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 October 18, 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.

Dated: July 30, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

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 paragraphs (c)(39)(ii)(G), (c)(225)(i)(A)(4) and (c)(256)(i)(F)(1) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(39) * * *

(ii) * * *

(G) Previously approved on October 8, 1978 and now deleted without replacement Rules 466 and 467.

* * * * *

(225) * * *

(i) * * *

(A) * * *

(4) Rule 1149, adopted on December 4, 1987 and amended on July 14, 1995.

* * * * *

(256) * * *

(i) * * *

(F) Ventura County Air Pollution Control District.

(1) Rule 74.10, adopted on September 29, 1981 and amended on March 10, 1998.

* * * * *

[FR Doc. 99–21162 Filed 8–18–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 172–0157a; FRL–6420–3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Bay Area Air Quality Management District, Kern County Air Pollution Control District, Monterey Bay Unified Air Pollution Control District, 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 rules from the following districts: Bay Area Air Quality Management District—Rule 8–26, Magnet Wire Coating Operations; Kern County Air Pollution Control District—Rule 410.4, Surface Coating of Metal Parts and Products; Monterey Bay Unified Air Pollution Control District—Rule 434, Coating of Metal Parts and Products; and, South Coast Air Quality Management District—Rule 1107, Coating of Metal Parts and Products. This approval action will incorporate these rules within the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) according to the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from the surface coating of magnet wire and miscellaneous metal parts and products. EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This rule is effective on October 18, 1999 without further notice, unless EPA receives adverse comments by September 20, 1999. If EPA receives such comment, it will publish a timely withdrawal notice in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are 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, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109

Kern County Air Pollution Control District, 2700 M Street, Suite 302, Bakersfield, CA 93301

Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940

South Coast Air Quality Management District, 218 East Copley Drive, Diamond Bar, CA 91765

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1226.

SUPPLEMENTARY INFORMATION:

I. Applicability

EPA is approving the following rules into the California SIP:

—Bay Area Air Quality Management District (BAAQMD)—Rule 8–26, Magnet Wire Coating Operations;

—Kern County Air Pollution Control District (KCAPCD)—Rule 410.4, Surface Coating of Metal Parts and Products;

—Monterey Bay Unified Air Pollution Control District (MBUAPCD)—Rule 434, Coating of Metal Parts and Products; and,

—South Coast Air Quality Management District (SCAQMD)—Rule 1107, Coating of Metal Parts and Products.

These rules were submitted by the California Air Resources to EPA on July 23, 1996 (BAAQMD Rule 8–26), May 10, 1996 (KCAPCD 410.4), March 3, 1997 (MBUAPCD Rule 434), February 16, 1999 (SCAQMD Rule 1107).

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the San Francisco Bay, the Southeast Desert Modified Air Quality Management Area, Monterey Bay, and the South Coast ozone nonattainment areas (see 43 FR 8964, 40 CFR 81.305.) On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the portions of the California SIP represented by these areas were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172 (b) as interpreted in pre-amendment guidance.[1] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The nonattainment areas subject to this rulemaking were classified as follows: Bay Area—moderate; Monterey Bay—moderate; and South Coast—extreme.[2] Therefore, these areas are subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The Bay Area ozone nonattainment area was redesignated to attainment on May 22, 1995 (see 60 FR 27028). Subsequently, based on violations of the ozone NAAQS, EPA redesignated the San Francisco Bay Area to nonattainment without classification on July 10, 1998 (see 63 FR 37258). The Monterey Bay Area was redesignated as an attainment area for the ozone standard on January 17, 1997 (see 62 FR 2597).

The Southeast Desert Air Basin portion of Kern County was not a pre-amendment nonattainment area, so it was not designated and classified upon enactment of the amended Act. Consequently, KCAPCD is not subject to the section 182(a)(2)(A) RACT fix-up requirement. The KCAPCD is subject to the requirements of EPA's SIP-Call, because the SIP-Call included all of Kern County.

The State of California submitted many revised RACT rules for incorporation into its SIP. CARB submitted the rules subject to this rulemaking action to EPA on July 23, 1996 (BAAQMD Rule 8–26), May 10, 1996 (KCAPCD Rule 410.4), March 3, 1997 (MBUAPCD Rule 434), February 16, 1999 (SCAQMD Rule 1107). This document addresses EPA's direct-final action for Bay Area Air Quality Management District—Rule 8–26, Magnet Wire Coating Operations adopted and revised December 20, 1995; Kern County Air Pollution Control District—Rule 410.4, Surface Coating of Metal Parts and Products adopted and revised March 7, 1996; Monterey Bay Unified Air Pollution Control District—Rule 434, Coating of Metal Parts and Products adopted and revised December 18, 1996; and, South Coast Air Quality Management District—Rule 1107, Coating of Metal Parts and Products adopted and revised on August 18, 1998.

These submitted rules were found to be complete pursuant to EPA's completeness criteria set forth in 40 CFR part 51, appendix V.[3] EPA found the subject rules complete on the following dates: October 30, 1996 (BAAQMD Rule 8–26), July 19, 1996 (KCAPCD Rule 410.4), August 12, 1997 (MBUAPCD Rule 434), April 23, 1999 (SCAQMD Rule 1107).

EPA is taking direct final action to approve these revisions to the California SIP.

These rules are prohibitory rules governing the use and application of coating compounds containing photochemically reactive volatile organic compounds (VOCs) in their respective industries. VOCs contribute to the production of ground level ozone and smog. These rules were adopted originally as part of each air district's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. EPA's evaluation and final action for these rules follows in the next section.

III. EPA Evaluation and Action

When deciding whether or not to approve a VOC 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 the various EPA policy guidance documents listed in footnote one. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other

[1] Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Document'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

[2] Bay Area, Monterey Bay, and South Coast nonattainment areas retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. At the same time the Southeast Desert Air Basin Portion of Kern County was designated nonattainment. See 56 FR 56694 (November 6, 1991).

[3] 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).

Agency policy, for requiring States to ''fix-up'' their RACT rules. See section 182(a)(2)(A). The CTGs applicable to these rules are entitled as follows:

—''Control of Volatile Organic Emissions from Existing Stationary Sources, Volume IV: Surface Coating for the Insulation of Magnet Wire,'' USEPA, December 1977, EPA–450/2–77–033; and,

—''Control of Volatile Organic Emissions from Existing Stationary Sources Volume VI: Surface Coating of Miscellaneous Metal Parts and Products,'' USEPA, June 1978, EPA–450/2–78–015.

Further interpretations of EPA policy are found in the Blue Book, referred to in footnote one. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

In the past, EPA approved into the SIP prior versions of each subject rule. On July 8, 1982, EPA approved into the SIP a prior version of BAAQMD Rule 8–26 (see 47 FR 29668.) This version of Rule 8–26 was adopted by the BAAQMD Governing Board on May 7, 1980. Prior to the December 20, 1995 revisions to Rule 8–26, BAAQMD revised Rule 8–26 on March 17, 1982. Consequently, this review of Rule 8–26 addresses this past, as well as, the recent December 20, 1995 revision of the rule.

The BAAQMD's submitted Rule 8–26, Magnet Wire Coating Operations, included the following significant change from the current SIP rule.

—Rule 8–26's definition of volatile organic compounds was revised.

The March 17, 1982 amendments to Rule 8–26 added two test methods at 8–26–601, Analysis of Samples and 8–26–602, Determination of Emissions.

The definition change and test method additions within submitted Rule 8–26 do not interfere with reasonable further progress or attainment of the NAAQS. These 1982 and 1995 changes to Rule 8–26 either update or improve the clarity of the rule. Consequently, the changes within submitted BAAQMD Rule 8–26 are consistent with the requirements of section 110(l) of the CAA.

EPA has evaluated the BAAQMD's submitted rule and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, BAAQMD Rule 8–26, Magnet Wire Coating Operations is being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

EPA approved into the SIP a prior version of KCAPCD's Rule 410.4, Surface Coating of Metal Parts and Products, on July 25, 1996 (see 61 FR 38571). The KCAPCD Governing Board adopted this version of Rule 410.4 on April 6, 1995.

KCAPCD's submitted Rule 410.4, Surface Coating of Metal Parts and Products includes the following significant change from the current SIP rule.

—Rule 410.4's definitions for exempt compounds and volatile organic compounds have been removed and the rule now refers to Rule 102—Definitions for these terms.

The definition change within submitted Rule 410.4 does not interfere with reasonable further progress or attainment of the NAAQS. This change updates the rule. Consequently, the change within submitted KCAPCD Rule 410.4 is consistent with the requirements of section 110(l) of the CAA.

EPA has evaluated the KCAPCD's submitted rule and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, KCAPCD Rule 410.4—Surface Coating of Metal Parts and Products is being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

EPA approved a prior version of MBUAPCD's Rule 434, Coating of Metal Parts and Products on February 12, 1996 (see 61 FR 5288). This version of Rule 434 was adopted by the MBUAPCD Governing Board on June 15, 1994. MBUAPCD's submitted Rule 434—Coating of Metal Parts and Products included these significant changes from the current SIP described below.

—Rule 434's definitions for exempt compounds and volatile organic compounds have been removed and the Rule 434 now refers to Rule 101—Definitions for these terms.

—The VOC emissions limit for pretreatment wash primers were increased from 420 grams/litre (g/l) to 780 g/l.

—Recordkeeping requirements were revised to require daily recordkeeping for the use of non-compliant coatings.

—Lastly, the test method for determining pollution control equipment capture efficiency was updated.

The VOC content limits, recordkeeping, and test method revisions within submitted Rule 434 do not interfere with reasonable further progress or attainment of the NAAQS. MBUAPCD stated there are no permitted sources within the district using pretreatment wash primer. As a result, MBUAPCD did not perform a five percent analysis justifying the de minimis effect of raising this emission limit. However, should sources using pretreatment wash primer begin coating operations within MBUAPCD, EPA will require the MBUAPCD to conduct a five percent analysis to demonstrate the continued de minimis emissions effect of the 780 g/l emissions limit.

EPA has evaluated the MBUAPCD's submitted rule and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, MBUAPCD Rule 434—Coating of Metal Parts and Products is being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

On July 14, 1995, EPA approved into the SIP a prior version of SCAQMD—Rule 1107, Coating of Metal Parts and Products (see 60 FR 36227). The SCAQMD Governing Board adopted this version of Rule 1107 on May 12, 1995. Prior to the August 14, 1998 revisions to Rule 1107, SCAQMD revised a set of rules including Rule 1107. The SCAQMD Governing Board adopted these revisions on March 8, 1996 and the CARB submitted them to EPA on July 23, 1996. EPA has not acted on this set of revisions. However, because the March 8, 1996 revisions to Rule 1107 are incorporated within the later August 14, 1998 revisions and adoption, EPA's review of Rule 1107 addresses both this past as well as the most recent revisions of the rule.

The significant changes from the current SIP within SCAQMD's August 14, 1998 submittal of Rule 1107 are described below.

—The VOC content limit is lowered for general category single-component air-dried coating from 340 gram/liter (gr/l) to 275 gr/l (2.3 lb VOC/gal), less water and exempt compounds beginning March 1, 1999.

—A small use exemption for facilities using less than one gallon of coating per day is removed after March 1, 1999.

—A small use exemption for facilities using less than 55 gallons per rolling 12 month period is removed after March 1, 1999. However, this exemption is retained for sources using essential public service coatings for repair and maintenance procedures.

—An exemption is allowed for electric insulating and thermally conductive coatings.

The March 8, 1996 amendments to Rule 1107 removed the definition of exempt compounds which was placed for ease of revision within Rule 102—Definition of Terms. Also, because

changes to California law prohibited air districts from regulating aerosol applications and placed this authority with the CARB, the SCAQMD exempted aerosol coating products from Rule 1107. Now, CARB regulates aerosol coatings through their consumer products regulations.

The modified VOC content limits and exemption levels within submitted Rule 1107 do not interfere with reasonable further progress or attainment of the NAAQS. The VOC content limits have been strengthened and the exemption criteria are narrowed. The changes to Rule 1107 increase VOC emission reductions compared to the 1995 version of the rule within the SIP. SCAQMD calculated that VOC emissions are reduced by an additional 1.01 tons/per day or 368.7 tons per year. For these reasons, the changes within submitted Rule 1107 are consistent with the requirements of section 110(l) of the CAA.

EPA has evaluated the SCAQMD's submitted rule and has determined it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, SCAQMD—Rule 1107, Coating of Metal Parts and Products, 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, 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 rulemaking action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 18, 1999 without further notice unless the Agency receives adverse comments by September 20, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule is effective on October 18, 1999 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 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 Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to 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 officials 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. 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 October 18, 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.

Dated: July 30, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

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 paragraphs (c)(231)(i)(B)(*6*), (c)(239)(i)(E)(*5*), (c)(244)(i)(A)(*4*), and (c)(262)(i)(C) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(231) * * *

(i) * * *

(B) * * *

(*6*) Rule 410.4, adopted on June 26, 1979 and amended on March 7, 1996.

* * * * *

(239) * * *

(i) * * *

(E) * * *

(*5*) Rule 8–26, adopted on May 7, 1980 and amended on December 20, 1995.

* * * * *

(244) * * *

(i) * * *

(A) * * *

(*4*) Rule 434, adopted on December 18, 1996.

* * * * *

(262) * * *

(i) * * *

(C) South Coast Air Quality Management District.

(*1*) Rule 1107, adopted on June 1, 1979 and amended on August 14, 1998.

* * * * *

[FR Doc. 99–21160 Filed 8–18–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD077a–3034; FRL–6419–1]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC Emissions From Reinforced Plastics Manufacturing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Maryland State Implementation Plan (SIP). The revision establishes and requires reasonably available control technology (RACT) for volatile organic compound (VOC) emissions from reinforced plastic manufacturing. EPA is approving the addition of a new subsection to COMAR 26.11.19 ''Volatile Organic Compounds from Specific Processes Control'' as a revision to the Maryland SIP in accordance with the requirements to the Clean Air Act.

DATES: This rule is effective October 18, 1999 without further notice, unless EPA receives adverse written comment by September 20, 1999. If EPA receive 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 should be mailed to Walter Wilkie, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460; Maryland Department of the Environment, 2500 Broening Highway, Baltimore Maryland 21224.