

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. The 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 28, 2000. 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, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

Dated: November 22, 1999.

**Gregg A. Cooke,**  
*Regional Administrator, Region 6.*

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended to read 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 T—LOUISIANA**

2. § 52.970 is amended in paragraph (c), under Chapter 14—Conformity, by adding Subchapter B, Sections 1431, 1432, and 1434, after Subchapter A, Section 1415, to read as follows:

**§ 52.970 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP**

State citation	Title/subject	State approval date	EPA approval date	Explanation
* * * * *				
CHAPTER 14— Conformity				
* * * * *				
Subchapter B .....	Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Act			
Section 1431 .....	Purpose .....	September 1998, LR24:1684 .....	[December 29, 1999 FR volume and page number].	
Section 1432 .....	Incorporation by Reference.	July 1998, LR24:1280 .....	[December 29, 1999 FR volume and page number].	No action is taken on the portions of LAC 33:III.1432 that contain 40 CFR 93.102(c), 93.104(d), 93.109(c)–(f), 93.118(e), 93.120(a)(2), 93.121(a)(1), and 93.124(b).
Section 1434 .....	Consultation .....	November 1994, LR20:1278; July 1998, LR24:1280; September 1998, LR24:1684; October 1998, LR24:1925.	[December 29, 1999 FR volume and page number].	
* * * * *				

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[GA 34-9919(c), GA25-1-9805(c); FRL-6515-8]

**Approval and Promulgation of Air Quality Implementation Plans; Georgia; 15 Percent Rate-of-Progress Plan and 9 Percent Rate-of-Progress Plan for the Atlanta Ozone Nonattainment Area****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule clarification.

**SUMMARY:** This action clarifies two final rules which were published on March 18, 1999, and April 26, 1999. This action pertains to the State Implementation Plan (SIP) revisions submitted by Georgia on November 15, 1993, consisting of the 15 percent Rate-of-Progress Plan for the Atlanta ozone nonattainment area, which was amended on June 17, 1996, and the Post 1996 Rate-of-Progress Plan (9 Percent Plan) for the Atlanta ozone nonattainment area, also submitted on June 17, 1996.

**EFFECTIVE DATE:** This rule is effective December 29, 1999.

**FOR FURTHER INFORMATION CONTACT:** Kelly Sheckler, Region 4, Air, Pesticides and Toxics Management Division, Air Planning Branch at (404) 562-9042.

**SUPPLEMENTARY INFORMATION:****Background**

On March 18, 1999, (64 FR 13348) and April 26, 1999, (64 FR 20186), EPA published a final rule approving the 15 Percent Plan and 9 Percent Plan SIP revisions respectively. These SIP revisions were submitted by the Georgia Environmental Protection Division (GAEPD) on November 15, 1993, and amended on June 17, 1996, for the Atlanta ozone nonattainment area.

**Need for Clarification**

On March 18, 1999, and April 26, 1999, EPA granted final conditional approval of the 15 Percent Plan SIP revision for the Atlanta ozone nonattainment area and final approval of the 9 Percent Plan SIP revision. These documents identify various control programs which constitute the reductions GAEPD used to demonstrate a 15 percent reduction in emissions of volatile organic compounds and a 9 percent reduction in nitrogen oxides. Transportation control measures (TCMs) were listed as one of the types of control programs in both actions. However, the rulemaking actions did not specifically

state which TCMs the action approved. This document serves to identify which TCMs are approved as part of the 15 Percent Plan and 9 Percent Plan SIP revisions.

Below is a list of the TCMs that are contained in both the 15 percent and 9 percent SIPs:

1. High Occupancy Vehicle (HOV) lane on I-85 from Chamblee-Tucker Road to State Road 316
2. Clean Fuel Vehicles Revolving Loan Program
3. Regional Commute Options Program and HOV Marketing Program
4. HOV lanes on I-75 and I-85 (inside I-285)
5. Two Park and Ride Lots: Rockdale County-Sigman at I-20 and Douglas County-Chapel Hill at I-20
6. MARTA Express Bus routes (15 buses)
7. Signal preemption for MARTA routes #15 and #23
8. Improve and expand service on MARTA's existing routes in southeast DeKalb County
9. Acquisition of clean fuel buses for MARTA and Cobb County Transit
10. ATMS/Incident Management Program on I-75/I-85 inside I-285 and northern ARC of I-285 between I-75 and I-85
11. Upgrading, coordination and computerizing intersections

In addition, two other TCMs were provided in the 15 Percent Plan and 9 Percent Plan revisions that the State has subsequently requested be withdrawn. These include five park-and-ride lots and bike and pedestrian facilities. These TCMs are being removed because the Metropolitan Planning Organization could not clearly identify these specific projects by location in the transportation plan and improvement program. In order for TCMs to be approved in the SIP, they must be included in the transportation plan and improvement program. Because these bike and pedestrian facilities and park-and-ride lots are not included in the transportation plan and improvement program, EPA cannot approve them into the SIP.

**What are the consequences of not including these controls?**

The 15 Percent Plan and 9 Percent Plan SIP revisions both provided additional emission reductions from the other control program (i.e., the TCMs listed above). These emission reductions were not included in the calculated demonstration of a 15 percent reduction of volatile organic compounds or the demonstration of a 9 percent reduction of nitrogen oxides. These "unclaimed"

emission reductions are greater than the amount of credit loss from the five park-and-ride lots (.03 tons per day of VOC and .04 tons per day of NO<sub>x</sub>) and the bike and pedestrian facilities (.2 VOC and .5 NO<sub>x</sub>). Therefore, the additional emissions reductions of 1.06 tons per day of VOC and 19.47 tons per day of NO<sub>x</sub> which were not claimed are sufficient to make up the loss of credit from the two withdrawn TCMs.

**Administrative Requirements***Executive Order 12866*

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

*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 Executive Order 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.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks. This rule is not subject to the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, because it does not include any information collection requirements. This rule is not subject to the requirements of the National Technology Transfer and Advancement Act (NTTAA) because it does not include provisions for technical standards.

*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).

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide,

Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: December 8, 1999.

**Stanley A. Meiburg,**  
*Acting Regional Administrator, Region 4.*

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 *et seq.*

**Subpart—L Georgia**

2. Accordingly, § 52.570 is amended by adding paragraph (e) to read as follows:

**§ 52.570 Identification of plan.**

\* \* \* \* \*

(e) EPA Approved Georgia Nonregulatory Provisions

Name of nonregulatory SIP Provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date
1. High Occupancy Vehicle (HOV) lane on I-85 from Chamblee-Tucker Road to State Road 316.	Atlanta Metropolitan Area ..	November 15, 1993 and amended on June 17, 1996.	March 18, 1999 and April 26, 1999.
2. Clean Fuel Vehicles Revolving Loan Program.			
3. Regional Commute Options Program and HOV Marketing Program.			
4. HOV lanes on I-75 and I-85.			
5. Two Park and Ride Lots: Rockdale County-Sigman at I-20 and Douglas County-Chapel Hill at I-20.			
6. MARTA Express Bus routes (15 buses).			
7. Signal preemption for MARTA routes #15 and #23.			
8. Improve and expand service on MARTA's existing routes in southeast DeKalb County.			
9. Acquisition of clean fuel buses for MARTA and Cobb County Transit.			
10. ATMS/ Incident Management Program on I-75/I-85 inside I-285 and northern ARC of I-285 between I-75 and I-85.			
11. Upgrading, coordination and computerizing intersections.			

[FR Doc. 99-33527 Filed 12-28-99; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[AK-21-1709-a; FRL-6515-3]

**Approval and Promulgation of State Implementation Plans: Alaska**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) approves various revisions to the carbon monoxide (CO) Alaska State Implementation Plan (SIP) for Alaska. These revisions to the SIP were submitted in three different packages to EPA, dated February 6, 1997, June 1, 1998, and September 10, 1998.

The revisions cover numerous regulations, the Transportation Conformity Rule (18 AAC 50); Emissions Inspection and Maintenance

(I/M) requirements for Motor Vehicles (18 AAC 52); and Fuel Requirements for Motor Vehicles (18 AAC 53). Highlights include changing the I/M program schedule from annual to biennial, replacing the CO contingency measures for Anchorage, and streamlining and updating several portions of the Alaska Air Quality Control Plan for more efficient reading and organization.

**DATES:** This direct final rule is effective on February 28, 2000 without further notice, unless EPA receives adverse comment by January 28, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be addressed to: Ms. Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401

M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, Washington 98101, and the Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801-1795.

**FOR FURTHER INFORMATION CONTACT:** Ms. Montel Livingston, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-0180.

**SUPPLEMENTARY INFORMATION:** The information in this section is organized as follows:

- A. What SIP Amendments is EPA Approving?
- B. What CO Updates and Changes Were Made to Air Quality Projections and CO Contingency Measures?
- C. What Are the Significant Changes to Alaska's I/M Air Quality Program and Regulations (AAC 52)?
- D. What Are the Overall Changes to Alaska's Regulations AAC 50 and 53?
- E. What Is Transportation Conformity?
- F. How Does Transportation Conformity Work?