

reduced by five percent for self-propelled vessels and ten percent for tugs/barges to account for weather conditions.

(f) *Determination of cargo carried.* The amount of cargo tonnage used to calculate the rate shall be based on the tender offer or charter party terms. In instances when separate parcels of preference cargo are booked or considered for booking on the same vessel, whether under a single program or different programs, a guideline rate shall be provided based on the combined voyage.

(g) *Total rate.* The guideline rate shall be the total of the operating cost component, the capital cost component, the port and cargo handling cost component, and the broker's commission and overhead component. The fair and reasonable rate can be expressed as total voyage revenue or be divided by the amount of cargo to be carried, as prescribed in paragraph (f) of this section, and expressed as cost per ton, whichever MARAD deems most appropriate.

§ 382.4 Waivers.

In special circumstances and for good cause shown, the procedures prescribed in this part may be waived in keeping with the circumstances of the present, so long as the procedures adopted are consistent with the Act and with the intent of this part.

By order of the Maritime Administrator.
Dated: January 21, 1998.

Joel C. Richard,

Secretary.

[FR Doc. 98-1786 Filed 1-26-98; 8:45 am]

BILLING CODE 4910-81-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96-45; FCC 97-411]

Universal Service Support Mechanisms

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission authorized the Administrator of the universal service support mechanisms to require payment of quarterly contributions to universal service in equal monthly installments. This action was intended to ease contributor's cash flow problems.

EFFECTIVE DATE: February 26, 1998.

FOR FURTHER INFORMATION CONTACT:
Diane Law, (202) 418-7400.

SUPPLEMENTARY INFORMATION:

I. Introduction

In this Third Order on Reconsideration (Order), we reconsider, on our own motion, the Commission's decisions governing the amount of money that may be collected during the first six months of 1998 for the federal universal service support mechanisms for schools and libraries and rural health care providers. We direct the administrator to collect only as much as required by demand, but in no event more than \$25 million per quarter for the first and second quarters of 1998 to support the rural health care universal service support mechanism. We direct the administrator to collect only as much as required by demand, but in no event more than \$625 million for the first six months of 1998, to support the schools and libraries universal service support mechanism. These actions will reduce the financial burdens on universal service contributors without jeopardizing the sufficiency of the support mechanisms. The Commission may revise the collection caps if we receive evidence of additional demand for services. The rules adopted in this Order will become effective February 26, 1998.

II. Background

1. In the *NECA Report and Order* (62 FR 41294 (Aug. 1, 1997)), the Commission established the administrative structure of the federal universal service support mechanisms. The Commission directed the National Exchange Carrier Association (NECA) to create an independent subsidiary, the Universal Service Administrative Company (USAC), to administer temporarily portions of the support mechanisms. The Commission also directed NECA to create two independent corporations, Schools and Libraries Corporation and Rural Health Care Corporation, to administer portions of the schools and libraries and rural health support mechanisms. USAC, Schools and Libraries Corporation, and Rural Health Care Corporation are required to submit to the Commission quarterly projections of demand and administrative expenses for their respective support mechanisms.

2. The schools and libraries and rural health care support mechanisms are newly created and have no historical data upon which to estimate accurately the demand for services in the initial months of the support mechanisms. The Commission specified that the administrator should collect \$100

million per month for the first three months of 1998 for the schools and libraries support mechanism and "adjust future contribution assessments quarterly based on its evaluation of schools and library demand for funds, within the limits of the spending caps. . . ." The Commission further held that, between January 1, 1998 and June 30, 1998, the administrator "will only collect as much as required by demand, but in no case more than \$1 billion." For the rural health care support mechanism, the Commission directed the administrator to collect \$100 million for the first three months of 1998. In addition, the Commission instituted annual caps on both support mechanisms, \$2.25 billion for the schools and libraries support mechanism and \$400 million for the rural health care support mechanism. In setting forth a collection schedule, the Commission sought to ensure that "funds will be available as needed while avoiding the potential problems arising from the accumulation of large amounts of funds in a federal universal service fund."

III. Discussion

3. We conclude that we should adjust downward the rate of collections for the schools and libraries and rural health care support mechanisms during the first six months of 1998. We anticipate that this action will not jeopardize the sufficiency of the support mechanisms. The annual caps were designed to estimate the maximum, rather than the actual, amount of demand for the schools and libraries and rural health care universal service support mechanisms. Based on what we have learned about the status of preparatory arrangements being made by schools, libraries, and rural health care providers to obtain the benefit of the universal service support mechanisms, we have no reason to believe that demand will reach the maximum projection levels in the initial implementation stages of these new support mechanisms. We do not want to impose unnecessary financial burdens on service provider contributors to universal service by requiring the administrator to collect funds that exceed demand. We also wish to ensure the successful implementation of the schools and libraries and rural health care support mechanisms. Accordingly, we find that it better serves the public interest to reduce the collection amounts specified in the Order (62 FR 32862 (June 17, 1997)) for the first six months of 1998, as described below.

4. *Rural Health Care.* The rural health care support mechanism supports the

difference, if any, between the urban and the rural rates for a telecommunications service of a bandwidth up to and including 1.544 Mbps. The rural health care support mechanism also provides limited support to health care providers that do not have toll-free access to the Internet. In the initial stages of implementing the rural health care support mechanism, we anticipate that demand will not exceed \$25 million per quarter during the first six months of 1998. We therefore amend our previous decision, and direct the administrator to collect only as much as required by demand, but in no event more than \$25 million per quarter for the first and second quarters of 1998 for the rural health care universal service support mechanism.

5. Schools and Libraries. The schools and libraries support mechanism provides discounts to eligible schools and libraries for commercially available telecommunications services, internal connections, and access to the Internet. Because many schools and libraries will not begin the installation of internal connections until the summer when students are not present in instructional buildings, we anticipate that initial demand for the schools and libraries support mechanism will not reach projected maximums. We therefore conclude that demand from schools and libraries in the second quarter of 1998 is unlikely to exceed substantially demand in the first quarter.

Accordingly, we direct the administrator to collect only as much as required by demand, but in no event more than \$625 million for the first six months of 1998.

IV. Procedural Matters

6. According to the Administrative Procedure Act, substantive rules shall not become effective until 30 days after their publication in the **Federal Register** unless there is good cause to waive that requirement. We find that good cause exists to waive the 30-day requirement because the rules adopted herein are critical to the expeditious and efficient implementation of the new federal universal service support mechanisms. The Commission's regulations implementing section 254 will take effect January 1, 1998. The rules adopted herein are necessary to calculate the first quarter 1998 universal service contribution factors and primarily affect the administrator of the support mechanisms. In order to collect contributions in February 1998, the administrator must know what the contribution factors will be before beginning the billing process in January 1998. The rules, therefore, do not place

additional burdens on the administrator. They enable the administrator to carry out its existing responsibilities. In addition, certain carriers must file tariffs in December 1997 that reflect the contribution factors. Moreover, the rules adopted herein reduce the financial burdens imposed on universal service contributors by minimizing the amounts collected in the first six months of 1998. Thus, we find that good cause exists to make the rules adopted herein effective upon their publication in the **Federal Register**.

V. Supplemental Final Regulatory Flexibility Analysis

7. As required by section 603 of the Regulatory Flexibility Act (RFA), 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking and Order Establishing Joint Board (NPRM). In addition, the Commission prepared an IRFA in connection with the Recommended Decision, seeking written public comment on the proposals in the NPRM and Recommended Decision. (See 61 FR 63778, 63796). A Final Regulatory Flexibility Analysis (FRFA) was included in the Order. The Commission's Supplemental Final Regulatory Flexibility Analysis (SFRFA) in this Order conforms to the RFA, as amended.

A. Need for and Objectives of This Report and Order and the Rules Adopted Herein

8. The Commission is required by section 254 of the Act, as amended by the 1996 Act, to promulgate rules to implement promptly the universal service provisions of section 254. On May 8, 1997, the Commission adopted rules whose principle goal is to reform our system of universal service support mechanisms so that universal service is preserved and advanced as markets move toward competition. In this Order, we reconsider one aspect of those rules. In order to reduce financial burdens on all contributors to universal service, we reconsider, on our own motion, the amounts that will be collected during the first six months of 1998 for the schools, libraries, and rural health care support mechanisms.

B. Summary and Analysis of the Significant Issues Raised by Public Comments in Response to the IRFA

9. Other than those described in the Order, no additional comments were filed in response to the IRFAs described above.

C. Description and Estimates of the Number of Small Entities to Which the Rules Adopted in This Report and Order will Apply

10. Because the rules adopted herein apply to the administrator of the support mechanisms, the rules will not directly affect small entities. It is possible, however, that small entities will indirectly be affected by these rules. In the FRFA at paragraphs 890–922 of the Order, we described and estimated the number of small entities that would be affected by the new universal service rules. The rules adopted herein may apply to the same telecommunications carriers and entities affected by the universal service rules. We therefore incorporate by reference paragraphs 890–922 of the Order.

D. Summary Analysis of the Projected Reporting, Recordkeeping, and Other Compliance Requirements and Significant Alternatives and Steps Taken to Minimize the Significant Economic Impact on a Substantial Number of Small Entities Consistent With Stated Objectives

11. In the FRFA to the Order, we described the projected reporting, recordkeeping, and other compliance requirements and significant alternatives and steps taken to minimize significant economic impact on a substantial number of small entities consistent with stated objectives associated with the Administration section of the Order. Because the rules adopted herein may only marginally affect those requirements, we incorporate by reference paragraphs 980–981 of the Order, which describe those requirements and provide the following analysis of the new requirements adopted herein. Under the rules adopted herein, the administrator is instructed to collect during the first six months of 1998 no more than \$625 million for the schools and libraries support mechanism and \$50 million for the rural health care support mechanism.

VI. Ordering Clauses

12. Accordingly, *It is ordered* that, pursuant to the authority contained in sections 1–4, 201–205, 218–220, 254, 303(r), 403, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 218–220, 254, 303(r), 403, and 405, section 1.108 of the Commission's rules, 47 CFR 1.108, and section 553 of the Administrative Procedure Act, 5 U.S.C. 553, part 54 of the Commission's rules, 47 CFR part 54, is amended as set forth

in the rule changes, effective February 26, 1998.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

For the reasons set forth in the preamble, part 54 of title 47 of the Code of Federal Regulations is amended as follows:

PART 54—UNIVERSAL SERVICE

1. The authority citation for part 54 continues to read as follows:

Authority: 47 USC Secs. 1, 4(i), 201, 205, 214, and 254 unless otherwise noted.

§ 54.507 Cap.

2. Section 54.507 is amended by revising the second sentence of paragraph (a) to read as follows:

(a) * * * First, no more than \$625 million shall be collected or spent for the funding period from January 1, 1998 through June 30, 1998. * * *

§ 54.623 Cap.

3. Section 54.623 is amended by adding a new sentence at the end of paragraph (a) to read as follows:

(a) * * * No more than \$50 million shall be collected or spent for the funding period from January 1, 1998 through June 30, 1998.

[FR Doc. 98-1833 Filed 1-26-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-17; RM-8170]

Radio Broadcasting Services; Rosendale, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document dismisses a Petition for Reconsideration filed by the State University of New York directed to the *Memorandum Opinion and Order* in this proceeding. 61 FR 14981 (April 4, 1996). With this action, the proceeding is terminated.

EFFECTIVE DATE: January 27, 1998.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Memorandum Opinion*

and *Order* in MM Docket No. 93-17, adopted January 5, 1998, and released January 9, 1998. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 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, (202) 857-3805, 1231 M Street, NW., Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-1841 Filed 1-26-98; 8:45 am]

BILLING CODE 6712-01-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-210; RM-9166]

Radio Broadcasting Services; Soldiers Grove, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 290A to Soldiers Grove, Wisconsin, as that community's first local FM broadcast service in response to a petition filed by Lyle Robert Evans d/b/a Rural Radio Company. See 62 FR 54006, October 17, 1997. The coordinates for Channel 290A at Soldiers Grove are 43-28-16 and 90-40-21. There is a site restriction 11.8 kilometers (7.3 miles) northeast of the community. With this action, this proceeding is terminated. A filing window for Channel 290A at Soldiers Grove, Wisconsin, 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 subsequent order.

EFFECTIVE DATE: February 23, 1998.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 97-210, adopted December 17, 1997, and released January 9, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the

Commission'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 contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857-3800, facsimile (202) 857-3805.

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 continues to read 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 Wisconsin, is amended by adding Soldiers Grove, Channel 290A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98-1840 Filed 1-26-98; 8:45 am]

BILLING CODE 6712-01-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket Nos. 96-232; 97-35; RM-8868; RM-8900; RM-9055; RM-9056]

Radio Broadcasting Services; Calhan, Canon City, Pueblo and Pueblo West, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants allotment proposals in the above-referenced, interrelated proceedings regarding the communities of Pueblo, Pueblo West, Canon City and Calhan, Colorado, in response to petitions for rule making filed on behalf of Pueblo Broadcasters, Inc. (MM Docket No. 96-232; RM-8868) and Calhan Radio, Inc. (MM Docket No. 97-35; RM-8900), as well as counter-proposals filed in each proceeding by Pueblo Broadcasters, Inc. (RM-9055 and RM-9056 respectively), as set forth *infra* (see Supplementary Information). See 61 FR 65008, December 10, 1996, and 62 FR 4224, January 29, 1997. With this action the proceeding is terminated.