

published on April 30, 1998 (63 FR 23826), was corrected by a document published on June 10, 1998 (63 FR 31624). A final rule was published on March 16, 1999 (64 FR 13056) correcting additional errors in the final rule. However, an additional erroneous cross-reference has been detected and HUD wants to make this correction immediately.

In § 882.401(a), there is a reference to "moderate rehabilitation as defined in § 882.402." That reference should have been to the actual location of definitions in part 882, which is § 882.102.

List of Subjects in 24 CFR Part 882

Grant programs—housing and community development, Homeless, Housing, Lead poisoning, Low- and moderate-income housing, Rent subsidies, Reporting and recordkeeping requirements.

For the reasons stated above, part 882 of title 24 of the Code of Federal Regulations is amended as follows:

PART 882—SECTION 8 MODERATE REHABILITATION PROGRAMS

1. The authority citation for part 882 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

§ 882.401 [Amended]

2. In § 882.401(a), the reference to "§ 882.402" is removed and a reference to "§ 882.102" is added in its place.

Dated: March 23, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

[FR Doc. 99-7613 Filed 3-26-99; 8:45 am]

BILLING CODE 4210-33-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NJ31-2-189, FRL-6313-9]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for the State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving revisions to the New Jersey State Implementation Plan (SIP) for ozone. The State submitted this SIP revision as an amendment to New Jersey's statewide rule for the application of

reasonably available control technology (RACT) to sources that emit oxides of nitrogen (NO_x). The intended affect of this SIP revision is to reduce emissions of NO_x in order to help attain the national ambient air quality standard for ozone.

EFFECTIVE DATE: This rule will become effective April 28, 1999.

ADDRESSES: Copies of the State submittal and other information are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region 2 Office, Air Programs Branch,
290 Broadway, 25th floor, New York,
New York 10007-1866.

New Jersey Department of
Environmental Protection, Office of
Air Quality Management, Bureau of
Air Quality Planning, 401 East State
Street, CN418, Trenton, New Jersey
08625.

Environmental Protection Agency, Air
and Radiation Docket and Information
Center, Air Docket (6102), 401 M
Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Ted
Gardella, Air Programs Branch,
Environmental Protection Agency, 290
Broadway, 25th floor, New York, New
York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION: On
November 15, 1993, New Jersey
submitted to EPA, as a revision to the
SIP, Subchapter 19 of Chapter 27, Title
7 of the New Jersey Administrative
Code. Subchapter 19 is entitled "Control
and Prohibition of Air Pollution From
Oxides of Nitrogen." This Subchapter
provides the NO_x RACT requirements
for New Jersey and became effective on
December 20, 1993. On January 27, 1997
(62 FR 3804), EPA published approval
of Subchapter 19 as part of the SIP.

On June 21, 1996, New Jersey
submitted to EPA, as a revision to the
SIP, the revisions to Subchapter 19. The
June 1996 SIP submittal from New
Jersey includes new provisions and
amendments to Subchapter 19. The
revisions apply to major stationary
sources of NO_x and allow a facility to
comply with Subchapter 19 with any of
the following new provisions: seasonal
fuel switching; the emergency use of
fuel oil; an exemption for electric
generating facilities during a maximum
emergency generating alert; and phased
compliance for facilities choosing to
repower, facilities actively pursuing
innovative control technology, or
facilities that made a good faith effort to
comply by May 31, 1995. On August 31,
1998, EPA published in the **Federal
Register** (63 FR 46209) a Notice of
Proposed Rulemaking (NPR) proposing

to approve the June 21, 1996 revisions
to Subchapter 19 and providing for a 30-
day public comment period. EPA
received no comments regarding the
NPR. For a more detailed discussion of
New Jersey's SIP submittal and EPA's
action, the reader is referred to the NPR.

Conclusion

The EPA has evaluated the June 21,
1996 revision to Subchapter 19 for
consistency with the Act's provisions,
EPA regulations and policy and has
determined that the revisions to this
regulation are fully approvable.
Therefore, this rule makes final the
action proposed at 63 FR 46209.

Administrative Requirements

Executive Order 12866

The Office of Management and Budget
(OMB) has exempted this regulatory
action from Executive Order (E.O.)
12866, entitled "Regulatory Planning
and Review."

Executive Order 12875

Under Executive Order 12875, EPA
may not issue a regulation that is not
required by statute and that creates a
mandate upon a State, local or tribal
government, unless the Federal
government provides the funds
necessary to pay the direct compliance
costs incurred by those governments, or
EPA consults with those governments. If
EPA complies by consulting, Executive
Order 12875 requires EPA to provide to
the Office of Management and Budget a
description of the extent of EPA's prior
consultation with representatives of
affected State, local and tribal
governments, the nature of their
concerns, copies of any written
communications from the governments,
and a statement supporting the need to
issue the regulation. In addition,
Executive Order 12875 requires EPA to
develop an effective process permitting
elected officials and other
representatives of State, local and tribal
governments "to provide meaningful
and timely input in the development of
regulatory proposals containing
significant unfunded mandates."

Today's rule does not create a
mandate on state, local or tribal
governments. The rule does not impose
any enforceable duties on these entities.
Accordingly, the requirements of
section 1(a) of E.O. 12875 do not apply
to this rule.

Executive Order 13045

Protection of Children from
Environmental Health Risks and Safety
Risks (62 FR 19885, April 23, 1997),
applies to any rule that: (1) Is
determined to be "economically

significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This SIP approval is not subject to E.O. 13045 because it approves a state program implementing a Federal standard.

Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment

rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Submission to Congress and the Comptroller General

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**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

Petitions for Judicial Review

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 May 28, 1999. 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 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: March 14, 1999.

William J. Muszynski,

Acting Regional Administrator, Region 2.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(66) to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

(66) A revision to the New Jersey State Implementation Plan (SIP) for ozone

concerning revisions to the rule for requiring reasonably available control technology (RACT) for sources emitting oxides of nitrogen (NO_x) dated March 24, 1995, submitted by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled "Control and Prohibition of Air Pollution from Oxides of Nitrogen," effective April 17, 1995.

(ii) Additional information:

(A) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox,

EPA, requesting EPA approval of revisions to Subchapter 19.

3. In § 52.1605 the table is amended by revising the entry for Subchapter 19 under the heading "Title 7, Chapter 27" to read as follows:

§ 52.1605 EPA-approved New Jersey regulations

| State regulation | State effective date | EPA approved date | Comments |
|---|----------------------|-------------------------------------|----------|
| * * * Title 7, Chapter 27 | * | * | * |
| * * * Subchapter 19, "Control and Prohibition of Air Pollution from Oxides of Nitrogen". | Apr.17, 1995 | Mar. 29, 1999 and FR page citation. | * |
| * * * | * | * | * |

[FR Doc. 99-7427 Filed 3-26-99; 8:45 am]
BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[CC Docket No. 97-213, DA 99-412]

Communications Assistance for Law Enforcement Act

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Chief, Office of Engineering and Technology granted five requests for confidential treatment to withhold data from routine public inspection filed by telecommunications equipment manufacturers: Alcatel Network Systems ("Alcatel"); Lucent Technologies Inc. ("Lucent"); Motorola, Inc. ("Motorola"); Northern Telecom Inc. ("Nortel Networks"); and Siemens Information and Communication Networks ("Siemens"). The material for which confidential treatment is sought contains detailed proprietary pricing estimates that constitute "trade secrets and commercial or financial information and privileged or confidential categories of materials not routinely available for public inspection.

DATES: Effective March 29, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Office of Engineering and Technology, (202) 418-2452.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, CC Docket 97-213, DA 99-412, adopted February 26, 1999, and released March 2, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room TW-A306), 445 12th Street, S.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036.

Summary of the Order

1. On December 14, 1998, requests for confidential treatment of data pursuant to section 0.459 of the Commission's Rules, *see generally Treatment of Confidential Information Submitted to the Commission, GC Docket No. 96-55, Report and Order*, 63 FR 44161, August 8, 1998, was filed in this proceeding by five telecommunications equipment manufacturers: Alcatel Network Systems ("Alcatel"); Lucent Technologies Inc. ("Lucent"); Motorola, Inc. ("Motorola"); Northern Telecom Inc. ("Nortel Networks"); and Siemens Information and Communication Networks ("Siemens"). Additionally, on January 29, 1999, Alcatel filed a second request for confidential treatment of data filed in this proceeding. We grant these requests and withhold the associated data from routine public inspection for the reasons stated below.

2. In the *Further Notice of Proposed Rulemaking* (Further NPRM), 63 FR 63639, November 16, 1998, in this proceeding, the Commission reached tentative conclusions regarding the technical requirements of the Communications Assistance for Law Enforcement Act ("CALEA") in relation

to wireline, cellular, and broadband PCS telecommunications carriage, and sought comment on a range of related issues. The *Further NPRM* was initiated in response to industry adoption of an interim standard, known as J-STD-025, and petitions for rulemaking that were filed challenging J-STD-025's inclusion or exclusion of certain technical requirements. In the *Further NPRM*, the Commission stated that it did not intend to reexamine any of the uncontested technical requirements of the J-STD-025 standard but instead would make determinations only regarding whether each of the contested requirements meet the assistance capability requirements of section 103 of CALEA. These contested requirements are the location information and packet-mode provisions currently included within J-STD-025, and the nine "punch list" items that are currently not included but are sought by the law enforcement community.

3. Also in the *Further NPRM*, the Commission stated that, in its efforts to determine what features and capabilities fall within the parameters of CALEA, it must consider five specific factors, pursuant to section 107(b) of CALEA. These specific factors are that the features and capabilities: meet the assistance capability requirements of section 103 by cost-effective methods; protect the privacy and security of communications not authorized to be intercepted; minimize the cost of such compliance on residential ratepayers; serve the policy of the United States to encourage the provision of new technologies and services to the public; and provide a reasonable time and conditions for compliance with and the transition to any new standard, including defining the obligations of telecommunications carriers under