

K. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA Section 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 1985, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the

National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

This action will be effective October 9, 2007.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 13, 2007.

J.I. Palmer, Jr.,

Regional Administrator, Region 4.

[FR Doc. E7-15670 Filed 8-9-07; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 515

[Docket No. 07-08]

RIN 3072-AC32

Optional Method of Filing Form FMC-18, Application for a License as an Ocean Transportation Intermediary

August 6, 2007.

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission ("FMC" or "Commission") amends its regulations relating to the method of filing Form FMC-18, Application for a License as an Ocean Transportation Intermediary ("OTI"), to provide for optional filing of OTI applications through a new electronic filing system. This optional filing system is intended to facilitate more efficient processing and review of applications for licensing. A filing fee of \$250 will apply to new applicants for OTI licensing, and \$125 for existing licensees who might want to use the optional electronic filing system to update their licensing records or to submit changes in the licensee's organization for which prior Commission approval is required.

DATES: Effective September 24, 2007.

FOR FURTHER INFORMATION CONTACT:

Sandra Kusumoto, Director, Bureau of Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5787, E-mail: SKusumoto@fmc.gov.

Amy W. Larson, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5740, E-mail: GeneralCounsel@fmc.gov.

SUPPLEMENTARY INFORMATION:

By Notice of Inquiry in Docket No. 01-08, the Commission first solicited comments concerning the impact of the Government Paperwork Elimination Act and the Electronic Signatures in Global and National Commerce Act on all sectors of the U.S. ocean shipping industry. Comments received in response to the Notice were supportive and encouraging of the Commission's efforts to provide expanded electronic filing options for information collections.

Responsive to comments filed in reply to that inquiry, the Commission signaled its intent to embark upon an E-government strategy which focuses on automating as many documents and

processes (both internal and external) as possible, and facilitating greater access to Commission information, forms and applications. The Commission concluded therein that establishing electronic options for most of its information collection processes was both viable and prudent. Since that time, the Commission has commenced an initiative for publishing electronic copies of Commission decisions; approved procedures by which non-vessel-operating common carriers ("NVOCCs") may file electronic copies of NVOCC Service Arrangements ("NSAs"); upgraded the SERVCON system for filers of service contracts and NSAs; reorganized and updated the Commission's Web site at <http://www.fmc.gov> to improve transparency and accessibility to information; authorized the filing of agreement minutes and monitoring reports in electronic format, etc. The Commission's Annual Performance Plan envisions the continued use of technological enhancements to improve efficiency and facilitate the exchange of information within the Commission and between the Commission and the shipping industry.

Working in conjunction with the Commission's Office of Information Technology, the Bureau of Certification and Licensing ("BCL") commenced efforts in 2005 to automate the process of filing its application for OTI licensing, Form FMC-18. Under existing 46 CFR 515.12, this application is submitted entirely in paper format, in duplicate. Supporting documentation required by the application process likewise must be filed in paper format.

BCL recently completed the initial software development and associated testing to support an automated application filing system. The Commission now proposes to make BCL's automated filing system available as an optional method by which to file Form FMC-18. Use of the automated system will not be required; interested parties may continue to submit Form FMC-18 in paper format and those filings will be received and processed in the same manner as before.

As developed by the Office of Information Technology and its contractors, the new automated filing system will facilitate the filing of Form FMC-18 in electronic format. Supporting documentation previously submitted in paper form will be appended electronically as part of the filing process. Validity checks incorporated into the automated filing process will alert the filer to the need to submit missing documentation at time of filing, thereby ensuring a more

complete application and facilitating quicker processing of OTI applications by BCL staff. A visually cleaner and more helpful electronic interface also has been implemented to guide and assist the filing applicant in completing the application.

The automated OTI filing system may be accessed through the Commission's Web site, <http://www.fmc.gov>. The filing system is password-protected to ensure the security of information being collected and to appropriately restrict external access to data to the applicant and its authorized filing agents. Both applicants for initial OTI licensing and current licensees seeking to amend or add an additional service (i.e., add NVOCC authority to an existing freight forwarder license) to their existing authority/license can make use of the automated filing system on an optional basis. Following implementation of automated filing on a voluntary basis, further automation of licensing-related functions, such as the use of e-signature technology, electronic filing of bonds and electronic payment options for fees, may be addressed by the Commission in future rulemakings.

The Commission may publish a rule as final, without being subject to the notice and comment requirements under the Administrative Procedure Act ("APA"), 5 U.S.C. 553, if the rule is interpretive, a general statement of policy, pertains to agency reorganization, or is a rule of practice and procedure. See 5 U.S.C. 553(b)(A); see also *Bachow Communications, Inc. v. FCC*, 237 F.3d 683, 690 (DC Cir. 2001) ("Like the rules governing the filing of applications, rules permitting (or suspending) amendments are 'rules of agency organization, procedure, or practice' exempt from the Administrative Procedure Act's notice and comment requirement.") The DC Circuit has held that the "critical feature" when determining whether a rule is procedural in nature is that "it covers agency actions that do not themselves alter the rights or interests of parties, although it may alter the manner in which the parties present themselves or their viewpoints to the agency." *James Hurson Assocs., Inc. v. Glickman*, 229 F.3d 277, 280 (DC Cir. 2000) (citing *JEM Broad. Co. v. FCC*, 22 F.3d 320, 326 (DC Cir. 1994)).

The Commission publishes this rule as final, implementing the voluntary electronic filing of Form FMC-18 under 5 U.S.C. 553 (b)(A), because this change is solely procedural in nature.

Applicants will have the option to file electronically or to continue utilizing the paper format. If the Commission later determines that electronic filing be

made a requirement of all applicants, a notice and comment period would be provided as required under 5 U.S.C. 553.

In order to promote the use of the electronic filing option by the public and to facilitate transfer of OTI records from a paper-based format to a more convenient and accessible digital format, the Commission also has decided to assess a lesser filing fee for those using the optional electronic filing method during this initial testing period. A filing fee of \$250 will apply to new applicants for OTI licensing, and \$125 for existing licensees who might wish to use the optional electronic filing system to update their licensing records or to submit changes in the licensee's organization for which prior Commission approval is required. See 46 CFR 515.18. Those using the electronic filing method also will directly assist BCL in its transition to an electronic recordkeeping system, by reducing the need for Commission staff to manually re-key data now residing primarily in paper format.

This rule is not a significant regulatory action as defined by Executive Order 12866, Regulatory Planning and Review, 58 FR 51,735 (Sept. 30, 1993) and therefore, is not subject to review by the Office of Information and Regulatory Affairs, in the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Federal Maritime Commission has certified to the Chief Counsel for Advocacy, Small Business Administration, that the rule will not have a significant impact on a substantial number of small entities. These changes establish an optional provision for U.S. licensed OTIs and applicants for OTI licensing, which may be used at their discretion. While these businesses qualify as small entities under the guidelines of the Small Business Administration, the rule poses no economic detriment, but rather provides a more cost-effective alternative than would otherwise be available to assist U.S. OTIs in obtaining licenses or in notifying the Commission of changes in the licensee's business structure or operations.

The rule contains no additional information collection or recordkeeping requirement. Therefore, the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* do not apply.

List of Subjects for 46 CFR Part 515

Classified information, Freedom of Information, Privacy, Sunshine Act.

■ For the reasons set out above, the Commission amends 46 CFR part 515 as follows:

PART 515—LICENSING, FINANCIAL RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES FOR OCEAN TRANSPORTATION INTERMEDIARIES

■ 1. The authority citation for 46 CFR part 515 continues to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 9701; 46 U.S.C. app. 1702, 1707, 1709, 1710, 1712, 1714, 1716, and 1718; Pub. L. 105–383, 112 Stat. 3411; 21 U.S.C. 862.

§ 515.12 [Amended]

■ 2. Amend 46 CFR 515.12 to add a new paragraph (e) as follows:

* * * * *

(e) *Optional method of filing Form FMC–18.* In lieu of completing and filing Form FMC–18 in paper format, applications and amendments thereto may be completed and submitted to the Bureau of Certification and Licensing by using the automated FMC–18 filing system in accordance with the instructions found on the Commission’s home page, <http://www.fmc.gov>. A \$250 fee for filing a new application and a \$125 fee for filing an amended application will be assessed for filers using the automated FMC–18 filing system instead of the fees listed at § 515.5(b)(1), (2).

§ 515.18 [Amended]

■ 3. Amend 46 CFR 515.18 to add a new paragraph (f) as follows:

* * * * *

(f) *Optional method of filing Form FMC–18.* In lieu of completing and filing Form FMC–18 in paper format, applications for approval of changes in organization, transfer of license, or changes in the identity or status of the designated qualifying individual required under this section may be completed and submitted to the Bureau of Certification and Licensing by using the automated FMC–18 filing system in accordance with the instructions found on the Commission’s home page, <http://www.fmc.gov>. A \$250 fee for filing a new application and a \$125 fee for filing an amended application will be assessed for filers using the automated FMC–18 filing system instead of the fees listed at § 515.5(b)(1), (2).

By the Commission.

Bryant L. VanBrakle,
Secretary.

[FR Doc. E7–15593 Filed 8–9–07; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 12

[EB Docket No. 06–119; WC Docket No. 06–63; FCC 07–139]

Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks

AGENCY: Federal Communications Commission.

ACTION: Final rule; delay of effective date.

SUMMARY: In the *Order*, the Federal Communications Commission (Commission) extends the effective date of the recently adopted section 12.2 of the Commission’s rules to October 9, 2007.

DATES: The effective date of the recently adopted rule 47 CFR 12.2, published at 72 FR 37655, August 10, 2007 is delayed until October 9, 2007.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jean Ann Collins, Deputy Chief, Communications Systems Analysis Division, Public Safety and Homeland Security Bureau, Federal Communications Commission at (202) 418–2792.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s *Order* in EB Docket No. 06–119 and WC Docket No. 06–63, FCC 07–139, adopted and released on August 2, 2007. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission’s duplicating contractor, Best Copy and Printing, Inc., in person at 445 12th Street, SW., Room CY–B402, Washington, DC 20554, via telephone at (202) 488–5300, via facsimile at (202) 488–5563, or via e-mail at FCC@BCPIWEB.COM.

Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by sending an e-mail to FCC504@fcc.gov or calling the Consumer and Governmental Affairs Bureau at (202) 418–0530, TTY (202) 418–0432. This document is also available on the Commission’s Web site at <http://www.fcc.gov>.

Synopsis of the Order

1. In the *Order*, we extend the effective date of the recently adopted section 12.2 of the Commission’s rules to October 9, 2007. This rule requires local exchange carriers (LECs), including incumbent LECs and competitive LECs, and commercial mobile radio service (CMRS) providers to have “an emergency backup power source for all assets that are normally powered from local AC commercial power, including those inside central offices, cell sites, remote switches and digital loop carrier system remote terminals.” The rule further states that “LECs and CMRS providers should maintain emergency back-up power for a minimum of 24 hours for assets inside central offices and eight hours for cell sites, remote switches and digital loop carrier system remote terminals that are normally powered from local AC commercial power.” LECs that meet the definition of a Class B company as set forth in section 32.11(b)(2) of the Commission’s rules and non-nationwide CMRS providers with no more than 500,000 subscribers are exempt from this rule. Absent an extension, this rule would become effective on August 10, 2007, which is 30 days after publication of the *Katrina Panel Order* in the **Federal Register**.

2. On July 31, 2007, CTIA—the Wireless Association® (CTIA) filed a “Motion for Administrative Stay” of section 12.2 of the Commission’s rules. In particular, CTIA requests an administrative stay, pending further review, of the requirement that CMRS providers have an emergency back-up power source for all assets that are normally powered by local AC commercial power, including a minimum of eight hours of back-up power for cell sites, by August 10, 2007.

3. On the Commission’s own motion, the Commission hereby delays the effective date of the back-up power rule adopted in the *Katrina Panel Order* for a period of 60 days from the original effective date of the rule (i.e., the new effective date will be October 9, 2007). This will provide the Commission with additional time to consider the issues raised by CTIA in its Motion for Administrative Stay and to hear from other concerned parties on those issues.

4. Accordingly, *it is ordered*, pursuant to sections 4(i) and (j) of the Communications Act of 1934, as amended, 47 CFR 154(i) and (j), and sections 1.108 and 1.427 of the Commission’s rules, 47 CFR 1.108 and 1.427, that the effective date of section 12.2 of the Commission’s rules, 47 CFR 12.2, is delayed for a period of 60 days.