

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. This final rule will not have a significant impact on a substantial number of small entities.

SIP approvals under section 110 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 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 CAA, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the EPA to base its actions concerning SIPs on such grounds (*Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2)).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the 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 the private sector, of \$100 million or more. Under section 205, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The 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 preexisting 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 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).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 24, 1998. 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, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 26, 1998.

William Rice,

Acting Regional Administrator, Region VII.

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 Q—Iowa

2. Section 52.820 is amended by adding paragraph (c)(67) to read as follows:

§ 52.820 Identification of plan.

* * * * *

(c) * * *

(67) In correspondence dated October 21, 1997, and January 21, 1998, the Director of the Iowa Department of Natural Resources submitted revisions to the State Implementation Plan.

(i) Incorporation by reference.

(A) "Iowa Administrative Code" sections 567-22.8(1) "b," "c," and "e," 567-22.203(1) "a," 567-22.300, 567-22.300(1) through 567-22.300(11), 567-23.3(2) "d," and 567-29.1, effective June 12, 1996.

(B) "Iowa Administrative Code" section 567-20.2, effective October 16, 1996.

(C) "Iowa Administrative Code" sections 567-22.300(4) "b"(1), 567-22.300(8) "a"(1), and 567-22.300(8) "b"(2), effective December 25, 1996.

(D) "Iowa Administrative Code" sections 567-20.2, 567-22.2(1), 567-22.201(1) "a," 567-22.201(2) "b," 567-22.202, 567-22.203(1), 567-22.300(3) "b" and "c," 567-22.300(8) "a," effective May 14, 1997.

(ii) Additional material.

(A) "Iowa Administrative Code" section 567-23.1(5), Calculation of emission limitations based upon stack height, was renumbered to section 567-23.1(6), effective August 20, 1997.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA61-7136, WA64-7139; FRL-6110-7]

Approval and Promulgation of State Implementation Plans: Washington; Correcting Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correcting amendments.

SUMMARY: This action corrects a paragraph numbering error in the Identification of Plan section found in the Washington State Implementation Plan (SIP) revision published on August 6, 1997.

EFFECTIVE DATE: June 25, 1998.

ADDRESSES: Copies of the State's request and other information supporting this proposed action are available for inspection during normal business hours at the following locations: Environmental Protection Agency (EPA), Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, and the State of Washington, Department of Ecology, 300 Desmond Drive, Lacey, WA 98503.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, EPA, 401 M Street, SW, Washington, D.C. 20460, as well as the above addresses.

FOR FURTHER INFORMATION CONTACT: Christine Lemmé, Office of Air Quality (OAQ-107), EPA, Seattle, Washington, (206) 553-0977.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 1997 (62 FR 42216), EPA approved several minor revisions to the Washington State Implementation Plan (SIP) which revised certain regulations of the Puget Sound Air Pollution Control Agency (PSAPCA). An error occurred in the paragraph number cited in the Identification of Plan section. The incorrect paragraph number published was (73), this action corrects the paragraph number to (74).

Administrative Requirements

Under Executive Order (E.O.) 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore, not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub.L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under E.O. 12866.

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, Fees, Incorporation by reference, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: June 5, 1998.

Chuck Findley,

Acting Regional Administrator, Region X.

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.*

2. Section 52.2470 is amended by adding paragraph (c) (74) to read as follows:

Subpart WW—Washington

§ 52-2470 Identification of plan.

* * * * *

(c) * * *

(74) On November 26, 1996 and April 7, 1997, the Director of the Washington State Department of Ecology (Washington) submitted to the Regional Administration of EPA revisions to the State Implementation Plan consisting of minor amendments to Puget Sound Air Pollution Control Agency (PSAPCA) Regulations I and III.

(i) Incorporation by reference.

(A) PSAPCA Regulations approved—Regulation I, Sections 3.11, 3.23, 5.02, 5.05, 5.07, 6.03, 7.09—State-adopted 9/12/96. Regulation III, Section 4.03—State-adopted 9/12/96. Regulation I, Sections 5.03 and 6.04—State-adopted 12/12/96. Regulation III, Sections 1.11, 2.01 and 2.05—State-adopted 12/12/96.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 53

[CC Docket No. 96-149; FCC 96-489]

Non-Accounting Safeguards; Correction

AGENCY: Federal Communications Commission

ACTION: Correcting amendments.

SUMMARY: This document contains a corrections to a final regulation in *Implementation of Non-Accounting Safeguards of Section 271 and 272 of the Communications Act of 1934, as Amended* that was published in the **Federal Register** of January 21, 1997, (62 FR 2927). The regulation related to the definition of a successor or assign of a Bell operating company.

EFFECTIVE DATES: June 25, 1998.

FOR FURTHER INFORMATION CONTACT: Lisa Choi, Common Carrier Bureau, (202) 418-1384.

SUPPLEMENTARY INFORMATION:

Background

On June 10, 1998, the Common Carrier Bureau released an erratum to the First Report and Order and Further Notice of Proposed Rulemaking, DA 98-1107, in CC Docket No. 96-149. This correction reflects the change included in that erratum. The full text of the erratum is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M. St., NW, Washington, DC.

Need for Correction

As published, the final regulation contains language that could be misleading.

List of Subjects in 47 CFR Part 53

General information, Bell operating company entry into InterLATA services, Separate affiliate, Safeguards, Manufacturing by Bell operating companies, Electronic publishing by Bell operating companies, Alarm monitoring services.

Accordingly, 47 CFR part 53 is corrected by making the following correcting amendment:

PART 53—SPECIAL PROVISIONS CONCERNING BELL OPERATING COMPANIES

1. The authority citation for part 53 continues to read as follows:

Authority: Sections 1-5, 7, 201-05, 218, 251, 253, 271-75, 48 Stat. 1070, as amended, 1077; 47 U.S.C. §§ 151-55, 157, 201-05, 218, 251, 253, 271-75, unless otherwise noted.