

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. On November 5, 2000, from 10 a.m. to 5 p.m., in § 117.789, paragraph(c) is temporarily suspended and a new paragraph(g) is temporarily added to read as follows:

§ 117.789 Harlem River

* * * * *

(g) The draws of the bridges at 103rd Street, mile 0.0, 3rd Avenue, mile 1.9, 145th Street, mile 2.8, Macombs Dam, mile 3.2, 207th Street, mile 6.0, and the two Broadway Bridges, mile 6.8, shall open on signal if at least four-hours notice is given to the New York City Highway Radio (Hotline) Room. The Willis Avenue Bridge, mile 1.5, and Madison Avenue Bridge, mile 2.3, need not open for vessel traffic from 10 a.m. to 5 p.m.

3. On November 5, 2000, from 10 a.m. to 5 p.m., in § 117.801, paragraph (g) is temporarily suspended and a new paragraph (h) is added to read as follows:

§ 117.801 Newtown Creek, Dutch Kills, English Kills, and their tributaries.

* * * * *

(h) The draw of the Pulaski Bridge, mile 0.6, across Newtown Creek, need not open for vessel traffic, from 10 a.m. to 5 p.m. The Greenpoint Avenue Bridge, mile 1.3, across Newtown Creek between Brooklyn and Queens, shall open on signal if at least a two-hour advance notice is given to the New York City Department of Transportation (NYCDOT) Radio Hotline or NYCDOT Bridge Operations Office.

Dated: October 18, 2000.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 99-316; FCC 00-384]

Shortening Notice Period for Changes in Participation in NECA's Access Tariffs

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to change the date by which carriers must notify the

National Exchange Carrier Association, Inc. (NECA) of any changes in their participation in the association's access tariff filing. Previously, incumbent local exchange carriers were required to notify NECA of any change in their participation in the association's access tariff by December 31 of the year preceding the tariff filing. The Commission is amending its rules to extend that notification deadline to March 1 of the tariff year. This change will provide carriers with additional time in which to make their access tariff participation decisions.

DATES: Effective November 30, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jennifer McKee, (202) 418-1520.

SUPPLEMENTARY INFORMATION: Under 47 CFR 69.3, NECA is responsible for filing an access service tariff as agent for all telephone companies that participate in the association tariff. The association tariff is to be filed with a scheduled effective date of July 1. To provide NECA with sufficient notice, carriers were required to notify NECA of any change in their association tariff participation by December 31 of the year preceding the filing of the tariff.

In 1997 the Commission streamlined its tariff filing rules, allowing carriers to file their annual access tariffs on 15 days notice for filings that include rate increases, or on 7 days notice for filings that include only rate decreases, rather than on 90 days notice. 63 FR 13132, March 18, 1998. The streamlined notice requirement applies to NECA's association access service tariff, allowing NECA to file the tariff on June 16 or June 24, rather than on April 2, for an effective date of July 1. In addition to the streamlined notice period, NECA now employs electronic data collection and processing routines that were not in use when 47 CFR 69.3 was adopted. These more efficient data collection techniques significantly reduce the time required to assemble and analyze data for NECA's tariff filing. According to NECA, the tariff streamlining rules and improvements in data collection management eliminate the need for carriers to provide six months advance notice to NECA of planned tariff participation changes. Therefore, NECA filed a petition for rulemaking seeking to change the carrier notification date from December 31 of the previous year to March 1 of the tariff year. We granted NECA's petition and sought comment on the proposal. 65 FR 51572, August 24, 2000.

We agree with NECA that changes in tariff notification periods and advancements in data collection and processing methods warrant a shorter timeframe for carriers to provide notice of tariff participation changes. In addition, as NECA noted in its petition, shorter notice periods will not disadvantage NECA and may help smaller companies make better-informed decisions regarding tariff participation. For instance, because the deadline by which NECA must file proposed revisions to its average schedule formulas is December 31, companies that rely on these formulas to compute interstate access compensation will have more time to analyze the proposed revisions before deciding whether to participate in NECA's access tariff.

Therefore, we amend 47 CFR part 69 to allow carriers until March 1 of each tariff year to notify NECA of any changes in tariff participation.

Paperwork Reduction Act Analysis

The action contained herein has been analyzed with respect to the Paperwork Reduction Act of 1995 and found not to impose new or modified reporting and recordkeeping requirements or burdens on the public. Therefore implementation of the amended rule extending the date by which carriers must notify NECA of changes in their association access tariff participation will not be subject to approval by the Office of Management and Budget (OMB).

Final Regulatory Flexibility Act Analysis

As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the NPRM. The RFA, 5 U.S.C. 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). The Commission sought written public comment on the proposals in the NPRM, including comment on the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA, as amended. See 5 U.S.C. 604.

Need for and Objectives of This Order. As discussed above, NECA has asserted that changes in tariff notification periods and advancements in data collection and processing methods have facilitated NECA's ability to prepare association tariffs. Therefore, NECA can receive notifications from carriers changing the status of their

association tariff participation closer to the tariff filing deadline. At NECA's request, the Commission is amending its rules to extend the deadline by which carriers must notify NECA of changes in association tariff participation. Specifically, the notification deadline is changed from December 31 of the preceding year to March 1 of the tariff year. This extension of the notification deadline will provide carriers additional time to determine their tariff participation status, thus allowing them to make more informed tariff participation decisions.

Summary of Significant Issues Raised by the Public Comments in Response to the IRFA. The Commission received no comments addressing the IRFA. However, the comments received in response to the NPRM were supportive of the change in tariff participation notification date. NTCA's comments specifically noted that changing the election deadline to March 1 would benefit NTCA's members, which are small carriers that are "rural telephone companies" as defined in the Telecommunications Act of 1996.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities to which the rules will apply. 5 U.S.C. 604(a)(3). The RFA defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small business concern" under Section 3 of the Small Business Act. 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Small Business Act, 15 U.S.C. 632.

In this FRFA, we consider the potential impact of the Order on all local exchange carriers (LECs) that could consider participating in NECA's association tariffs. Neither the Commission nor the SBA has developed a definition for small LECs. The closest applicable definition under the SBA rules is for Standard Industrial Classification (SIC) category 4,813, telephone communications companies other than radiotelephone (wireless) companies. 13 CFR 121.201. For this category, the SBA has defined a small business to be a small entity having no more than 1,500 employees. *Id.*

We have included small incumbent LECs in the present RFA analysis. As noted, a "small business" under the RFA is one that, *inter alia*, meets the

pertinent small business size standard (e.g., a telephone communications business having 1,500 or fewer employees), and "is not dominant in its field of operation." 5 U.S.C. 601(3). The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent LECs are not dominant in their field of operation because any such dominance is not "national" in scope. Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (May 27, 1999). The Small Business Act contains a definition of "small business concern" which the RFA incorporates into its own definition of "small business." See 15 U.S.C. 632(a) (Small Business Act); 5 U.S.C. 601(3) (RFA). SBA regulations interpret "small business concern" to include the concept of dominance on a national basis. 13 CFR 121.102(b). Since 1996, out of an abundance of caution, the Commission has included small incumbent LECs in its regulatory flexibility analyses. See, e.g., *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, 61 FR 45476, August 29, 1996. We have therefore included small incumbent LECs in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

The most reliable source of information regarding the total numbers of certain common carrier and related providers nationwide, as well as the numbers of commercial wireless entities, appears to be data the Commission publishes annually in its *Carrier Locator: Interstate Service Providers Report (Locator)*. This report was compiled using information from Telecommunications Relay Service (TRS) fund worksheets filed by carriers, including, *inter alia*, LECs, competitive local exchange carriers, interexchange carriers, competitive access providers, satellite service providers, wireless telephony providers, operator service providers, pay telephone operators, providers of telephone toll service, providers of telephone exchange service, and resellers.

There are two principle providers of local telephone service; incumbent LECs and competing local service providers. However, under 47 CFR part 69, participation in NECA's access service tariffs is limited to incumbent LECs, therefore the rule changes will not affect competing local service providers. 47 CFR 69.2(hh). According to the most recent *Locator* data, 1,348 filers identified themselves as incumbent LECs. Data set forth in the Commission's

Statistics of Communications Common Carriers (SOCC) lists 32 incumbent LECs that have more than 1,500 employees. We do not have data specifying the number of incumbent LECs that are either dominant in their field of operations or are not independently owned and operated, and thus are unable at this time to estimate with greater precision the number of incumbent LECs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that fewer than 1,316 incumbent LECs are small entities that may be affected by the rules.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements. This Order adopts a proposed extension of the date by which carriers must notify NECA of changes in participation in association tariffs. Under the current rules this notification must be provided six months prior to the effective date of the tariff, by December 31 of the preceding year. The Commission amends its rules to allow carriers until March 1 of the tariff year to provide the required notification to NECA. The amended rules will not require carriers to conduct any new reporting or recordkeeping obligations. Instead, carriers will continue to report to NECA any changes in their association tariff participation, but this notification will be submitted at a later date.

Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered. The rule amendments adopted in this Order are designed to assist all carriers in making their association tariff participation elections. The extension of the notification date from December 31 to March 1 may particularly benefit smaller carriers that rely on average schedule formulas to compute interstate access compensation, because NECA is required to file proposed revisions to these schedules by December 31. The extension of the tariff election deadline will provide carriers more time to analyze NECA's proposed revisions before making tariff participation decisions.

Report to Congress. The Commission will send a copy of the Order, including this FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. See 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of the Order, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Order and FRFA (or summaries thereof) will also be published in the **Federal Register**. See 5 U.S.C. 604(b).

Ordering Clauses

Pursuant to the authority contained in sections 1, 4(i), 4(j), 201–205, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, and 303, that this Order *Is Hereby Adopted* as described.

The provisions of this Order *Shall Be Effective November 30, 2000.*

The Commission's Consumer Information Bureau, Reference Information Center, *Shall Send* a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 69

Communications common carriers, Tariffs.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Regulatory Text

For the reasons stated in the preamble, the Federal Communications Commission amends 47 CFR part 69 as follows:

PART 69—ACCESS CHARGES

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

Authority: 47 U.S.C. 154, 201, 202, 203, 205, 218, 220, 254, 403.

2. Amend § 69.3 by revising paragraphs (e)(6), (e)(9), and (i)(1) to read as follows:

§ 69.3 Filing of access service tariffs.

* * * * *

(e) * * *

(6) A telephone company or companies that elect to file such a tariff shall notify the association not later than March 1 of the year the tariff becomes effective, if such company or companies did not file such a tariff in the preceding biennial period or cross-reference association charges in such preceding period that will be cross-referenced in the new tariff. A telephone company or companies that elect to file such a tariff not in the biennial period shall file its tariff to become effective July 1 for a period of one year. Thereafter, such telephone company or companies must file its tariff pursuant to paragraphs (f)(1) or (f)(2) of this section.

* * * * *

(9) A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff pursuant to paragraph (a) of this section shall notify the association not later than March 1 of the year the

tariff becomes effective that it will no longer participate in the association tariff. A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff for one of its study areas shall file its own Carrier Common Line tariff(s) for all of its study areas.

* * * * *

(i) * * *

(1) In addition to the withdrawal provisions of paragraphs (e)(6) and (e)(9) of this section, a telephone company or group of affiliated companies that participates in one or more association tariffs during the current tariff year and that elects to file price cap tariffs or optional incentive regulation tariffs effective July 1 of the following tariff year shall notify the association by March 1 of the following tariff year that it is withdrawing from association tariffs, subject to the terms of this section, to participate in price cap regulation or optional incentive regulation.

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[FR Doc. 00-27904 Filed 10-30-00; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 000426114-0114-01; I.D. 101700E]

RIN 0648-AN53

Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications; Extension of an Interim Rule

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Extension of the effective date of an interim rule.

SUMMARY: NMFS informs the public that the interim rule published on May 4, 2000, to implement specifications and seasonal trip limits for fishing year 2000 (May 1, 2000, through April 30, 2001) for the spiny dogfish (*Squalus acanthias*) fishery, is extended through April 24, 2001. The extension maintains the total quota for the 2000 fishing year and sets aside a portion of the total quota for vessels participating in spiny dogfish exempted fishing projects. The interim final rule is necessary to prevent overfishing of spiny dogfish and extend the effective period of the quota.

DATES: Effective October 29, 2000, through April 24, 2001.

ADDRESSES: Copies of documents supporting this action are available from the Northeast Regional Office, NMFS, Office of Sustainable Fisheries, 1 Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Peter W. Christopher, Fishery Policy Analyst, 978-281-9288, fax 978-281-9135, e-mail peter.christopher@noaa.gov.

SUPPLEMENTARY INFORMATION: The Spiny Dogfish Fishery Management Plan (FMP) prepared by the Mid-Atlantic and New England Fishery Management Councils (Councils) was partially approved by NMFS on behalf of the Secretary of Commerce (Secretary) on September 29, 1999. The final rule implementing the FMP was published on January 11, 2000 (65 FR 1557), and was initially scheduled to be effective on February 10, 2000. However, the Councils were unable to reach agreement on a preferred commercial quota and trip limit measure for this action. After delays in implementing the FMP from February to April, 2000, in order to provide the Councils additional opportunities to reach agreement, NMFS, on behalf of the Secretary, published an interim rule on May 4, 2000 (65 FR 25887), which established a quota and trip limits for fishing year 2000.

The interim rule allocated quota into two periods (May 1 through October 31, and November 1 through April 30), with trip limits intended to preclude directed fishing. As of September 23, 2000, reported landings have exceeded the annual quota of 4 million lb (1,814 mt), with approximately 4.7 million lb (2,131 mt) reported. In addition, the Commonwealth of Massachusetts closed its waters to spiny dogfish fishing on August 26, 2000, based on its determination that landings in that state reached the 7 million lb (3,175 mt) of spiny dogfish that the Commonwealth believed appropriate. Therefore, the landings of 4.6 million lb (2,086 mt) currently included in Federal landings records is incomplete. Due to the excessive landings in quota period 1, which have exceeded the annual quota, the fishery will not be reopened for quota period 2.

The research quota set—aside of 500,000 lb (226.7 mt) was established for vessels participating in research projects designed to improve selectivity of spiny dogfish fishing gear and methods. The primary goal in providing this incentive for research is to investigate ways to shift fishing effort away from female spiny dogfish, which