application fee by submitting adequate documentation within 90 days from the date of the notice of denial. The term ''adequate documentation'' includes evidence that the applicant is in the process of obtaining the necessary documents, which may have been missing or lost and may require considerable time to obtain or replace. The denial becomes final, however, if adequate documentation is not submitted before the elapse of 90 days after the date of the denial notice. The Department's passport regulations do not preclude a person, whose passport application has been denied, from subsequently submitting a new passport application with payment of a new application fee.

This rule does not affect the fee for executing an application for a passport, which cannot be refunded pursuant to the existing regulation in 22 CFR 51.65. Therefore, the Department will refund the passport application fee and the fee for executing an application for a passport only in cases when the fee was collected in error from persons exempted from payment by law, or the fee collected was in excess of the prescribed fee, as is currently provided by regulation.

This rule is effective May 15, 2000. If adverse comment is received and is well-taken, the Department of State will publish a timely withdrawal of the rule in the **Federal Register**. If an adverse comment applies to an amendment, paragraph, or section of this rule and that provision may be addressed separately from the remainder of the rule, the Department may adopt as final those provisions of the rule that are not the subject of an adverse comment.

The Department does not consider this rule to be a major rule for purposes of E.O. 12291. These changes to the regulations are hereby certified as not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, 5 U.S.C. 605(b). This rule does not impose information collection requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C., Chapter 35. Nor does the rule have federalism implications warranting the application of Executive Order No. 12372 and No. 13132. This rule is exempt from E.O. 12866, but the Department has reviewed the rule to ensure consistency with the objectives of the Executive Order, as well as with E.O. 12988, and the Office of Management and Budget has determined this rule would not constitute a significant regulatory action under E.O. 12866.

**List of Subjects**

*22 CFR Part 22*

Foreign Service, Fees, Passports and visas.

*22 CFR Part 23*

Foreign Service.

*22 CFR Part 51*

Administrative practice and procedure, Drug traffic control, Passports and visas.

Accordingly, this rule amends 22 CFR Chapter I as follows:

## PART 22—[AMENDED]

1. The authority citation for Part 22 continues to read as follows:

**Authority:** 8 U.S.C. 1153 note. 1351, 1351 note; 10 U.S.C. 2602(c); 22 U.S.C. 214, 2504(a), 4201, 4206, 4215, 4219; 31 U.S.C. 9701; E.O. 10718, 22 FR 4632, 3 CFR, 1954–1958 Comp., p. 382; E.O. 11295, 31 FR 10603, 3 CFR, 1966–1970 Comp., p. 570.

2. Section 22.1 is amended by revising the introductory text of paragraphs (b) and (c) at item 1. to read as follows:

### § 22.1 Schedule of fees.

Item No. Fee

**Passport and Citizenship Services**

1. Passport Services:

* * * * *

(b) First-time application:

* * * * *

(c) Subsequent application (renewal):

* * * * *

3. Section 22.6 is amended by revising the word ''refunded'' to read ''refund'' both times it appears in paragraph (a)(3) and by revising paragraph (a)(1) to read as follows:

### § 22.6 Refund of fees.

(a) * * *

(1) As specifically authorized by law (See 22 U.S.C. 214a concerning passport fees erroneously charged persons excused from payment and 46 U.S.C. 8 concerning fees improperly imposed on vessels and seamen);

* * * * *

## PART 23—[AMENDED]

1. The authority citation for Part 23 is revised to read as follows:

**Authority:** 22 U.S.C. 2651a.

2. Section 23.3 is amended by revising paragraph (a) to read as follows:

### § 23.3 Refunds.

(a) *Rectifications and readjustments.* See § 22.6 of this chapter for outline of circumstances under which fees which have been collected for deposit in the Treasury may be refunded.

* * * * *

## PART 51—[AMENDED]

1. The authority citation for Part 51 is revised to read as follows:

**Authority:** 22 U.S.C. 211a; 22 U.S.C. 2651a, 2671(d)(3), 2714 and 3926; 31 U.S.C. 9701; E.O. 11295, 3 CFR, 1966–1970 Comp., p 570; sec. 129, Pub. L. 102–138, 105 Stat. 661; 8 U.S.C. 1504.

2. Section 51.61 is amended by revising paragraph (a) to read as follows:

### § 51.61 Passport fees.

* * * * *

(a) A fee for each passport application filed, which fee shall vary depending on whether the passport applicant is a first-time applicant or a renewal applicant and on the age of the applicant. The passport application fee shall be paid by all applicants at the time of application, except as provided in § 51.62(a), and is not refundable, except as provided in § 51.63. However, an applicant's denied application for a passport may be reconsidered without the payment of an additional passport application fee by the submission of adequate documentation within 90 days after the date of a notice of denial.

* * * * *

3. Section 51.63 is amended by removing paragraphs (b) through (d), by redesignating paragraphs (e) and (f) as paragraphs (b) and (c), respectively, and by revising the introductory text to read as follows:

### § 51.63 Refunds.

A collected passport application fee shall be refunded:

* * * * *

Dated: February 23, 2000.

**Bonnie R. Cohen,**

*Under Secretary for Management, Department of State.*

[FR Doc. 00–6409 Filed 3–15–00; 8:45 am]

BILLING CODE 4710–06–U

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[NZ001; FRL–6561–8]**

## Prevention of Significant Deterioration Delegation of Authority to Mendocino County Air Pollution Control District to Administer Permits Issued by EPA

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of delegation of authority.

**SUMMARY:** The Regional Administrator for EPA Region 9 has delegated full authority to the Mendocino County Air Pollution Control District (District) to administer three Prevention of Significant Deterioration (PSD) permits issued by EPA.

**EFFECTIVE DATE:** The effective date of the delegation is February 23, 2000.

**ADDRESSES:** Mendocino County Air Pollution Control District, 306 E. Gobbi Street, Ukiah, CA 95482.

**FOR FURTHER INFORMATION CONTACT:** Nahid Zoueshtiagh, Permits Office (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1261, E-mail: Zoueshtiagh.nahid@epa.gov.

**SUPPLEMENTARY INFORMATION:** Pursuant to 40 CFR 52.21(u), ''Delegation of authority,'' the EPA has delegated authority to the District to administer the following three PSD permits issued by EPA to:

- Masonite Corporation (EPA, PSD No. NC–77–06, issued in 1977)
- Masonite Corporation (EPA, PSD No. NC–92–01, issued in 1992)
- Georgia Pacific West Inc. (EPA, PSD No. NC–79–07, issued in 1979)

In 1985, EPA approved the District's PSD program into the California State Implementation Plan (SIP) (50 FR 30943, July 31, 1985). However, the above three permits which were issued by EPA, continued to be administered by EPA. To date, administering these permits has consisted of actions on modification requests by the Permittees. While the District has now been delegated the authority to administer these permits, nothing in the delegation agreement prohibits EPA from enforcing the PSD provisions of the Clean Air Act, the PSD regulations, or future permit conditions issued by the District.

A copy of the delegation agreement between EPA and the District is available from Nahid Zoueshtiagh, Permits Office (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

**List of Subjects 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: March 9, 2000.

**David P. Howekamp,**

*Director, Air Division, Region IX.*

[FR Doc. 00–6565 Filed 3–15–00; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 24

**[WT Docket No. 97–82; FCC 00–54]**

## Installment Payment Financing for Personal Communications Services (PCS) Licenses

**AGENCY:** Federal Communications Commission.

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

**SUMMARY:** In this document, the Commission dismisses or denies petitions for reconsideration of its Fourth Report and Order in which it modified the rules governing auctions of licenses for C block broadband Personal Communications Services (''PCS'') spectrum. Some of the issues raised by petitioners are specific to Auction No. 22 and have been rendered moot by the occurrence of that auction. Other issues will be decided in separate proceedings. By this document the Commission declines to extend the two year ''grandfather'' exception to the entrepreneur eligibility requirement for C block auctions and also declines to ''grandfather'' in future C and F block auctions the bidding credit eligibility of participants in earlier C block auctions.

**FOR FURTHER INFORMATION CONTACT:** Audrey Bashkin, Auctions & Industry Analysis Division, Wireless Telecommunications Bureau, at 418–0660.

**SUPPLEMENTARY INFORMATION:** This is a summary of an Order on Reconsideration of the Fourth Report & Order (Order on Reconsideration) adopted February 15, 2000 and released February 29, 2000. The complete text of the Order on Reconsideration, including the attachment, is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 1231 20th Street, NW, Washington, DC 20035, (202) 857–3800. It is also available on the Commission's web site at http://www.fcc.gov/wtb/auctions.

**I. Introduction and Background**

1. In this Order on Reconsideration, we address petitions for reconsideration of our Fourth Report and Order, released August 19, 1998 (''*C Block Fourth Report and Order*''), 63 FR 50791 (September 23, 1998), in which we modified the rules governing auctions of C block broadband Personal Communications Services (''PCS'') spectrum. To date, there have been three auctions of licenses for C block spectrum. Auctions No. 5 and 10, which ended on May 6, 1996, and July 16, 1996, respectively, preceded the C Block Fourth Report and Order. Auction No. 22, which followed the C Block Fourth Report and Order, concluded on April 15, 1999, and also included licenses for E and F block spectrum. An earlier auction of licenses for D, E, and F block spectrum, Auction No. 11, concluded on January 14, 1997. One or more additional auctions of C and F block spectrum are expected.

2. In response to the C Block Fourth Report and Order, we received five petitions for reconsideration, one opposition, and one set of comments. Within the time frame for filing oppositions, we also received related correspondence. Some of the issues raised by petitioners are specific to Auction No. 22 and have been rendered moot by the occurrence of that auction. Other issues will be decided in separate proceedings. The remaining issues concern entrepreneur and bidding credit eligibility. In this order, we decline to extend the two year ''grandfather'' exception to the entrepreneur eligibility requirement for C block auctions and also decline to ''grandfather'' in future C and F block auctions the bidding credit eligibility of participants in earlier C block auctions.

**II. Auction Inventory**

3. *Background.* In the C Block Fourth Report and Order, we decided not to delay the next C block auction pending resolution of bankruptcy proceedings affecting the availability for auction of certain C block spectrum.

4. *Discussion.* Both Conestoga and DiGiPH ask that we reconsider this decision. Because Auction No. 22 has already been held, these requests have become moot. As we stated in the C Block Fourth Report and Order, spectrum made available for licensing as a result of any bankruptcy proceeding will be included in the next appropriate auction of C block spectrum.

**III. Entrepreneur Eligibility**

5. *Background.* Consistent with Congress' mandate to promote the