with all due speed in order to return the bridge to normal operation as soon as possible.

This deviation to the operating regulations authorizes the TBTA to keep the Triborough (125th Street) Bridge, mile 1.3, across the Harlem River in New York City, New York, in the closed position for repairs from August 2, 1999, through August 31, 1999, and from September 7, 1999, through October 6, 1999.

This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: June 21, 1999.

Robert F. Duncan,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 99–17054 Filed 7–2–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 173

[USCG 1998–3386]

RIN 2115–AF62

Adjustment of Fees for Issuing Numbers to Undocumented Vessels in Alaska

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard increases the fees it charges for issuing numbers to undocumented vessels in Alaska. It is doing this because the current fees do not cover its costs for issuing numbers to those vessels. This final rule brings the fees into full compliance with the general Federal statute on user fees, allowing the Coast Guard to fully recover its costs, and makes it more convenient for the public by offering additional methods to pay for this service.

DATES: This final rule is effective on September 1, 1999.

ADDRESSES: The comment received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–1998–3386. They are available for inspection or copying at the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov*. You may obtain a copy of this rule by calling the U. S. Coast Guard Infoline at 1–800–368–5647, or read it on the Internet, at the Web Site for the Office of Boating Safety, at *http://www.uscgboating.org* or at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: For questions on this final rule, call or write Janice B. Giles, Program Development and Implementation Division, Office of Boating Safety, Coast Guard, telephone 202–267–0911, (email: jgiles@comdt.uscg.mil), or Sue Hargis, Seventeenth Coast Guard District (Alaska) Boating Safety Specialist, (907) 463–2297 (email: shargis@cgalaska.uscg.mil). For questions on viewing the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 1, 1999, we published a notice of proposed rulemaking (NPRM) entitled ''Adjustment of Fees for Issuing Numbers to Undocumented Vessels in Alaska'' in the **Federal Register** (64 FR 4816). We sent press releases concerning the proposed increase to all major newspapers in Alaska. We received one letter commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

Title 33 of the Code of Federal Regulations (CFR), part 173, sets forth the requirements for issuing certificates of number to owners of vessels that are not documented, typically recreational boats. The Coast Guard's issuing numbers to undocumented vessels is unique to Alaska and the Seventeenth Coast Guard District; in all other parts of the nation, State or Territorial authorities act as the issuing authorities. We retain the responsibility for Alaska under Title 46 of the United States Code (U.S.C.), sub-section 12301(a), because the government of Alaska has not sought the approval of the Coast Guard for a State system of numbering vessels.

This final rule amends 33 CFR 173.85 so the charged fees cover the costs we incur for the number-issuing service we provide in Alaska. The increased fees affect those people who own undocumented vessels subject to 33 CFR 173.11 and who operate them principally in Alaska. This final rule also offers more methods for paying the fees.

The current $6 fee, set in 1972 (33 CFR 173.85), does not accrue to the Coast Guard. The money collected goes into the general fund of the U.S. Treasury as miscellaneous receipts of the Department of Transportation. Even if the money did accrue to us, it would cover barely 25 percent of the costs we incur for providing the service. The new fees will cover most, if not all, of these costs.

Under 46 U.S.C. 2110, the new fees will also be available to reimburse the Coast Guard for the full cost of accomplishing fee collection.

The development and application of a cost methodology came in for detailed discussion in the NPRM. That discussion rested on a contracted-for study of all user fees collected by the Coast Guard. A copy of the analysis is in the docket for this rulemaking. We adapted a system that employs Activity-Based Costing (ABC), which assigns costs to the activities required to produce a product, rather than to categories of expenses. All the fees we developed were rounded down to the nearest whole dollar, to simplify collection and accounting, and to conform to 46 U.S.C. 2110(a)(3). We must now set these fees in accordance with the criteria specified in 31 U.S.C. 9701 and Revised Circular A–25 of the Office of Management and Budget (OMB), which establishes guidelines for Federal agencies to assess fees for their services.

Discussion of Comment and Changes

In addition to publishing an NPRM, during February 1999 we published notices in local Alaskan newspapers: the Juneau Empire, Anchorage Daily News, Ketchikan Daily News, and Fairbanks News-Miner. We received only one comment on this rulemaking, which supported the fee increase.

Changes to 33 CFR 173.85. The three-year fee for an original or transferred certificate of number will increase from $6 to $24. The fee to renew a certificate of number will increase from $6 to $16. The fee for a duplicate certificate of number will increase from $1 to $9. The fee for replacing a lost or destroyed Validation Sticker will increase from $0.25 to $9. We may now accept payment of fees by check, money order, or major credit card (MasterCard or Visa), or in cash.

Regulatory Evaluation

This final 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. The Office of Management and Budget (OMB) has not reviewed this rule under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44

FR 11040, February 26, l979). We expect 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.

Cost of Rule

For the owner of an undocumented vessel who needs to obtain an original or a transferred certificate of number, the increase in fees resulting from this final rule is a one-time increase of $18, or $6 a vessel a year. For the same owner who needs to obtain a renewal certificate, the increase is a one-time increase of $10, or $3.33 a vessel a year (See Table 1). The fees for duplicate certificates and replacement stickers arise ''as needed'' and are not subject to further analysis.

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Table 1: Transactions and associated fees

A/ Service provided	B/ Current fee (1972)	C/ New fee (1999)	D/ Increase	E/ Annual cost of increase (D/3 years)
Original certificate	$6	$24	$18	$6 yr.
Renewal certificate	$6	$16	$10	$3.33 yr.
Duplicate certificate	$1	$9	$8	$2.67 yr.
Replacement sticker	$0.25	$9	$8.75	$2.92 yr.

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To determine the fees set forth in this rulemaking, the Coast Guard adopted Activity-Based Costing (ABC), a methodology that assigns costs according to the activities required to produce an output. An alternative would have been to use the Consumer Price Index (CPI), an inflation index showing how prices change for goods such as food, housing, and medical care for a typical consumer. Although ABC and CPI are not directly related, it is useful to compare the two to make sure our fee increase is within the range most people would expect.

In 1972, we set the fee for an original certificate of number at $6.00. If we had accomplished routine adjustments based on the CPI between 1972 and 1998, the fee for an original certificate of number would have increased to $20.31 [1972 price × (1998 CPI/1972 CPI): $6.00 × (146.9/43.4) = $20.31]. As presented in Table 1, adjustments based on ABC yield a new fee for an original certificate of number of $24.00.

This comparison shows that the increase set forth by the Coast Guard to recover costs based on ABC is close to the increase that would have occurred had it been linked with the inflation rate for Alaska.

Under the general Federal statute on user fees, the Coast Guard must recover its costs for services provided to the public. Further, under 31 U.S.C. 9701 and Circular A–25, the Coast Guard must review these fees every two years to ensure full-cost recovery. Fees for issuing numbers to undocumented vessels in Alaska have gone unreviewed since 1972. The annual cost of the increases as outlined in this final rule and Table 1 is justified because of (1) the 17-year period between establishment and review of the fees and (2) the outcome of Coast Guard analysis using ABC.

Benefits of Rule

The fee increases will allow the Coast Guard both to recover its costs for issuing numbers to undocumented vessels and to maintain the service required by the general public. Full-cost recovery benefits the involved parties by (1) delivering service to owners of undocumented vessels in Alaska and (2) letting the Coast Guard meet Federal mandates on cost recovery.

This final rule will also increase convenience to the public by allowing more ways for them to make their payments.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this final rule would 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.

Because the effects of this final rule will be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Records of the Coast Guard indicate that as of December 31, 1997, there were 32,414 undocumented vessels numbered by the Coast Guard in Alaska. Of those 32,414 undocumented vessels, about 23 percent—7,107 vessels (4,945 commercial fishing vessels, 1,656 commercial passenger-carrying vessels, and 506 rental or livery vessels)—belong to commercial entities, some of which may qualify as small entities. The economic impact of this rule on these small entities, however, is minimal (see Table 2).

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Table 2: Annual cost of fee increase

Service provided	Proposed fee increase	Annual cost of increase
Original certificate	$18.00	$6.00/year
Renewal certificate	$10.00	$3.33/year
Duplicate certificate	$ 8.00	$2.67/year
Replacement sticker	$ 8.75	$2.92/year

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For the five years 1994 through 1998 inclusive, we analyzed the number of transactions recorded by the Seventeenth District for issuing original, renewal, and transfer certificates. We assessed the aggregate economic effects of the then-proposed rule across the fleet of undocumented vessels in Alaska (See Table 3). We consider five years long enough to accurately represent the number of transactions that will occur in the future. The data reflect the cost of the fee increase across the fleet of undocumented vessels. We estimate that 23% of these transactions may involve small entities. Therefore, the aggregate cost of the fee increase on small entities is $31,760.70 ($138,090 × 23%).

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Table 3: Aggregate cost of fee increase across the fleet

Service provided	Average transactions per year*	Cost per current fee	Cost per proposed fee	Difference
Original certificate	2,785	$16,710 ($6 x 2,785)	$66,840 ($24 x 2,785)	$50,130
Renewal certificate	8,796	$52,776 ($6 x 8,796)	$140,736 ($16 x 8,796)	$87,960
Total	**11,581**	**$69,486**	**$207,576**	**$138,090**

*Avg. transactions per year calculated from the five-year period, 1994-1998, inclusive.

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Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding this final rule so that they could better evaluate its effects on them and participate in the rulemaking. For clarification of the new fees, they can ask the Seventeenth Coast Guard District, Boat Registration Office, in person, by telephone or by e-mail as listed in **FOR FURTHER INFORMATION CONTACT**.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal enforcement. The Ombudsman will annually evaluate the enforcement and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This final rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

We have analyzed this final rule under E.O. 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment. The Coast Guard is complying with the general Federal statute on user fees, and with the specific Federal statute for services provided under Title 46 of the United States Code, subtitle II.

Unfunded Mandates Reform Act and Enhancing the Intergovernmental Partnership

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) and E.O. 12875, Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This final rule will not impose an unfunded mandate.

Taking of Private Property

This final rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This final rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this final rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or safety that may disproportionately affect children.

Environment

We considered the environmental impact of this final rule and concluded that under figure 2–1, paragraph (34)(a), of Commandant Instruction M16475.lC, the rule is categorically excluded from further environmental documentation. The rule merely adjusts the fees charged to owners of undocumented vessels for issuing vessel's numbers and validation stickers. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 173

Marine safety, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 173 as follows:

PART 173–VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

1. Revise the citation of authority for Part 173 to read as follows:

Authority: 31 U.S.C. 9701; 46 U.S.C. 2110, 6101, 12301, 12302; OMB Circular A–25; 49 CFR 1.46.

2. Revise § 173.85 to read as follows:

§ 173.85 Fees levied by the Coast Guard.

a. In a State where the Coast Guard is the issuing authority, the fees for issuing certificates of number are:

(1) Original or transferred certificate of number and two validation stickers—$24.

(2) Renewed certificate of number and two validation stickers—$16.

(3) Duplicate certificate of number—$9.

(4) Replacement of lost or destroyed validation stickers—$9.

(b) Fees are payable by check or money-order made payable to the ''U.S. Coast Guard''; by major credit card (MasterCard or Visa); or, when the owner applies in person, in cash.

Dated: June 24, 1999.

Ernest R. Riutta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.

[FR Doc. 99–17053 Filed 7–2–99; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ–005–ROP; FRL–6371–2]

Approval and Promulgation of Implementation Plans; Phoenix, Arizona Ozone Nonattainment Area, Revision to the 15 Percent Rate of Progress Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is making minor changes to its 1998 15 percent rate of progress federal implementation plan (1998 FIP) for the metropolitan Phoenix (Arizona) ozone nonattainment area. The 1998 FIP contains a demonstration that the Phoenix metropolitan area has in place sufficient measures to meet the 15 percent rate of progress (ROP) requirement in the Clean Air Act. This action does not alter the basic conclusion in the 1998 FIP that the Phoenix metropolitan area has met the 15 percent ROP requirement as soon as practicable.

EFFECTIVE DATE: August 5, 1999.

FOR FURTHER INFORMATION CONTACT: Frances Wicher, Office of Air Planning (AIR–2), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105. (415) 744–1248, wicher.frances@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background Information

EPA is making minor changes to its 1998 15 percent rate of progress federal implementation plan (1998 15 percent ROP FIP or 1998 FIP) for the metropolitan Phoenix (Arizona) ozone nonattainment area. We proposed this action on March 26, 1999 at 64 FR 14659 (Reference 1).

Specifically, we are changing the control strategy (that is, the list of control measures) that makes up the basis for the 15 percent ROP demonstration for the Phoenix area by deleting the National Architectural Coatings Rule and adding phase II of Arizona's Clean Burning Gasoline (CBG) program to the control strategy in the 1998 FIP. Neither of these changes affects our basic conclusion in the 1998 15 percent ROP FIP that the Phoenix metropolitan area has in place sufficient measures to meet the 15 percent rate of progress requirement in CAA section 182(b)(1) as soon as practicable. Therefore, we are not making any changes to the language in the Code of Federal Regulations noting that we have determined that the Phoenix area has demonstrated the 15 percent ROP. See 40 CFR 52.123(g). We are making these changes under our federal planning authority in CAA section 110(c).

We are also clarifying that the transportation conformity budget for the Phoenix ozone nonattainment area is 87.1 metric tons of VOC per ozone season average day.

We describe in detail the Clean Air Act's 15 percent ROP requirement, the 1998 FIP, and our proposed revisions to the 15 percent plan and the transportation conformity budget in the proposal and in the Technical Support Document (TSD) for this action (Reference 2). We also discuss in the proposal and the TSD our interpretation of the CAA section 172(c)(9) requirement for contingency measures and our policies for implementing this requirement. We will not repeat this information here. Readers interested in this information should consult the proposal and the TSD. We devote the majority of this preamble to summarizing our responses to the most significant comments received on the proposal.