

The Complaint proposes a penalty of Thirty-five Thousand Nine Hundred Five Dollars (\$35,905) for the discharge of crude oil into or upon the navigable waters of the United States or adjoining shorelines in violation of Section 311(b)(3) of the Clean Water Act.

**DATES:** In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to December 24, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint or other documents filed in this proceeding, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact Venessa Cobbs, Regional Hearing Clerk at (913) 551-7630.

The administrative record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will be open for public inspection during normal business hours. All information submitted by Glacier Petroleum, Inc. is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dated: November 13, 1997.

**Dennis Grams,**

*Regional Administrator.*

[FR Doc. 97-30815 Filed 11-21-97; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5926-8]

### Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity to Comment Regarding OXY USA, Inc., Tulsa, OK

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

**ACTION:** Notice of proposed administrative penalty assessment and opportunity to comment regarding OXY USA, Inc., Tulsa, Oklahoma.

**SUMMARY:** EPA is providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1321(b)(6), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. 1321(b)(6)(C).

Class II proceedings are conducted under EPA's Consolidated Rules of

Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR part 22. The procedures by which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty (30) days after issuance of public notice.

On September 25, 1997, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7630, the following Complaint:

In the Matter of, OXY USA, Inc., Tulsa, Oklahoma; EPCRA Docket No. VII-97-W-0036.

The Complaint proposes a penalty of Twelve Thousand Dollars (\$12,000) for the discharges of hazardous substances in violation of Section 311(b)(3) of the Clean Water Act.

**DATES:** In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to December 24, 1997.

**FOR FURTHER INFORMATION CONTACT:**

Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint or other documents filed in this proceeding, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above.

The administrative record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will be open for public inspection during normal business hours. All information submitted by OXY USA, Inc. is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dated: November 14, 1997.

**Dennis Grams,**

*Regional Administrator.*

[FR Doc. 97-30817 Filed 11-21-97; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collections Approved by Office of Management and Budget

November 18, 1997.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Pub. L. 104-13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418-1379.

### Federal Communications Commission

*OMB Control No.:* 3060-0802.

*Expiration Date:* 05/31/1998.

*Title:* Administration of the North American Numbering Plan, Order on Reconsideration, CC Docket No. 92-237 (Message Intercept Requirement).

*Form No.:* N/A.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 1400 respondents; 9 hours per response (avg.); 12,600 total annual burden hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$0.

*Frequency of Response:* On occasion.

*Description:* In response to concern expressed in the reconsideration record that LECs should develop intercept messages to inform dial-around customers that they need to dial additional digits, the *Order on Reconsideration* in CC Docket No. 92-237, titled, "Administration of the North American Numbering Plan," requires that LECs offer a standard intercept message beginning on or before June 30, 1998, explaining that a dialing pattern change has occurred and instructing the caller to contact its IXC for further information. In developing an intercept message, LECs must consult with IXCs and reach agreement on the content of the message and on the period of time during which the message will be provided. The Commission leaves to resolution by the parties decisions about who should have the ultimate responsibility for determining the content of the intercept message and the period of time during which the message must be offered. The Commission states that it will resolve any disputes arising from parties' inability to reach agreement on such matters. Finally, the Commission

concludes that the determination of how best to cover the costs of providing the intercept message should be left to individual LECs, including whether their access customers should be charged a reasonable fee to cover those costs. The Commission has imposed these third party disclosure requirements to educate end users about their inability to reach carriers using five-digit access codes, and the need to dial seven-digit access codes instead. Compliance obligation is required.

OMB Control No.: 3060-0760.

Expiration Date: 05/31/1998.

Title: Access Charge Reform—CC Docket No. 96-262, First Report and Order; Second Order on Reconsideration and Memorandum Opinion and Order.

Form No.: N/A.

Respondents: Business or other for profit.

Estimated Annual Burden: 14 respondents; 128,906 hours per response (avg.); 1,804,690 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: \$31,200.

Frequency of Response: On occasion and one-time.

Description: In the First Report and Order (Order), CC Docket No. 96-262, Access Charge Reform and the Second Order on Reconsideration and Memorandum Opinion and Order, the FCC adopts, that, consistent with principles of cost-causation and economic efficiency, non-traffic sensitive (NTS) costs associated with local switching should be recovered on an NTS basis, through flat-rated, per month charges. The information collections are as follows: a. *Showings Under the Market-Based Approach*: As competition develops in the market, the FCC will gradually relax and ultimately remove existing Part 69 federal access rate structure requirements and Part 61 price caps restrictions on rate level changes. Regulatory reform will take place in two phases. The first phase of regulatory reform will take place when an incumbent Local Exchange Carrier's (LEC) network has been opened to competition for interstate access services. The second phase of rate structure reforms will take place when an actual competitive presence has developed in the marketplace. Detariffing will take place when substantial competition has developed for the access charge elements. In our initial statement, we proposed that in order for LECs to meet this standard, they have to demonstrate that: (1) Unbundled network element prices are based on geographically deaveraged,

forward-looking economic costs in a manner that reflects the way costs are incurred; (2) transport and termination charges are based on the additional cost of transporting and terminating another carrier's traffic; (3) wholesale prices for retail services are based on reasonably avoidable costs; (4) network elements and services are capable of being provisioned rapidly and consistent with a significant level of demand; (5) dialing parity is provided by the incumbent LEC to competitors; (6) number portability is provided by the incumbent LEC to competitors; (7) access to incumbent LEC rights-of-way is provided to competitors; and (8) open and non-discriminatory network standards and protocols are put into effect. We propose that the second phase of rate structure reforms would take place when an actual competitive presence has developed in the marketplace. LECs would have to show the following to indicate that actual competition has developed in the marketplace by: (1) Demonstrated presence of competition; (2) full implementation of competitively neutral universal service support mechanisms; and (3) credible and timely enforcement of pro-competitive rules. In the NPRM, we sought comment on four options for a prescriptive approach: reinitializing price cap indices (PCIs) to economic cost-based levels; reinitializing PCIs to levels targeted to yield no more than an 11.25 percent rate of return, or some other rate of return; adding a policy-based mechanism similar to the CPD to the X-Factor; or prescribing economic cost-based rates. We have decided above to rely primarily on a market-based approach, and impose prescriptive requirements only when market forces are inadequate to ensure just and reasonable rates for particular services or areas. We will determine the details of our market-based approach in a future Order. In that Order, we will also discuss in more detail what prescriptive requirements we will use as a backstop to our market-based access charge reform. Because we are not adopting the prescriptive approach at this time, we are removing the collections associated with the prescriptive approach from our statement. If the collections are adopted at a later date, we will request that OMB reinstates them at that time. (No. of respondents: 13; hour burden per respondent: 137,986 hours; total annual burden: 1,793,818). b. *Cost Study of Local Switching Costs*: The FCC does not establish a fixed percentage of local switching costs that incumbent LECs must reassign to the Common Line basket or newly created Trunk Cards

and Ports service category as NTS costs. In light of the widely varying estimates in the record, we conclude that the portion of costs that is NTS costs likely varies among LEC switches. Accordingly, we require each price cap LEC to conduct a cost study to determine the geographically-averaged portion of local switching costs that is attributable to the line-side ports, as defined above, and to dedicated trunk side cards and ports. These amounts, including cost support, should be reflected in the access charge elements filed in the LEC's access tariff effective January 1, 1998. (No. of respondents: 13; hours per respondent: 400; total annual burden: 5200 hours). c. *Cost Study of Interstate Access Service That Remain Subject to Price Cap Regulation*: The 1996 Act has created an unprecedented opportunity for competition to develop in local telephone markets. We recognize, however, that competition is unlikely to develop at the same rate in different locations, and that some services will be subject to increasing competition more rapidly than others. We also recognize, however, that there will be areas and services for which competition may not develop. We will adopt a prescriptive "backstop" to our market-based approach that will serve to ensure that all interstate access customers receive the benefits of more efficient prices, even in those places and for those services where competition does not develop quickly. To implement our backstop to market-based access charge reform, we require each incumbent price cap LEC to file a cost study no later than February 8, 2001, demonstrating the cost of providing those interstate access services that remain subject to price cap regulation because they do not face substantial competition. (No. of respondents: 13; hours per respondent: 8; total annual burden: 104 hours). d. *Tariff Filings*: In the *First Report and Order*, the Commission requires the filing of various tariffs, with modifications. For example, the FCC directs incumbent LECs to establish separate rate elements for the multiplexing equipment on each side of the tandem switch. LECs must establish a flat-rated charge for the multiplexers on the SWC side of the tandem, imposed pro-rata on the purchasers of the dedicated trunks on the SWC side of the tandem. Multiplexing equipment on the EO side of the tandem shall be charged to users of common EO-to-tandem transport on a per-minute-of-use basis. These multiplexer rate elements must be included in the LEC access tariff filings to be effective January 1, 1998. In the

*Second Order on Reconsideration*, the FCC clarifies that the TIC exemption for access customers using competitive transport providers only applies to that portion of the residual per-minute TIC that is related to transport facilities, and directs incumbent local exchange carriers to include, in their access tariff filing, the amount of per-minute transport interconnection charge (TIC) they anticipate will be allocated to facilities-based rate elements in the future. (No. of respondents: 13; hours per respondent: 256 hours; total annual burden: 3328 hours). e. *Third-Party Disclosure*: In the *Second Order on Reconsideration*, the Commission requires LECs to provide IXC's with customer-specific information about how many and what type of presubscribed interexchange carrier charges (PICCs) they are assessing for each of the IXC's presubscribed customers. One of the primary goals of our *First Report and Order* was to develop a cost-recovery mechanism that permits carriers to recover their costs in a manner that reflects the way in which those costs are incurred. Without access to information that indicates whether the LEC is assessing a primary or non-primary residential PICC, or about how many local business lines are presubscribed to a particular IXC, the IXC will be unable to develop rates that accurately reflect the underlying costs. (No. of respondents: 14; hours per respondent: 160 hours; total annual burden: 2240 hours). Our authority to collect this information is provided under 47 U.S.C. 201–205 and 303(r). The information collected under these Orders would be submitted to the FCC by incumbent LECs for use in determining whether the incumbent LECs should receive the regulatory relief proposed in the Orders. The information collected under the *Second Order on Reconsideration* and Memorandum Opinion and Order would be submitted by the LECs to the interexchange carriers (IXCs) for use in developing the most cost-efficient rates and rate structures. Obligation to respond: mandatory.

*OMB Control No.*: 3060–0787.

*Expiration Date*: 10/31/2000.

*Title*: Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996.

*Form No.*: N/A.

*Respondents*: Business or other for profit.

*Estimated Annual Burden*: 4275 respondents; 2.34 hours per response (avg.); 10,044 total annual burden hours for all collections.

*Estimated Annual Reporting and Recordkeeping Cost Burden*: \$0.

*Frequency of Response*: On occasion.

*Description*: Section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, makes it unlawful for any telecommunications carrier to “submit or execute a change in a subscriber’s selection of a provider of telephone exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe.” The section further provides that any telecommunications carrier that violates the Commission’s verification procedures and that collects charges for telecommunications service from a subscriber must pay to the carrier previously selected by the subscriber an amount equal to all charges paid by the subscriber after the violation occurred. The Commission’s current rules pertaining to changes in subscriber carrier selections are contained in Sections 64.1100 and 64.1150 of the Commission’s rules, 47 CFR §§ 64.1100, 64.1150. These rules apply only to interexchange carriers (IXCs). Section 64.1100 requires that IXCs verify orders for long distance service generated by telemarketing, and Section 64.1150 prescribes the proper content and form for letters of agency (or, written authorization of subscriber carrier changes). The proposed modifications and additions to the rules are necessary to accommodate the Commission’s expanded scope of authority to require all telecommunication carriers to verify change orders for telephone exchange and telephone toll service, and to provide that unauthorized carriers forfeit to the subscriber’s authorized carrier, all charges collected as a result of their unlawful action. (Burden estimate for proposed Section 64.1100 is as follows: No. of respondents: 675; hours per respondent: 1.25; total annual burden: 844. Burden estimate for proposed 64.1150 is as follows: No. of respondents: 1800; hours per respondent: 2 hours; total annual burden: 3600 hours). Proposed Section 47 CFR § 64.1160 mirrors Section 258 of the 1996 Act by providing that no telecommunications carrier shall submit or execute a carrier change except in accordance with the Commission’s verification procedures, and that a carrier that violates the verification procedures shall be liable to the subscriber’s properly authorized carrier in an amount equal to all charges paid by the subscriber after the violation occurs. Under proposed Section 47 CFR Section 64.1170, a subscriber’s properly authorized carrier must, within 10 days

of receiving notification that the subscriber’s carrier selection was changed without authorization, request from the unauthorized carrier the amount of charges paid by the subscriber to the unauthorized carrier, and the value of any premiums to which the subscriber would have been entitled had the subscriber’s carrier selection not been changed. Upon notification that the subscriber’s carrier selection was changed without authorization, the unauthorized carrier must remit these amounts to the subscriber’s properly authorized carrier. The subscriber’s properly authorized carrier must, upon receiving the value of lost premiums from the unauthorized carrier, restore any lost premiums (or an equivalent premium or dollar amount where the premium cannot be restored) to the subscriber. This section also provides that carriers disputing liability under this section must pursue private settlement negotiations prior to petitioning the Commission to resolve any dispute regarding the transfer of charges and the value of lost premiums from the unauthorized carrier to the properly authorized carrier. (No. of respondents: 1800; hours per respondent: 3 hours; total annual burden: 5400 hours). The information will be used to promulgate regulations to implement Section 258 of the Telecommunications Act of 1996, and to determine what additional measures should be taken to deter unauthorized switching of subscriber’s carrier selections in light of the Act’s new provisions. Specifically, we are proposing to expand the scope of our current verification rules to be applicable to all telecommunications carriers. Also, new proposed Sections 64.1160 and 64.1170 are intended to ensure that carriers that violate our verification rules do not retain any revenue gained from their unlawful activity, and that subscribers receive prompt and full reparation for harm suffered as a consequence of unauthorized carrier changes. We also seek comment on whether the verification rules should apply when carriers solicit preferred carrier freezes; whether the “welcome package” described in Section 64.1100(d) continues to be a necessary and viable verification alternative; whether we should exempt in-bound (or customer-initiated) calls from the verification rules; what the liability among carriers and subscribers should be; and whether to establish a “bright-line” evidentiary standard for determining whether a subscriber has relied on a resale carrier’s identity of its underlying facilities-based

network provider, hence requiring that the resale carrier notify the subscriber if the underlying network provider is changed.

*OMB Control No.:* 3060-0106.

*Expiration Date:* 10/31/2000.

*Title:* Reports of Overseas Telecommunications Traffic—Section 43.61.

*Form No.:* FCC 43-61.

*Respondents:* Business or other for-profit.

*Estimated Annual Burden:* 248 respondents; 30.45 hours per response (avg); 7,554 total annual burden hours.

*Estimated Annual Reporting and Recordkeeping Cost Burden:* \$96,000.

*Frequency of Response:* Annually, semi-annually.

*Description:* The telecommunications traffic data report is an annual reporting requirement imposed on common carriers engaged in the provision of overseas telecommunications services. The reported data is useful for international planning, facility authorization, monitoring emerging developments in communications services, analyzing market structures, tracking the balance of payments in international communications services, and market analysis purposes. The reported data enables the Commission to fulfill its regulatory responsibilities. In addition to the annual filing requirement, private line resellers must report their U.S. outbound and inbound traffic originating or terminating over resold U.S. private lines on a semi-annual basis. This requirement applies for three years following a Commission finding that a particular country offers U.S. carriers "equivalent" opportunities for resale. The information is collected so that the Commission can closely monitor the equivalency decision's impact on the amount of IMTS traffic diverted from the settlements process. Sections 211, 214, 218, 219, 220 and 403 of the Communications Act of 1934, as amended, accord the Commission broad authority to obtain information from common carriers. Part 43 of the Commission's rules establishes the procedures for filing periodic reports and certain other information, including annual traffic and revenue reports. Obligation to respond: mandatory.

Public reporting burden for the collections of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97-30798 Filed 11-21-97; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1190-DR]

### Nebraska; Amendment to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Nebraska, (FEMA-1190-DR), dated November 1, 1997, and related determinations.

**EFFECTIVE DATE:** November 12, 1997.

**FOR FURTHER INFORMATION CONTACT:** Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3260.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster for the State of Nebraska, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 1, 1997:

Dodge County for Categories A and B under the Public Assistance program. (Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

**Lacy E. Suiter,**

*Executive Associate Director, Response and Recovery Directorate.*

[FR Doc. 97-30807 Filed 11-21-97; 8:45 am]

BILLING CODE 6718-02-P

## FEDERAL MARITIME COMMISSION

### Security for the Protection of the Public Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (46 U.S.C. § 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Carnival Corporation, 3655 N.W. 87th Avenue, Miami, Florida 33178-2193  
Vessel: Tropicale

Fred. Olsen Travel Limited, Fred. Olsen Cruise Lines, Ltd., Fred. Olsen & Co., Fred. Olsen Shipping A/S and Fred. Olsen Shipping II A/S, White House Road, Ipswich, Suffolk IPI 5LL, United Kingdom

Vessel: Black Watch

Hapag-Lloyd Tours GmbH, Hapag-Lloyd Cruiseship Management GmbH, Hapag-Lloyd (Bahamas) Ltd. and Conti 1. Kreuzfahrt GmbH & Co. KG MS "Columbus", Ballindamm 25, D-20095, Hamburg, Germany

Vessel: c. Columbus

Holland America Line-Westours Inc., (d/b/a/ Holland America Line), Holland America Line N.V. and HAL Nederland N.V., 300 Elliott Avenue West, Seattle, Washington 98119

Vessel: Rotterdam

Ivaran Agencies, Inc. and Ivarans Rederi ASA, Newport Financial Center, 111 Pavonia Avenue, Jersey City, N.J. 07310-1755

Vessel: Americana

Norwegian Cruise Line Limited and, Norwegian Majesty Ltd., 7665 Corporate Center Drive, Miami, Florida 33126

Vessel: Norwegian Majesty

Norwegian Cruise Line Limited, 7665 Corporate Center Drive, Miami, Florida 33126

Vessel: Norwegian Sea

Dated: November 18, 1997.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 97-30757 Filed 11-21-97; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL MARITIME COMMISSION

### Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Fred. Olsen Travel Limited, Fred. Olsen Cruise Lines Ltd., and Fred. Olsen & Co., White House Road, Ipswich, Suffolk IP1 5LL, United Kingdom

Vessel: Black Watch