Compliance With Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies with consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives 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 officials 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.''

This rule is not subject to Executive Order 13084 because it does not significantly or uniquely affect the communities of Indian tribal governments as there are no Federally recognized Indian Tribes in Vermont.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any additional information requirements upon the regulated community, as the State regulations being approved already are in effect under State law.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, Section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve adopting new federal technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and record keeping requirements, Water pollution control, Water supply.

Authority: This action is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: September 17, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–24908 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6442–1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of Munisport Landfill Superfund site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region IV announces the deletion of the Munisport Landfill Superfund (Site) in North Miami, Dade County, Florida, 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 all appropriate response actions under CERCLA have been implemented by the Potentially Responsible Party, the City of North Miami, and that no further response actions under CERCLA are needed. Moreover, EPA and the FDEP have determined that the remedial actions conducted at the Site to date are protective of human health and the environment, such that further federal response under CERCLA is not warranted.

EFFECTIVE DATE: September 24, 1999.

FOR FURTHER INFORMATION CONTACT: Kevin Misenheimer, Remedial Project Manager, EPA Region IV, 61 Forsyth St. SW, Atlanta, Georgia, 30303, (404) 562–8922. Comprehensive information on this Site is available through the EPA Region IV public docket located at two locations. Locations and phone numbers are: USEPA Region IV Record Center, 61 Forsyth St. SW, Atlanta, Georgia, 30303, (404) 562–8862 and Florida International University, North Campus Library, 3000 NE 151st St., North Miami, Florida, 33181–3601, (305) 919–5726.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Munisport Landfill, North Miami, Dade County, Florida.

A Notice of Intent to Delete for this site was published on June 25, 1999 (64 FR 34180). The closing date for comments on the Notice of Intent to Delete was July 27, 1999. EPA addressed significant comments in a Responsiveness Summary which is included in the public docket.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-financed) remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

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

Dated: September 8, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region IV.

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: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); 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 ''Munisport Landfill, North Miami, Florida.''

[FR Doc. 99–24689 Filed 9–23–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 22, 24, and 64

[CC Docket No. 97–213, FCC 99–230]

Communications Assistance for Law Enforcement Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts technical requirements for wireline, cellular, and broadband Personal Communications Services (PCS) carriers to comply with the assistance capability requirements prescribed by the Communications Assistance for Law Enforcement Act of 1994 (CALEA, or the Act). Specifically, the Commission requires that all capabilities of J–STD–025 (interim standard) and six of nine ''punch list'' capabilities requested by the Department of Justice (DoJ)/Federal Bureau of Investigation (FBI) be implemented by wireline, cellular, and broadband PCS carriers.

DATES: Effective December 23, 1999.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Office of Engineering and Technology, (202) 418–2452; internet: rsmall@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Third Report and Order* (Third R&O) adopted August 26, 1999, and released August 31, 1999. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, N.W., Washington, D.C. 20036.

Summary of Third R&O

1. CALEA, enacted in October 1994, was intended to preserve the ability of law enforcement officials to conduct electronic surveillance effectively and efficiently in the face of rapid advances in telecommunications technology. In enacting this statute, however, Congress recognized the need to protect privacy interests within the context of court-authorized electronic surveillance. Thus, in defining the terms and requirements of the Act, Congress sought to balance three important policies: (1) To preserve a narrowly focused capability for law enforcement agencies to carry out properly authorized intercepts; (2) to protect privacy in the face of increasingly powerful and personally revealing technologies; and (3) to avoid impeding the development of new communications services and technologies.

2. Section 103 of CALEA establishes four general ''assistance capability requirements'' that carriers must meet to achieve compliance with CALEA. Specifically, section 103 requires a telecommunications carrier to ensure that its equipment, facilities, and services are capable of:

(1) Isolating and enabling the government, pursuant to a lawful authorization, to intercept all wire and electronic communications;

(2) Providing to the government access to call-identifying information that is ''reasonably available'' to the carrier;

(3) Delivering to the government call content and call-identifying information in an acceptable form and at a remote location; and,

(4) Facilitating government access unobtrusively and in a manner that protects privacy and security.

3. CALEA does not specify how these four requirements are to be met, but section 107(a) specifies a ''safe harbor'' provision, whereby carriers and manufacturers are deemed CALEA-compliant if they meet publicly available standards adopted by industry. Between 1995 and 1997, Subcommittee TR45.2 of the Telecommunications Industry Association (TIA) developed an interim standard, J–STD–025, to serve as a safe harbor for wireline, cellular, and broadband PCS carriers and manufacturers under section 107(a). That standard defines services and features required by wireline, cellular, and broadband PCS carriers to support lawfully authorized electronic surveillance, and specifies interfaces necessary to deliver intercepted communications and call-identifying information to a law enforcement agency (LEA). However, two parties filed petitions for rulemaking with the Commission, pursuant to section 107(b) of CALEA, contending that the interim standard was either overinclusive or underinclusive. Specifically, DoJ/FBI argue that the interim standard does not satisfy CALEA requirements because it fails to include the nine essential punch list capabilities, and the Center for Democracy and Technology argues that the standard is overinclusive because it includes packet-mode communications and location information.

4. The *Further Notice of Proposed Rule Making* (Further NPRM), 63 FR 63639, November 16, 1998, in this proceeding addressed these alleged deficiencies in the interim standard. In the *Further NPRM,* the Commission stated that it did not intend to reexamine any of the uncontested technical requirements of the interim standard, but would make determinations only regarding whether the 11 disputed capabilities met the assistance capability requirements specified in section 103 of CALEA.

5. The *Further NPRM* tentatively concluded that the provision by carriers to LEAs of location information and five punch list capabilities is necessary to meet the assistance capability requirements under section 103(a). Those five punch list capabilities are subject-initiated conference calls; party hold, join, drop on conference calls; subject-initiated dialing and signaling information; timing information; and dialed digit extraction (post-cut-through digits). The *Further NPRM* also tentatively concluded that the provision by carriers to LEAs of three punch list capabilities is not necessary to meet the assistance capability requirements under section 103(a). Those capabilities are surveillance status messages, continuity check tones, and feature status messages. Finally, the *Further NPRM* requested comment on the remaining punch list item—in-band and out-of-band signaling—and packet-mode communications issues.

6. The Commission emphasized in the *Further NPRM* that it was directed by the Act to take into account five factors that must be considered under section 107(b) of CALEA. Those factors are: (1) Meeting the assistance capability requirements of section 103 by cost-effective methods; (2) protecting the privacy and security of communications