

- (6) Container sizes;
- (7) Varieties used, whether Ascolano, Barouni, Manzanillo, Mission, Sevellano, etc.;
- (8) Sizes of olives utilized;
- (9) Approximate dates when the new product will be packaged;
- (10) Name and address of requesting handler;
- (11) Place of inspection;
- (12) Certification that all assessment and reporting requirements in effect under the marketing order will be met prior to shipment;
- (13) Certification that all such fruit will be kept separate from other packaged olives and will be so identified by control cards or other means acceptable to the Inspection Service;
- (14) Purpose and nature of the request, whether for test marketing, evaluation, market research, etc.; and
- (15) An estimate of the amount of time required to complete the test. The committee shall promptly approve or deny the application, and may add limitations to any such approval. Upon approval, the applicant handler shall notify the Inspection Service. Packaged olives so identified and remaining unused at the end of the approved test-market period shall be disposed of according to paragraph (a) of this section.

\* \* \* \* \*

Dated: January 24, 2000.

**Robert C. Keeney,**

*Deputy Administrator, Fruit and Vegetable Programs.*

[FR Doc. 00-2039 Filed 1-28-00; 8:45 am]

**BILLING CODE 3410-22-**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-00-002]

#### **Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills and Their Tributaries, NY**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Greenpoint Avenue Bridge, mile 1.3, across the Newtown Creek in New York City. This deviation allows the bridge owner to keep the bridge in the closed position from 6 a.m. to 6:30 p.m., on January 23, 2000, and

January 30, 2000. This action is necessary to facilitate necessary repairs to the bridge lift motors.

**DATES:** This deviation is effective on January 23, 2000, and January 30, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Greenpoint Avenue Bridge, mile 1.3, across the Newtown Creek, has a vertical clearance of 26 feet at mean high water, and 31 feet at mean low water in the closed position. The existing operating regulations in 33 CFR 117.801(a)(4) require the bridge to open on signal at all times.

The bridge owner, the New York City Department of Transportation, notified the Coast Guard on December 10, 1999, that the bridge lift motors may fail to operate if immediate repairs were not implemented. The approval to proceed with the repairs was delayed because of the potential New York City Transit strike which was expected to occur on December 15, 1999. The New York City Transit work stoppage was avoided and as a result, the bridge owner has again requested a two-day closure to repair the bridge lift motors. The repairs are scheduled to be performed on two consecutive Sundays in late January. This decision was made because most of the commercial operators that use this waterway usually do not operate on Sundays resulting in few requests to open the bridge during that time period.

This deviation to the operating regulations allows the bridge owner to keep the Greenpoint Avenue Bridge in the closed position from 6 a.m. to 6:30 p.m., on January 23, 2000, and January 30, 2000.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: January 19, 2000.

**R.M. Larrabee,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 00-2023 Filed 1-28-00; 8:45 am]

**BILLING CODE 4910-15-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 167

[FRL-6530-5]

#### **Change of Address for Submission of Certain Reports; Technical Amendment**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This document announces a technical amendment revising the address foreign pesticide producing establishments are to use to obtain and submit forms to the Agency.

**DATES:** This document is effective January 31, 2000.

**FOR FURTHER INFORMATION CONTACT:** Foreign pesticide producing establishments should contact: FIFRA Foreign Establishment Registration Contact, Agriculture and Ecosystems Division (2225A), Office of Compliance, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460, (202) 564-5008; Fax: (202) 564-0085.

**SUPPLEMENTARY INFORMATION:** Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires that pesticides subject to the Act be produced only in establishments registered with the EPA, and requires that registered establishments file annual reports with the Agency. The Agency has established regulations at 40 CFR part 167 to implement the requirement of section 7 of FIFRA. Section 167.90 of these regulations directs that applications for registration of establishments and annual reports be sent to the appropriate EPA regional office (if a registered establishment is located in the United States) or to a specified address at EPA headquarters (if a registered establishment is located in any other country). The Agency is, by this document, amending 40 CFR 167.90(b) by revising the address to be used by foreign establishments when submitting applications or annual reports to the Agency. This technical amendment to the regulations will become effective upon publication of this document in the **Federal Register**.

#### **List of Subjects in Part 167**

Environmental protection, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 18, 2000.

**Michael M. Stahl,**

*Acting Director, Office of Compliance, Office of Enforcement and Compliance Assurance.*

Therefore, 40 CFR Part 167 is amended as follows:

## **PART 167—[AMENDED]**

1. The authority citation for Part 167 continues to read as follows:

**Authority:** 7 U.S.C. 136(e) and (w)

2. In § 167.90(b), the address at the end of the paragraph is revised to read:

### **§ 167.90 Where to obtain and submit forms.**

\* \* \* \* \*

(b) \* \* \*

U.S. Environmental Protection Agency,  
Office of Enforcement and Compliance  
Assurance, Office of Compliance, Agriculture  
and Ecosystems Division (2225A), Ariel Rios  
Building, 1200 Pennsylvania Avenue, N.W.,  
Washington, DC 20460, ATTN: FIFRA  
Foreign Establishment Registration Contact.

[FR Doc. 00-1965 Filed 1-28-00; 8:45 am]

**BILLING CODE 6560-50-P**

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 54**

**[CC Docket No. 96-45; FCC 99-280]**

### **Federal-State Joint Board on Universal Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petition for reconsideration.

**SUMMARY:** This document concerning the Federal-State Joint Board on Universal Service addresses several petitioners asking for reconsideration or waiver of the Commission's contribution rules. The Commission requires carriers to contribute on the basis of prior year revenues, and the petitioners wanted to use current year revenues instead. The Commission denies the petitions.

**FOR FURTHER INFORMATION CONTACT:** Jack Zinman, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418-7400.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Memorandum Opinion and Order and Seventh Order on Reconsideration, CC Docket No. 96-45; FCC 99-280, released on October 13, 1999. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center,

Room CY-A257, 445 Twelfth Street, SW, Washington, DC, 20554.

## **I. Introduction**

1. Affinity Corporation, Hotel Communications, Inc., LDC Telecommunications, Inc. (LDC), MobileTel, Inc., National Telephone & Communications, Inc. (MobileTel), Network Operator Services, Inc. (NOS), Operator Communications, Inc. (OCI), and U.S. Network, Inc. (collectively, Petitioners) have filed petitions for waiver or, alternatively, reconsideration of § 54.706, § 54.709, and/or § 54.711 of the Commission's rules. Specifically, Petitioners seek waiver or reconsideration of the requirement that their contributions to the universal service support mechanisms be calculated on the basis of their prior year revenues. For the reasons that follow, we deny the petitions.

## **II. Discussion**

### *A. Reconsideration of the Method for Calculating Contributions*

#### **1. Timeliness of Petitions**

2. NOS and LDC have petitioned the Commission to reconsider its decision to assess contributions on prior year revenues instead of current year revenues, and OCI has asked the Commission to consider assessing contributions on estimated future revenues with periodic reconciliations. As NOS recognizes, however, a petition for reconsideration in a rulemaking proceeding must be filed within 30 days after public notice of the Commission action. The Commission's rules provide that public notice in a rulemaking proceeding occurs upon publication of the document, or a summary thereof, in the **Federal Register**. Even if we assume that NOS, LDC, and OCI seek reconsideration of the *Universal Service Second Order on Reconsideration*, 62 FR 41294 (August 1, 1997), our last decision concerning this issue, that decision was published in the **Federal Register** on August 1, 1997. Thus, petitions for reconsideration of the *Universal Service Second Order on Reconsideration* were due on or before September 1, 1997. OCI, NOS, and LDC filed their petitions for reconsideration on July 14, 1998, August 28, 1998, and October 22, 1998, respectively, and they are therefore untimely. Recognizing this untimeliness, NOS urges the Commission to reconsider the issue of prior year revenues on our own motion. For the reasons discussed, however, we decline to reconsider on our own motion our decision to assess universal service contributions on prior year revenues.

3. Although the petitions for reconsideration are untimely, we wish to take this opportunity to address NOS's claim that "it is not clear \* \* \* [whether] the Commission followed the [notice] requirements of the Administrative Procedure Act (APA)" in establishing the universal service assessment methodology, and the Commission should therefore reconsider its decision. Section 553(b) of the APA requires an agency to provide published notice of its proposed rulemaking in the **Federal Register**. The notice must include "either the terms or substance of the proposed rule or a description of the subjects and issues involved."

4. Here, the Commission sought comment in the *Universal Service NPRM*, 61 FR 10499 (March 14, 1996), on how universal service contributions should be assessed. The Commission described three potential contribution bases: gross interstate revenues; gross interstate revenues net of payments to other carriers; and per-line or per-minute units. The Commission also specifically asked for comment on the approach used for the TRS fund, *i.e.*, gross interstate revenues for the prior calendar year, and provided a citation to the *TRS Third Report and Order*, 58 FR 39671 (July 26, 1993).

5. Given that the Commission sought comment on two revenue-based contribution methods in the *Universal Service NPRM*, it necessarily follows that, if the Commission adopted a revenue-based method, it would also need to select some period for which revenues would be measured. Moreover, the Commission specifically directed commenters to consider the TRS approach, which was established in 1993 and assesses contributions based on prior calendar year revenues. Indeed, in response to the *Universal Service NPRM*, commenters stated that the industry was already familiar with the TRS approach. Considering the Commission's expressed interest in a revenue-based contribution method and its reference to the TRS approach, we believe that the question of what period's revenues to use was necessarily raised for comment. Accordingly, we find that the Commission's *Universal Service NPRM* satisfies the Administrative Procedure Act's notice requirement.

#### **2. Substantive Proposals for Alternative Calculation Methodologies**

6. Although we deny the petitions for reconsideration as untimely, we also take this opportunity to explain why we believe that the calculation methodologies proposed by Petitioners do not present viable alternatives to the