

J. The Congressional Review Act

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 rule 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 of the rule 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 rule will be effective September 7, 1999.

Authority: This document is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6946.

Dated: May 28, 1999.

Carol M. Browner,
Administrator.

[FR Doc. 99-14347 Filed 6-7-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 8, 31, 71, 91, and 107

[USCG-1999-5004]

RIN 2115-AF74

Alternate Compliance Program; Incorporations by Reference

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: By this direct final rule, the Coast Guard is amending part 8 of Title 46, Code of Federal Regulations, to add recently approved incorporations by reference. We also insert the address and telephone numbers of the Coast Guard office identified in several parts as the source for additional information to facilitate our Alternate Compliance Program. This rule makes no substantive changes to current regulations. It enables continuation of the Alternate Compliance Program (ACP), which was developed to reduce redundant vessel inspections without jeopardizing safety. The final rule on the ACP was published in the **Federal Register** (62 FR 67526) on December 24, 1997.

DATES: This rule is effective on September 7, 1999, unless a written

adverse comment, or written notice of intent to submit an adverse comment, reaches the Docket Management Facility on or before August 9, 1999. If an adverse comment, or notice of intent to submit an adverse comment, is received, the Coast Guard will withdraw this direct final rule and publish a timely notice of withdrawal in the **Federal Register**.

ADDRESSES: You may mail your comments to the Docket Management Facility, (USCG-1999-5004), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington DC 20590-0001, or deliver them to room PL-401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329. The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Jaideep Sirkar, Naval Architecture Division (G-MSE-2), via: E-mail jsirkar@comdt.uscg.mil; telephone (202) 267-6925; or fax (202) 267-4816. For questions on viewing, or submitting material to, the docket, contact Carol Walker, Chief, Dockets, Department of Transportation, telephone 202-366-9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (USCG-1999-5004) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the Docket Management Facility at the address under **ADDRESSES**. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05-55, because no adverse comment is anticipated. If no adverse comment or written notice of intent to submit an adverse comment is received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, approximately 30 days before the effective date, the Coast Guard will publish a document in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives a written adverse comment or written notice of intent to submit an adverse comment, the Coast Guard will publish a document in the **Federal Register** announcing withdrawal of all or part of this direct final rule. If an adverse comment applies to an amendment, paragraph, or section of this rule and it is possible to remove that provision without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comment was received. The provision of this rule that was the subject of an adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of an adverse comment, the Coast Guard will publish a separate Notice of Proposed Rulemaking (NPRM) and provide a new opportunity for comment. A comment is considered "adverse" if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

Background and Purpose

Under regulations in 46 CFR parts 8, 31, 71, 91, and 107, owners and operators may submit their vessels for inspection by a recognized classification society. The classification society surveys such vessels and documents compliance with applicable international requirements, class rules, and its U.S. supplement. The cognizant U.S. Coast Guard Officer in Charge, Marine Inspection, may then issue certificates of inspection based upon classification society reports documenting vessels are classed and that they comply with all applicable requirements.

Discussion of Rule

This rule does not change any substantive requirements of existing regulations. The purpose of this

rulemaking is to add several recently approved sets of classification society rules and the supplements for these rules to the ACP regulations. Adding these rules and supplements through incorporation by reference is essential for the continued viability and validity of the ACP regulations.

Incorporation by Reference

The Director of the Federal Register has approved the material in 46 CFR 8.110(b) for incorporation by reference under 5 U.S.C. 552 and 1 CFR part 51. You may inspect all material at the Office of the Federal Register, 800 North Capitol St., NW., Suite 700, Washington, DC and at the U.S. Coast Guard, Office

of Design and Engineering Standards (G-MSE), 2100 Second St., SW., Washington, DC 20593-0001. You may obtain copies from either the American Bureau of Shipping (ABS)-Two World Trade Center, 106th Floor, New York, NY 10048, or Lloyd's Register of Shipping (LR)-100 Leadenhall Street, London EC3A 3BP.

STATUTES AND ORDERS ON THE REGULATORY PROCESS

Statute or order	Does the statute or order require an analysis or statement for this rulemaking?	If so, where do we discuss the analysis or statement?
Regulatory Planning and Review (Analysis of costs and benefits)—E.O. 12866; DOT Order 2100.5. Civil Justice Reform—E.O. 12988	Yes	See "Regulatory Evaluation" in this preamble.
Regulatory Flexibility Act—5 U.S.C. 604(a) and 605(b) ...	No. This rule meets the applicable standards in E.O. 12988, sections 3(a) and (b)(2), to minimize litigation, eliminate ambiguity, and reduce burden. Yes	See "Small Entities" in this preamble.
Paperwork Reduction Act of 1995—44 U.S.C. 3501-3520. Federalism—E.O. 12612	No. This rule contains no new collection-of-information requirements. No. This rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.	
Unfunded Mandates Reform Act of 1995, sec. 202—2 U.S.C. 1532.	No. No written statement is necessary because this rule does not impose an unfunded mandate that may result in the expenditure of \$100M or more in any one year.	
Enhancing the Intergovernmental Partnership (unfunded mandates for State, local, or tribal governments)—E.O. 12875.	No. This rule does not impose on any State, local, or tribal government a mandate that is not required by statute and that is not funded by the Federal government.	
Interference with Constitutionally Protected Property Rights (taking of private property)—E.O. 12630.	No. This rule does not effect a taking of private property or otherwise have taking implications under E.O. 12630.	
Protection of Children from Environmental Health Risks and Safety Risks—E.O. 13045.	No. This rule is not an economically significant rule and does not concern an environmental risk to health or a risk to safety disproportionately affecting children.	
National Environmental Policy Act—42 U.S.C. 4321-4347.	Yes	See "Environment" in this preamble.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. It will not impose any costs on the public, because it enables a voluntary alternative to another prescribed method of inspection.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this rule will have a

significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This rule does not change any requirements in the regulations. It is simply updating information to facilitate continuation of the Coast Guard's existing Alternate Compliance Program. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. Comments submitted in response to this finding will be evaluated under the criteria in the "Regulatory Information" section of this preamble.

Collection of Information

This rule contains no collection-of-information requirements under the

Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2-1, paragraphs (34) (d) and (e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This exclusion is in accordance with section 2.B.2. and figure 2-1 concerning regulations that are based on vessel inspection and equipment aspects. A "Categorical Exclusion Determination" is available in the docket for inspection

or copying where indicated under ADDRESSES.

List of Subjects

46 CFR Part 8

Administrative practice and procedure, Incorporation by reference, Organization and functions (Government agencies), Reporting and recordkeeping requirements.

46 CFR Part 31

Marine safety, Reporting and recordkeeping requirements, Tank vessels.

46 CFR Part 71

Marine safety, Passenger vessels, Reporting and recordkeeping requirements.

46 CFR Part 91

Cargo vessels, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 107

Marine safety, Oil and gas exploration, Reporting and recordkeeping requirements, Vessels.

For the reasons set out in the preamble, under the authority of 46 U.S.C. 3306, the Coast Guard amends 46 CFR parts 8, 31, 71, 91, and 107 as follows:

PART 8—VESSEL INSPECTION ALTERNATIVES

1. The authority citation for part 8 continues to read as follows:

Authority: 46 U.S.C. 3306; 46 U.S.C. 3316, as amended by Sec. 607, Pub L. 104-324, 110 Stat. 3901; 46 U.S.C. 3703; 49 CFR 1.45, 1.46.

2. Revise § 8.110(b) to read as follows:

§ 8.110 Incorporation by reference.

(a) * * *

(b) The material incorporated by reference in this subchapter and the sections affected are as follows:

American Bureau of Shipping (ABS)—
Two World Trade Center, 106th
Floor, New York, NY 10048.

Rules for Building and Classing Steel
Vessels, 1996—31.01-3(b), 71.15-
5(b), 91.15-5(b)

Rules for Building and Classing Steel
Vessels, 1997—31.01-3(b), 71.15-
5(b), 91.15-5(b)

Rules for Building and Classing Steel
Vessels, 1998—31.01-3(b), 71.15-
5(b), 91.15-5(b)

Rules for Building and Classing
Mobile Offshore Drilling Units,
1998—107.205(b)

U. S. Supplement to ABS Rules for
Steel Vessels for Vessels on
International Voyages, 21 October

1996—31.01-3(b), 71.15-5(b),
91.15-5(b)

U.S. Supplement to ABS Rules for
Steel Vessels for Vessels on
International Voyages, 1 August
1997—31.01-3(b), 71.15-5(b),
91.15-5(b)

U.S. Supplement to ABS Rules for
Mobile Offshore Drilling Units, 1
June 1998—107.205(b)

American National Standards Institute
(ANSI)—11 West 42nd St., New
York, NY 10036.

ANSI/ASQC Q9001—1994, Quality
Assurance in Design, Development,
Production and Servicing, 1994—
8.230

Lloyd's Register of Shipping (LR)—100
Leadenhall Street, London EC3A
3BP.

Rules and Regulations for the
Classification of Ships, 1998—
31.01-3(b), 71.15-5(b), 91.15-5(b)

Lloyd's Register of Shipping
Supplemental Requirements, 19
September 1998—31.01-3(b),
71.15-5(b), 91.15-5(b)

PART 31—INSPECTION AND CERTIFICATION

3. The authority citation for part 31 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306; 46 U.S.C. 3316, as amended by Sec. 607, Pub L. 104-324, 110 Stat. 3901; 46 U.S.C. 3703, 5115, 8105; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 11735, 38 FR 21243, 3 CFR 1971—1975 Comp. P. 793; 49 CFR 1.46.

4. Revise § 31.01-3(b) to read as follows:

§ 31.01-3 Alternate compliance.

(a) * * *

(b) For the purposes of this section, a list of authorized classification societies, including information for ordering copies of approved classification society rules and supplements, is available from Commandant (G-MSE), 2100 Second St., SW., Washington, DC 20593-0001; telephone (202)267-6925; or fax (202)267-4816. Approved classification society rules and supplements are incorporated by reference into 46 CFR 8.110(b).

PART 71—INSPECTION AND CERTIFICATION

5. The authority citation for part 71 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306; 46 U.S.C. 3316, as amended by Sec. 607, Pub L. 104-324, 110 Stat. 3901; 46 U.S.C. 3703, 5115, 8105; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp. 351; 49 CFR 1.46.

6. Revise § 71.15-5(b) to read as follows:

§ 71.15-5 Alternate compliance.

(a) * * *

(b) For the purposes of this section, a list of authorized classification societies, including information for ordering copies of approved classification society rules and supplements, is available from Commandant (G-MSE), 2100 Second St., SW., Washington, DC 20593-0001; telephone (202)267-6925; or fax (202)267-4816. Approved classification society rules and supplements are incorporated by reference into 46 CFR 8.110(b).

PART 91—INSPECTION AND CERTIFICATION

7. The authority citation for part 91 continues to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 3306; 46 U.S.C. 3316, as amended by Sec. 607, Pub L. 104-324, 110 Stat. 3901; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; E.O. 11735, 38 FR 21243, 3 CFR 1971—1975 Comp., P. 793; 49 CFR 1.46.

8. Revise § 91.15-5(b) to read as follows:

§ 91.15-5 Alternate compliance.

(a) * * *

(b) For the purposes of this section, a list of authorized classification societies, including information for ordering copies of approved classification society rules and supplements, is available from Commandant (G-MSE), 2100 Second St., SW., Washington, DC 20593-0001; telephone (202)267-6925; or fax (202)267-4816. Approved classification society rules and supplements are incorporated by reference into 46 CFR 8.110(b).

PART 107—INSPECTION AND CERTIFICATION

9. The authority citation for part 107 continues to read as follows:

Authority: 43 U.S.C. 1333; 46 U.S.C. 3306; 46 U.S.C. 3316, as amended by Sec. 607, Pub L. 104-324, 110 Stat. 3901; 46 U.S.C. 5115; 49 CFR 1.45, 1.46; § 107.05 also issued under authority of 44 U.S.C. 3507.

10. Revise § 107.205(b) to read as follows:

§ 107.205 Alternate compliance.

(a) * * *

(b) For the purposes of this section, a list of authorized classification societies, including information for ordering copies of approved classification society rules and supplements, is available from Commandant (G-MSE), 2100 Second St., SW., Washington, DC 20593-0001; telephone (202)267-6925; or fax

(202)267-4816. Approved classification society rules and supplements are incorporated by reference into 46 CFR 8.110(b).

Dated: May 21, 1999.

J.P. High,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96-45; FCC 99-121]

Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, we reconsider, on our own motion, the Commission's decision governing the amount of money that may be collected during the second six months of 1999 and the first six months of 2000 to fund the second year of the federal universal service support mechanisms for schools, libraries, and rural health care providers. In this Order, we direct the Universal Service Administrative Company (USAC or the Administrator) to collect no more than \$562.5 million per quarter for the third and fourth quarters of 1999 and the first and second quarters of 2000 to support the schools and libraries universal service support mechanism, and to limit collections to no more than \$3 million per quarter for the third and fourth quarters of 1999 and the first and second quarters of 2000 to support the rural health care universal service support mechanism.

DATES: Effective June 8, 1999.

FOR FURTHER INFORMATION CONTACT: Matthew Vitale, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418-7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document released on May 28, 1999. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room, CY-A257, 445 Twelfth Street, SW, Washington, DC 20554.

I. Introduction

1. In this Order, we reconsider, on our own motion, the Commission's decision governing the amount of money that

may be collected during the second six months of 1999 and the first six months of 2000 to fund the second year of the federal universal service support mechanisms for schools, libraries, and rural health care providers. We find that we should set the collection rate for the schools and libraries support mechanism at the \$2.25 billion cap adopted in the *Universal Service Order*, 62 FR 32862 (June 17, 1997), and that we should modify the collection rate for the rural health care support mechanism by setting a collection level of \$12 million. Although we modify the collection rate for the rural health care support mechanism, we do not revise the annual \$400 million cap for the rural health care support mechanism adopted in the *Universal Service Order*. In addition, we do not revise the rules of priority adopted in the *Fifth Order on Reconsideration*, 63 FR 43088 (August 12, 1998), and the *Eleventh Order on Reconsideration* to govern the schools and libraries support mechanism.

2. In this Order, we direct the Universal Service Administrative Company (USAC or the Administrator) to collect no more than \$562.5 million per quarter for the third and fourth quarters of 1999 and the first and second quarters of 2000 to support the schools and libraries universal service support mechanism, and to limit collections to no more than \$3 million per quarter for the third and fourth quarters of 1999 and the first and second quarters of 2000 to support the rural health care universal service support mechanism. Furthermore, we direct USAC neither to commit nor disburse more than \$2.25 billion for the schools and libraries support mechanism during the third and fourth quarters of 1999 and the first two quarters of 2000 or more than \$12 million for the third and fourth quarters of 1999 and the first and second quarters of 2000 for the rural health care support mechanism.

II. Collections During the Second Funding Year

9. The Commission is committed to setting collection levels for the second funding year at an amount that will ensure that the Administrator is able to allocate support to schools and libraries at a level that is equal to or greater than the level of support that was allocated in the first funding year. Accordingly, given this commitment and estimated demand at \$2.435 billion, we believe that the collection level should be set at the \$2.25 billion cap recommended by the Joint Board on Universal Service in the *First Recommended Decision*, 61 FR 63778 (December 2, 1996), and adopted

by the Commission in the *Universal Service Order*. Consistent with the Commission's conclusion in the *Universal Service Order*, we believe that setting the collection level at \$2.25 billion reasonably balances the desire to provide support to eligible schools and libraries against the costs associated with establishing larger support mechanisms. While we recognize that some applicants' needs will not be met in full (i.e., for funding of all internal connection requests), a collection rate of \$2.25 billion will be sufficient to fund fully all requests for priority one services (telecommunications services and Internet access) and to fund fully requests by the neediest schools and libraries for internal connections to the same level of discount as was funded in the first program year. This approach is consistent with the Commission's commitment to ensuring that support will be directed toward the most economically disadvantaged schools and libraries, as well as those located in rural areas. Accordingly, we direct USAC to collect only as much as required by demand, but in no event more than \$562.5 million per quarter for the third and fourth quarters of 1999 and the first and second quarters of 2000 to support the schools and libraries universal service support mechanism. We also direct the Administrator to commit to applicants no more than \$2.25 billion for disbursement during the second half of 1999 and the first half of 2000 to support the schools and libraries support mechanism.

10. We have determined that demand for funding will not increase significantly during the second funding year of the rural health care support mechanism. As projected by USAC, we anticipate that demand is not likely to exceed \$12 million total annual support for the second funding year. We conclude therefore that we should establish a maximum collection level at \$12 million for the third and fourth quarters of 1999 and the first and second quarters of 2000. This collection level is consistent with projected demand, and there is no evidence that eligible health care providers will require funding beyond this level for the second funding year. Accordingly, we direct USAC to limit collections to no more than \$3 million per quarter for the third and fourth quarters of 1999 and the first and second quarters of 2000 for the rural health care universal service support mechanism. We also direct USAC to commit to applicants no more than \$12 million for disbursement during the second half of 1999 and the