–R–99–013). Available from: National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. Publication No. PB99–132011. Cost: $22.50. Table IB, Note 44.

[FR Doc. 99–33627 Filed 12–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6516–1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (EPA), Region 8, announces the deletion of the Monticello Radioactive Contaminated Properties Site (Site), located in Monticello, Utah, from the National Priorities List (NPL). The NPL is the National Oil and Hazardous Substances Pollution and Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). EPA, with the preliminary concurrence of the State of Utah Department of Environmental Quality (UDEQ), has determined that responsible parties have implemented all appropriate response actions required and that no further response at the Site is appropriate.

DATES: This direct final rule will be effective February 28, 2000, unless EPA receives significant adverse or critical comments by January 31, 2000. If significant adverse or critical comments are received, EPA will publish a timely withdrawal of the direct final rule in the

Federal Register informing the public that the Rule will not take effect.

ADDRESSES: Comments may be mailed to: Mr. Jerry Cross (8EPR–F), Remedial Project Manager, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, telephone (303) 312–6664.

Information repositories: Comprehensive information on the Site is available for viewing and copying at the Site information repositories at the following locations: U.S. Department of Energy Grand Junction Office Public Reading Room, 2597 B¾ Road, Grand Junction, Colorado 81503, (970) 248–6344; Monticello City Offices, 17 North First East Street, Monticello, Utah 84535, (435) 587–2271.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Cross (8EPR–F), Remedial Project Manager, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, (303) 312–6664; Mr. Joel Berwick, Project Manager, U.S. Department of Energy, 2597 B¾ Road, Grand Junction, Colorado, 81503, (970) 248–6020; Mr. David Bird, Project Manager, State of Utah Department of Environmental Quality, 168 North 1950 West, Salt Lake City, Utah, 84116, (801) 536–4219.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The United States environmental Protection Agency (EPA), Region 8, announces the deletion of the releases from the Monticello Radioactive Contaminated Properties Site (Site), located in Monticello, Utah, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As stated in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for further remedial actions financed by the Hazardous Substances Superfund (Fund), should future conditions at a site warrant such action.

EPA will accept comments concerning this action for 30 days after publication of this document in the **Federal Register**. If no significant adverse or critical comments are received, the Site will be deleted from the NPL effective February 28, 2000. However, if significant adverse or critical comments are received within the 30 day comment period, EPA will publish a notice of withdrawal of this direct final rule within 60 days of publication of this direct final rule. All public comments received will be addressed in a subsequent final rule, if appropriate, based on the Proposal to Delete located in the proposed rules section of this **Federal Register**. If, after consideration of the public comments, EPA proceeds with a subsequent final rulemaking, a second public comment period will not be instituted. Any parties interested in commenting should do so at this time.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures EPA is using for this action. Section IV discusses the Site and how the Site meets the deletion criteria. Section V states EPA's action to delete the Site from the NPL.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA must consider, in consultation with the state in which the release was located, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a release is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site that has been deleted from the NPL, the site will be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the deletion of the Site:

(1) All appropriate response under CERCLA has been implemented and no further action by EPA is appropriate;

(2) EPA provided the State of Utah at least 30 working days for review of this Direct Final Rule prior to its publication in the **Federal Register**.

(3) Concurrent with publication of this direct final rule, a notice of availability of this action is being published in a major local newspaper of general circulation at or near the Site and is being distributed to appropriate federal, state, and local officials and other interested parties. The notice of availability announces the 30-day public comment period concerning the deletion.

(4) EPA has placed copies of information supporting the deletion in the information repositories which are available for public inspection and copying.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist EPA management.

EPA Region 8 will accept and evaluate public comments on this direct final rule before making a final decision. If necessary, EPA will prepare a responsiveness summary to address any significant public comments received. If no significant adverse or critical comments are received during the comment period, the Site will be deleted from the NPL effective February 28, 2000.

IV. Basis For Site Deletion

The following information provides the EPA's rationale for deleting this Site from the NPL:

A. Site Background and History

The Site, which is also commonly referred to as the Monticello Vicinity Properties Site, is located in the City of Monticello, San Juan County, Utah, approximately 65 miles south of Moab, Utah. The Site consists of private and commercial properties covering approximately nine square miles in and around the City of Monticello. Four hundred and twenty-four (424) properties, divided into Operable Units (OUs) A through H, are included in the Site. The properties are used for residential, commercial, and agricultural purposes. Montezuma Creek, a largely seasonal stream, traverses several properties on the south end of the Site before it flows east

through the former Monticello Millsite and eventually terminates in the San Juan River.

The source of the contamination that has been remediated at the Site was the original Monticello Millsite. The Millsite was constructed with government funding by the Vanadium Corporation of America (VCA) in 1941 to provide vanadium, a steel hardener, for the Manhattan Engineer District during World War II. The VCA operated the Millsite until early 1944 and again from 1945 through 1946, producing vanadium, as well as a waste uranium-vanadium sludge. Vanadium is found in the same ore with uranium and radium and, as a result, the processed wastes contain significant uranic radioactivity. In 1948, the U.S. Atomic Energy Commission (AEC) purchased the Site. Uranium and vanadium milling operations began again in 1949 under the auspices of the AEC. Vanadium milling operations ceased in 1955. Uranium milling continued until 1960 when the Millsite was permanently closed.

Four tailings piles, the result of the ore milling process, were left at the Millsite following the cessation of milling operations. Contaminated dust from the Millsite tailings piles was wind deposited throughout the City of Monticello and surrounding areas, and tailings from the Millsite were used as construction material and backfill on properties in and around the City. The main contaminants of concern include radium-226 and associated radon gas. The contaminants posed potential threats to human health and the environment resulting from exposure to radiation emanating from soils contaminated with uranium mill tailings and from radon gas inhalation.

B. Remedial Investigation and Feasibility Study Activities

The United States Department of Energy (DOE) initiated cleanup activities at the Site in 1984 pursuant to the DOE Surplus Facilities Management Program. In conjunction with this effort, and prior to the Site being added to the NPL, DOE commenced property investigations and completed remedial actions on some of the properties at the Site. EPA proposed the Site for placement on the NPL on October 15, 1984, and thereafter added it to the NPL on June 10, 1986. After the Site was added to the NPL, DOE, pursuant to section 120 of CERCLA, 42 U.S.C. 9620, entered into a Federal Facilities Agreement (FFA) with EPA and UDEQ. The FFA became effective on or about February 1989. Among other things, the FFA required that DOE perform a Remedial Investigation /Feasibility Study (RI/FS) or functional equivalent at the Site. After reviewing information submitted by DOE documenting the efforts it had already performed at the Site, EPA and UDEQ concluded that DOE had in fact performed the functional equivalent of an RI/FS at the Site. The Monticello Vicinity Properties Equivalency of Documentation was approved on May 24, 1984.

DOE is the Responsible Party and the lead agency for remediation at the Site, and provides principal staff and resources to plan and implement response actions. Responsibility for oversight of activities performed by DOE under the FFA were shared by EPA and UDEQ. EPA is the lead regulatory agency with ultimate responsibility and authority, but shares its decision making with UDEQ.

C. Record of Decision

A Record of Decision (ROD) for the Site was issued by EPA on November 29, 1989. The ROD identified the following routes of exposure to humans:

- Inhalation of radon-222 and daughter products that result from the continuous decay of radium-226. The greatest hazard to human health results from the inhalation of radon-222 daughters which emit alpha radiation that affects the lungs.
- External whole-body gamma exposure directly from radionuclides in the mill tailings.
- Inhalation and ingestion of windblown mill-tailings dust.
- Ingestion of groundwater and surface water contaminated with radioactive elements, primarily radium-226.
- Ingestion of food potentially contaminated through uptake and concentration of radioactive elements through plants and animals.

Details of the health risks are found in the Monticello Vicinity Properties Equivalency of Documentation, specifically within the *Environmental Evaluation on Proposed Cleanup Activities at Vicinity Properties Near the Inactive Uranium Millsite, Monticello, Utah, Appendix B,* August 1985. The evaluation determined the potential ingestion pathways of food, groundwater, and surface water to be insignificant exposure routes. The ROD identified exposure in the lungs to radon and radon daughters, and exposure to external gamma radiation as presenting imminent and substantial endangerment to public health and the environment.

The selected remedy for cleanup of the Site was the removal of residual radioactive contaminants, restoration with clean materials, and the modification of existing structures to isolate radon sources from inhabitants. Cleanup activities required excavation and, in some cases, demolition of sidewalks, sheds, patios, and other improvements. All affected structures and other improvements were reconstructed or the owner was compensated based on the current value of the structure or other improvement.

D. Characterization of Risk

Property Completion Reports (PCR) were prepared for each remediated property in the Site. Each PCR included the legal description of the property, the name and address of the owner, remediation activities performed, and a summary of the assessment results and verification surveys. As documented in the PCRs, all properties at the Site were either (1) remediated to the standards set forth in 40 CFR part 192, subpart B and DOE guidelines for Residual Radioactive Material at Formerly Utilized Sites Remedial Action Program (FUSRAP Guidance); or (2) remediated, based on a site specific risk assessment, to the Supplemental Standards provided for in 40 CFR 192.22. If Supplemental Standards were applied to a property, appropriate institutional controls in the form of land use restrictions were also instituted. Compliance with the clean-up standards are documented in each of the individual PCRs. EPA and UDEQ have approved all 424 PCRs for the Site covering Operable Units A through H. Supplemental Standards were applied to one privately-owned parcel, four parcels associated with the Highway 191 embankment owned by the Utah Department of Transportation, to City Streets/Utilities, and the Highway 191 and Highway 666 rights-of-way. Compliance with the institutional controls required for these properties will be monitored under the DOE Long-Term Surveillance and Maintenance Plan (LTSM) and the 5-year reviews required under CERCLA and the FFA. The remedial actions taken at the Site have reduced the environmental risk for approximately 2,200 people within an eight-mile radius of the City of Monticello, Utah.

E. Remedial Action Activities

EPA standards for Remedial Action at Inactive Uranium Processing Sites (40 CFR part 192) and DOE FUSRAP Guidance are Applicable or Relevant and Appropriate Requirements (ARARs) for the selected remedy. Remedial activities conducted at the Site include:

- Excavation and disposal of all contaminated soil and construction materials exceeding the standards in 40

CFR part 192, subpart B (except where Supplemental Standards were applied). Contaminated material from the properties was disposed of in a repository constructed approximately one mile south of the former Monticello Millsite, a separate NPL Site. The repository contains a double HDPE liner with a leak detection system, meeting the functional equivalency of a Resource Conservation and Recovery Act, Subtitle C facility. The repository cover will be 8.5 feet thick, including a radon barrier.

- After removal of contaminated material and before backfilling, verification surveys were performed in order to demonstrate compliance with the 40 CFR part 192, subpart B Standards. For the Supplemental Standards properties, contamination was removed to risk-based clean-up levels corresponding with future land use scenarios.
- Placement of backfill and reconstruction to a physical condition comparable to that which existed before remedial action activities, and
- Post-construction monitoring of radon levels, where applicable, to verify conformance to 40 CFR part 192 standards.

Supplemental Standards were selected for contaminated materials located on one privately-owned parcel, four parcels associated with the Highway 191 embankment owned by the Utah Department of Transportation, on City Streets/Utilities, and the Highway 191 and Highway 666 rights-of-way. Supplemental Standards were applied because:

- The remedial action would have caused excessive environmental harm when compared to health benefits, and/or
- Because the cost of remedial action at the Site would have been unreasonably high relative to long-term benefits for contamination that does not pose a clear present or future hazard.

On July 1, 1999, EPA approved, with UDEQ concurrence, DOE's applications for Supplemental Standards per 40 CFR part 192.

F. Pre-Final Inspection Activities

DOE's independent verification contractor (IVC) for Site remediation activities was Oak Ridge National Laboratory (ORNL) in Grand Junction, Colorado. ORNL provided 100 percent Type A verification (document review) of the U.S. Department of Energy Grand Junction Office (DOE–GJO) Remedial Action Contractor (RAC) remediation activities, and 10 percent Type B verifications, which included verification of field surveys and measurements, physical sampling, and laboratory analyses. EPA and UDEQ also conducted independent verification surveys on at least 10 percent of the properties.

Compliance with the clean-up standards are documented in each of the individual PCRs generated for the 424 Site properties. EPA and UDEQ have approved all of the PCRs for the Site. Remedial Action Reports (RARs) have been prepared for OUs A through H. All RARs have been accepted by EPA and UDEQ.

G. Long-Term Surveillance and Maintenance

OU H contains five properties which were approved for Supplemental Standards. One is a privately-owned parcel with pinon/juniper woodlands and four are associated with the Highway 191 embankment owned by the Utah Department of Transportation. Additionally, Supplemental Standards were applied to streets and utilities in the City of Monticello rights-of-way and Highways 191 and 666 rights-of-way. The City streets and utilities and the highway rights-of-way have not been included in OU's A through H, but are located within the City of Monticello and therefore, are considered part of the Site. The remediation of OU H was completed on December 10, 1998. The remediation consisted of removal of contaminated material to risk-based clean-up levels corresponding with intended future land-use scenarios. Since remediation of the OU H properties was based on Supplemental Standards that are not as protective as the 40 CFR part 192, subpart B standards that were applied to the rest of the Site properties, all OU H properties will be subject to DOE's LTSM and 5-Year Reviews required by section 121(c) of CERCLA, 42 U.S.C. 9621(c), and the FFA. The next CERCLA 5-Year Review report for these Supplemental Standards properties will be completed during February 2002, which is 5 years after the initial CERCLA 5-Year Review completed on February 13, 1997.

H. Close Out Report

The Close Out Report (COR) for the Site, completed September 2, 1999, detailed that all Site response actions were accomplished in accordance with CERCLA and consistent with the NCP. Following review of all PCRs, RARs and the COR, EPA and UDEQ agree that conditions at the Site do not pose any unacceptable risks to human health or the environment.

Based on the completion of the activities listed above, EPA and UDEQ conclude that the responsible party, DOE, has implemented all appropriate response actions required and that the Site should be deleted from the NPL.

I. Community Involvement

Public participation activities required by section 113(k) of CERCLA, 42 U.S.C. 9613(k), and section 117 of CERCLA, 42 U.S.C. 9617, have been satisfied. Documents which EPA relied on for Site deletion from the NPL are available to the public in the information repositories.

V. Action

EPA, with the concurrence of the State of Utah, has determined that the Site poses no significant threat to human health or the environment, that all appropriate responses under CERCLA at the Site have been completed, and that no further response actions, other than five-year reviews and maintaining institutional controls, are necessary. Therefore, EPA is deleting this Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking this action without prior proposal. This Direct Final Rule will become effective February 28, 2000, unless EPA receives significant adverse or critical comments by January 31, 2000. If significant adverse or critical comments are received, EPA will publish a timely withdrawal of this action in the **Federal Register** informing the public that the Rule will not take effect.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Natural resources, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: December 15, 1999.

William P. Yellowtail,

Regional Administrator, Region 8.

For the reasons set out in the preamble, 40 CFR Part 300 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 under Utah (''UT'') by removing the site name ''Monticello

Radioactive Contaminated Prop.'' and the city/county ''Monticello.''

[FR Doc. 99–33523 Filed 12–29–99; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 36 and 54

[CC Docket No. 96–45; FCC 99–396]

Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document concerning the Federal-State Joint Board on Universal Service makes a procedural change to the new high-cost universal service support mechanism for non-rural carriers adopted in the High-Cost Methodology Order on October 21, 1999. The change concerns the targeting of high-cost support amounts to individual wire centers, which was set to occur beginning in the first quarter of 2000.

DATES: Effective December 30, 1999.

FOR FURTHER INFORMATION CONTACT: Jack Zinman, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Nineteenth Order on Reconsideration in CC Docket No. 96–45 released on December 17, 1999. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW, Washington, DC 20554.

I. Introduction

1. In this Order, the Commission on its own motion makes a procedural change to the new high-cost universal service support mechanism for non-rural carriers adopted in the *High-Cost Methodology Order,* 64 FR 67416 (December 1, 1999), on October 21, 1999, and scheduled to become effective on January 1, 2000. The change concerns the *targeting* of high-cost support amounts to individual wire centers, which was set to occur beginning in the first quarter of 2000. Because non-rural carriers will be filing wire center line count data for the first time on December 30, 1999, the Commission will not have a sufficient opportunity to review and verify that data to enable targeting during the first and second quarters of 2000. We therefore find that support payments targeted to the wire center level shall be issued beginning with payments provided in the third quarter of 2000. This change affects only the *targeting* of support during the first and second quarters of 2000, and does not alter the January 1, 2000 effective date of the new mechanism or the aggregate *amount* of support provided to each non-rural carrier under the new mechanism.

II. Discussion

2. We conclude that support payments should be calculated using the targeting approaches previously adopted. We conclude, however, that the provision of forward-looking support should be deferred until the third quarter of 2000. Until targeted support is provided in the third quarter of 2000, interim hold-harmless support shall be provided at the study-area level. Because non-rural carriers will be formally submitting wire center line count data for the first time on December 30, 1999, we do not believe that there will be sufficient time to analyze and verify the data before carriers are scheduled to receive targeted interim hold-harmless support in the first quarter of 2000 and targeted forward-looking support in the second quarter of 2000. Our decision to postpone the targeting of support will allow us to work with carriers and USAC to address any anomalies in carriers' first-time filings and to ensure that the wire center line count data are valid and sufficiently accurate for targeting purposes. We emphasize, however, that this decision does not change the January 1, 2000 effective date of the new mechanism or the aggregate amount of high-cost support provided to non-rural carriers under the new mechanism.

3. We therefore reconsider and amend on our own motion §§ 54.313(c) and 54.311(b) of our rules, as set forth. Specifically, we delete § 54.313(c)(1)(i) of our rules, thereby eliminating the January 1, 2000 state certification option, which would have permitted any carrier in a state that filed a certification by that date to receive targeted forward-looking support for the first and second quarters of 2000 in the second quarter of 2000. The elimination of this filing option, however, does *not* eliminate a carrier's ability to obtain forward-looking support for the first and second quarters of 2000. Under the rules adopted in the *High-Cost Methodology Order,* if a state files the requisite certification by April 1, 2000, carriers subject to that certification shall receive forward-looking support for the first and third quarters of 2000 in the third quarter of 2000, and forward-looking support for the second and fourth quarters of 2000 in the fourth quarter of 2000. We also amend § 54.311(b) of our rules, so that for the first and second quarters of 2000, non-rural carriers eligible for interim-hold harmless support shall receive such support at the study-area level, rather than the wire center level. Targeting of interim hold-harmless support shall occur at the wire center level beginning in the third quarter of 2000.

4. We also correct an oversight in the rules that we adopted in the *High-Cost Methodology Order* concerning the calculation of the expense adjustments for non-rural carriers. In that order, we amended § 36.631(d) of our rules so that the expense adjustment for study areas reporting more than 200,000 working loops would be calculated pursuant to the new forward-looking support mechanism or the interim hold-harmless provision, whichever is applicable, effective January 1, 2000. We inadvertently did not make a similar amendment to § 36.631(c) of our rules, which concerns study areas reporting 200,000 or fewer working loops, even though a small number of non-rural carriers serve such study areas. To remedy this oversight, we now amend § 36.631(c) so that the expense adjustment for non-rural carriers serving study areas reporting 200,000 or fewer working loops will be calculated pursuant to the new forward-looking support mechanism or the interim hold-harmless provision, whichever is applicable, effective January 1, 2000.

III. Procedural Matters

A. Regulatory Flexibility Act Certification

5. The Regulatory Flexibility Act (RFA) requires an Initial Regulatory Flexibility Analysis (IRFA) whenever an agency publishes a notice of proposed rulemaking, and a Final Regulatory Flexibility Analysis (FRFA) whenever an agency subsequently promulgates a final rule, unless the agency certifies that the proposed or final rule will not have ''a significant economic impact on a substantial number of small entities,'' and includes the factual basis for such certification. The RFA generally defines ''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. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field