

regulation will make the use of the bolting and crosspiece arrangement, already an accepted industry practice, a legal alternative.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this rule will have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This regulation will not add any additional costs to industry and will give industry increased flexibility in vessel design and construction. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. Comments submitted in response to this finding will be evaluated under the criteria in the "Regulatory Information" section of this preamble.

Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Mr. Peter Eareckson, Marine Safety Center, Coast Guard, telephone 202-366-6441.

Collection of Information

This rule will call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

We have analyzed this rule under E.O. 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act and Enhancing the Intergovernmental Partnership

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) and E.O. 12875, Enhancing the Intergovernmental Partnership, (58 FR 58093, October 28, 1993) govern the issuance of Federal

regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2-1, paragraphs (34)(d) and (e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 46 CFR Part 69

Measurement standards, Reporting and recordkeeping requirements, Vessels.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR part 69 as follows:

PART 69—STANDARD MEASUREMENT SYSTEM EXEMPTION FROM GROSS TONNAGE

1. The authority citation for part 69 continues to read as follows:

Authority: 46 U.S.C. 2301, 14103; 49 CFR 1.46.

- 2. In § 69.117—
 - a. In paragraph (d)(2) introductory text, remove the words "paragraph (d)(4)" and add, in their place, the words "paragraphs (d)(4), (d)(5), and (d)(6)";
 - b. Revise paragraph (d)(4) to read as follows;

c. Redesignate paragraph (d)(5) as paragraph (d)(7);

d. Add new paragraphs (d)(5) and (d)(6) to read as follows; and

e. In paragraph (e)(3), remove the words "paragraph (d)(4)" and add, in their place, the words "paragraphs (d)(4), (d)(5), and (d)(6)";

§ 69.117 Spaces exempt from inclusion in gross tonnage.

* * * * *

(d) * * * * *
 (4) An interior or exterior opening that is temporarily closed by shifting boards dropped into channel sections at the sides of the opening is considered open to the weather if battening, caulking, or gaskets of any material are not used.

(5) An interior or exterior opening that is temporarily closed by cover plates or boards held in place only by hook bolts (see § 69.123, Figure 12) is considered open to the weather—

(i) If hook bolts used to secure cover plates or boards are spaced at least one foot apart and hook over a stiffener installed around the perimeter of the opening;

(ii) If the cover plates or boards fit tightly against the bulkhead; and

(iii) If battening, caulking, or gaskets of any material are not used.

(6) An interior or exterior opening that is temporarily closed by cover plates or boards held in place only by bolts and crosspieces is considered open to the weather—

(i) If the bolts are not installed through the bulkhead;

(ii) If the bolts and crosspieces are not held in place by cleats or other attachments to or through the bulkhead;

(iii) If the cover plates or boards fit tightly against the bulkhead; and

(iv) If battening, caulking, or gaskets of any material are not used.

* * * * *

Dated: August 19, 1999.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 99-22213 Filed 8-30-99; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1668; MM Docket No. 98-223; RM-9340; RM-9481; RM-9482]

Radio Broadcasting Services; Cherry Valley, AR; Cotton Plant, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission denies a petition for rule making filed by ALALATEX Broadcasters, proposing the allotment of FM Channel 257A to Cherry Valley, Arkansas (RM-9340). See 63 FR 69609, December 17, 1998. In response to separate counterproposals filed on behalf of Woodruff County Broadcasting (RM-9481) and Bobby Caldwell (RM-9482), the Commission allots Channel 257A to Cotton Plant, Arkansas. Our determination was reached after comparatively evaluating each proposal. That analysis revealed that each community receives at least five full-time aural reception services. Therefore, Cotton Plant was preferred as it is the larger community. Coordinates used for Channel 257A at Cotton Plant are 34-55-32 NL and 91-09-32 WL. With this action, the proceeding is terminated.

DATES: Effective October 4, 1999.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98-223, adopted August 11, 1999, and released August 20, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

Part 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by adding Cotton Plant, Channel 257A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99-22506 Filed 8-30-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1669; MM Docket No. 98-179; RM-9344]

Radio Broadcasting Services; Oraibi and Leupp, Arizona

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants the request of Oraibi Media Association, permittee of Station KBDT(FM), Channel 255C, Oraibi, Arizona, to reallocate Channel 255C to Leupp, Arizona, and modify its authorization accordingly. The new allotment to Leupp is preferred over the existing allotment at Oraibi because it will provide a first local transmission service to a more populous community. The transmitter site of Station KBDT(FM) will remain the same after the reallocation [42.2 kilometers (26.2 miles) north of Leupp at coordinates 35-26-34 NL and 110-58-40 WL]. This document terminates the proceeding.

DATES: Effective October 4, 1999.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98-179, adopted August 11, 1999, and released August 20, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Leupp, Channel 255C, and removing Oraibi, Channel 255C.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 99-22505 Filed 8-30-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1665; MM Docket No. 99-113; RM-9544]

Radio Broadcasting Services; Cimarron, KS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 222A to Cimarron, Kansas, as that community's first local aural transmission service in response to a petition for rule making filed by Nancy Puopolo. See 64 FR 17143, April 8, 1999. Coordinates used for Channel 222A at Cimarron are 37-48-41 NL and 100-23-09 WL. With this action, the proceeding is terminated.

DATES: Effective October 4, 1999. A filing window for Channel 222A at Cimarron, Kansas, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-113, adopted August 11, 1999, and released August 20, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.
Part 73 of Title 47 of the Code of Federal Regulations is amended as follows: