

The Coast Guard certifies under 5 U.S.C. 605 (b) that this rule will not have a significant impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Port Jefferson Harbor from 9 p.m. until 10 p.m. on September 16, 23, 30, October 7, 14, 21, 28, and December 31, 2000. This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: The duration of the event is limited; the event is at a late hour; all vessel traffic may safely pass around this safety zone; and extensive, advance maritime advisories will be made.

#### Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), the Coast Guard wants to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. If your small business or organization would be affected by this rule and you have any questions concerning its provisions or options for compliance, please call Chief Chris Stubblefield at (203) 468-4428. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247).

#### Collection of Information

This rule calls for no collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that

requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

#### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

#### Environment

The Coast Guard has considered the environmental impact of this rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction, M 16475.C, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under Addresses.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reports and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

#### PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46.

2. Add temporary § 165.T01-CGD1-217 to read as follows:

#### § 165.T01-CGD1-217 Weekly Fireworks, Dockside Restaurant, Port Jefferson Harbor, Port Jefferson, NY.

(a) *Location.* The safety zone includes all waters of Port Jefferson Harbor within a 600 foot radius of the launch site located in Port Jefferson Harbor, Port Jefferson, NY in approximate position 40°57'38"N, 73°04'47"W (NAD 1983).

(b) *Enforcement period.* This section will be enforced from 9 p.m. until 10 p.m. on the following dates: September 16, 23, 30, October 7, 14, 21, 28 and until 9 p.m., December 31, 2000.

(c) (1) *Regulations.* The general regulations covering safety zones contained in § 165.23 of this part apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U. S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard Vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

(d) *Effective date.* This section is effective from 9 p.m., September 16, 2000 until 10 p.m., December 31, 2000.

Dated: September 15, 2000.

**David P. Pekoske,**

*Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-6873-3]

### National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Kassauf-Kimerling Battery Disposal Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) Region 4 announces the deletion of the Kassauf-Kimerling Battery Disposal Superfund Site from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental

Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and therefore, further response measures pursuant to CERCLA are not appropriate.

**EFFECTIVE DATE:** October 2, 2000.

**ADDRESSES:** Comprehensive information on this site is available through the EPA Region 4 public docket, which is available for viewing at the information repositories at two locations. Locations, contacts, phone numbers and viewing hours are: Record Center, U.S. EPA Region 4, 61 Forsyth Street, Atlanta, Georgia 30303-8909, (404) 562-9530, hours: 8 a.m. to 4 p.m., Monday through Friday by appointment only; Tampa/Hillsborough County Public Library/Special Collections, 900 North Ashley, Tampa, Florida 33602, (813) 273-3652, hours: 9 a.m. to 9 p.m., Monday through Thursday, 9 a.m. to 5 p.m., Friday through Saturday.

**FOR FURTHER INFORMATION CONTACT:** Mindy Gardner, U.S. EPA Region 4, Waste Management Division, 61 Forsyth Street, Atlanta, Georgia 30303-8909, (404) 562-8907 or by electronic mail at [gardner.mindy@epa.gov](mailto:gardner.mindy@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA announces the deletion of the Kassauf-Kimerling Battery Disposal Superfund Site in Tampa, Hillsborough County, Florida from the NPL, which constitutes appendix B of 40 CFR part 300. EPA published a Notice of Intent to Delete the Kassauf-Kimerling Battery Disposal Superfund Site from the NPL on August 5, 1999 in the **Federal Register** (64 FR 42630). EPA received no comments on the proposed deletion; therefore, no responsiveness summary is necessary for this Notice of Deletion.

EPA identifies sites on the NPL that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to 40 CFR 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions if conditions at the site warrant such action. Deletion of a site from the NPL does not affect the responsible party liability or impede agency efforts to recover costs associated with response efforts.

#### List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Environmental protection, Hazardous substances, Hazardous waste,

Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: October 5, 1999.

**A. Stanley Meiburg,**  
*Deputy Regional Administrator, Region 4.*

**Note:** The Office of the Federal Register received this document on September 18, 2000.

For 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 by removing the site "Kassauf-Kimerling Battery Disposal," Tampa, Florida.

[FR Doc. 00-24307 Filed 9-29-00; 8:45 am]

**BILLING CODE 6560-50-P**

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 20

[CC Docket No. 94-102; FCC 00-326]

#### Wireless Radio Services; Compatibility with Enhanced 911 Emergency Calling Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petitions for reconsideration.

**SUMMARY:** The Commission, in this document makes adjustments to the deployment schedule that must be followed by wireless carriers that choose to implement enhanced 911 Phase II service using a handset-based technology. This document also defers the date for initial distribution of Automatic Location Identification (ALI)-capable handsets by seven months, adjusts the timetable for carriers to meet certain interim benchmarks for activating new ALI-capable handsets, defers the date by which a carrier must achieve full penetration of ALI-capable handsets by one year, modifies the manner in which the Commission defines full penetration, eliminates the separate handset phase-in schedule triggered by a request from a Public Safety Answering Point, and addresses several other issues regarding

implementation of enhanced 911 Phase II. These actions are taken in response to petitions for reconsideration of the Third Report and Order in this proceeding.

**DATES:** Effective November 1, 2000.

**ADDRESSES:** A copy of any comments on the information collection contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** Dan Grosh, 202-418-1310. For further information concerning the information collection contained in this Fourth Memorandum Opinion and Order, contact Judy Boley, Federal Communications Commission, 202-418-0214, or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Fourth Memorandum Opinion and Order (MO&O) in CC Docket No. 94-102; FCC 00-326, adopted August 24, 2000, and released September 8, 2000. The complete text of the MO&O and the Supplemental Final Regulatory Flexibility Analysis is available on the Commission's Internet site, at [www.fcc.gov](http://www.fcc.gov), and is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC. The text may also be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY-B400, 445 12th Street, SW., Washington, DC.

The procedures regarding submission of waivers of the Phase II requirements contain information collection requirements that are not effective until approved by the Office of Management and Budget. Public comment on the information collections in the waiver requirements are due December 1, 2000, and comments by the Office of Management and Budget are due January 30, 2001. The Commission will publish a document in the **Federal Register** announcing OMB approval of these burdens.

#### Synopsis of the Fourth Memorandum Opinion and Order

1. In this MO&O, in response to petitions for reconsideration of the Third Report and Order in this proceeding (64 FR 60126, November 4, 1999), the Commission makes certain changes to its wireless enhanced 911 (E911) rules aimed at facilitating full compliance with those rules on a nationwide basis. This MO&O is