VII. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Approvals of SIP submittals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

If the approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitments, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

E. 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 December 23, 1997. 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 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: October 6, 1997.

Jeanne M. Fox,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart HH—New York

2. Section 52.1683 is amended by adding paragraphs (c), (d), and (e) to read as follows:

* * * * *

(c) The State of New York's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program, as amended on September 16, 1997, and September 17, 1997, is approved with an interim period to last 18 months. If New York fails to start its program by November 15, 1998, the interim approval granted under the provisions of the NHSDA, which EPA believes allows the State to take full credit in its 15 percent plan for all of the emission reduction credits in its proposal, will convert to a disapproval after a finding letter is sent to the State by EPA.

(d) The State must correct six minor, or de minimus, deficiencies related to the CAA requirements for enhanced I/M. The minor deficiencies are listed in EPA's interim final rulemaking on New York's motor vehicle inspection and maintenance program published on October 24, 1997. Although satisfaction of these deficiencies does not affect the interim approval status of the State's rulemaking, these deficiencies must be corrected in the final I/M SIP revision to be submitted at the end of the 18-month interim period.

(e) EPA is also approving this SIP revision under Section 110(k) for its strengthening effect on the plan.

[FR Doc. 97–28273 Filed 10–23–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW–FRL–5913–8]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is granting a petition submitted by General Motors Corporation (GM) to exclude (or ''delist'') certain solid wastes from the lists of hazardous wastes contained in subpart D of part 261. EPA has concluded that the petitioned waste is not a hazardous waste when disposed of in a Subtitle D landfill. This exclusion applies only to the wastewater treatment plant (WWTP) sludge generated at GM's Orion Assembly Center in Lake Orion, Michigan. Today's action excludes the petitioned waste from the requirements of the hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) when disposed of in a Subtitle D landfill, but imposes testing conditions to ensure that the future-generated waste remains qualified for this exclusion.

EFFECTIVE DATE: October 24, 1997.

ADDRESSES: The regulatory docket for this final rule which contains the complete petition and supporting documents is located at U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604–3590, and is available for viewing from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. Call Steven Pak at (312) 886–4446 for appointments. The public may copy material from the regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For technical information concerning this rule, contact Steven Pak at the address above or at (312) 886–4446.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

Under sections 260.20 and 260.22, facilities may petition EPA to remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained in subpart D of part 261. Specifically, section 260.20 allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 266, 268 and 273; and section 260.22 provides generators the opportunity to petition the Administrator to exclude a waste on a ''generator-specific'' basis from the hazardous waste lists. Petitioners must provide sufficient information to allow EPA to determine that the waste to be excluded does not meet any of the criteria under which the waste was listed as a hazardous waste. In addition, where there is reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, the Administrator must determine that such factors do not warrant retaining the waste as a hazardous waste.

B. History of This Rulemaking

On January 12, 1996, GM petitioned EPA to exclude from hazardous waste control the WWTP sludge generated at its Orion Assembly Center. After evaluating the petition, on April 18, 1997, EPA proposed to exclude GM's waste from the lists of hazardous wastes in subpart D of part 261 (see 62 FR 19087). This rulemaking addresses the public comments received on the proposal and finalizes the proposed decision to grant GM's petition.

II. Disposition of Delisting Petition

General Motors Corporation, Orion Assembly Center, 4555 Giddings Road, Lake Orion, Michigan 48361–1001

A. Proposed Exclusion

GM petitioned EPA to exclude an annual volume of 1,500 cubic yards of WWTP filter press sludge from the list of hazardous wastes contained in section 261.31, and subsequently provided additional information to complete its petition. The WWTP sludge is listed as EPA Hazardous Waste No. F019—''Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.'' The listed constituents of concern for EPA Hazardous Waste No. F019 are hexavalent chromium and cyanide (complexed) (see Appendix VII of part 261).

In support of its petition, GM submitted detailed descriptions and schematic diagrams of its manufacturing and wastewater treatment processes, and analytical testing results for representative samples of the petitioned waste, including (1) the hazardous characteristics of ignitability, corrosivity, reactivity, and toxicity; (2) total constituent and Extraction Procedure for Oily Wastes (OWEP, SW–846 Method 1330) analyses for the eight toxicity characteristic metals listed in section 261.24, plus antimony, beryllium, cobalt, copper, hexavalent chromium, nickel, tin, thallium, vanadium, and zinc; (3) total constituent and Toxicity Characteristic Leaching Procedure (TCLP, SW–846 Method 1311) analyses for 163 volatile and semi-volatile organic compounds; (4) total constituent and TCLP analyses for total sulfide, total cyanide, and complexed cyanide; and (5) total constituent analysis for oil and grease, total organic carbon, and percent solids.

EPA evaluated the information and analytical data provided by GM and tentatively determined that GM had successfully demonstrated that the petitioned waste is not hazardous. See the proposed exclusion (62 FR 19087; April 18, 1997) for a detailed explanation of EPA's evaluation.

B. Response to Comments

EPA received public comment on the April 18, 1997, proposal from one interested party, the Ecology Center.

Comment: The commenter states that due to the levels of metals and organic compounds in the petitioned waste, land disposal cannot be regarded as long-term protection of human health and the environment since the metals will remain forever and all landfills will eventually leak. The commenter cites a General Accounting Office report and stresses that serious problems, such as groundwater contamination, are encountered in a large number of ''state-of-the-art'' hazardous waste landfills.

Response: EPA has assumed that disposal in a Subtitle D landfill is the most reasonable, worst-case disposal scenario for GM's WWTP sludge. The impacts of this scenario were predicted with EPA's Composite Model for Landfills (EPACML) which was developed by EPA to predict the transport of hazardous constituents through soil and ground water from a waste management unit to a receptor well serving as a drinking-water source. EPA stated in the final toxicity characteristic (TC) rule that the EPACML and the toxicity characteristic leaching procedure (TCLP) would be used for the delisting program in the future (see 55 FR 11833; March 29, 1990). The method EPA uses to apply the EPACML to delisting yields conservative yet reasonable estimations of contaminant fate and transport (56 FR 32993; July 18, 1991). One of the assumptions EPA used in applying the EPACML is that any liner beneath the landfill would eventually fail. Another assumption is that the landfill is an infinite source of hazardous constituents, whereas the levels of constituents emanating from a landfill may actually decrease over time. In addition, the model ignores certain attenuative mechanisms in the subsoils that in reality would tend to reduce the levels of constituents. Thus, EPA has modeled the WWTP sludge under a worst-case scenario of a ''leaking'' Subtitle D landfill and has determined that the levels of inorganic and organic constituents at a hypothetical drinking

water well are below health-based levels of concern.

Comment: The commenter states that while GM's WWTP sludge appears to pass the TCLP procedure, Subtitle D landfills generate unspecified quantities of organic acids and compounds some of which may lead to increased metal solubilities due to complexation reactions. The commenter concludes that laboratory procedures cannot be relied upon to represent real-world conditions.

Response: While no laboratory test is universally appropriate in all circumstances, EPA does not agree with the commenter that no laboratory procedure can be relied upon to represent ''real-world'' conditions. The TCLP was designed, through extensive research and field studies, to simulate the leaching of both inorganic and organic compounds under the acidic conditions expected in actively decomposing municipal landfills. The specific environment modeled by the TCLP is disposal of industrial waste with municipal waste in a Subtitle D landfill. EPA believes that this co-disposal represents a reasonable worst-case management scenario. EPA also believes that the extraction fluids employed in the TCLP procedure are more aggressive than the organic acids generated from municipal wastes and that the TCLP is reasonably accurate in addressing the mobility of metals and other constituents. See 51 FR 21653, June 13, 1986, for further discussion of the TCLP. EPA is not aware of any factors that question the appropriateness of the TCLP for GM's petitioned waste.

Comment: The commenter states that because of the metal content of the WWTP sludge and other metal bearing wastes generated by the automotive and related industries, land disposal results in a loss of valuable and non-renewable resources. The commenter identifies several commercially available metal recovery technologies used by the metal finishing industry and summarizes the advantages of metal recovery over conventional treatment and disposal. The commenter recommends that GM conduct an economic and technical feasibility study using the methodology of total cost accounting.

Response: One of the objectives of RCRA is to conserve valuable material and energy resources by minimizing the generation of hazardous waste and the land disposal of hazardous waste by encouraging process substitution, materials recovery, properly conducted recycling and reuse, and treatment. However, RCRA's general objectives do not supersede the specific hazardous waste listing and delisting scheme established under RCRA. Having fully considered all of the relevant factors, EPA has determined that GM's petitioned waste does not meet the criteria for being considered a hazardous waste. RCRA's objective of resource recovery does not require, and indeed does not authorize, EPA to forego or reverse this determination.

Similarly, the national policy under the Pollution Prevention Act (PPA) establishes a hierarchy which prefers pollution prevention at the source over recycling and prefers recycling over treatment and disposal in an environmentally safe manner. EPA fully supports this hierarchy and believes it sets forth a desirable general order of preferences for pollution control. Again, however, this policy is not a statutory or regulatory mandate. Nothing in the PPA requires or even contemplates that EPA must retain materials that EPA finds to be non-hazardous on the lists of hazardous wastes simply because there exists an ability to perform resource recovery on these materials.

EPA has no authority to retain GM's petitioned waste as a listed hazardous waste simply because doing so would effectively promote reclamation over disposal. There is no question that waste minimization and resource recovery are desirable and are being encouraged by the EPA. EPA remains fully committed, in its waste programs and elsewhere, to promoting pollution prevention objectives. While EPA cannot require GM to evaluate the feasibility of metals recovery as the commenter recommends, EPA does encourage GM to consider the request.

C. Changes to Proposed Verification Testing Conditions

In the proposed rulemaking, EPA included delisting levels for 14 constituents that would be protective of human health and the environment and that the TCLP/OWEP extract of the petitioned waste could not exceed. However, the proposed levels of 180 mg/l for barium and 9 mg/l for chromium are greater than the hazardous waste toxicity characteristic (TC) levels of 100.0 mg/l and 5.0 mg/l respectively (see section 261.24). Today's rule lowers the proposed delisting levels for barium and chromium to levels below the TC levels to ensure that the petitioned waste, even though otherwise protective of human health and the environment, remains below the TC levels.

Paragraph 1 in Table 1 of Appendix IX to part 261 now reads ''1. Verification Testing: GM must implement an annual testing program to demonstrate, based on the analysis of a minimum of four representative samples, that the constituent concentrations measured in the TCLP (or OWEP, where appropriate) extract of the waste are within specific levels. The constituent concentrations must not exceed the following levels (mg/l) which are back-calculated from the delisting health-based levels and a DAF of 90: Arsenic—4.5; Cobalt—189.; Copper—126.; Nickel—63.; Vanadium—18.; Zinc—900.; 1,2-Dichloroethane—0.45; Ethylbenzene—63.; 4-Methylphenol—16.2; Naphthalene—90.; Phenol—1800.; and Xylene—900. The constituent concentrations must also be less than the following levels (mg/l) which are the toxicity characteristic levels: Barium—100.0; and Chromium (total)—5.0.''

D. Final Agency Decision

For the reasons stated in both the proposal and this rule, EPA's conclusion is that GM's petitioned waste may be excluded from hazardous waste control. EPA, therefore, is granting a final exclusion for the WWTP sludge generated at a maximum rate of 1,500 tons per year (or 1,500 cubic yards per year) at GM's Orion Assembly Center. This exclusion applies to the waste described in the petition only if the requirements described in Table 1 of part 261 are satisfied.

Although management of the waste covered by this exclusion is removed from Subtitle C jurisdiction, this exclusion applies only where this waste is disposed of in a Subtitle D landfill which is permitted, licensed, or registered by a State to manage municipal and/or industrial solid waste.

III. Limited Effect of Federal Exclusion

The final exclusion being granted today is issued under the Federal (RCRA) delisting program. States, however, are allowed to impose (non-RCRA) regulatory requirements that are more stringent than EPA's, pursuant to section 3009 of RCRA. These more stringent requirements may include a provision which prohibits a Federally-issued exclusion from taking effect in the State. Because a petitioner's waste may be regulated under a dual system (i.e., both Federal (RCRA) and State (non-RCRA) programs), petitioners are urged to contact the State regulatory authority to determine the current status of their waste under State law.

Furthermore, some States are authorized to administer a delisting program in lieu of the Federal program (i.e., to make their own delisting decisions). Therefore, this exclusion does not apply in those authorized States.

IV. Effective Date

This rule is effective October 24, 1997. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule reduces the existing requirements for persons generating hazardous wastes. These reasons also provide a basis for making this rule effective immediately, upon publication, under the Administrative Procedure Act, 5 U.S.C. 553(d).

V. Regulatory Impact

Under Executive Order 12866, EPA must conduct an ''assessment of the potential costs and benefits'' for all ''significant'' regulatory actions. The effect of this rule is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling this facility to treat its waste as non-hazardous. Therefore, this rule does not represent a significant regulatory action under the Executive Order, and no assessment of costs and benefits is necessary. The Office of Management and Budget (OMB) has also exempted this rule from the requirement for OMB review under section (6) of Executive Order 12866.

VI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the Administrator or delegated representative certifies that the rule will not have any impact on any small entities.

This rule will not have an adverse economic impact on any small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VII. Paperwork Reduction Act

Information collection and record-keeping requirements associated with this final rule have been approved by OMB under the provisions of the Paperwork Reduction Act of 1980 (P.L. 96–511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

VIII. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, which was signed into law on March 22, 1995, EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the UMRA, EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements. The UMRA generally defines a Federal mandate for regulatory purposes as one that imposes an enforceable duty upon State, local or tribal governments or the private sector. EPA finds that today's proposed delisting decision is deregulatory in nature and does not impose any enforceable duty upon State, local or tribal governments or the private sector. In addition, today's delisting decision does not establish any regulatory requirements for small governments and so does not require a small government agency plan under UMRA section 203.

IX. List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: October 6, 1997.

Norman R. Niedergang,

Director, Waste, Pesticides and Toxics Division.

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. Table 1 of Appendix IX of Part 261 is amended to add the following waste stream in alphabetical order by facility to read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
* * * * * * *		
General Motors Corporation	Lake Orion, Michigan	Wastewater treatment plant (WWTP) sludge from the chemical conversion coating (phosphate coating) of aluminum (EPA Hazardous Waste No. F019) generated at a maximum annual rate of 1,500 tons per year (or 1,500 cubic yards per year), after October 24, 1997 and disposed of in a Subtitle D landfill.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		1. *Verification Testing:* GM must implement an annual testing program to demonstrate, based on the analysis of a minimum of four representative samples, that the constituent concentrations measured in the TCLP (or OWEP, where appropriate) extract of the waste are within specific levels. The constituent concentrations must not exceed the following levels (mg/l) which are back-calculated from the delisting health-based levels and a DAF of 90: Arsenic—4.5; Cobalt—189; Copper—126; Nickel—63; Vanadium—18; Zinc—900; 1,2-Dichloroethane—0.45; Ethylbenzene—63; 4-Methylphenol—16.2; Naphthalene—90; Phenol—1800; and Xylene—900. The constituent concentrations must also be less than the following levels (mg/l) which are the toxicity characteristic levels: Barium—100.0; and Chromium (total)—5.0. 2. *Changes in Operating Conditions:* If GM significantly changes the manufacturing or treatment process or the chemicals used in the manufacturing or treatment process, GM may handle the WWTP filter press sludge generated from the new process under this exclusion after the facility has demonstrated that the waste meets the levels set forth in paragraph 1 and that no new hazardous constituents listed in Appendix VIII of Part 261 have been introduced. 3. *Data Submittals:* The data obtained through annual verification testing or paragraph 2 must be submitted to U.S. EPA Region 5, 77 W. Jackson Blvd., Chicago, IL 60604–3590, within 60 days of sampling. Records of operating conditions and analytical data must be compiled, summarized, and maintained on site for a minimum of five years and must be made available for inspection. All data must be accompanied by a signed copy of the certification statement in 260.22(l)(12).

* * * * * * *

[FR Doc. 97–28274 Filed 10–23–97; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 24

[WT Docket No. 97–82; FCC 97–342]

Installment Payment Financing for Personal Communications Services (PCS) Licensees

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this *Second Report and Order* the Commission orders resumption of installment payments for the broadband Personal Communications Services (PCS) C and F blocks, with the payment deadline reinstated as of March 31, 1998. The Commission adopts disaggregation, amnesty, and prepayment options designed to assist C block licensees experiencing financial difficulties. These options will allow C block licensees to build systems or surrender spectrum to the Commission for reauction. The Commission's objectives in this proceeding are to ensure that the C block licensees have opportunities to provide service to the public while maintaining the fairness and integrity of the Commission's auctions program.

EFFECTIVE DATE: The effective date of the rule changes herein is December 23, 1997. The information collection contained in these rules becomes effective on OMB approval but no sooner than December 23, 1997. The Commission will publish a document on a later date announcing the effective date of the information collection.

FOR FURTHER INFORMATION CONTACT: Jerome Fowlkes or Sandra Danner, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This *Second Report and Order* in WT Docket No. 97–82, adopted on September 25, 1997 and released on October 16, 1997, is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C. 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036 (202) 857–3800. The complete *Second Report and Order* also is available on the Commission's Internet home page (http://www.fcc.gov).

Summary of Action

I. Background

1. In the *Competitive Bidding Fifth Report and Order*, the Commission established a variety of incentives to encourage small businesses to participate in the auction of C block 30 MHz and F block 10 MHz broadband PCS licenses. *See* Implementation of Section 309(j) of the Communications Act—Competitive Bidding, Fifth Report and Order, 59 FR 37566 (July 22, 1994) (*Competitive Bidding Fifth Report and Order*). Provisions to promote participation by small businesses in broadband PCS included limiting eligibility in the initial C and F block auctions to entrepreneurs and small businesses, offering varying bidding credits, and offering installment payment plans. The installment payment plan for C block permitted licensees that qualified as small businesses to pay 90% of the bid price over a period of ten years, with interest only paid for the first six years and interest and principal for the remaining four. *See* 47 CFR § 24.711(b)(3). In addition, there were other installment payment options available for bidders