C. Unfunded Mandates Reform Act

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 Federal 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 5 U.S.C. 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 5 U.S.C. 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 November 17, 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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 22, 1997.

John Wise,

Acting Regional Administrator.

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. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (26)(ix)(B) and (26)(xvi)(E), (27)(vii)(C), (39)(viii)(D), (39)(ix)(C), (39)(x)(C), and (246) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(26) * * *

(ix) * * *

(B) Previously approved and now deleted, Rule 102.

* * * * *

(xvi) * * *

(E) Previously approved and now deleted, Rule 102.

* * * * *

(27) * * *

(vii) * * *

(C) Previously approved and now deleted, Rule 102.

* * * * *

(39) * * *

(viii)* * *

(D) Previously approved and now deleted, Rule 102.

(ix) * * *

(C) Previously approved and now deleted, Rule 102.

(x) * * *

(C) Previously approved and now deleted, Rule 102.

* * * * *

(246) New and amended regulations for the following APCDs were submitted on October 28, 1996, by the Governor's designee.

(i) Incorporation by reference.

(A) Northern Sierra Air Quality Management District.

(*1*) Rules 101, 202, 203, 204, 206, 207, 208, 209, 210, 221, 222, 223, 225, 300, 301, 314, 315, and 317, adopted on September 11, 1991, Rule 102 adopted on May 11, 1994, Rule 313 adopted on June 10, 1992, and Rule 316 adopted on August 14, 1996.

[FR Doc. 97–24419 Filed 9–15–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 167–0036a; FRL–5888–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern emergency episode rules from the South Coast Air Quality Management District (SCAQMD). This approval action will incorporate one rule into the federally approved SIP and remove fourteen from the SIP. The intended effect of approving this rule is to update the episode criteria and to eliminate redundant reporting requirements 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 these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittal, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on November 17, 1997 unless adverse or critical comments are received by October 16, 1997. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: A copy of the rule and EPA's evaluation report is available for public inspection at EPA's Region IX office during normal business hours. A copy of the submitted rule is 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.

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 95814.
South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765.

FOR FURTHER INFORMATION CONTACT:
Cynthia G. Allen, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1189.

SUPPLEMENTARY INFORMATION:

Applicability

The rule being approved into the California SIP includes SCAQMD Rule 701, Air Pollution Emergency Contingency Actions. This rule was submitted by the California Air Resources Board to EPA on January 31, 1996. The rules being removed from the SIP are SCAQMD Rule 702, Definitions, Rule 703, Episode Criteria, Rule 704, Episode Declaration, Rule 705, Termination of Episodes, Rule 706, Episode Notification, Rule 707, Radio Communication System, Rule 708, Plans, Rule 708.1, Stationary Sources Required to File Plans, Rule 708.2, Content of Stationary Source Curtailment Plans, Rule 708.3, Transportation Management Plans, Rule 708.4, Procedural Requirements for Plans, Rule 709, First Stage Episode Actions, Rule 710, Second Stage Episode Actions, Rule 711, Third Stage Episode Actions, Rule 712, Sulfate Episode Actions, Rule 713, Interdistrict Coordination, Rule 714, Source Inspections, and Rule 715, Burning of Fossil Fuel on Episode Days.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in l977 (1977 Act or pre-amended Act), that included the South Coast Air Quality Management District. 43 FR 8964, 40 CFR 81.305. The reqirements for the Prevention of Air Pollution Emergency Episodes for sulfur dioxide, carbon monoxide, nitrogen dioxide, ozone and particulate matter are located in 40 CFR part 51, subpart H. These requirements include provisions for classification of regions for episodes plans, significant harm levels, contingency plans and re-evaluation of episode plans. SCAQMD previously adopted Rules 701–715 in response to these reqirements. SCAQMD Rule 701 has now been revised to include all of the requirements previously found in these Rules.

Rule 701 was adopted by SCAQMD on September 8, 1995 and submitted by the State of California for incorporation into its SIP on January 31, 1996. This rule was found to be complete on April 2, 1996, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V [1] and is being finalized for approval into the SIP.

The following is EPA's evaluation and final action for this rule.

EPA Evaluation and Action

In determining the approvability of a Emergency Episode 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 various EPA policy guidance documents.

Those rules that are being rescinded by today's action are listed below. EPA previously approved all these rules into the SIP.

- Rule 702, Definitions, submitted 08/15/80 and 04/23/80
- Rule 703, Episode Criteria, submitted 04/23/80
- Rule 704, Episode Declaration, submitted 04/23/80
- Rule 705, Termination of Episodes, submitted 04/23/80
- Rule 706, Episode Notification, submitted 04/23/80
- Rule 707, Radio Communication System, submitted 08/15/80
- Rule 708, Plans, submitted 08/15/80
- Rule 708.1, Stationary Sources Required to File Plans, 06/01/77
- Rule 708.2, Content of Stationary Source Curtailment Plans, 11/04/77
- Rule 708.3, Transportation Management Plans, submitted 11/08/82
- Rule 708.4, Procedural Requirements for Plans, submitted 08/15/80
- Rule 709, First Stage Episode Actions, submitted 08/15/80; 04/23/80; and 04/02/80
- Rule 710, Second Stage Episode Actions, submitted 08/15/80 and 04/23/80
- Rule 711, Third Stage Episode Actions, submitted 08/15/80 and 04/23/80
- Rule 713, Interdistrict Coordination, submitted 04/23/80
- Rule 714, Source Inspections, submitted 04/23/80
- Rule 715, Burning of Fossil Fuel on Episode Days, submitted 04/23/80

[1] 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).

A revised version of rule 701 was adopted on September 8, 1995 and submitted to EPA on January 31, 1996.

EPA has evaluated the submitted rule and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Rule 701, Air Pollution Emergency Contingency Action, has been revised by consolidating the provisions of existing Rules 702 through 715 into amended Rule 701. These modifications are generaly administrative in nature, and in no case does this action represent a relaxation of an EPA approved requirement. Therefore, SCAQMD's Rule 701, Air Pollution Emergency Contingency Action, is being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future 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.

EPA is publishing this document 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 files. This action will be effective November 17, 1997 unless, by October 16, 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 document that will withdraw the final action. All public comments received will then 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 November 17, 1997.

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 population of less than $50,000.00.

SIP approvals under sections 110 and 301(a) and subchapter I, part D of the CAA 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. I certify 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 regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its action concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Unfunded Mandates Reform Act

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this actin will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this. EPA has determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Officeprior to publication of this action in today's **Federal Register**. This action is not a ''major action'' as defined by 5 U.S.C. 804(2).

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, published in Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

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

Dated: August 22, 1997.

John Wise,

Acting Regional Administrator.

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. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(229)(i)(A)(*2*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(229) * * *

(i) * * *

(A) * * *

(*2*) Rule 701, adopted on September 9, 1995.

* * * * *

[FR Doc. 97–24415 Filed 9–15–97; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 61 and 69

[CC Docket Nos. 96–262, 94–1, 91–213, 96–263; FCC 97–158, FCC 97–159]

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: Notification of OMB approval and effective dates; correction.

SUMMARY: This document provides notification that OMB approved the information collections resulting from amendments and additions to Commission rules relating to access charge reform as set out in the Access Charge Reform First Report and Order. This document also corrects the summary of the Commission's Report and Order reforming access charges published in the Federal Register of June 11, 1997 (62 FR 31868) (Access Charge Reform Order), the summary of the Commission's Report and Order revising its price cap regulations for incumbent local exchange carriers published in the Federal Register of June 11, 1997 (62 FR 31939) (X-Factor Order), and the correction of the access charge reform summary published in the Federal Register of July 29, 1997 (62 FR 40460) (Access Charge Reform Correction).

EFFECTIVE DATE: September 16, 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 sought OMB approval for certain information collections pursuant to rule amendments and additions in the Access Charge Reform Order. OMB approved the information collections on June 12, 1997. In the Access Charge Reform Order, the effective dates for several rule amendments and additions were contingent upon OMB approval. With OMB's approval, these contingent dates are no longer necessary. The X-Factor Order amended rules promulgated in the Access Charge Reform Order. One of these amendments concerned a rule that had an effective date contingent on OMB approval. In light of the OMB approval on June 12, 1997, we clarify the effective