

undertake various actions in association with any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. This Federal action approves pre-existing requirements under state or local law, and imposes no new Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

F. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended 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 section 804(2) of the APA as amended.

G. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeal for the appropriate circuit by March 30, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

VII. List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone.

Dated: January 9, 1998.

Michelle D. Jordan,
Acting Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.1885 is amended by adding paragraph (z) to read as follows:

§ 52.1885 Control Strategy: Ozone.

* * * * *

(z) The 15 percent rate-of-progress requirement of section 182(b) of the Clean Air Act, as amended in 1990, is satisfied for the Ohio portion of the Cincinnati-Hamilton ozone nonattainment area.

[FR Doc. 98–2081 Filed 1–27–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–27; RM–8901]

Radio Broadcasting Services; Salome, Arizona

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 241A to Salome, Arizona, as that community's first local aural transmission service in response to a petition filed on behalf of Browns Well Broadcasting. See 62 FR 4226, January 29, 1997. Coordinates used for Channel 241A at Salome, Arizona, are 33–46–54 and 113–36–42. As Salome is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government to this allotment was requested but has not been received. Therefore, Channel 241A has been allotted to Salome with the following interim condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to a hearing if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement" ("Agreement"). The condition is a temporary measure as we have determined that Channel 241A at Salome complies with the Agreement. Once an official response from the Mexican government has been obtained, the interim condition may be removed. With this action, the proceeding is terminated.

DATES: Effective March 9, 1998. A filing window for Channel 241A at Salome, Arizona, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a separate Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process

should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–27, adopted January 14, 1998, and released January 23, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Salome, Channel 241A.

Federal Communications Commission.

John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–2034 Filed 1–27–98; 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–AC68

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 Marine Safety Information System.

DATES: This amendment is effective February 27, 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 November 28, 1997, the Department published a notice of proposed rulemaking entitled, Privacy Act; Implementation in the **Federal Register** (62 FR 63304). The Department did not receive any comments on the proposed rulemaking.

Background

The Coast Guard's Marine Safety Information System (MSIS) collects selected information on commercial and/or documented vessels operating in US waters, and collects and manages the data needed to monitor the safety performance of maritime vessels and facilities with which the Coast Guard comes into contact while performing its marine safety functions. It also monitors the identities of individuals and corporations that own or operate these vessels, and, if appropriate, aids the Coast Guard to develop law enforcement actions against such vessels, facilities, individuals, and corporations.

MSIS consolidates information from three other Coast Guard Privacy Act record systems: DOT/CG 561, Port Safety Reporting System (Individual Violation Histories); and DOT/CG 587, Investigations of Violations of Marine Safety Laws, and the automated, but not the manual, portions of DOT/CG 590, Merchant Vessel Casualty Reporting System. It also encompasses the automated, but not the manual, portions of DOT/CG 591, Merchant Vessel Documentation System.

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

This rule is being published as a final rule and is being made effective on February 15, 1998. Pursuant to 5 U.S.C. 553, good cause exists for promulgating this rule and for making this rule effective less than 30 days after publication in the **Federal Register**. The Coast Guard is scheduled to commence Operational Testing and Evaluation for the Vessel Identification System (VIS), a congressionally mandated project, on February 15, 1998. VIS will incorporate specific vessel documentation information from the MSIS. The completion of this operational test is essential to the deployment of the VIS. Making the final rule effective at the time of the commencement of the

operational test will significantly improve the transition to the VIS and negate any unintended consequences of not meeting the Congressional Mandate. Delaying the test may have adverse effects on the development and implementation of the VIS. Further, because the test will only involve a limited number of state administrators, and the information contained in VIS will be destroyed following the completion of the test, no adverse impacts are expected. For these reasons, the Coast Guard finds good cause, under 5 U.S.C. 553(d)(3), that the effective date of this rule should be made effective in less than 30 days after publication.

Privacy Act exemption

Under subsection (k) of the Privacy Act (5 USC 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), (e)(4)(H), and (e)(4)(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 USC 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 MSIS accordingly; however, if an individual would be denied any right, privilege, or benefit to which he/she would otherwise be entitled by Federal law, of 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.

DOT proposed to exempt MSIS from these provisions and invited public comment; none was received. DOT

therefore is making its proposal final as written.

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, because the reporting requirements, themselves, are not changed and because 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.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), (Pub. L. 104-4, 109 Stat. 48), requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for proposed and final rules that contain Federal mandates. A "Federal mandate," is a new or additional enforceable duty, imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities, to spend, in aggregate, \$100 million or more in any one year the UMRA analysis is required. This rule does not impose Federal mandates on any State, local or tribal governments or the private sector.

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 continues to read as follows:

Authority: 5 USC 552a; 49 USC 322.

2. Part II.A of the Appendix is amended by republishing the introductory text and by adding a new paragraph 16, to read as follows:

* * * * *

APPENDIX TO PART 10—EXEMPTIONS

* * * * *

Part II. Specific exemptions.

A. The following systems of records are exempt from subsection (c)(3) (Accounting of Certain Disclosures), (d) (Access to Records), (e)(4)(G), (H), and (I) (Agency Requirements), and (f) (Agency Rules) of 5 USC 552a, to the extent that they contain investigatory material compiled for law enforcement purposes in accordance with 5 USC 552a(k)(2):

* * * * *

16. Marine Safety Information System, maintained by the Operations Systems Center, U.S. Coast Guard (DOT/CG 588). The purpose of this exemption is to prevent persons who are the subjects of criminal investigations from learning too early in the investigative process that they are subjects, what information there is in Coast Guard files that indicates that they may have committed unlawful conduct, and who provided such information.

* * * * *

Issued in Washington, DC, on January 20, 1998.

Rodney Slater,

Secretary of Transportation.

[FR Doc. 98-1923 Filed 1-27-98; 8:45 am]

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