APPENDIX A.—COMPARISON OF PRIOR AND NEW REDUCED FEE AMOUNTS—Continued

37 CFR Sec.	Description	Indicates fees remain at FY 1998 amount	
		FY 1998	FY 1999
2.6(a)(19)	Dividing an Application, Per New Application Created	100	
2.6(b)(1)(i)	Copy of Registered Mark	3	
2.6(b)(1)(ii)	Copy of Registered Mark, overnight delivery to PTO box or fax	6	
2.6(b)(1)(ii)	Copy of Reg. Mark Ordered Via Exp. Mail or Fax, Exp. Svc.	25	
2.6(b)(2)(i)	Certified Copy of TM Application as Filed	15	
2.6(b)(2)(ii)	Certified Copy of TM Application as Filed, Expedited	30	
2.6(b)(3)	Cert. or Uncert. Copy of TM-Related File Wrapper/Contents	50	
2.6(b)(4)(i)	Cert. Copy of Registered Mark, Title or Status	15	
2.6(b)(4)(ii)	Cert. Copy of Registered Mark, Title or Status—Expedited	30	
2.6(b)(5)	Certified or Uncertified Copy of TM Records	25	
2.6(b)(6)	Recording Trademark Property, Per Mark, Per Document	40	
2.6(b)(6)	For Second and Subsequent Marks in Same Document	25	
2.6(b)(7)	For Assignment Records, Abstracts of Title and Cert.	25	
2.6(b)(8)	Terminal Use X–SEARCH	40	
2.6(b)(9)	Self-Service Copy Charge	0.25	
2.6(b)(10)	Labor Charges for Services	40	
2.6(b)(11)	Unspecified Other Services	(1)	

1 Actual cost.

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BILLING CODE 3510–16–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SC–21–1; SC–23–1–9832a; FRL–6197–6]

Approval and Promulgation of Implementation Plans; South Carolina: Approval of Revisions to the South Carolina SIP Regarding Volatile Organic Compounds (VOC) Definition Adoptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the South Carolina State Implementation Plan (SIP) which were submitted to EPA by South Carolina, through the South Carolina Department of Health and Environmental Control (SCDHEC), on June 6, 1989, and September 27, 1990. The EPA is approving the revisions and adoptions of general definitions to the South Carolina regulation 62.1 Definitions, Permit Requirements, and Emission Inventory.

DATES: This final rule is effective February 8, 1999 unless adverse or critical comments are received by January 7, 1999. If EPA receives such comments, it 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 on this action should be addressed to Randy B. Terry 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 South Carolina files 21–1, and 23–1. 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.

South Carolina Department of Health and Environmental Control 2600 Bull Street, Columbia, South Carolina 29201–1708.

FOR FURTHER INFORMATION CONTACT: Randy B. Terry at (404) 562–9032.

SUPPLEMENTARY INFORMATION: On June 6, 1989 and September 27, 1990, the State of South Carolina submitted revisions to the South Carolina SIP. The revisions include modifications to existing definitions and additions of new definitions. EPA is approving the revisions described herein as listed in regulation 62.1 Definitions, Permit Requirements and Emission Inventory.

South Carolina adopted these revisions into the South Carolina State Implementation Plan to adequately define words that are used throughout the SIP. EPA is approving the following new definitions because they are consistent with EPA requirements:

- Afterburner.
- Air curtain incinerator.
- Boiler.
- Chemotherapeutic waste.
- ''Continuous program of physical on-site construction.''
- Crematory incinerator.
- Hazardous waste.
- Hazardous waste fuel.
- Hazardous waste incinerator.
- Industrial boiler.
- Industrial furnace.
- Industrial incinerator.
- ''In existence.''
- Infectious waste.
- Medical waste.
- Medical waste incinerator.
- Medical waste incinerator facility.
- Multiple-chamber incinerator.
- Municipal incinerator.
- Municipal waste.
- Non-industrial boiler.
- Non-industrial furnace.
- Non-spec oil.
- Retail business type incinerator.
- Sludge incinerator.
- Substantial loss.
- Used oil.
- Utility boiler.
- Virgin fuel.
- Waste.
- Waste fuel.

South Carolina amended their state definition for incinerator to be more consistent with the EPA requirements.

Final Action

The EPA is approving the aforementioned revisions contained in the State's June 6, 1989 and September

27, 1990, submittals because they are compatible with the requirements set forth in the Clean Air Act amendments of 1990.

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 February 8, 1999 unless, by January 7, 1999, 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 be addressed in a subsequent final rule based on the 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 February 8, 1999.

Nothing in this action should be construed as making any determination or expressing any position regarding South Carolina's audit privilege and penalty immunity law S.C. code ann. 4587–57–10 *et. seq.* (Supp. 1996) or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of South Carolina's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

I. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. 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 E.O. 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 E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct 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 because 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 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 Clean Air Act, preparation of 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).

F. 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 annual 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 annual 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.

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. 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 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 February 8, 1999. 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, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: November 23, 1998.

A. Stanley 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. 7401–7671q.

Subpart PP—South Carolina

2. In Section 52.2120, the entry for Regulation number 62.1 Section I Definitions in the ''EPA Approved South Carolina Regulations'' table in paragraph (c) is revised to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) EPA approved regulations.

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	Federal register notice
Regulation No. 62.1	Definitions, Permits Requirements, and Emissions Inventory			
* *	* * *	*	*	
Section I	Definitions	5/25/90	2/8/99	

* * * * *

[FR Doc. 98–32341 Filed 12–7–98; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY–102–106–9903a; FRL–6192–1]

Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Commonwealth of Kentucky, through the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC), submitted to EPA on February 3, 1998, revisions to the Kentucky State Implementation Plan (SIP) adding Stage II controls at certain gasoline dispensing facilities. Subsequently, on September 11, 1998, the Commonwealth submitted the 15 Percent Volatile Organic Compound (VOC) Reduction Plan (15 Percent Plan) and the Vehicle Inspection and Maintenance (I/M) program.

EPA is approving the Kentucky 15 Percent Plan, the I/M program and the 1990 baseline emissions inventory. The adoption of a 15 Percent Plan, an I/M program, and a baseline emissions inventory are required by the 1990 Clean Air Act Amendments for the Northern Kentucky Counties of Boone, Campbell, and Kenton which are a part of the Cincinnati-Hamilton moderate nonattainment area for the one-hour ozone National Ambient Air Quality Standard (NAAQS). In addition, in this document, EPA is approving the revisions to the Kentucky SIP for the implementation of the rule regarding Stage II control at gasoline dispensing facilities and revisions to the existing open burning rule which provide a portion of the VOC emission reductions included in the 15 Percent Plan.

DATES: This direct final rule is effective on February 8, 1999 without further notice, unless EPA receives adverse comments by January 7, 1999. 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.