

governments, or to the private sector, result from this action.

#### G. 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).

#### H. 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 December 27, 1999. Filing a petition for reconsideration by the Administrator of this final rule approving two revisions to Maryland's regulations for controlling VOCs from adhesives applications 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, Ozone, Reporting and recordkeeping requirements.

Dated: September 30, 1999.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, Region III.*

40 CFR part 52 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 V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(145) to read as follows:

#### § 52.1070 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(145) Revisions to the Maryland State Implementation Plan submitted on April 12, 1999, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of April 12, 1999, from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to Regulation .15 under Code of Maryland Administrative Regulations (COMAR) 26.11.19 Volatile Organic Compounds from Specific Processes.

(B) Revision to COMAR 26.11.19.15: Paint, Resin, and Adhesive Manufacturing and Adhesive Application amending the definition found at COMAR 26.11.19.15 A(2) of the term "honeycomb core installation" to include other substrates. This revision was adopted on March 2, 1999 and effective on March 22, 1999.

(C) Revision to COMAR 26.11.19.15: Paint, Resin, and Adhesive Manufacturing and Adhesive Application clarifying the applicability of COMAR 26.11.19.15.C(4) General Emission Standard. This revision was adopted on April 9, 1998 and effective on May 4, 1998.

(ii) *Additional Material*—Remainder of April 12, 1999 submittal pertaining to COMAR 26.11.19.15 Paint, Resin, and Adhesive Manufacturing and Adhesive Application.

[FR Doc. 99-27201 Filed 10-27-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA71-168a ; FRL -6452-3]

### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District; Yolo-Solano Air Quality Management District

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern Kern County Air Pollution Control District (KCAPCD), Rule 424 and Yolo-Solano Air Quality Management District, Rule 2.37. The revisions include rescission and removal of an obsolete rule from the SIP and the incorporation of two rules into the Federally approved SIP.

The rule to be removed regulated sulfur compound emissions from oil field steam generators. No units covered by this rule remain or are in operation within KCAPCD's jurisdictional area.

The rules to be incorporated control emissions of oxides of nitrogen (NO<sub>x</sub>) from natural gas-fired residential water heaters.

This approval action will incorporate the two rules into the Federally approved SIP. The intended effect of approving the rules is to regulate NO<sub>x</sub> emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of this revision into the California SIP under provisions of the CAA regarding EPA actions on SIP submittals, SIPs for national primary and secondary ambient air quality standards (NAAQS), and plan requirements for nonattainment areas.

**DATES:** These rules are effective on December 27, 1999 without further notice, unless EPA receives adverse comments by November 29, 1999. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted respective rules are also available for inspection at the following locations:

Rulemaking Office, AIR-4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW, Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812

Kern County Air Pollution Control District, 2700 "M" Street, Suite 302, Bakersfield, CA 93301-2370

Yolo-Solano Air Quality Management District 1947 Galileo Court, Suite 103, Davis, CA 95616-4882

**FOR FURTHER INFORMATION CONTACT:** Sam Agpawa, Air Planning Office, AIR-2, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1228.

**SUPPLEMENTARY INFORMATION:**

## I. Applicability

The rule being rescinded and removed is KAPCD Rule 424. The rule was adopted by KAPCD on July 18, 1983; approved into the SIP on May 3, 1984; and rescinded by KAPCD's Board on April 19, 1993. The rule was submitted to EPA for rescission on November 18, 1993. The rule number was reassigned to a subsequent rule which was adopted by KAPCD's Board on the date of rescission.

The rule being approved for rescission and removal from the SIP is the old KAPCD rule 424. The rule applied to sulfur compounds from oilfield steam generators. The rules being approved into the California SIP are:

(1) The new KAPCD Rule 424 and (2) YSAQMD Rule 2.37. The rules apply to natural gas-fired residential water heaters. The rules were submitted by the State of California to EPA on: (1) KAPCD Rule 424—November 18, 1993; and (2) YSAQMD Rule 2.37—February 24, 1995.

## II. Background

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. The air quality planning requirements for the reduction of NO<sub>x</sub> emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA.

On November 25, 1992, EPA published a proposed rule entitled, "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," (the NO<sub>x</sub> Supplement) which describes and provides preliminary guidance on the requirements of section 182(f). The November 25, 1992, action should be referred to for further information on the NO<sub>x</sub> requirements and is incorporated into this document by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO<sub>x</sub> ("major" as defined in section 302 and sections 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. KAPCD and YSAQMD are designated and classified as non-attainment-serious for ozone<sup>1</sup>; therefore, the jurisdictional areas of

KAPCD and YSAQMD are subject to the RACT requirements of section 182(b)(2) cited below and the November 15, 1992 deadline.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC (and NO<sub>x</sub>) emissions (not covered by a pre-enactment control technologies guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There are no major stationary sources covered by KAPCD Rule 424 and YSAQMD Rule 2.37 and RACT requirements do not apply; however, the rules are expected to achieve substantial reductions of NO<sub>x</sub> because they apply to a large number of small sources.

This document addresses EPA's direct final action for KAPCD Rule 424 and YSAQMD Rule 2.37, applying to natural gas-fired residential water heaters. The rules were adopted on: (1) KAPCD Rule 424—April 19, 1993 and (2) YSAQMD 2.37—November 9, 1994.

The State of California submitted the rules to EPA for incorporation into its SIP on: (1) KAPCD Rule 424—November 18, 1993; and (2) YSAQMD Rule 2.37—February 24, 1995. KAPCD Rule 424 was found complete on December 27, 1993; YSAQMD Rule 2.37 was found complete on March 10, 1995 pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51, Appendix V.<sup>2</sup> The rules are being finalized for approval into the SIP.

NO<sub>x</sub> emissions contribute to the production of ground level ozone and smog. Both rules specify exhaust emission standards for NO<sub>x</sub> from residential water heaters. The rules were originally adopted as part of each applicable district's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone, and in response to the CAA requirements cited above. The following is EPA's evaluation and final action for these rules.

## III. EPA Evaluation and Proposed Action

In determining the approvability of a NO<sub>x</sub> rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the NO<sub>x</sub> Supplement (57 FR

55620) and various other EPA policy guidance documents.<sup>3</sup> In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO<sub>x</sub> RACT rules meet Federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

KAPCD Rule 424 and YSAQMD Rule 2.37 prohibit the sale and installation of units within Kern County and the Yolo-Solano Air Quality Management District that exceed the Rules' specified emission rates. Rule 424 replaces a rescinded rule which controlled sulfur compound emissions from oil fields. The rescinded rule is no longer applicable. The new rule was assigned the same number (424). KAPCD Rule 424 and YSAQMD Rule 2.37 are similar to South Coast Air Quality Management District (SCAQMD) Rule 1121 which prohibits units that do not meet the SCAQMD rule requirements from being sold or installed in Los Angeles Basin.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations and EPA policy. Therefore, KAPCD Rule 424; and YSAQMD Rule 2.37, Natural Gas-fired Residential Water Heaters; are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO<sub>x</sub> Supplement to the General Preamble.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective December 27, 1999 without further notice unless the Agency receives adverse comments by November 29, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the

<sup>3</sup> Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

<sup>1</sup> Kern County and the Yolo-Solano Air Quality Management District retained their designation(s) of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

<sup>2</sup> EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on December 27, 1999 and no further action will be taken on the proposed rule.

#### IV. Administrative Requirements

##### A. Executive Order 12866

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

##### B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, 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 rules do not create a mandate on State, local or tribal governments. The rules do not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to these rules.

##### C. 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. These rules are not subject to E.O. 13045 because they do not involve decisions intended to mitigate environmental health or safety risks.

##### D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, 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 rules do not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to these rules.

##### E. 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. These final rules 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).

##### F. 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.

##### G. 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**. These rules are not "major" rules as defined by 5 U.S.C. 804(2).

**H. 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 December 27, 1999. Filing a petition for reconsideration by the Administrator of these final rules does not affect the finality of these rules 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 rules 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 9, 1999.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

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 F—California**

2. Section 52.220 is amended by adding paragraphs (c)(140)(ii)(C),

(194)(i)(B)(4), (215)(i)(D) introductory text, and (215)(i)(D)(2) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(140) \* \* \*

(ii) \* \* \*

(C) Previously approved on May 3, 1984 and now deleted without replacement for implementation in the Southeast Desert Air Basin Rule 424.

\* \* \* \* \*

(194) \* \* \*

(i) \* \* \*

(B) \* \* \*

(4) Rule 424 adopted on April 19, 1993.

\* \* \* \* \*

(215) \* \* \*

(i) \* \* \*

(D) Yolo-Solano Air Pollution Control District.

\* \* \* \* \*

(2) Rule 2.37 adopted on November 9, 1994.

\* \* \* \* \*

[FR Doc 99-27199 Filed 10-27-99; 8:45 am]

BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 64**

[CC Docket 98-170; FCC 99-72]

**Truth-in-Billing and Billing Format**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** On June 25, 1999 the Federal Communications Commission published rules in the **Federal Register**

concerning Truth-in-Billing principles and guidelines for telecommunications common carriers. This document makes a correction to that rule.

**DATES:** October 28, 1999.

**FOR FURTHER INFORMATION CONTACT:** David Konuch, Enforcement Division, Common Carrier Bureau (202) 418-0960.

**SUPPLEMENTARY INFORMATION:** On April 15, 1999, the Commission adopted an order establishing billing principles to ensure that consumers are provided with basic information they need to make informed choices among telecommunications services and providers, to protect themselves against inaccurate and unfair billing practices, and to enhance their ability to detect cramming and slamming. A summary of this order was published in the **Federal Register**. See 64 FR 34488, June 25, 1999. On October 18, 1999, a notice was published in the **Federal Register** correcting this summary. See 64 FR 56177, October 18, 1999. This document corrects a typographical error contained in the October 18, 1999 notice. In that notice, "Subpart U" was revised to read "Subpart W". This document corrects the October 18, 1999 notice. In this document, "Subpart W" is corrected to read "Subpart Y".

**List of Subjects in 47 CFR Part 64**

Communications common carriers, Consumer protection, Telecommunications.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 99-27873 Filed 10-27-99; 8:45 am]

BILLING CODE 6712-01-P