

according to the procedures outlined in the MOA.

Effective immediately, all notifications, reports and other correspondence required under section 112 standards should be sent to the State of Ohio after the permit is issued. Affected sources should send this information to: Robert F. Hodanbosi, Division of Air Pollution Control, OEPA, 122 South Front Street, P.O. Box 1049, Columbus, Ohio 43266-7049

EPA is publishing this action without prior proposal because EPA views this action as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the State Plan should adverse or critical written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comment by August 10, 2001. Should EPA receive such comments, it will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on September 10, 2001.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any State plan. Each request for revision to a State Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### IX. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule 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 rule approves 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). This rule also does not have a substantial direct effect on one or more

Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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 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 10, 2001 unless EPA receives adverse written comments by August 10, 2001.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 2001. 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).)

#### List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air Pollution control, Hazardous substances, Intergovernmental relations.

(Authority: 42 U.S.C. 7401, *et seq.*)

Dated: June 19, 2001.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 01-17072 Filed 7-10-01; 8:45 am]

BILLING CODE 6560-50-P

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

#### 46 CFR Part 310

[Docket No. MARAD-2001-10056]

#### Service Obligation Reporting Requirements for United States Merchant Marine Academy and State Maritime School Graduates

**AGENCY:** Maritime Administration, Transportation.

**ACTION:** Final rule.

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**SUMMARY:** The Maritime Administration (MARAD, we, our, or us) is amending the employment reporting requirements for United States Merchant Marine Academy (USMMA) graduates and graduates receiving student incentive payments at state maritime schools. The

new rule will allow a USMMA or state maritime school graduate to submit his or her employment report 13 months following his or her graduation and each succeeding 12 months for a total of five consecutive years for USMMA graduates and three years for state maritime school graduates. The intended effect of this rulemaking is to provide all graduates (whether June or deferred) an equal amount of months to report employment under their service obligations rather than require a July 1 report date for all graduates including those having deferred graduation dates. This rule is noncontroversial and allows a timely as well as fair and efficient reporting criterion.

**DATES:** The effective date of this final rule is July 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Taylor E. Jones II, Office of Maritime Labor, Training, and Safety, (202) 366-5755. You may send mail to Mr. Jones at Maritime Administration, Office of Maritime Labor, Training, and Safety, MAR-250, Room 7302, 400 Seventh Street, SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**Background**

The USMMA and state maritime schools require a midshipman/cadet who is a U.S. citizen and who enters the USMMA or a state maritime school in the student incentive payment (SIP) program after April 1, 1982 to sign a service obligation contract which obligates the midshipman/cadet to certain post graduate employment. Prior regulations required an employment reporting date of July 1 for all USMMA and state maritime school SIP graduates irrespective of whether the graduation date was in June or deferred. This presented a situation in which some graduates were allowed less time to submit an employment report under their service obligations. This final rule will allow a USMMA or state maritime school SIP graduate to submit his or her employment report 13 months following his or her graduation and each succeeding 12 months for a total of five consecutive years for USMMA graduates and for a total of three years for state maritime school SIP graduates. This will afford all graduates (whether June or deferred) an equal amount of months to report employment under their service obligations rather than require a July 1 report date for all graduates including those having deferred graduation dates.

This rulemaking does not require notice and comment because it is a rule of agency organization, procedure, and practice (5 U.S.C. 553(b)). Additionally, we find good cause under 5 U.S.C.

553(d) to make this final rule effective upon publication because this rule is noncontroversial and allows a timely as well as fair and efficient reporting criterion. An immediate effective date of this final rule will provide USMMA and state maritime school (SIP) graduates with equal reporting time irrespective of graduation date.

**Regulatory Analyses and Notices**

*Executive Order 12866 and DOT Regulatory Policies and Procedures*

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not reviewed by the Office of Management and Budget. This final rule is not likely to result in an annual effect on the economy of \$100 million or more. This final rule is also not significant under the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034; February 26, 1979). The economic impact, if any, should be so minimal that no further regulatory evaluation is necessary. This final rule is intended only to allow timely as well as fair and efficient employment reporting criterion.

*Regulatory Flexibility Act*

MARAD certifies that this final rule will not have a significant economic impact on a substantial number of small entities. This final rule only provides an equal reporting time for all USMMA and state maritime school graduates irrespective of graduation date.

*Federalism*

We analyzed this final rule in accordance with the principles and criteria contained in E.O. 13132 ("Federalism") and have determined that it does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. These regulations have no substantial 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.

*Executive Order 13175*

MARAD does not believe that this final rule will significantly or uniquely affect the communities of Indian tribal governments when analyzed under the principles and criteria contained in Executive Order 13175 ("Consultation and Coordination with Indian Tribal Governments"). Therefore, the funding

and consultation requirements of this Executive Order would not apply.

*Environmental Impact Statement*

We have analyzed this final rule for purposes of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and have concluded that under the categorical exclusions provision in section 4.05 of Maritime Administrative Order ("MAO") 600-1, Procedures for Considering Environmental Impacts, 50 FR 11606 (March 22, 1985), the preparation of an Environmental Assessment and an Environmental Impact Statement, or a Finding of No Significant Impact for this final rule is not required. This final rule involves administrative and procedural regulations that have no environmental impact.

*Unfunded Mandates Reform Act of 1995*

This final rule does not impose an unfunded mandate under the Unfunded Mandates Reform Act of 1995. It does not result in costs of \$100 million or more, in the aggregate, to any of the following: State, local, or Native American tribal governments, or the private sector. This final rule is the least burdensome alternative that achieves the objective of the rule.

*Paperwork Reduction Act*

This final rule contains information collection requirements covered by OMB approval number 2133-0509, under 5 CFR part 1320, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

**List of Subjects in 46 CFR Part 310**

Grant programs-education, Reporting and recordkeeping requirements, Schools, and Seamen

Accordingly, for the reasons discussed in the preamble, 46 CFR part 310, is amended as follows:

1. The authority citation for part 310 continues to read as follows:

**Authority:** 46 App. U.S.C. 1295; 49 CFR 1.66.

2. In § 310.7, paragraph (b)(6) is revised to read as follows:

**§ 310.7 Federal student subsistence allowances and student incentive payments.**

\* \* \* \* \*

(b) \* \* \*

(6) *Reporting requirement.* (i) The schools must promptly submit copies of all resignation forms (containing the name, reason, address and telephone number) of juniors and seniors to the Supervisor, to be used for monitoring and enforcement purposes. Each

graduate must submit an employment report form to the Maritime Administration (Supervisor) 13 months following his or her graduation and each succeeding 12 months for three years to: Academies Program Officer, Office of Maritime Labor and Training, Maritime Administration, NASSIF Building, 400 7th St., SW., Washington, DC 20590. In case a deferment has been granted to engage in a graduate course of study, semi-annual reports must be submitted for any extension of the three (3) year obligation period resulting from such deferments. The examples follow:

*Example 1:* Midshipman graduates on June 30, 2001. His first reporting date is July 1, 2002 and thereafter for 3 consecutive years.

*Example 2:* Midshipman has a deferred graduation on November 30, 2001. His first reporting date is December 1, 2002 and thereafter for 3 consecutive years.

(ii) The Maritime Administration will provide reporting forms. However, non-receipt of such form will not exempt a graduate from submitting employment information as required by this paragraph. The reporting form has been approved by the Office of Management and Budget (2133-0509).

3. Section 310.58 is amended by revising paragraph (d) as follows:

\* \* \* \* \*

(d) *Reporting requirements.* (1) Each graduate must submit an employment report form 13 months following his or her graduation and each succeeding 12 months for a total of five consecutive years to: Academies Program Officer, Office of Maritime Labor and Training, Maritime Administration, NASSIF Building, 400 7th St., SW., Washington, DC 20590.

*Example 1:* Midshipman graduates on June 30, 2001. His first reporting date is July 1, 2002 and thereafter for 5 consecutive years.

*Example 2:* Midshipman has a deferred graduation on November 30, 2001. His first reporting date is December 1, 2002 and thereafter for 5 consecutive years.

(2) The Maritime Administration will provide reporting forms. However, non-receipt of such form will not exempt a graduate from submitting employment information as required by this paragraph. The reporting form has been approved by the Office of Management and Budget (2133-0509).

Dated: July 5, 2001.

By Order of the Acting Deputy Maritime Administrator.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 01-17217 Filed 7-10-01; 8:45 am]

BILLING CODE 4910-81-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[MD Docket No. 01-76; FCC 01-196]

### Assessment and Collection of Regulatory Fees for Fiscal Year 2001

**AGENCY:** Federal Communications Commission.

**ACTION:** Final Rule.

**SUMMARY:** The Commission will revise its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress has required it to collect for fiscal year 2001. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory fees under sections 9(b)(2) and 9(b)(3), respectively, for annual "Mandatory Adjustments" and "Permitted Amendments" to the Schedule of Regulatory Fees.

**EFFECTIVE DATE:** September 9, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Terry Johnson, Office of Managing Director at (202) 418-0445 or Roland Helvajian, Office of Managing Director at (202) 418-0444.

#### SUPPLEMENTARY INFORMATION:

Adopted: June 28, 2001.

Released: July 2, 2001.

By the Commission:

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### I. Introduction

1. By this *Report and Order*, the Commission concludes a proceeding to revise its Schedule of Regulatory Fees to collect the amount of regulatory fees that Congress, pursuant to section 9(a) of the Communications Act, as amended, has required us to collect for Fiscal Year (FY) 2001.<sup>1</sup>

2. Congress has required that we collect \$200,146,000 through regulatory fees to recover the costs of our competition, enforcement, spectrum management, and consumer information activities for FY 2001.<sup>2</sup> See Attachment G for a description of these activities. This amount is \$14,392,000 or approximately 7.75% more than the amount that Congress designated for

<sup>1</sup> 47 U.S.C. 159(a).

<sup>2</sup> Public Law 106-553 and 47 U.S.C. 159(a)(2).