

participate in the rulemaking process. The NPRM for this rulemaking specifically asked small entities to comment if they thought this rulemaking would have a significant economic impact on their business. In addition, the Coast Guard held a public meeting at U.S. Coast Guard Headquarters on November 17, 1993, to hear public comment on the rulemaking. Based on the comments received on the NPRM, the Coast Guard revised the regulations to lessen the burden on small entities. For example, the Coast Guard has limited these regulations to tank vessels with a cargo carrying capacity of more than 1,000 M³ to accommodate those small entities that do not pose as large an environmental threat, yet would incur substantial cost if overfill devices were required. Even with the restricted application, this final rule covers 21 tankships and 391 tank barges which are owned and operated by small companies. The Coast Guard has provided further flexibility for the affected small entities by permitting the alternative of high-level indicating devices for tank barges. This is a less expensive option and is less costly for the smaller entities contained within the tank barge industry. If you are a small entity affected by this final rule and need further help determining how this rule applies to you, please contact the Coast Guard Officer in Charge of Marine Inspection identified in 33 CFR part 3 that is nearest to your vessel's operation.

Collection of Information

This final rule provides for collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). As required by 5 U.S.C. 3507(d), the Coast Guard has submitted a copy of this rule to the Office of Management and Budget (OMB) for its review of the collection of information. OMB has approved the collection. Section number 155.750 is approved under OMB control #2115-0121 which expires February 28, 2000. Section 156.150 was approved by OMB under OMB 2115-0506 and is currently under their review for renewal.

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number.

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism

Assessment. One comment requested that State and municipalities be allowed to adopt stricter requirements than these Federal regulations. The Coast Guard has determined that the standards for overfill devices in this final rule are vessel design requirements and therefore, preclude States or municipalities from adopting requirements for tank vessels operating in interstate or foreign commerce, that differ from those contained in this rule.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that preparation of an Environmental Impact Statement is not necessary. An Environmental Assessment and a Finding of No Significant Impact are available in the docket for inspection or copying where indicated under ADDRESSES. The Environmental Assessment discusses the action, subsequent expected environmental impacts, and the overall need for the action. These regulations are not expected to result in a significant impact on the quality of the human environment because overfills tend to result in relatively small spills.

List of Subjects

33 CFR Part 155

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements.

33 CFR Part 156

Hazardous substances, Oil pollution, Reporting and recordkeeping requirements, Water pollution control.

For the reasons set forth in the preamble, the interim rule amending 33 CFR parts 155 and 156, which was published in 59 FR 53286 on October 21, 1994, is adopted as a final rule with the following changes:

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

1. The authority citation for part 155 and the note following the citation is revised to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715; sec. 2, E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Sections 155.100 through 155.130, 155.350 through 155.400, 155.430, 155.440, 155.470, 155.1030 (j) and (k), and 155.1065(g) also issued under 33 U.S.C. 1903(b); and §§ 155.1110 through 155.1150 also issued under 33 U.S.C. 2735.

Note: Additional requirements for vessels carrying oil or hazardous materials are

contained in 46 CFR parts 30 through 36, 33 CFR parts 150, 151, 153, and 157.

2. In § 155.100, revise paragraph (a) introductory text and add a new paragraph (c) to read as follows:

§ 155.100 [Amended].

(a) Subject to the exceptions provided for in paragraph (b) and (c) of this section, this part applies to each ship that:

* * * * *

(c) Section 155.480 applies to each tank vessel with a cargo capacity of 1,000 or more cubic meters (approximately 6,290 barrels), loading oil or oil residue as cargo that is operated under the authority of the United States, wherever located, or operated under the authority of a country other than the United States while in the navigable waters of the United States, or while at a port or terminal under the jurisdiction of the United States.

3. In § 155.480, revise paragraphs (b) introductory text and (f) to read as follows:

§ 155.480 Overfill devices.

* * * * *

(b) Each tank vessel with a cargo capacity of 1,000 or more cubic meters (approximately 6,290 barrels), loading oil or oil residue as cargo, must have one overfill device that is permanently installed on each cargo tank and meets the requirements of this section.

* * * * *

(f) This section does not apply to tank vessels that carry asphalt, animal fat, or vegetable oil as their only cargo.

Dated: September 4, 1997.

R.D. Herr,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 96-186; FCC 97-215]

Assessment and Collection of Regulatory Fees for Fiscal Year 1997; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a footnote in the FCC's Report and Order for the final rule regarding Assessment and Collection of Regulatory Fees for Fiscal Year 1997, published in the

Federal Register issue of July 11, 1997 (62 FR 37408).

EFFECTIVE DATE: September 15, 1997.

FOR FURTHER INFORMATION CONTACT: Terry D. Johnson, 202-418-0445; e-mail: Tjohnson@fcc.gov.

SUPPLEMENTARY INFORMATION: This document corrects footnote 23 of the Report and Order in the above-captioned proceeding, which appeared on page 37416 in the **Federal Register** issue of July 11, 1997 (62 FR 37416). Footnote number 23 associated with paragraph 50 erroneously stated that the AM station population was determined using the 1mV/m field strength contour, and it further stated that the FM station population was determined using the 60 dBuV/m contour. For all AM stations, the 0.5 mV/m contour was used. For Class B FM stations, the 54 dBuV/m contour was used. For Class B1 FM stations, the 57 dBuV/m contour was used. For all other FM Classes, the 60 dBuV/m contour was used.

Correction

Therefore, footnote 23 should be corrected to read as follows:

DataWorld MediaXpert Service prepared for NAB a calculation of the signal coverage for each station, and overlaid this data onto 1990 decennial census population data to estimate the population contained within each station's signal coverage area. For each AM station, estimated soil conductivity data was retrieved for each of 360 radial azimuths around the transmitter site, the standard horizontal plane radiation pattern was calculated and any pertinent pattern augmentations applied, and the distance to the 0.5 mV/m field strength contour for each of the 360 radials was calculated using the appropriate propagation curves and the FCC equivalent distance method. For each FM station, terrain averages were calculated from the USGS/DMA 3 arc second terrain database for each of 360 radial azimuths, the HAAT was calculated using the height of the center of radiation AMSL and processed with FM contour calculation software, pertinent directional antenna information was applied, and the distance to the 54 dBuV/m (for Class B stations), 57 dBuV/m (for Class B1 stations), or 60 dBuV/m (for all other classes of station) contour was calculated using the appropriate FCC F[50,50] curves. For both AM and FM, the distance to contour data was applied to population counting software using 1990 census data to determine the total population within each station's coverage area.

Federal Communications Commission.

William F. Caton,
Acting Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 95-116; FCC 97-289]

Telephone Number Portability

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The *Second Report and Order (Order)* released August 18, 1997 adopts, with minor modifications the recommendations of the North American Numbering Council relating to local number portability administration. The requirements, standards and procedures adopted in this *Order* are needed to give the telecommunications industry clear guidelines as to how to implement long-term local number portability.

DATES: The final rule is effective October 17, 1997. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of October 17, 1997.

FOR FURTHER INFORMATION CONTACT: Steven Teplitz, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418-1580.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order* adopted August 14, 1997, and released August 18, 1997. The full text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., N.W., Room 239, Washington, D.C. 20554 or at the Office of the Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington, D.C. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/Common Carrier/Orders/fcc97-289.wp>, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th St., N.W., Washington, D.C. 20036.

Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act, the *Order* contains a Final Regulatory Flexibility Analysis which is set forth in the *Order*. A brief description of the Final Regulatory Flexibility Analysis follows.

Pursuant to section 604 of the Regulatory Flexibility Act, the Commission performed a comprehensive analysis of the *Second Report and Order* with regard to small entities. This analysis includes: (1) a

succinct statement of the need for, and objectives of, the Commission's decisions in the *Second Report and Order*; (2) a summary of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, the final regulatory analysis of the *First Report and Order and Further Notice of Proposed Rulemaking*, 61 FR 38605 (July 25, 1996) (*First Report & Order*) and the supplemental final regulatory analysis of the *First Memorandum Opinion and Order on Reconsideration*, 62 FR 18280 (April 15, 1997) (*First Order on Reconsideration*), and a summary of the Commission's assessment of these issues; (3) a description of and an estimate of the number of small entities to which the *Second Report and Order* will apply; (4) a description of the projected reporting, recordkeeping and other compliance requirements of the *Second Report and Order*, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for compliance with the requirement; and (5) a description of the steps the Commission has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes. The requirements and rule adopted in this *Second Report and Order* are necessary to implement the provisions of the Telecommunications Act of 1996.

Synopsis of Second Report and Order

Introduction

1. On June 27, 1996, the Commission adopted the *First Report and Order and Further Notice of Proposed Rulemaking*, 61 FR 38605 (July 25, 1996) (*First Report & Order*) in this docket. The *First Report & Order* established rules designed to implement section 251(b) of the Communications Act of 1934, as amended (the Act), which requires all local exchange carriers (LECs) to offer, "to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission." 47 U.S.C. § 251(b)(2). Among other things, in the *First Report & Order*, the Commission directed the North American Numbering Council (NANC) to make recommendations regarding specific aspects of local number portability implementation. The NANC forwarded its recommendations to the Commission on May 1, 1997, in a report from its Local Number Portability Administration Selection Working Group, dated April 25, 1997 (*Working Group Report*).