

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 May 24, 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: March 5, 1999.

Laura Yoshii,

Deputy Regional Administrator, Region IX.

Subpart F of 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 F—California

2. Section 52.220 is amended by adding paragraph (c)(249)(i)(A)(2) to read as follows:

§ 52.220 Identification of plan.

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(c) * * *

(249) * * *

(i) * * *

(A) * * *

(2) Rule 701, amended on June 13, 1997.

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[FR Doc. 99-7176 Filed 3-24-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 60**

[AL-AT-98-01; FRL-6315-4]

New Stationary Sources; Supplemental Delegation of Authority to the State of Alabama and the State of Georgia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: The States of Alabama and Georgia have requested that EPA delegate authority for implementation and enforcement of existing New Source Performance Standards (NSPS) which have been previously adopted by the State agencies, but have remained undelegated by EPA, and to approve the mechanism for delegation (adopt-by-reference) of future NSPS. The purpose of the States' request for approval of their delegation mechanism is to streamline the existing administrative procedures by eliminating unnecessary steps involved in taking delegation of federal NSPS regulations. With the new NSPS delegation mechanism in place, once a new or revised NSPS is promulgated by EPA, formal delegation of authority from EPA to the Alabama Department of Environmental Management and the Georgia Department of Natural Resources will become effective on the date that the NSPS is adopted by the respective State agency without change. No further State requests for delegation will be necessary. Likewise, no further **Federal Register** notices will be published. If an NSPS regulation is adopted with changes, EPA reserves the right to review and comment on the adopted NSPS. The State will notify EPA, and in return, EPA will review any State revisions and reserve the option to implement the NSPS regulation directly,

in which case a **Federal Register** notice will advise accordingly. The EPA's review of the States of Alabama's and the State of Georgia's pertinent laws, rules, and regulations at the time of original delegation indicate that adequate and effective procedures were in place for the implementation and enforcement of these Federal standards. NSPS requirements have been successfully implemented since that time for more than 20 years for applicable sources. This notice was written to inform the public of delegations made to the State of Alabama and the State of Georgia for which a **Federal Register** notice was not previously written and to inform the public of their new mechanism for delegation of future NSPS.

EFFECTIVE DATE: The effective date is March 25, 1999.

ADDRESSES: Copies of the request for delegation of authority and EPA's letter of delegation are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency,
Region 4, Air & Radiation Technology
Branch, 61 Forsyth Street, S.W.,
Atlanta, Georgia 30303.

Alabama Department of Environmental
Management-Air Division, 1751 Cong.
W. L. Dickinson Drive, Montgomery,
Alabama 36130.

Georgia Department of Natural
Resources, Environmental Protection
Division, 4244 International Parkway,
Suite 120, Atlanta, Georgia 30354

Effective immediately, all requests, applications, reports and other correspondence required pursuant to the delegated standards should not be submitted to the Region 4 office, but should instead be submitted to the appropriate following address: Alabama Department of Environmental Management-Air Division, 1751 Cong. W. L. Dickinson Drive, Montgomery, Alabama 36130, or Georgia Department of Natural Resources, Environmental Protection Division, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354

FOR FURTHER INFORMATION CONTACT: Ms. Katy Forney, Air & Radiation Technology Branch, Environmental Protection Agency, Region 4, 61 Forsyth St. SW, Atlanta, Georgia 30303, 404-562-9130.

SUPPLEMENTARY INFORMATION: Section 301, in conjunction with sections 110 and 111(c)(1) of the Clean Air Act as amended November 15, 1990, authorize EPA to delegate authority to implement and enforce the standards set out in 40 CFR part 60, New Source Performance Standards (NSPS).

On August 5, 1976, the EPA initially delegated the authority for implementation and enforcement of the NSPS program to the State of Alabama and on May 3, 1976, the NSPS program was initially delegated to the State of Georgia. These agencies have subsequently requested a delegation of authority for implementation and enforcement of the previously adopted, undelegated part 60 NSPS categories listed below as well as future NSPS categories codified in 40 CFR part 60.

State of Alabama

1. 40 CFR part 60, subpart VV, adopted August 17, 1997.

State of Georgia

Currently, no NSPS regulations are waiting delegation.

All current NSPS categories are delegated with the exception of the following sections within those subparts that may not be delegated. Future NSPS regulations will contain a list of sections that will not be delegated for that subpart.

1. Subpart A—Sec. 60.8(b) (1) thru (5), Sec. 60.11(e) (7) and (8), Sec. 60.13 (g), (i) and (j) (2)
2. Subpart B—Sec. 60.22, Sec. 60.27, and Sec. 60.29
3. Subpart Da—Sec. 60.45a
4. Subpart Db—Sec. 60.44b(f), Sec. 60.44b(g), Sec. 60.49b(a) (4)
5. Subpart Dc—Sec. 60.48c(a) (4)
6. Subpart Ec—Sec. 60.56(c) (i)
7. Subpart J—Sec. 60.105(a) (13) (iii), Sec. 60.106(i) (12)
8. Subpart Ka—Sec. 60.114a
9. Subpart Kb—Sec. 60.111b(f) (4), Sec. 60.114b, Sec. 60.116b(e) (3) (iii) and (iv), Sec. 60.116b(f) (2) (iii)
10. Subpart O—Sec. 60.153(e)
11. Subpart EE—Sec. 60.316(d)
12. Subpart GG—Sec. 60.334(b) (2), Sec. 60.335(f) (1)
13. Subpart RR—Sec. 60.446(c)
14. Subpart SS—Sec. 60.456(d)
15. Subpart TT—Sec. 60.466(d)
16. Subpart UU—Sec. 60.474(g)
17. Subpart VV—Sec. 60.482-1(c) (2) and Sec. 60.484
18. Subpart WW—Sec. 60.496(c)
19. Subpart XX—Sec. 60.502(e) (6)
20. Subpart AAA—Sec. 60.533, Sec. 60.534, Sec. 60.535, Sec. 60.536(i) (2), Sec. 60.537, Sec. 60.538(e), Sec. 60.539
21. Subpart BBB—Sec. 60.543(c) (2) (ii) (B)
22. Subpart DDD—Sec. 60.562-2(c)
23. Subpart III—Sec. 60.613(e)
24. Subpart NNN—Sec. 60.663(e)
25. Subpart RRR—Sec. 60.703(e)
26. Subpart SSS—Sec. 60.711(a) (16), Sec. 60.713(b) (1) (i), Sec. 60.713(b) (1) (ii), Sec. 60.713(b) (5) (i),

Sec. 60.713(d), Sec. 60.715(a), Sec. 60.716

27. Subpart TTT—Sec. 60.723(b) (1), Sec. 60.723(b) (2) (i) (C), Sec. 60.723(b) (2) (iv), Sec. 60.724(e), Sec. 60.725(b)
28. Subpart VVV—Sec. 60.743(a) (3) (v) (A) and (B), Sec. 60.743(e), Sec. 60.745(a), Sec. 60.746

After a thorough review of the request, the Regional Administrator has determined that such a delegation request was appropriate for all source categories. All sources subject to the requirements of 40 CFR part 60 will now be under the jurisdiction of the State of Alabama or the State of Georgia, as appropriate.

Since review of the pertinent laws, rules, and regulations for the State of Alabama and the State of Georgia has shown them to be adequate for implementation and enforcement of existing, previously adopted, undelegated NSPS and future NSPS, EPA hereby notifies the public that it has delegated the authority for existing, previously adopted and undelegated NSPS as well as the mechanism for delegation of future NSPS source categories upon publication of this **Federal Register** notice.

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. 804(3).

Authority: This notice is issued under the authority of sections 101, 110, 111, 112 and 301 of the Clean Air Act, as Amended (42 U.S.C. 7401, 7410, 7411, 7412 and 7601).

Dated: March 8, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 25 and 61

[IB Docket No. 98-60; FCC 99-17]

Policies and Rules for Alternative Incentive-Based Regulation of Comsat Corporation

AGENCY: Federal Communications Commission.

ACTION: Final rule.