

Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing 111(d)/129 plan submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a 111(d)/129 plan submission, to use VCS in place of a 111(d)/129 plan submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### *B. 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 this 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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### *C. Petitions for Judicial Review*

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 6, 2000. 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 approving the Maryland 111(d)/129 plan for HMIWI 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.

Dated: August 21, 2000.

**Bradley M. Campbell**,  
*Regional Administrator, Region III.*

40 CFR Part 62, Subpart V, 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 V—[Amended]**

2. A new center heading and §§ 62.5160, 62.5161, and 62.5162 is added to Subpart V to read as follows:

#### **Emissions From Existing Hospital/Medical/Infectious Waste Incinerators (HMIWIs)—Section 111(d)/129 Plan**

##### **§ 62.5160 Identification of plan.**

Section 111(d)/129 plan for HMIWIs and the associated Code of Maryland (COMAR) 26.11.08 regulations, as submitted on April 14, 2000.

##### **§ 62.5161 Identification of sources.**

The plan applies to all existing HMIWIs located in Maryland for which construction was commenced on or before June 20, 1996.

##### **§ 62.5162 Effective date.**

The effective date of the plan is October 20, 2000.

[FR Doc. 00-22516 Filed 9-1-00; 8:45 am]

**BILLING CODE 6560-50-P**

## **CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

### **45 CFR Part 2543**

#### **Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule revises the Corporation's codification of Office of Management and Budget (OMB) Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." OMB issued a final revision to Circular A-110 on September 30, 1999, as required by Public Law 105-277. It was published in the **Federal Register** on October 8, 1999. This interim final rule provides uniform administrative requirements for all grants and cooperative agreements to institutions of higher education, hospitals, and other non-profit organizations.

**DATES:** This interim final rule is effective October 5, 2000. Comments must be received on or before November 6, 2000.

**ADDRESSES:** Comments on the interim final rule should be addressed to: Bruce Cline, Director of Grants Management, Corporation for National Service, 1201 New York Avenue NW, Washington, D.C. 20525.

**FOR FURTHER INFORMATION CONTACT:** Bruce Cline, (202) 606-5000, ext. 440. T.D.D. (202) 565-2799. We will make this document available in an alternative format upon request.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Congress included a provision in OMB's appropriation for fiscal year 1999, contained in Public Law 105-277, directing OMB to amend Section .36 of Circular A-110 "to require Federal awarding agencies to ensure that all data produced under an award will be made available to the public through the procedures established under the Freedom of Information Act." The provision also provides for a reasonable fee to cover the costs incurred in responding to a request. Circular A-110 applies to grants and cooperative agreements to institutions of higher education, hospitals, and non-profit organizations.

OMB finalized the revision on September 30, 1999 (64 FR 54926, October 8, 1999). This interim rule amends the Corporation's codification of Circular A-110 to reflect OMB's action.

Consistent with Circular A-110, this rule applies to awards made by the Corporation to institutions of higher education, hospitals, and other non-profit organizations. It also applies to such entities if they are recipients are subawards from States, and local and Indian Tribal governments administering programs under awards from the Corporation. This rule does not apply to commercial organizations.

### Regulatory Matters

#### Executive Order 12866

Awards made by the Corporation support national service programs and do not generally involve the production of the type of research data described in the revised Circular A-110. We have determined that this interim final rule is not a "significant" rule within the meaning of Executive Order 12866 because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more, or an adverse and material effect on a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government or communities; (2) the creation of a serious inconsistency or interference with an action taken or planned by another agency; (3) a material alteration in the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) the raising of novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

#### Regulatory Flexibility Act

We have determined and hereby certify that this interim final rule will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, the Corporation has not performed the regulatory flexibility analyses that are required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) for

major rules that are expected to have such results.

#### Small Business Regulatory Enforcement Fairness Act of 1996

We have determined that this interim final rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets. Thus, it is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804.

#### Other Impact Analyses

This interim final rule will not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3500 *et seq.*).

Because this interim final rule does not contain any federal mandate that may result in increased expenditures in either Federal, State, local, or tribal governments in the aggregate, or impose an annual burden exceeding \$100 million on the private sector, it is not necessary for the Corporation to prepare the analytic statements required under Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531-1538.

This interim final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 8 of Executive Order 13132 (August 4, 1999), we have determined that this interim final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Based on the opportunities to comment afforded to the public on OMB-proposed revisions to Circular A-110, we have determined that soliciting additional comment prior to our adopting the revisions is unnecessary and contrary to the public interest. Therefore, pursuant to 5 U.S.C. 553(b)(B), we adopt the revisions through the issuance of this interim final rule.

#### List of Subjects in 45 CFR Part 2543

Accounting, Administrative practice and procedure, Colleges and universities, Grant programs—health, Grant programs—social, Grants

administration, Hospitals, Nonprofit organizations, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Corporation for National and Community Service amends 45 CFR part 2543 as follows:

### PART 2543—GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

1. The authority citation for part 2543 continues to read as follows:

**Authority:** 42 U.S.C. 12501 *et seq.*

2. Section 2543.36 is amended by revising paragraph (c), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) to read as follows:

#### § 2543.36 Intangible property.

\* \* \* \* \*

(c) The Federal Government has the right to:

(1) Obtain, reproduce, publish or otherwise use the data first produced under an award; and

(2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(d)(1) In addition, in response to a Freedom of Information Act (FOIA) request for research data relating to published research findings produced under an award that were used by the Federal Government in developing an agency action that has the force and effect of law, the Federal awarding agency shall request, and the recipient shall provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the agency, the recipient, and applicable subrecipients. This fee is in addition to any fees the agency may assess under the FOIA (5 U.S.C. 552(a)(4)(A)).

(2) The following definitions apply for purposes of this paragraph (d):

(i) *Research data* is defined as the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This "recorded" material excludes physical objects (*e.g.*,

laboratory samples). *Research data* also do not include:

(A) Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and

(B) Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

(ii) *Published* is defined as either when:

(A) Research findings are published in a peer-reviewed scientific or technical journal; or

(B) A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

(iii) *Used by the Federal Government in developing an agency action that has the force and effect of law* is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

(3) The requirements set forth in paragraph (d)(1) of this section do not apply to commercial organizations.

\* \* \* \* \*

Dated: August 24, 2000.

**Wendy Zenker,**

*Chief Operating Officer.*

[FR Doc. 00-22546 Filed 9-1-00; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

**47 CFR Parts 1, 11, 21, 25, 73, 74, 76, and 100**

[CS Docket No. 98-132; FCC 99-12]

### 1998 Biennial Review—Multichannel Video and Cable Television Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Interim rule and final rule.

**SUMMARY:** In this document we revise and streamline the public file and notice requirements set forth in the Commission's cable television rules. The rules reduce the regulatory burden faced by cable operators with regard to public file requirements by: reorganizing the public file requirements; providing cable operators with an alternative to maintaining a paper public file; eliminating outdated public file requirements; and,

expanding the definition of small cable systems for purposes of the public inspection rules. Further, in this document we are adopting as an interim rule the section of the Commission's rules which expands the definition of small cable systems for purposes of public inspection to include a limited exemption for cable operators with 1000 or more subscribers, but fewer than 5000 subscribers.

**DATES:** Effective October 5, 2000, except for §§ 76.1622, 76.1626, 76.1713, and 76.1800 which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective date for those sections. Written comments by the public on the new or modified information collection requirements should be submitted on or before November 6, 2000.

Comments on the interim rule, § 76.1700(a), are due September 26, 2000. Reply comments are due October 6, 2000.

**ADDRESSES:** Comments on the interim rule should be filed with the Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Comments may also be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (January 2, 1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>.

Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>". A sample form and directions will be sent in reply.

**FOR FURTHER INFORMATION CONTACT:** Carolyn A. Fleming, Cable Services Bureau, (202) 418-1026 or via Internet at [cfleming@fcc.gov](mailto:cfleming@fcc.gov). For additional information concerning the information collection requirements contained herein, contact Judy Boley at 202-418-0214, or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

#### SUPPLEMENTARY INFORMATION

1. The *Report and Order*, CS Docket No. 98-132; FCC 99-12, released March 26, 1999, addresses the issues raised in the *Notice of Proposed Rulemaking* in CS Docket No. 98-132, 13 FCC Rcd 15219 (1998) ("*NPRM*"),<sup>1</sup> regarding the Commission's 1998 biennial regulatory review of its regulations conducted pursuant to Section 11 of the Telecommunications Act of 1996. In the *NPRM*, the Commission sought comments and proposals on how to streamline and reorganize part 76 public file and notice requirements. The Cable Telecommunications Association ("*CATA*") filed a suggested *Notice of Proposed Rulemaking* ("*CATA Notice*") in which it makes particular recommendations regarding changes to the public file requirements. The Commission placed the *CATA Notice* in the record of this proceeding in order to solicit comment on *CATA*'s specific recommendations.

2. Discussion. The *Report and Order* implements rule changes designed to reorganize, consolidate, and modify the public file and notice requirements set forth in part 76. Specifically, the *Report and Order* reorganizes public file requirements into three new subparts, subparts T, U, and V. Subpart T contains notice requirements, subpart U contains recordkeeping requirements, and subpart V contains reporting and filing requirements. In some cases, existing notice requirements, such as the notice requirements for cable inside wiring, need to remain in their current sections. The subparts T, U, and V reference cable operator notice, filing, and recordkeeping requirements even if the actual rule is contained elsewhere. Where certain rules require notice to be provided at different at different times, e.g., annually, at the time of installation, and at any time upon request, the new rules make reference to the notice requirement in subsections of subpart T in which the notice requirement applies. In addition, the new subparts cross-reference additional, non-part 76 notice requirements such as the semi-annual copyright filing requirements contained in 17 U.S.C. 111(D)(1) and the cable subscriber privacy notice requirements found in 47 U.S.C. 551(a)(1).

3. The *Report and Order* also provides cable operators with an alternative to maintaining a paper public file. Many cable operators have their own World Wide Web home pages on the Internet and providing electronic access to public file information increases the number of locations from which this

<sup>1</sup> The *NPRM* was not published in the **Federal Register**.