

additional costs to State, local, or tribal governments, or to the private sector, result from this action.

*G. 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).

*H. 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 February 28, 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 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practices and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 3, 1999.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*  
[FR Doc. 99-33329 Filed 12-27-99; 8:45 am]

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**GENERAL SERVICES  
ADMINISTRATION**

**41 CFR Chapter 101**

[FPMR Temp. Reg. H-29]

**RIN 3090-AF39**

**Criteria for Reporting Excess Personal Property**

**AGENCY:** Office of Governmentwide Policy, GSA.

**ACTION:** Temporary regulation; extension of expiration date.

**SUMMARY:** The General Services Administration (GSA) is extending Federal Property Management Regulations provisions regarding criteria for reporting excess personal property to GSA.

**DATES:** Effective December 28, 1999, the expiration date of the temporary regulations published at 62 FR 2022 is extended through July 31, 2000.

**SUPPLEMENTARY INFORMATION:** FPMR Temporary Regulation H-29 was published in the Federal Register on January 15, 1997, 62 FR 2022. The expiration date of the temporary regulation was January 15, 1998. A supplement published in the **Federal Register** on December 31, 1997, 62 FR 68216, extended the expiration date through December 31, 1998. Another supplement was published in the **Federal Register** on January 8, 1999, 64 FR 1139, that extended the expiration date through January 15, 2000. This supplement further extends the expiration date through July 31, 2000.

**List of Subjects in 41 CFR Chapter 101**

Archives and records, Computer technology, Government procurement, Property management, Records management, Telecommunications. Federal information processing resources activities.

Therefore the expiration date for Temporary Regulation H-29 amending the appendix to subchapter H of chapter 101 and published at 62 FR 2022, January 15, 1997, extended until January 15, 1999 at 62 FR 68216, and January 15, 2000 at 64 FR 1139, is further extended through July 31, 2000.

Dated: December 15, 1999.

**David J. Barram,**

*Administrator of General Services.*

[FR Doc. 99-33421 Filed 12-27-99; 8:45 am]

**BILLING CODE 6820-34-M**

**FEDERAL COMMUNICATIONS  
COMMISSION**

**47 CFR Part 1**

[DA 99-2788]

**Ex Parte Presentations in Commission Proceedings**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document contains an editorial amendment to the Commission's regulations concerning ex parte presentations. It consolidates amendments made in two separate Commission actions into a corrected text.

**DATES:** Effective January 28, 2000.

**FOR FURTHER INFORMATION CONTACT:** David S. Senzel, Office of General Counsel (202) 418-1720.

**SUPPLEMENTARY INFORMATION:** This is the full text of the Order of the Commission's Managing Director, DA 99-2788, adopted on December 14, 1999, and released December 17, 1999.

1. By this order, we correct the language of 47 CFR 1.1202(d)(2) of the Commission's ex parte rules. This provision was amended by two separate actions of the Commission. The first was the Commission's Report and Order in WT Docket No. 96-198, FCC 99-181, released September 29, 1999. Notice of this action was published in the **Federal Register** at 64 FR 63235 (Nov. 19, 1999), to become effective on January 28, 2000. The second was the Commission's Memorandum Opinion and Order in GC Docket No. 95-21, FCC 99-322, released November 9, 1999. Notice of this second action was published in the **Federal Register** at 64 FR 68946 (Dec. 9, 1999), to become effective on January 10, 2000. Each of the two actions fails to take into account the amendment made by the other. To cure this oversight, we will amend the rule to consolidate the amendments made by the two actions into a single corrected text.

2. Additionally, the text of the rule set forth in 64 FR 63235 contains a typographical error. That text refers to §§ 6.17 and 7.17 instead of the correct sections, 6.21 and 7.21. We will make an appropriate correction.

3. Pursuant to the authority delegated under 47 CFR 0.231(b), 47 CFR 1 IS AMENDED as set forth effective on January 28, 2000 and substituting for and superseding the corresponding

amendment to part 1 contained in 64 FR 63235 otherwise effective on that date.

**Andrew S. Fishel,**  
Managing Director.

#### Rule Change

Part 1 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), and 309.

2. Section 1.1202 (d)(2) is revised to read as follows:

#### § 1.1202 Definitions.

\* \* \* \* \*

(d) \* \* \*

(2) Any person who files a complaint or request to revoke a license or other authorization or for an order to show cause which shows that the complainant has served it on the subject of the complaint or which is a formal complaint under 47 U.S.C. 208 and § 1.721 of this chapter or 47 U.S.C. 255 and either §§ 6.21 or 7.21 of this chapter, and the person who is the subject of such a complaint or request that shows service or is a formal complaint under 47 U.S.C. 208 and § 1.721 of this chapter or 47 U.S.C. 255 and either §§ 6.21 or 7.21 of this chapter;

\* \* \* \* \*

[FR Doc. 99-33470 Filed 12-27-99; 8:45 am]

BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 2

[CI Docket 98-69; FCC 99-326]

#### Importation of Devices Capable of Causing Harmful Interference

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document amends the Commission's rules in order to prevent the importation of illegal radio frequency (RF) devices. It also eliminates the need for importers to file a duplicate FCC Form 740 with the FCC when importing devices into the United States.

**EFFECTIVE DATE:** February 28, 2000.

**FOR FURTHER INFORMATION CONTACT:** David Sturdivant, Enforcement Bureau, 202-418-1160.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the *Second Report and Order*, CI Docket 98-69, adopted October 29, 1999 and released November 5, 1999.

The full text of this *Second Report and Order* is available for inspection and copying during normal business hours in the FCC's Public Reference Center Room CY-A257, 445 12th Street, S.W., Washington, D.C. 20554. The complete text may also be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, D.C. 20036; phone (202) 857-3800, facsimile (202) 857-3805.

#### Synopsis of the Second Report and Order

The Second Report and Order amends the Commission's rules concerning the importation of devices capable of causing harmful interference. These rule amendments simplify the process importers use to import radio frequency devices into the United States.

The Federal Communications Commission (FCC) requires that radio frequency (RF) devices imported into the United States comply with FCC rules. The FCC released an *Order and Notice of Proposed Rule Making* [63 FR 53901] on June 5, 1998. This document sought to clarify rule language that could allow the importation of illegal RF devices. The FCC, working in conjugation with the United States Customs Service, help to prevent the importation of illegal RF devices. The FCC Form 740 is used by importers to declare that imported RF devices comply with applicable FCC technical requirements. This form, along with its electronic equivalent, is filed with the U.S. Customs Service.

In order to curtail abuse of the import-for-export provision of the Commission's rules, we have modified the rule to prevent the entry of illegal RF devices. This rule allows the importation of devices that do not have FCC authorization under the condition the devices will be exported. A provision of the rule prevented a device from being marketed or offered for sale for use in the United States. It was the Commission experience that some unscrupulous importers would take advantage of this provision in order to import and sell illegal RF devices to customers for use in the United States. By using simple collusion to exploit the rule provision, the importer could increase his likelihood of avoiding punitive action from the Commission. Our amended import-for-export rule will continue to allow non-authorized devices to enter the U.S. solely for

export but does not allow the devices to be offered for sale in the U.S. The rule does make an exemption for cellular phones and similar telephone devices that operate on standards not used in the U.S. and, as a result, are unable to function in the U.S. These types of devices may continue to be imported and marketed for use outside of the U.S. This rule amendment makes it less problematic for importers, U.S. Customs officials and FCC officials, to determine when importation of a radio frequency device is illegal. It will also minimize any effect on vendors that legitimately import devices for export.

Our rule amendments also streamline the declaration process for importers unable to file the FCC Form 740 electronically. Due to the successful implementation of U.S. Customs' electronic filing system, the FCC will eliminate the requirement for importers to file a duplicate FCC Form 740 with the Commission when they are unable to file electronically. Although the majority of FCC Form 740 filings occur electronically via U.S. Customs' electronic filing system, importers must currently file a paper FCC Form 740 with U.S. Customs and with the FCC when they are unable to use the electronic system. FCC Form 740 information is available to the FCC via the U.S. Customs Service upon request. Thus, requiring the duplicative filing of the FCC Form 740 with the FCC puts an unnecessary burden on the importer. We will no longer require an importer to file the FCC Form 740 with the FCC when an importer is unable to use the electronic system provided by the U.S. Customs Service. Importers will continue to submit the FCC Form 740 to the U.S. Customs Service.

#### Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended, the *Second Report and Order* contains a final regulatory flexibility analysis. No comments were submitted in response to the Initial Regulatory Flexibility Analysis. The Commission does not anticipate any adverse economic impact on small business entities resulting from these rule amendments. This *Second Report and Order* will reduce the burden on small entities. This item eliminates the duplicative filing of the FCC Form 740 and, as a result, should reduce administrative overhead, such as processing and mailing costs for small businesses. Secondly, revisions to the rule to amend language in order to improve enforcement by prohibiting entry of devices that are not approved for use in the United States is essential. The Commission had originally