

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 62**

[GA-37-9811b; FRL-6003-9]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Georgia**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA proposes to approve the Section 111(d) and 129 State Plan submitted by the Georgia Department of Natural Resources (DNR) for the State of Georgia on November 13, 1997, for implementing and enforcing the Emissions Guidelines applicable to existing Municipal Waste Combustors with capacity to combust more than 250 tons per day of municipal solid waste. The Plan was submitted by the Georgia DNR to satisfy certain Federal Clean Air Act requirements. In the Final Rules Section of this **Federal Register**, EPA is approving the Georgia State Plan submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule and incorporated by reference herein. If no significant, material, and adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by June 18, 1998.

ADDRESSES: Written comments should be addressed to Scott Martin at the EPA Region Office listed. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit.

Environmental Protection Agency,
Region 4, Air Planning Branch, 61
Forsyth Street, SW, Atlanta, Georgia
30303-3104.

Georgia Department of Natural
Resources, Air Protection Branch,
4244 International Parkway, Suite
120, Atlanta, Georgia 30354.

FOR FURTHER INFORMATION CONTACT:

Scott Davis at (404) 562-9127 or Scott
Martin at (404) 562-9036.

SUPPLEMENTARY INFORMATION: See the
information provided in the Direct Final
action which is located in the Rules
Section of this **Federal Register**.

Dated: March 16, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 98-13118 Filed 5-18-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 54**

[CC Docket No. 96-45; DA 98-872]

Proposed Revision of 1998 Collection Amounts for Schools and Libraries and Rural Health Care Universal Service Support Mechanisms**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: The Common Carrier Bureau seeks comment on the proposed revision of 1998 collection amounts for the schools and libraries and rural health care universal service support mechanisms.

DATES: Comments in response to this proposed rule are due May 22, 1998.

ADDRESSES: One original and five copies of all comments responsive to this Public Notice must be sent to Magalie Roman Salas, Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Three copies also should be sent to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, 2100 M Street, N.W., 8th Floor, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Irene Flannery, Accounting Policy
Division, Common Carrier Bureau, (202)
418-7383.

SUPPLEMENTARY INFORMATION: The final
rules providing for universal service
support for schools, libraries, and health
care providers appear in 47 CFR part 54,
subparts F and G, which were originally
published on June 17, 1997 (62 FR
32862) and amended in rules published
on January 3, 1998 (63 FR 2094) and
January 27, 1998 (63 FR 3830).

By the Common Carrier Bureau:
Consistent with section 254 of the
Communications Act, as amended, and

the recommendations of the Federal-
State Joint Board on Universal Service,
we remain committed to providing
support to eligible schools and libraries
for telecommunications services,
Internet access, and internal
connections. We also remain committed
to providing the greatest level of support
to the most economically disadvantaged
schools and libraries. At the same time,
however, we strive to ensure a smooth
transition to the new universal service
support mechanisms and to minimize
disruption to consumers. We seek to
provide support to schools, libraries,
and rural health care providers in a
manner that does not require
consumers' rates to rise, and without
causing rate churn. We thus seek
comment on a proposal to implement a
gradual phase-in of the schools,
libraries, and rural health care universal
service support mechanisms that takes
advantage, and reflects the timing, of
access charge reductions, will provide
substantial support and at the same time
will minimize disruption to consumers.

As of May 1, 1998, SLC projected that
\$2.02 billion in discounts have been
requested by applicants who have filed
through April 28, 1998. RHCC projected
that the rural health care support
mechanism will require \$25 million for
the third quarter. Although the local
exchange carriers will not file their
access tariffs until June 16, 1998, based
on preliminary information provided by
the local exchange carriers, we estimate
that the July 1, 1998 access charge
reductions will be approximately \$700
million below current levels. Given
projected access charge reductions, we
estimate that the quarterly collection
rate for schools and libraries could rise
from \$325 million (the second quarter
collection rate) to approximately \$524
million (We reach this result in the
following manner: Long distance
carriers pay direct contributions to
universal service and, through interstate
access charges, indirectly pay for most
of the local exchange carrier
contributions. Directly and indirectly,
long distance carriers are responsible for
approximately 82.5 percent of schools
and libraries and rural health care
contributions. Multiplying \$700 million
by 1/.825 yields \$848 million. We
divide \$848 million by 4 to find the
incremental amount available for each
quarter, which is \$212 million. We then
add \$212 million to the average
quarterly collection rate for the first half
of 1998, \$312 million (the average of
\$300 and \$325 million). Accordingly,
access charge reductions of \$700 million
yield \$524 million as a quarterly
collection rate for the third and fourth

quarters of 1998 without increasing total access and universal service payments by long distance carriers. Accordingly, schools and libraries could be funded at approximately \$1.67 billion for the 1998 calendar year. Because the 75-day initial filing window period for the rural health care support mechanism just opened on May 1, 1998, we propose that the quarterly collection rate for the rural health care support mechanism remain at \$25 million for the third and fourth quarters of 1998. Accordingly, rural health care providers would be funded at \$100 million for the 1998 calendar year.)

We do not seek comment on revising the annual caps adopted in the Universal Service Order. Rather, we seek comment on adjusting the maximum amounts that may be collected and spent during the initial year of implementation in order to ensure that collection rates do not exceed access charge reductions and to prevent rate churn for subscribers. We emphasize that any adjustments should not impact the level of support available to the most economically disadvantaged schools and libraries, and seek comment on ways to ensure that those entities receive adequate support.

We seek comment on directing the Universal Service Administrative Company ("USAC") to collect only as much money as is required by demand, but in no event more than \$25 million per quarter for the third and fourth quarters of 1998 to support the rural health care universal service support mechanism, and no more than \$524 million per quarter for the third and fourth quarters of 1998 to support the schools and libraries universal service support mechanism. We also seek comment on directing the administrative corporations to neither commit nor disburse more than \$100 million for the health care support mechanism or more than \$1.67 billion for the schools and libraries support mechanism during the 1998 funding year.

While we have not had an opportunity to review fully the statement of Commissioner Furchtgott-Roth, we do take this opportunity to note that the 60-day congressional review period referenced in that statement does not apply to "any rule promulgated under the Telecommunications Act of 1996 and the amendments made by that Act."

Parties wishing to comment on these issues and the Initial Regulatory Flexibility Analysis below are directed to file comments on or before May 22, 1998, and to follow the following procedures. All filings should reference:

Proposed Revision of Maximum Collection Amounts for Schools and Libraries and Rural Health Care Providers, Public Notice, CC Docket No. 96-45, DA 98-872. All interested parties should include the name of the filing party and the date of the filing on each page of their comments. Parties should include a table of contents in all documents regardless of length and should indicate whether they are filing an electronic copy of a submission via the Internet or via diskette. Pleadings must comply with Commission rules. One original and five copies of all comments must be sent to Magalie Roman Salas, Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554. Three copies also should be sent to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, 2100 M Street, N.W., 8th Floor, Washington, D.C. 20554. Copies of documents filed with the Commission may be obtained from the International Transcription Service, 1231 20th Street, N.W., Washington, D.C. 20037, (202) 857-3800. Such documents are also available for review and copying at the FCC Reference Center, Room 239, 1919 M Street, N.W., Washington, D.C., from 9:00 a.m. to 4:30 p.m.

Parties may also file informal comments or an exact copy of formal comments electronically via the Internet at: <<http://www.fcc.gov/e-file/ecfs.html>>. Only one copy of an electronic submission must be submitted. A party must note whether an electronic submission is an exact copy of formal comments on the subject line and should note in its paper submission that an electronic copy of its comments is being submitted via the Internet. A commenter also must include its full name and Postal Service mailing address in its submission. Parties not submitting an exact copy of their formal comments via the Internet are also asked to submit their comments on diskette. Parties submitting diskettes should submit them to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, 2100 M Street, N.W., Room 8606, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labelled with the party's name, proceeding, type of pleading (comment), date of submission, and the name of the electronic file on the diskette. Each diskette should

contain only one party's pleadings, preferably in a single electronic file. Electronic submissions are in addition to and not a substitute for the formal filing requirements addressed above.

Ex parte contact. Filing of this petition initiates a permit-but-disclose proceeding under the Commission's rules.

Initial Regulatory Flexibility Analysis

1. The Regulatory Flexibility Act (RFA)¹ requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."²

2. *Description of the Reasons Why Agency Action Is Being Considered.* This Notice requests comment on adjusting the maximum amounts that may be collected and spent during the initial year of implementation of the universal service support mechanisms for schools, libraries, and rural health care providers in order to ensure that collection rates do not exceed access charge reductions and to prevent rate churn for subscribers. The notice emphasizes that any adjustments should not impact the level of support available to the most economically disadvantaged schools and libraries, and seeks comment on ways to ensure that those entities receive adequate support. As the notice indicates, some parties have already suggested ways to prioritize the distribution of funds if necessary in response to a prior public notice.

3. *Objectives and Legal Basis for the Proposed Action.* The proposed action is supported by sections 1, 4(i) and (j), and 254, of the Communications Act, as amended, 47 U.S.C. §§ 151, 154(i) and (j), and 254. The objective is to provide support to schools, libraries and rural health care providers in a manner that does not require consumers' rates to rise, and without causing rate churn.

4. *Description and Estimate of the Number of Small Entities That May Be Affected by this Notice.* The RFA generally defines "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction" and the same meaning as the term "small business concern" under the Small Business Act, 15 U.S.C. § 632,

¹ The RFA, see 5 U.S.C. § 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

² 5 U.S.C. § 605(b).

unless the Commission has developed one or more definitions that are appropriate to its activities.³ Under the Small Business Act, a "small business concern" is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (SBA).⁴

5. The SBA has defined a small business for Standard Industrial Classification (SIC) categories 4812 (Radiotelephone Communications) and 4813 (Telephone Communications, Except Radiotelephone) to be small entities having fewer than 1,500 employees.⁵ Small incumbent LECs subject to the universal service rules are either dominant in their field of operation or are not independently owned and operated, and consistent with our prior practice they are excluded from the definition of "small entity" and small business concerns. Accordingly, our use of the terms "small entities" and "small business" does not encompass small incumbent LECs. Out of an abundance of caution, however, for regulatory flexibility analysis purposes, we will consider small incumbent LECs within this analysis and use the term "small incumbent LECs" to refer to any incumbent LECs that arguably might be defined by the SBA as "small business concerns."

6. In the final regulatory flexibility analysis (FRFA) in the Universal Service Order, the Commission described and estimated in detail the number of small entities that would be affected by the new universal service rules.⁶ These entities included various types of telecommunications carriers and service providers, as well as schools, libraries, rural health care providers and other beneficiaries of the universal service mechanisms. The proposal in this notice would apply to the same entities described in the FRFA. Therefore we incorporate by reference the description and estimate of the number of small entities affected included in the FRFA to the Order.⁷

7. *Description of Projected Reporting, Recordkeeping and Other Compliance Requirements.* The notice does not propose any new reporting or recordkeeping requirements. It proposes to change the existing compliance requirements for universal service by adjusting the amount of support

available to schools, libraries, and rural health care providers in the first year of the new universal service support mechanisms and to ensure that the most economically disadvantaged schools and libraries receive adequate support.

8. *Description of Significant Alternatives which could Minimize Any Significant Economic Impact on Small Entities.* The requirements proposed could have a significant economic impact on small telecommunications carriers and providers, including small LECs by reducing the amount of their universal service contributions in the first year of the support mechanisms for schools and libraries, and rural health care providers. In addition the proposed requirements could have a significant economic impact on small schools, libraries, rural health care providers, and small government jurisdictions by reducing the amount of support available during that year. The notice seeks comments on alternative ways of ensuring adequate support for the most economically disadvantaged schools and libraries. We invite specific comment on the impact of the proposed requirements on small entities.

9. *Federal Rules that May Duplicate, Overlap, or Conflict With the Notice.* None.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 98-13336 Filed 5-15-98; 11:24 am]
BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-63, RM-9209]

Radio Broadcasting Services; Pottsboro, TX; Durant and Madill, OK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Grayson Broadcasting Company requesting the allotment of Channel 273C3 to Pottsboro, Texas; the substitution of Channel 292A for Channel 296A at Durant, Oklahoma, and the modification of Station KLBC's license; the substitution of Channel 296A for Channel 273A at Madill, Oklahoma, and the modification of Station KMAD-FM's license. Channel 273C3, Channel 292A, Channel 296A can be allotted to Pottsboro, Texas, Durant and Madill, Oklahoma, respectively, in compliance

with the Commission's minimum distance separation requirements. Channel 273C3 can be allotted to Pottsboro, Texas, without the imposition of a site restriction at coordinates 33-46-20 and 96-40-18. Channel 292A can be allotted to Durant and Channel 296A can be allotted to Madill at the existing transmitter sites of Station KLBC and Station KMAD-FM. The coordinates for Channel 292A at Durant are 34-00-07 and 96-25-19. The coordinates for Channel 296A at Madill are 34-06-24 and 96-46-30.

DATES: Comments must be filed on or before June 29, 1998, and reply comments on or before July 14, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Andrew S. Kersting, Fletcher, Heald & Hildreth, P.L.C., 11th Floor, 1300 North 17th Street, Rosslyn, Virginia 22209-3801 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-63, adopted April 29, 1998, and released May 8, 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, ITS, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

³ 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. § 632).

⁴ Small Business Act, 15 U.S.C. § 632 (1996).

⁵ 13 C.F.R. § 121.201.

⁶ Order, 12 FCC Rcd at 9227-9243.

⁷ 12 FCC Rcd at 9227-9243.