

cancellation of the underlying uses for propargite rendered the tolerances unnecessary. In the final rule, EPA set an effective date of October 19, 1999 for the revocations.

Any person adversely affected by the July 21, 1999 Order was allowed 60 days to file written objections to the order and a written request for an evidentiary hearing on the objections.

EPA received an objection from Uniroyal Chemical Company requesting EPA to modify the effective date of revocation for propargite on apples; and plums (fresh prunes). Uniroyal also requested an evidentiary hearing. On November 1, 1999 EPA stayed the removal of the tolerances for apples; and plums (fresh prunes) and reinstated the tolerance levels for these commodities effective from October 19, 1999 until November 18, 1999 in order to determine whether to grant the request for modification and if so, for what length of time (64 FR 58792) (FRL-6390-4). Since the objection is still under consideration, EPA is extending the stay of revocation for apples and plums (fresh prunes) by 30 days.

By this document, EPA is extending the stay for the removal of the tolerances for apples; and plums (fresh prunes) in § 180.259(a)(1) from November 18, 1999 until December 18, 1999 in order to allow EPA to determine whether to grant the request for modification and if so, for what length of time.

List of Subjects 40 CFR Part 180

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

Dated: November 10, 1999.

Jack E. Housenger,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 92-237; CC Docket No. 95-185; CC Docket No. 96-98; FCC 99-243]

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document resolves issues concerning numbering administration raised in Petitions for Reconsideration or Clarification filed in response to the Local Competition Second Report and Order. This document also resolves certain issues raised by the New York State Department of Public Service (NYDPS) concerning the Commission's 10-digit dialing rule, and resolves the Petition for Declaratory Ruling filed by the Commonwealth of Massachusetts Department of Public Utilities (MDPU) requesting that we clarify whether states may allow wireless customers to retain wireless telephone numbers in an area code subject to a geographic split.

DATES: Effective December 20, 1999.

ADDRESSES: 445 12th Street, SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Gregory Cooke, Senior Attorney, Common Carrier Bureau, Network Services Division, (202) 418-2351 or via the Internet at gcooke@fcc.gov. Further information may also be obtained by calling the Common Carrier Bureau's TTY number: 202-418-0484.

SUPPLEMENTARY INFORMATION: In 1996, the Commission initiated a rulemaking proceeding, *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, 61 FR 18311 (April 25, 1996). This summarizes the Commission's *Third Order on Reconsideration of Second Report and Order* and *Memorandum Opinion and Order* adopted September 13, 1999, and released October 21, 1999. The full text of this *Third Order on Reconsideration of Second Report and Order* and *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Room CY-A257, Washington, DC. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/CommonCarrier/Orders/fcc99-243.wp>, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th St., NW, Washington, DC 20036.

Synopsis

The Commission promulgated rules pursuant to section 251(b)(3) of the Act in the Local Competition Second Report and Order. In the *Third Order on Reconsideration of Second Report and Order* and *Memorandum Opinion and Order*, pursuant to section 251(e)(1) of the Act which grants the Commission "exclusive jurisdiction over those portions of the North American

Numbering Plan (NANP) that pertain to the United States," first, the Commission affirms its area code implementation guidelines by declining to permit area code overlays based on major trading areas (MTAs), and by declining to require permanent number portability as a condition precedent to the implementation of area code overlays. Second, the Commission revises its guidelines by eliminating the requirement that an area code overlay plan include the assignment of at least one central office code (NXX code) to each new entrant that had no NXX codes in the original area code 90 days before introduction of the new overlay code. Third, the Commission affirms its area code guidelines' requirement that states must impose 10 digit dialing where they have implemented an area code overlay, and clarifies that state commissions may allow callers to dial national 555 numbers using 7 digits, even if the call is placed from an area code subject to an overlay. Fourth, in response to the Petition for Declaratory Ruling filed by the MDPU, the Commission finds that state commissions may "take-back" or "grandfather" Type 2 wireless numbers when an area code undergoes a geographic split. Fifth, the Commission authorizes state regulatory commissions to resolve issues involving fees charged for the assignment and activation of NXX codes and finds that LECs are to assess no fees for opening NXX codes. Information collections associated with this authorization are contingent upon approval by the Office of Management and Budget. Sixth, the Commission continues to extend many protections under the Act to paging service providers. Finally, the Commission affirms that its numbering administration cost recovery formula is competitively neutral and that it will retain this method for the current funding year. In order to include cost recovery for the administration of the NANP in the unified report, the Commission concluded that the NANP cost recovery allocator should be changed to be consistent with the other reporting requirements. This requirement will begin in the billing cycle beginning March 2000.

List of Subjects in 47 CFR Part 52

Communications common carriers, Telecommunications, Telephone.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends part 52 of title 47 of the Code of Federal Regulations as follows:

PART 52—NUMBERING

1. The authority citation for part 52 continues to read as follows:

Authority: Sections 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332 unless otherwise noted.

2. In § 52.19, revise paragraphs (c)(3)(i) and (c)(3)(ii) and remove paragraph (c)(3)(iii) to read as follows:

§ 52.19 Area code relief.

* * * * *

(c) * * *

(3) * * *

(i) No area code overlay may be implemented unless all central office codes in the new overlay area code are assigned to those entities requesting assignment on a first-come, first-serve basis, regardless of the identity of, technology used by, or type of service provided by that entity. No group of telecommunications carriers shall be excluded from assignment of central office codes in the existing area code, or be assigned such codes only from the overlay area code, based solely on that group's provision of a specific type of telecommunications service or use of a particular technology; and,

(ii) No area code overlay may be implemented unless there exists, at the time of implementation, mandatory ten-digit dialing for every telephone call within and between all area codes in the geographic area covered by the overlay area code.

[FR Doc. 99–29926 Filed 11–17–99; 8:45 am]

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DEPARTMENT OF DEFENSE

48 CFR Parts 203, 209, 225, and 249

[DFARS Case 99–D013]

Defense Federal Acquisition Regulation Supplement; Debarment Investigation and Reports

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the historical practice of the agencies and the original intent of the regulation that any person may refer a matter to the agency debarring and suspending official, and that the absence of a referral or any information specified in the report format in the DFARS will not preclude the debarring and suspending official from initiating the debarment or suspension process or from making a final decision.

EFFECTIVE DATE: November 18, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (AT&L) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; telefax (703) 602–0350. Please cite DFARS Case 99–D013.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the DFARS to clarify that any person may refer a matter to the agency debarring and suspending official, and that the absence of a referral or any information specified in the report format at DFARS 209.406(a)(ii) will not preclude the debarring and suspending official from initiating the debarment or suspension process or from making a final decision.

There have been recent efforts to convince various Federal courts that receipt of a contracting officer's report is a jurisdictional prerequisite to action by the debarring and suspending official. In fact, the historical practice of the agencies has been to take suspending and debarring action whenever appropriate, whether or not a contracting officer's report was available. This DFARS change is intended merely to make clear the actual practices of the debarring and suspending authorities and the original intent of this language.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such

comments should cite DFARS Case 99–D013.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 203, 209, 225, and 249

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 203, 209, 225, and 249 are amended as follows:

1. The authority citation for 48 CFR Parts 203, 209, 225, and 249 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. Section 203.103–2 is revised to read as follows:

203.103–2 Evaluating the certification.

(b)(3) Report the matter in accordance with 209.406–3 or 209.407–3, and DoDD 7050.5, Coordination of Remedies for Fraud and Corruption Related to Procurement Activities.

3. Section 203.104–10 is added to read as follows:

203.104–10 Violation or possible violations.

(d)(3) When referring a violation to the agency debarring and suspending official, use the procedures at 209.406–3 or 209.407–3, and DoDD 7050.5, Coordination of Remedies for Fraud and Corruption Related to Procurement Activities.

203.203, 203.301, 203.405, and 203.502 [Amended]

4. The following sections are amended by adding, after the phrase “in accordance with 209.406–3,” the phrase “or 209.407–3,”:

- a. 203.203;
- b. 203.301(b);
- c. 203.405(b); and
- d. 203.502.

5. Section 203.570–4 is revised to read as follows:

203.570–4 Reporting.

When a defense contractor or first-tier subcontractor is found in violation of the prohibition in 203.570–2, report the matter in accordance with 209.406–3 or 209.407–3, and DoDD 7050.5,