

EPA, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

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 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 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.

Under section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by section 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the final approval of the 15% plan for the Cecil County nonattainment area, must be filed in the United States Court of Appeals for the appropriate circuit by September 29, 1997. 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, Hydrocarbons, Ozone.

Dated: July 18, 1997.

**Thomas Voltaggio,**

*Acting Regional Administrator, Region III.*

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. 7401–7671q.

### Subpart V—Maryland

2. Section 52.1076 is added to read as follows:

#### § 52.1076 Control strategy: ozone

EPA is approving as a revision to the Maryland State Implementation Plan the 15 Percent Rate of Progress Plan and associated contingency measures for the Cecil County ozone nonattainment area, submitted by the Secretary of the Maryland Department of the Environment on July 12, 1995.

[FR Doc. 97–19884 Filed 7–28–97; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TN189–1–9730(b); TN194–1–9731(b); TN198–1–9732(b); FRL–5859–7]

### Approval of Revisions to the Tennessee SIP Regarding Prevention of Significant Deterioration and Volatile Organic Compounds

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving miscellaneous revisions to the Tennessee State Implementation Plan (SIP) regarding prevention of significant deterioration (PSD) and volatile organic compounds (VOC). The revisions to the PSD regulation add an additional supplement to the EPA "Guideline on Air Quality Models." The revisions to the VOC regulation make minor changes to the regulation for the manufacture of high-density polyethylene, polypropylene and polystyrene resins and to the regulation containing test methods and compliance procedures for VOC sources.

**DATES:** This final rule is effective September 29, 1997, unless adverse or

critical comments are received by August 28, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments on this action should be addressed to William Denman at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference files TN189–01–9730, TN194–01–9731, and TN198–01–9732. The Region 4 office may have additional background documents not available at the other locations.

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

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. William Denman, 404/562–9030

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531.

**FOR FURTHER INFORMATION CONTACT:** William Denman at 404/562–9030.

**SUPPLEMENTARY INFORMATION:** On August 9, 1995, EPA published a notice in the **Federal Register** (60 FR 40465), that took final action on several additions and changes to the "Guideline on Air Quality Models" in the PSD rules. These revisions were designated as supplement C to the "Guideline on Air Quality Models." On February 27, 1997, Tennessee submitted to EPA a revision to Tennessee regulation 1200–3–9 "Construction and Operating Permits" in which Tennessee added supplement C to their already adopted by reference "Guideline on Air Quality Models". Supplement C incorporates improved algorithms for treatment of area sources and dry deposition in the Industrial Source Complex model, adopts a solar radiation/delta-T (SRDT) method for estimating atmospheric stability categories, and adopts a new screening approach for assessing annual NO<sub>2</sub> impacts. It also adds SLAB and HGSYSTEM as alternative models.

On May 8, 1997, Tennessee submitted to EPA a revision to the Tennessee regulation for the control of VOC

emissions from the manufacture of high-density polyethylene, polypropylene and polystyrene resins. This revision corrected a conversion factor for determining the mass rates of total VOC. The incorrect conversion factor of  $2.95 \times 10^{-9}$  was revised to be the correct factor of  $2.595 \times 10^{-9}$ .

On May 8, 1997, Tennessee also submitted to EPA a revision to the Tennessee regulation containing test methods and compliance procedures for determining the VOC content of coatings and inks. This revision provided clarification on which method should be used for various types of inks. The clarifying revision stated that Method 24A was for publication rotogravure inks and Method 24 was for all other inks and coatings.

#### Final Action

The EPA is approving the submitted revisions into the Tennessee SIP as described in the Supplementary Information section. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 29, 1997 unless, by August 28, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The 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. If no such comments are received, the public is advised that this action will be effective September 29, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### Administrative Requirements

##### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

##### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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 impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a 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) and 7410(k)(3).

##### C. 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 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 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.

##### D. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by section 804(2).

##### E. 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 September 29, 1997. 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, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: July 3, 1997.

**Michael V. Peyton,**  
*Acting Regional Administrator.*

Part 52 of chapter I, title 40, 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. 7401–7671q.

#### Subpart RR—Tennessee

2. Section 52.2220, is amended by adding paragraph (c)(158) to read as follows:

#### § 52.2220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(158) Addition of supplement C to the "Guideline on Air Quality Models", correction of conversion factor in the manufacture of high-density polyethylene, polypropylene and polystyrene resins, and clarification for the test method used for determining the VOC content of coatings and inks submitted by the Tennessee Department of Environment and Conservation on February 27, 1997, and May 8, 1997.

(i) Incorporation by reference.

(A) Tennessee regulation 1200-3-9-.01(1)(f) effective December 28, 1996.

(B) Tennessee regulations 1200-3-18-.39(5)(a)(2) and 1200-3-18-.81(2) (a) and (b) effective April 16, 1997.

(ii) Other material. None.

[FR Doc. 97-19937 Filed 7-28-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 61 and 69

[CC Docket Nos. 96-262, 94-1, 91-213, 96-263; FCC 97-158]

#### Access Charge Reform; Price Cap Performance Review for Local Exchange Carriers; Transport Rate Structure and Pricing; Usage of the Public Switched Network by Information Service and Internet Access Providers

AGENCY: Federal Communications Commission.

ACTION: Final rule; Correction.

**SUMMARY:** This document contains corrections to the summary of the Commission's Report and Order reforming access charges published in the **Federal Register** of June 11, 1997 (62 FR 31868).

**EFFECTIVE DATE:** June 11, 1997.

**FOR FURTHER INFORMATION CONTACT:** Richard Lerner, Attorney, Common Carrier Bureau, Competitive Pricing Division, (202) 418-1520, email: rlerner@fcc.gov.

**SUPPLEMENTARY INFORMATION:** The Commission published a summary of the Access Charge Reform First Report and Order (released May 7, 1997) in the **Federal Register** issue of June 11, 1997, in FR Doc. 97-14628 (62 FR 31868). The summary outlines an order that revised the current interstate access charge rules in order to promote local competition and to comply with the Telecommunications Act of 1996. This summary was published with some typographical mistakes and minor omissions. This document corrects those mistakes and omissions. The

publication on June 11, 1997 of the Access Charge Reform First and Order summary (62 FR 3188), which was the subject of FR Doc. 97-14628, is corrected as follows:

1. On page 31868, in the first column, lines 4 and 5, replace "[CC Docket Nos. 96-262, 94-1, 91-213, 96-263; FCC 97-158]" with "[CC Docket Nos. 96-262, 94-1, 91-213, 95-72; FCC 97-158]".

2. On page 31868, in the first column under DATES:, line 27, replace "and 69.156" with "69.201, 69.203, 69.204 and 69.205".

3. On page 31931, in the first column, paragraph (i)(l), line 16, replace the phrase "formula in § 61.44(b)" with "formula in § 61.45(c) and, pursuant to § 61.45(b), application of the formula in § 61.44(b)".

4. On page 31931, in the first column, paragraph (i)(1), lines 22 and 23, replace the phrase "formula in § 61.44(b)" with "formulas in § 61.44(b) and § 61.45(c)".

5. On page 31931, in the first column, paragraph (i)(2), line 2, replace "paragraphs (b) and (c)" with "paragraph (b)".

6. On page 31931, in the first column, paragraph (i)(2), line 15, replace "application of the formula" with "application, pursuant to § 61.45(b), of the formula".

7. On page 31931, in the second column, paragraph (j), line 3, replace "paragraphs (i)(1) and (i)(2)" with "paragraphs (i)(1) and (i)(1) of this section and § 61.47(i)(1) and (i)(2)".

8. On page 31931, in the second column, paragraph (j), line 4, insert "(1)" after "local exchange carriers shall".

9. On page 31931, in the second column, paragraph (j), line 41, insert the following text after the word "targeting":

"(2) not include the amount of any exogenous adjustments reflected in the z component of the formulas in §§ 61.44(b) and 61.45(c). Any such exogenous adjustments shall be reflected in the various PCIs and SBIs in the same manner as they would if there were no targeting".

10. On page 31931, in the third column, paragraph #5, lines 2 and 3, replace "revising paragraphs (d) and (e) and adding new paragraphs (g) and (h)" with

"redesignating the introductory text of paragraph (d) as the introductory text of paragraph (d)(1) and revising it, adding new paragraph (d)(2), redesignating paragraph (e) as paragraph (e)(1) and revising it, and adding new paragraphs (e)(2), (g) and (h)".

11. On page 31932, in the first column, paragraph (i)(1), line 3, add

"and subject to the limitations of § 61.45(j)," after "paragraph (a) of this section,".

12. On page 31932, in the second column, line 4, remove "and (i)(1)" and replace with "and the formula in § 61.44(b) and from the application of the provisions of § 61.45(i)(1)".

13. On page 31932, in the second column, paragraph (i)(2), line 3, add "and subject to the limitations of § 61.45(j)" after "paragraph (a) of this section,".

14. On page 31932, in the second column, paragraph (i)(2), line 11, replace "61.45(b), (i)(1) and (i)(2)" with "61.45(b) and the formula in § 61.44(b) and from the application of the provisions of § 61.45 (i)(1) and (i)(2)".

15. On page 31932, in the second column, paragraph (i)(3), lines 6-8, remove the following phrase: "and from the application of § 61.45(b) to the basket described in § 61.42(d)(3)".

16. On page 31932, in the second column, paragraph (i)(4), lines 6-8, remove the following phrase: "and from the application of § 61.45(b) to the basket described in § 61.42(d)(3)".

17. On page 31937, in the third column, paragraph (d)(2)(i), lines 4 and 5, replace "this part and part 61" with "parts 61 and 69".

18. On page 31938, in the first column, paragraph c in § 69.155, line 2, add "s" to the end of "paragraph".

19. On page 31938, in the third column, amendment #24, line 3, replace "paragraph designation" with "designator".

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 97-19911 Filed 7-28-97; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 69

[CC Docket Nos. 96-262, 94-1, 91-213, 96-263; FCC 97-247]

#### Access Charge Reform; Price Cap Performance Review for Local Exchange Carriers; Transport Rate Structure and Pricing; Usage of the Public Switched Network by Information Service and Internet Access Providers

AGENCY: Federal Communications Commission.

ACTION: Final rule; sua sponte reconsideration.

**SUMMARY:** The Federal Communications Commission here reconsiders on its own