Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on 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, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

IX. Submission to Congress and the General Accounting Office

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 this final rule in the **Federal Register**. This final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 4, 1999.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180–AMENDED

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a, 321(q) and 371.

2. Section 180.557 is added to read as follows:

§ 180.557 Tetraconazole; tolerances for residues.

(a) *General.* [Reserved]

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of the fungicide tetraconazole [(+/-)-2-(2,4-dichlorophenyl)-3-(1*H*-1,2,4-triazol-1-yl) propyl 1, 1,2,2-tetrafluoroethyl ether] in connection with the use of the pesticide under section 18 emergency exemptions granted by EPA. The tolerances will expire and be revoked on the date specified in the following table.

Commodity	Parts per million	Expiration/revocation date
Beet, sugar, dried pulp.	0.20	12/31/01
Beet, sugar, molasses.	0.30	12/31/01
Beet, sugar, roots.	0.10	12/31/01
Beet, sugar, tops.	6.0	12/31/01
Cattle, fat	0.60	12/31/01
Cattle, kidney	0.20	12/31/01
Cattle, liver	6.0	12/31/01
Cattle, meat	0.030	12/31/01
Cattle, meat by-products; except kidney and liver.	0.030	12/31/01
Milk	0.050	12/31/01

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 99–31546 Filed 12–3–99; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6483–6]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Baxter/Union Pacific Railroad Tie Treating Site, Laramie, Wyoming from the National Priorities List (NPL).

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the deletion of the Baxter/Union Pacific Railroad Tie Treating Site (Site) in Laramie, Wyoming, from the National Priorities List (NPL). The NPL is appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substance Contingency Plan (NCP), promulgated by EPA pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA, in consultation with the State of Wyoming, has determined that the Site meets the criteria of the Resource Conservation and Recovery Act (RCRA) Deferral Policy, making it eligible for delisting pursuant to § 300.425 of the NCP. The Site is currently being addressed under RCRA, with permits and orders in place to ensure Site contamination is cleaned up.

EFFECTIVE DATE: December 6, 1999.

FOR FURTHER INFORMATION CONTACT: Dennis Jaramillo, U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Mail code: 8ENF–T, Denver, CO 80202, telephone (303) 312–6203.

SUPPLEMENTARY INFORMATION: The Site to be deleted from the NPL is: The Baxter/Union Pacific Railroad Tie Treating Plant Site, in Laramie, Wyoming.

A Notice of Intent to Delete for this Site was published on September 23, 1999 (64 FR 51496). The closing date for comments on the Notice of Intent to Delete was October 26, 1999. Five comments were received during the comment period, all in support of the proposed deletion. In response, EPA would like to thank all those who commented. EPA now publishes this Notice of Deletion as the final step in removing the site from the NPL.

EPA identifies sites that present a significant risk to public health and the environment and maintains the NPL as

a list of those sites. 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 in the future, NCP § 300.425(e)(3). Deletion of a site from the NPL does not affect the responsible party of 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: November 19, 1999.

Jack W. McGraw,

Acting Regional Administrator, Region VII.

For 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: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; 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 ''Baxter/Union Pacific Tie Treating, Laramie, WY.''

[FR Doc. 99–31278 Filed 12–3–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 96–98; FCC 99–266]

Implementation of Local Competition Provisions of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission analyzes petitioners' requests for reconsideration or clarification of the access requirements the Commission implemented pursuant to Section 224 of the Communications Act, as amended by the 1996 Telecommunications Act, including capacity expansion, the exercise of eminent domain, reservation of space, utilities' access obligations, worker qualifications, the timing and manner of notification of modifications, allocation of modification costs, and state certification of access regulation. The general requirements are designed to give parties flexibility to reach agreements on access to utility-controlled poles, ducts, conduits and rights-of-way, without the need for regulatory intervention.

FOR FURTHER INFORMATION CONTACT: Nancy Stevenson, Cable Services Bureau (202) 418–7200, TTY (202) 418–7172.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Order on Reconsideration* in CC Docket No. 96–98, FCC 99–266, adopted October 20, 1999, and released October 26, 1999. In the *Order on Reconsideration*, the Commission analyzes petitioners' requests for reconsideration or clarification of the access requirements contained in the *First Report and Order* (61 FR 45476–01), implemented pursuant to the *Notice of Proposed Rulemaking* (61 FR 18311) and Section 224 of the Communications Act, as amended by the 1996 Telecommunications Act. The complete text of the *Order on Reconsideration* is available for inspection and copying during normal business hours in the FCC Reference Center, and may also be purchased from the Commission's copy contractor, International Transcription Service (''ITS, Inc.''), (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036. In addition, the complete text of the *Order on Reconsideration* is available on the Internet at *http://www.fcc.gov/Bureaus/Cable/Orders/1999/fcc99266.txt.*

Synopsis of the Order on Reconsideration

1. Section 224 of the Communications Act, as amended by the 1996 Act, imposes upon all utilities, including local exchange carriers (''LECs''), the duty to ''provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it.'' The *Local Competition Order* adopted general rules and guidelines regarding access to utility-controlled poles, ducts, conduits, and rights-of-way. The *Order on Reconsideration* analyzes petitioners' requests for reconsideration or clarification of the access requirements of the *Local Competition Order.*

2. *Key findings:*

Access to electric transmission facilities: Use of any utility pole, duct, conduit, or right-of-way for wire communications triggers access to all poles, ducts, conduits, and rights-of-way owned or controlled by a utility, including those not currently used for wire communications. To the extent an electric transmission facility is a 'pole, duct, conduit or right-of-way,' the facility would be subject to the access provisions of section 224.

Eminent domain: The right to exercise eminent domain is generally a matter of state law, exercised according to the varying limitations imposed by particular states. Neither the statute nor its legislative history offers convincing evidence that Congress intended for section 224 to compel a utility to exercise eminent domain. Accordingly, the *Order on Reconsideration* finds that section 224 does not create a federal requirement that a utility be forced to exercise eminent domain on behalf of third party attachers.

Capacity Expansion: The principle of nondiscrimination established by section 224(f)(1) requires a utility to take all reasonable steps to expand capacity to accommodate requests for attachment, just as it would expand capacity to meet its own needs. Before denying access based on a lack of capacity, a utility must explore potential accommodations in good faith with the party seeking access.

Reservation of Space: Attaching parties may use a utility's reserve space until the utility has an actual need for the space. A utility may recover the reserved capacity for its own use, based upon its actual need for the reserved capacity. Capacity that is allocated or planned for emergency purposes in a utility's contingency plan should not be subject to the access obligations of reserved capacity in general. A utility may reserve capacity to carry core utility communications capacity that is essential to the proper operations of the utility system.

Use of utility facilities for wire communications: Use of any utility pole, duct, conduit, or right-of-way for wire communications triggers access to all poles, ducts, conduits, and rights-of-way owned or controlled by the utility, including those not currently used for wire communications. In addition, internal communications are considered ''wire communications'' that trigger access obligations.

Use of non-utility employees: While utilities may ensure that individuals who work in proximity to electric lines to perform pole attachments and related activities meet utility standards for the performance of such work, utilities may not dictate the identity of the workers who will perform the work itself.

Notice of modifications: Under most circumstances, a utility should be able