

entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the State requirements authorized by EPA under 40 CFR Part 271. EPA's codification does not impose any additional burdens on these small entities. This is because EPA's codification would simply result in an administrative change, rather than a change in the substantive requirements imposed on small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this codification will not have a significant economic impact on a substantial number of small entities. This codification incorporates "State's" requirements which have been authorized by EPA under 40 CFR Part 271 into the Code of Federal Regulations. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

#### **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).

#### **Compliance With Executive Order 12866**

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

#### **Paperwork Reduction Act**

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

#### **List of Subjects in 40 CFR Part 271**

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Incorporation by reference, Indian lands,

Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This notice is issued under the authority of Sections 2002(a), 306 and 704(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: December 30, 1997.

**Phyllis Harris,**

*Acting Regional Administrator, Region IV.*

[FR Doc. 98-942 Filed 1-13-98; 8:45 am]

BILLING CODE 6560-50-P

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Parts 1 and 24**

[WT Docket No. 97-82, FCC 98-2]

#### **Installment Payment Financing for Personal Communications Services (PCS) Licensees**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; establishing a deadline.

**SUMMARY:** The Commission previously established January 15, 1998 as the deadline for broadband Personal Communications Services (PCS) C block licensees to elect to continue under their existing installment payment plan or to elect one of the three options. The Commission believes that moving the election date will serve the public interest by permitting licensees to submit their election after final disposition of arguments raised on reconsideration and provides regulatory stability so that C block licensees and potential bidders can proceed with their plans to finance their business.

**DATES:** Effective January 14, 1998.

**ADDRESSES:** Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** David Shiffrin, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of an Order in WT Docket No. 97-82, FCC 98-2 which was adopted on January 7, 1998 and released on January 7, 1998. A copy of the complete item 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 Order also is available on the Commission's Internet home page (<http://www.fcc.gov>).

## **Summary of Action**

### **I. Background**

1. On September 25, 1997, the Commission adopted the Second Report and Order and Further Notice of Proposed Rule Making, 62 FR 55348, October 24, 1997 ("Second Report and Order"), establishing January 15, 1998 as the deadline for broadband Personal Communications Services (PCS) C block licensees to elect to continue under their existing installment payment plan or to elect one of the three options. C block licensees must file a written notice of their election with the Wireless Telecommunications Bureau on or before January 15, 1998. Second Report and Order at para. 70. The requirements for the contents of the election notice vary depending upon which election is made. *Id.* at paras. 72-76. For licensees electing the prepayment option, any new monies that will be applied toward the prepayment of retained licenses must be submitted with the election notice on the election date. *Id.* at para. 75.

2. Pursuant to section 1.3 of the Commission's rules, the Commission hereby changes the election date from January 15, 1998 to February 26, 1998. 47 CFR 1.3. Moving the election date will serve the public interest by permitting licensees to submit their election after final disposition of arguments raised on reconsideration. We believe that it is important to provide regulatory stability so that C block licensees and potential bidders can proceed with their plans to finance their business. Licensees are cautioned that this change in the election date is in no way an indication that the Commission plans to depart in any material way from the decisions set forth in the Second Report and Order. We are changing the election date solely in the interest of fairness to all parties.

3. We take this opportunity to announce that the C block reauction will begin on September 29, 1998. At the appropriate time, we will announce the reauction procedures. We also take this opportunity to clarify that our delegation of authority to the Chief of the Wireless Telecommunications Bureau "to prescribe and set forth procedures for the implementation of the provisions" that were adopted in the Second Report and Order includes the authority to provide for electronic filing of an election notice specified in

paragraph 70 of the Second Report and Order and other procedures and instructions to reduce paperwork burdens. See Second Report and Order at para. 112.

4. Accordingly, it is ordered that, pursuant to sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 309(j), and section 1.3 of the Commission's rules, 47 CFR 1.3, the date for C block licensees to file a written election notice, in accordance with the requirements set forth in the Second Report and Order, is changed to February 26, 1998. Pursuant to section 1.427(b) of the Commission's rules, 47 CFR 1.427(b), this change will become effective on January 14, 1998. It is necessary for this change to become effective before January 15, 1998, the deadline initially set for C block licensees to file their election.

Federal Communications Commission.

**Magalie Roman Salas,**  
Secretary.

[FR Doc. 98-969 Filed 1-13-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 10

[Docket No. OST-96-1472]

RIN 2105-AC60

#### Privacy Act; Implementation

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** DOT amends its rules implementing the Privacy Act of 1974 to exempt from certain provisions of the Act the Coast Guard's Vessel Identification System.

**EFFECTIVE DATE:** This amendment is effective February 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Robert I. Ross, Office of the General Counsel, C-10, Department of Transportation, Washington, DC 20590, telephone (202) 366-9156, FAX (202) 366-9170.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

On October 24, 1997, the Department published a notice of proposed rulemaking entitled, Privacy Act; Implementation in the **Federal Register** (62 FR 55380). The Department did not receive any comments on the proposed rulemaking. DOT is therefore making its proposal final as written. The

Department is correcting an editorial error in the name of the system. The notice of proposed rulemaking termed the system the "Vessel Information System," and the correct name of the system is the "Vessel Identification System."

##### Background

The Coast Guard's Vessel Identification System (VIS) will collect selected information on vessels operating in US waters, and will collect and manage the data needed to provide a nationwide pool of vessel and vessel owner information that will help in identification and recovery of stolen vessels, and deter vessel theft and fraud. Establishment of VIS is required by statute. 46 U.S.C. 12501-07.

Because of the capability to retrieve information by the names or other unique identifiers of individuals, VIS is subject to the Privacy Act, which imposes many restrictions on the use and dissemination of information in the system. However, because VIS is to be used for law enforcement purposes, it may be exempted from some of these restrictions.

The Coast Guard, via a rulemaking entitled Vessel Identification System (CGD 89-050), has established the guidelines for participating states to make their information available for VIS, as well as the guidelines to establish the procedures for state vessel titling systems, and the procedures for establishing compliance. An interim rule was published in the **Federal Register** on April 25, 1996 (60 FR 20310), and the comment period on the interim rule was reopened on October 20, 1997 (62 FR 54385).

##### Privacy Act Exemption

Under subsection (k) of the Privacy Act (5 U.S.C. 552a(k)), qualifying records may be exempted from various provisions of the Act. Among these provisions are the requirement in subsection (c)(3) to maintain an accounting of disclosures of information from a system of records and make that accounting available on request to the record subject; in subsection (d) to grant to a record subject access to information maintained on him/her under the Act; in subsection (e)(1) to maintain only such information as is relevant and necessary to accomplish a purpose of the agency under statute or Executive Order; in subsection (e)(4) (G), (H), and (I) to advise record subjects of the agency procedures to request if a system of records contains records pertaining to them, how they can gain access to such records and contest their content, and the categories of sources of such

records; and in subsection (f) to establish rules governing the procedures above.

Under Subsection (k)(2) of the Privacy Act (5 U.S.C. 552a(k)(2)), investigatory material compiled for law enforcement purposes, other than material encompassed within Subsection (j)(2), may be exempted from these provisions, and DOT proposes to exempt VIS accordingly; however, if an individual would be denied any right, privilege, or benefit to which he/she would otherwise be entitled by Federal law, or for which he/she would otherwise be eligible, as a result of the maintenance of such material, such material shall be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence.

##### Analysis of Regulatory Impacts

This rule is not a "significant regulatory action" within the meaning of Executive Order 12866. It is also not significant within the definition in DOT's Regulatory Policies and Procedures, 49 FR 11034 (1979), in part because it does not involve any change in important Departmental policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, I certify that this rule will not have a significant economic impact on a substantial number of small entities; it applies only to information on individuals.

This rule does not significantly affect the environment, and therefore an environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment. This rule does not impose any unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995.

Finally, this rule does not contain any collection of information requirements requiring review under the Paperwork Reduction Act of 1995.

##### List of Subjects in 49 CFR Part 10

Penalties, Privacy.

Accordingly, DOT amends 49 CFR Part 10 as follows:

##### PART 10—[AMENDED]

1. The authority citation to Part 10 remains as follows: