

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete.</p> <p>As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete.</p> <p>In the event that any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.</p> <p>(6) <i>Reopener Language</i></p> <p>(A) If, anytime after disposal of the delisted waste, Chaparral Steel possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or ground-water monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at level higher than the delisting level allowed by the Regional Administrator or his delegate in granting the petition, then the facility must report the data, in writing, to the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data.</p> <p>(B) Based on the information described in paragraphs (5), or (6)(A) and any other information received from any source, the Regional Administrator or his delegate will make a preliminary determination as to whether the reported information requires Agency action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.</p> <p>(C) If the Regional Administrator or his delegate determines that the reported information does require Agency action, the Regional Administrator or his delegate will notify the facility in writing of the actions the Regional Administrator or his delegate believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing the facility with an opportunity to present information as to why the proposed Agency action is not necessary. The facility shall have 10 days from the date of the Regional Administrator or delegate's notice to present such information.</p> <p>(D) Following the receipt of information from the facility described in paragraph (6)(C) or (if no information is presented under paragraph (6)(C)) the initial receipt of information described in paragraph (5) or (6)(A), the Regional Administrator or his delegate will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment. Any required action described in the Regional Administrator or delegate's determination shall become effective immediately, unless the Regional Administrator or his delegate provides otherwise.</p> <p>(7) <i>Notification Requirements:</i> Chaparral Steel must provide a one-time written notification to any State Regulatory Agency to which or through which the delisted waste described above will be transported for disposal at least 60 days prior to the commencement of such activity. The one-time written notification must be updated if the delisted waste is shipped to a different disposal facility. Failure to provide such a notification will result in a violation of the delisting petition and a possible revocation of the decision.</p>

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[FR Doc. 00-4231 Filed 2-22-00; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 00-248; MM Docket No. 99-164; RM-9598; MM Docket No. 99-165; RM-9599; MM Docket No. 99-166, RM-9600]

### Radio Broadcasting Services; Mitchell, NE, Lovelock, NV, Elko, NV

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission at the request of Mountain West Broadcasting, allots Channel 257A to Mitchell, NE, as the community's first local aural service; at the request of Mountain West Broadcasting and Lovelock Broadcasting Company, allots Channel 292C1 to Lovelock, NV, as the community's first local aural service; and at the request of Mountain West Broadcasting and Elko Broadcasting Company, allots Channel 248C1 to Elko, NV, as the community's fifth local aural service. *See* 64 FR 28426, May 26, 1999. Channel 257A can be allotted to Mitchell, NE, without the imposition of a site restriction, at coordinates 41-56-36 NL; 103-48-30 WL. Channel 292C1 can be allotted to Lovelock, NV, without the imposition of

a site restriction, at coordinates 40-10-48 NL; 118-28-24 WL. Channel 248C1 can be allotted to Elko, NV, without the imposition of a site restriction, at coordinates 40-49-48 NL; 115-45-36 WL. A filing window for these channels will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

**DATES:** Effective March 27, 2000.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket Nos. 99-164, 99-165 and 99-166, adopted February 2, 2000, and released February 11, 2000.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by adding Mitchell, Channel 257A.

3. Section 73.202(b), the Table of FM Allotments under Nevada, is amended by adding Channel 248C1 at Elko and adding Lovelock, Channel 292C1.

Federal Communications Commission.

**John A. Karousos,**

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 00-4171 Filed 2-22-00; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

**RIN 1018-AE40**

#### Endangered and Threatened Wildlife and Plants; Final Rule to List the Riparian Brush Rabbit and the Riparian, or San Joaquin Valley, Woodrat as Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), determine endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for the riparian brush rabbit (*Sylvilagus bachmani riparius*) and the riparian or San Joaquin Valley woodrat (*Neotoma fuscipes riparia*). Only a single population of each subspecies has been confirmed, in Caswell Memorial State Park (Park), San

Joaquin County, California. These two subspecies are threatened primarily by flooding, wildfire, disease, predation, competition, clearing of riparian vegetation, use of rodenticide, and loss of genetic variability. Naturally occurring random events increase the risk to the single, small population of each subspecies. This rule implements the Federal protection and recovery provisions afforded by the Act for these two subspecies.

**EFFECTIVE DATE:** This final rule is effective March 24, 2000.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2606, Sacramento, California 95825.

**FOR FURTHER INFORMATION CONTACT:** Heather Bell, staff biologist, at the U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office (see **ADDRESSES** section), telephone 916/414-6464; facsimile 916/414-6486.

#### SUPPLEMENTARY INFORMATION:

##### Background

Even though riparian brush rabbit (*Sylvilagus bachmani riparius*) specimen records and sightings were known from along the San Joaquin River near the boundary of San Joaquin and Stanislaus Counties, Orr (1935, in Orr 1940) believed, based on the presence of suitable habitat, that the species' historical range extended along the Sacramento and San Joaquin river systems, from Stanislaus County to the Delta region. Historical records for the riparian woodrat (*Neotoma fuscipes riparia*) are similarly distributed along the San Joaquin, Stanislaus, and Tuolumne Rivers, and Corral Hollow, in San Joaquin, Stanislaus, and Merced Counties (Hooper 1938; Williams 1986). Thus, prior to the statewide reduction of riparian communities by nearly 90 percent (Katibah 1984), the riparian brush rabbit and riparian woodrat probably ranged throughout the extensive riparian forests along major streams flowing onto the floor of the northern San Joaquin Valley.

Today only one extant population of each of these subspecies is known. The remnant population of each subspecies is in a 104.5 hectare (ha) (258 acre (ac)) fragment of riparian forest on the Stanislaus River at the Park (Williams 1993) situated on the border of San Joaquin and Stanislaus Counties, northwest of Modesto, in the northern San Joaquin Valley, California. Upstream and downstream of the Park, some original riparian habitat remains

on private property. However, the fragments are small, isolated, and unlikely to be inhabited by either riparian brush rabbits or riparian woodrats. In January of 1997, the Park flooded, submerging most of the habitat of these two subspecies. Evidence of only three riparian brush rabbits and six riparian woodrats was seen immediately following this flooding episode (Daniel F. Williams, California State University, Stanislaus, *in litt.* 1997). In 1998, only one riparian brush rabbit and nine riparian woodrats were live-trapped (D. Williams, *in litt.* 1998). Other potential threats include wildfire, disease, predation, competition, rodenticide use, clearing of riparian vegetation, and the loss of genetic variability. Naturally occurring events, such as drought and flooding, also increase the risk to the single, small population of each subspecies. This rule extends the protective provisions under the Act (16 U.S.C. 1531 *et seq.*) to these animals.

#### Discussion of the Two Subspecies

##### Riparian Brush Rabbit

The riparian brush rabbit was described as a distinct subspecies by Orr (1935, in Orr 1940) and is one of 13 subspecies of *Sylvilagus bachmani* (Hall 1981), 8 of which occur in California. The specimen from which the subspecies designation was described was collected from the west side of the San Joaquin River west of Modesto in Stanislaus County, California, less than 10 kilometers (km) (6 miles (mi)) from the Park. *S. bachmani* belongs to the order Lagomorpha and family Leporidae. The riparian brush rabbit is a medium to small cottontail (total length 300 to 375 millimeters (mm) (11.8 to 14.8 inches (in)), mass 500 to 800 grams (g) (1.1 to 1.8 pounds (lb)) and is unique in that the sides of the rostrum (nasal/upper jaw region of the skull), when viewed from above, are noticeably convex instead of straight or concave as in other races of *S. bachmani* (Orr 1940). The color varies from dark brown to gray above to white underneath. The subspecies is visually similar to the desert cottontail (*S. audubonii*), which also occurs in riparian habitats within the historical distribution of the riparian brush rabbit. The riparian brush rabbit can be distinguished from the desert cottontail by a smaller, more inconspicuous tail and uniformly colored ears (no black tip). However, in-hand identification is needed to separate juveniles of these subspecies definitively (Williams 1993). Breeding of the riparian brush rabbits is restricted to the period of female receptivity, approximately January to