

#### IV. Procedural Determinations

##### 1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

##### 2. Executive Order 12988

The Department of the Interior conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards don't apply to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementation Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

##### 3. National Environmental Policy Act

This rule doesn't require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions aren't major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

##### 4. Paperwork Reduction Act

This rule doesn't contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

##### 5. Regulatory Flexibility Act

The Department of the Interior determined that this rule won't have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based on counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect on a substantial number of small entities. Therefore, this rule will ensure that the State will implement existing requirements that OSM previously published. In determining whether this

rule would have a significant economic impact, the Department relied on the data and assumptions for the corresponding Federal regulations.

##### 6. Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule won't impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

#### List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 6, 2000.

##### Brent Wahlquest,

Regional Director, Western Regional Coordinating Center.

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[MD090-3041; FRL-6507-1]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOCs From Paper, Fabric, Vinyl, and Other Plastic Parts Coating

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the State of Maryland for the purpose of amending its regulation to control volatile organic compounds (VOC) from Paper, Fabric, Vinyl, and Other Plastic Parts Coating. The regulation was revised to include Reasonable Available Control Technology (RACT) standards for sources that use flexographic printing presses to print on plastic (non-vinyl) and to limit the VOC content of the decorative coating of plastic bottles. EPA is approving these revisions to the Maryland SIP in accordance with the requirements of the Clean Air Act. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP revisions as a direct final rule without prior proposal because the Agency views them as noncontroversial SIP revisions and anticipates no adverse comments. The rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated in

relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by February 14, 2000.

**ADDRESSES:** Written comments on this action should be addressed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

**FOR FURTHER INFORMATION CONTACT:** Janice M. Lewis, (215) 814-2185, at the EPA Region III office address listed above, or via e-mail at lewis.janice@epa.gov.

**SUPPLEMENTARY INFORMATION:** For further information, please see the information provided in the direct final action, with the same title, that is located in the "Rules and Regulations" section of this **Federal Register** publication.

**Thomas C. Voltaggio,**

Acting Regional Administrator, Region III.

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#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 51

[CC Docket No. 96-98; FCC 99-238]

#### Revision of the Commission's Rules Specifying the Portions of the Nation's Local Telephone Networks that Incumbent Local Telephone Companies Must Make Available to Competitors

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document seeks comment from interested parties on issues surrounding the ability of competitive carriers to use combinations of unbundled network elements as a