

Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA 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, USEPA 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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act (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, the Administrator certifies 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. This Federal action approves pre-existing requirements under state or local law, and imposes no new Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, USEPA 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 section 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 17, 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, Hydrocarbons, Ozone, Volatile organic compounds.

Dated: February 18, 1997.

David A. Ullrich,

Acting 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. 7401-7671(q).

Subpart P—Indiana

§ 52.769 [Amended]

2. Section 52.769 is amended by removing and reserving paragraph (a).

3. Section 52.770 is amended by adding paragraph (c)(116) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(116) On September 20, 1996 the Indiana Department of Environmental Management submitted a request to revise the Indiana State Implementation Plan by adding parachlorobenzotrifluoride (PCBTF), cyclic, branched or linear completely

methylated siloxanes and acetone to the definition of "nonphotochemically reactive hydrocarbon," and by deleting "vegetable oil" from a list of compounds not considered to be volatile organic compounds (VOC) from the definition of VOC (thus including "vegetable oil" as a "VOC").

(i) Incorporation by reference.

(A) 326 IAC 1-2-48

"nonphotochemically reactive hydrocarbon". Sections 48(a)(22) "parachlorobenzotrifluoride" and (23) "cyclic, branched, or linear completely methylated siloxanes." 326 IAC 1-2-90 "volatile organic compound (VOC)" definition. Section 90. Published in Indiana Register, Volume 19, Number 1, October 1, 1995, page 29. Filed with the Secretary of State September 5, 1995, effective October 5, 1995.

(B) 326 IAC 1-2-48

"nonphotochemically reactive hydrocarbon." Section 48(a)(24) "acetone" (CAS Number 67-64-1). Published in Indiana Register, Volume 19, Number 10, July 1, 1996, page 2856. Filed with the Secretary of State, May 13, 1996, effective June 12, 1996.

[FR Doc. 97-10128 Filed 4-17-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 52 and 64

[CC Docket No. 92-237; FCC 97-125]

Administration of the North American Numbering Plan, Carrier Identification Codes (CICs)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On April 11, 1997, the Commission released a Second Report and Order setting January 1, 1998, as the end for the transition, or permissive dialing period, for the expansion from three digit to four digit Feature Group D carrier identification codes (CICs), and modifying the CIC conservation plan to allow for up to two CICs per entity. The Second Report and Order is intended to alert the industry and the general public that after January 1, 1998, only four digit CICs, and the corresponding seven digit carrier identification codes (CACs), will be recognized.

DATES: Effective May 19, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Elizabeth Nightingale, Attorney,

Network Services Division, Common Carrier Bureau, (202) 418-2352.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Second Report and Order in the matter of Administration of the North American Numbering Plan, Carrier Identification Codes (CICs), FCC 97-125, adopted April 7, 1997, and released April 11, 1997. The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2100 M St., N.W., Suite 140, Washington, D.C. 20037, phone (202) 857-3800.

Analysis of Proceeding

In the Second Report and Order, the Commission affirms the tentative conclusion in the Notice of Proposed Rulemaking (59 FR 24103, May 10, 1994) that the Feature Group D CIC expansion plan developed by the industry is reasonable, and determines that the transition for the conversion from three digit to four digit Feature Group D CICs will end on January 1, 1998. The Commission finds that, because of the changing circumstances since the record in this docket closed in 1994, the transition should end as soon as practicable, and shortening the originally proposed six-year transition to a two-year and nine-month transition will serve the overall pro-competitive purposes of the Act (by making more CICs available), as well as the specific purposes of Sections 251(e) (by ensuring that numbers are available on an equitable basis) and 251(b)(3) (by lessening hardships, consistent with the duty imposed on all LECs to provide nondiscriminatory access to telephone numbers, caused by the conservation plan's limiting access to CICs). To lessen any disadvantage new entrants may experience during the transition in particular, the Commission also modifies the ongoing CIC conservation plan to allow each entity to have two CIC assignments. The Commission determines that shortening the originally proposed six-year period is reasonable because the industry has been aware for some time that equipment changes (both hardware and software) to accommodate exclusive use of four digit CICs would be necessary. The Commission concludes that ending the transition on January 1, 1998, provides a reasonable period for carriers and equipment owners to reprogram their switch software or upgrade their switch hardware and for callers to

become accustomed to the change from five to seven digit CACs. The Commission also requires the North American Numbering Plan (NANP) administrator, as the entity assigning CICs, to notify all CIC assignees of the decision in the Second Report and Order. Finally, the Commission states its intention to initiate further proceedings in this docket in which it will analyze further all issues related to CIC use and assignment.

Ordering Clauses

Accordingly, *it is ordered*, pursuant to Sections 1, 4(i), 201-205, and 251(e)(1) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 201-205, and 251(e)(1), that the Second Report and Order is hereby adopted.

It is further ordered, that Bellcore, as the NANP administrator must notify all CIC assignees of the Commission's decision in this Second Report and Order, consistent with the terms described herein.

It is further ordered, that Bellcore, as the NANP administrator must assign CICs in conformity with the Commission's modification to the conservation plan in this Second Report and Order.

It is further ordered, that the *petition for rulemaking* filed by VarTec Telecom, Inc. is hereby *dismissed in part* and *granted in part* to the extent contained herein.

It is further ordered, that the Commission directs the Common Carrier Bureau to take further actions modifying the conservation plan in response to changes in CIC consumption under its delegated authority.

It is further ordered, that this Second Report and Order is effective upon 30 days after publication in the **Federal Register**.

List of Subjects

47 CFR Part 52

Local exchange carrier, Numbering, Telecommunications.

47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-10083 Filed 4-17-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

49 CFR Part 40

Recognition of Standards Council of Canada as Laboratory Certification Entity

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of certification.

SUMMARY: This document announces that the Department has recognized the Standards Council of Canada as an entity authorized to certify (or "accredit") Canadian laboratories to participate in the Department of Transportation's drug testing program. **DATES:** This certification is effective on April 18, 1997.

FOR FURTHER INFORMATION CONTACT: Mary Bernstein, Director, Office of Drug and Alcohol Policy and Compliance, Room 10317, 400 7th Street, SW., Washington DC 20590 (202) 366-3784; or Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Room 10424, same address, (202) 366-9306.

SUPPLEMENTARY INFORMATION: The Department of Transportation's drug testing rules (49 CFR 40.39(b)) establish procedures for the certification of drug testing laboratories outside the United States:

(b) Employers subject to this part may also use laboratories located outside the United States if—

(1) The Department of Transportation, based on a written recommendation from DHHS [the Department of Health and Human Services] has certified the laboratory as meeting DHHS laboratory certification standards or deemed the laboratory fully equivalent to a laboratory meeting DHHS laboratory certification standards; or

(2) The Department of Transportation, based on a written recommendation from DHHS, has recognized a foreign certifying organization as having equivalent laboratory certification standards and procedures to those of DHHS, and the foreign certifying organization has certified the laboratory, pursuant to those equivalent standards and procedures.

Based on a written recommendation from the Department of Health and Human Services, the Department of Transportation, in a March 20, 1997 letter, recognized the Standards Council of Canada (SCC) as having equivalent laboratory certification standards and procedures to those of DHHS. This action authorizes SCC to review and certify Canadian laboratories.

A Canadian laboratory with SCC accreditation (the term SCC uses as an