

effects on the States, or on the current Federal-State relationship, or on the current distribution of power and responsibilities among the various local officials. Therefore, consultation with State and local officials was not necessary.

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act requires MARAD to assess the impact that regulations will have on small entities. After analysis of this final rule, I certify that this final rule will not have a significant economic impact on a substantial number of small entities. Although we expect many applicants for vessel waivers to be small businesses, we do not believe that the economic impact will be significant. This rule allows MARAD to waive the U.S.-build and other requirements for eligible vessels and provides a small economic benefit to applicants. This regulation will only allow vessels to carry the statutory maximum of 12 passengers. As a consequence, MARAD estimates that a vessel owner who receives a waiver may earn a few hundred dollars per year for localized operations (geographic restrictions apply), such as whale watching and personalized fishing expeditions. Also, the economic impact of this rule is limited because it precludes vessel owners from participating in other economic activities, such as carrying cargo and commercial fishing.

#### *Environmental Assessment*

This rule is not expected to have a significant effect on the human and natural environment, individually or cumulatively, and is categorically excluded from further documentation requirements under the National Environmental Policy Act (NEPA) by Maritime Administrative Order 600-1, Categorical Exclusion No. 3. In pertinent part, Categorical Exclusion No. 3 applies to: "promulgation of rules, regulations, directives, and amendments thereto which do not require a regulatory impact analysis under section 3 of Executive Order 12291 or do not have a potential to cause a significant effect on the environment."

#### *Paperwork Reduction Act*

The Office of Management and Budget (OMB) has reviewed and approved the information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) The OMB approval number is 2133-0529.

#### *Unfunded Mandates Reform Act*

This final rule does not impose unfunded mandates under the

Unfunded Mandates Reform Act of 1995. It does not result in costs of \$141.3 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objectives of the rule. Department guidance requires the use of a revised threshold figure of \$141.3 million, which is the value of \$100 million in 2008 after adjusting for inflation.

#### *Consultation and Coordination With Indian Tribal Governments*

MARAD believes that regulations evolving from this final rule would have no significant or unique effect on the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments). Therefore, the funding and consultation requirements of this Executive Order would not apply.

#### *Regulation Identifier Number (RIN)*

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

#### **Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

#### **List of Subjects in 46 CFR Part 388**

Administrative practice and procedure, Maritime carriers, Passenger vessels, Reporting and recordkeeping requirements.

■ Accordingly, the Maritime Administration amends part 388, 46 CFR chapter II, subchapter J, to read as follows:

#### **PART 388—ADMINISTRATIVE WAIVERS OF THE COASTWISE TRADE LAWS**

**Authority:** 46 App. U.S.C. 1114(b); Pub. L. 105-383, 112 Stat. 3445 (46 U.S.C. 12121); 49 CFR 1.66.

■ 1. In § 388.2, revise paragraph (c) to read as follows.

#### **§ 388.2 Definitions.**

\* \* \* \* \*

(c) *Eligible Vessel* means a vessel that—is either a small passenger vessel or an uninspected passenger vessel that—

(1) Was not built in the United States and is at least 3 years of age; or

(2) If rebuilt, was rebuilt outside the United States at least 3 years before the certificate of documentation with appropriate endorsement if granted, would become effective.

\* \* \* \* \*

■ 2. In § 388.3, revise the introductory paragraphs of paragraphs (a) and (a)(2) to read as follows:

#### **§ 388.3 Application and fee.**

(a) An owner of a vessel may choose either of two methods to apply for an administrative waiver of the coastwise trade laws of the United States for an eligible vessel to carry no more than twelve passengers for hire.

\* \* \* \* \*

(2) Alternatively, applicants may send written applications to Small Passenger Vessel Waiver Applications, Office of Cargo Preference, MAR-730, 1200 New Jersey Ave., SE., Washington, DC 20590. Written applications need not be in any particular format, but must be signed, be accompanied by a check made out to the order of "Maritime Administration," and contain the following information:

\* \* \* \* \*

By the order of the Maritime Administrator.

Dated: May 10, 2010.

**Christine Gurland,**

*Secretary, Maritime Administration.*

[FR Doc. 2010-11927 Filed 5-19-10; 8:45 am]

**BILLING CODE P**

#### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 0**

[GN Docket No. 09-51; PS Docket No. 06-229; FCC 10-67]

#### **Establishment of an Emergency Response Interoperability Center**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This Order amends Part 0 of the Commission's rules to establish rules governing the Emergency Response Interoperability Center (ERIC).

The Commission further delegates authority to the Chief of the Public Safety and Homeland Security Bureau to establish advisory bodies and select appropriate representatives from federal agencies, the public safety community, and industry to advise ERIC.

**DATES:** *Effective Date:* June 21, 2010.

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

**FOR FURTHER INFORMATION CONTACT:** Jennifer Manner, [Jennifer.manner@fcc.gov](mailto:Jennifer.manner@fcc.gov); (202) 418-3619.

**SUPPLEMENTARY INFORMATION:** The Commission will not send a copy of this Order pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

On March 16, 2010, the Commission submitted a report to Congress entitled "The National Broadband Plan (Plan)." As part of its national broadband strategy, the Plan recommends the establishment of an Emergency Response Interoperability Center (ERIC) tasked with ensuring that the 700 MHz public safety broadband wireless network will be fully operable and interoperable on a nationwide basis, both day-to-day as well as during times of emergency.

To ensure a baseline of operability and interoperability from the start of the network's development, the Commission has concluded that the public interest will be served by establishing ERIC within the Public Safety and Homeland Security Bureau (PSHSB). Accordingly, the Commission is assigning to ERIC responsibilities consistent with those currently assigned to PSHSB under § 0.191 of the FCC's rules. More specifically, ERIC will be tasked with implementing national interoperability standards and developing technical and operational procedures for the 700 MHz public

safety broadband wireless network. The Commission also anticipates that over time, ERIC may perform similar functions with respect to other public safety communications systems.

The Commission will not send a copy of this Order pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.

#### List of Subjects in 47 CFR Part 0

Organization and functions  
(Government agencies).

Federal Communications Commission.

**Marlene H. Dortch,**  
*Secretary.*

#### Final Rules

■ For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 part 0 as follows:

#### PART 0—COMMISSION ORGANIZATION

■ 1. The authority citation for part 0 continues to read as follows:

**Authority:** Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

■ 2. Section 0.191 is amended by adding paragraph (q) to read as follows:

##### § 0.191 Functions of the Bureau.

\* \* \* \* \*

(q) Oversees the Emergency Response Interoperability Center, establishes the intergovernmental advisory committees described under § 0.192(b), and administers the agency's responsibilities in connection with such committees.

■ 3. Add § 0.192 to Subpart A to read as follows:

##### § 0.192 Emergency Response Interoperability Center.

(a) The Emergency Response Interoperability Center acts under the general direction of the Chief of the

Public Safety and Homeland Security Bureau to develop, recommend, and administer policy goals, objectives, rules, regulations, programs, and plans for the Commission in matters pertaining to the implementation of national interoperability standards and the development of technical and operational requirements and procedures for the 700 MHz public safety broadband wireless network and other public safety communications systems. These requirements and procedures may involve such issues as interoperability, roaming, priority access, gateway functions and interfaces, interconnectivity of public safety broadband networks, authentication and encryption, and requirements for common public safety broadband applications.

(b) To the extent permitted by applicable law, the Chief of the Public Safety and Homeland Security Bureau shall have delegated authority to establish one or more advisory bodies, consistent with the Federal Advisory Committee Act or other applicable law, to advise the Emergency Response Interoperability Center in the performance of its responsibilities. Such advisory bodies may include representatives from relevant Federal public safety and homeland security entities, representatives from state and local public safety entities, industry representatives, and service providers.

■ 4. Section 0.392 is amended by revising the introductory text to read as follows:

##### § 0.392 Authority Delegated.

The Chief, Public Safety and Homeland Security Bureau, is hereby delegated authority to perform all functions of the Bureau, described in §§ 0.191 and 0.192, subject to the following exceptions and limitations in paragraphs (a) through (e) of this section.

\* \* \* \* \*

[FR Doc. 2010-12139 Filed 5-19-10; 8:45 am]

**BILLING CODE 6712-01-P**