

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, Ozone.

Dated: September 30, 1999.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 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 VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(130) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(130) Revisions to the State Implementation Plan submitted on April 22, 1996 and October 9, 1998 by the Virginia Department of Environmental Quality regarding regulations for reasonably available control technology requirements to control volatile organic compound emissions from solvent metal cleaning operations using non-halogenated solvents.

(i) Incorporation by reference.

(A) The letters dated April 22, 1996 and October 9, 1998 from the Virginia Department of Environmental Quality transmitting revisions to the Virginia State Implementation Plan pertaining to Rule 4-24 (9 VAC 5-40-3260 *et seq.*) of 9 VAC 5 Chapter 40.

(B) The amended version of Rule 4-24 (9 VAC 5-40-3260 *et seq.*) Emission Standards for Solvent Metal Cleaning Operations Using Nonhalogenated Solvents as adopted on December 19, 1995, published in the Virginia Register of Regulations (Volume 12, Issue 11) on February 19, 1996, and effective on April 1, 1997.

(C) Amendments to 9 VAC 5-40-3260 *Applicability and designation of affected facility* of Rule 4-24 (9 VAC 5-40-3260 *et seq.*) Emission Standards for Solvent Metal Cleaning Operations Using Non-Halogenated Solvents adopted on January 8, 1997, published in the Virginia Register of Regulations (Volume 13, Issue 14) on March 31, 1997 and effective on April 1, 1997.

(ii) Additional Materials—The remainders of the April 22, 1996 and October 1998 submittals which pertain to Rule 4-24 (9 VAC 5-40-3260 *et seq.*)

Emission Standards for Solvent Metal Cleaning Operations Using Non-Halogenated Solvents.

3. Section 52.2423 is amended by adding paragraph (q) to read as follows:

§ 52.2423 Approval status.

* * * * *

(q) EPA approves as part of the Virginia State Implementation Plan the following revisions to the Virginia Regulations for the Control and Abatement of Pollution submitted by the Virginia Department of Environmental Quality on October 9, 1998:

(1) Subpart T of 9 VAC 5-60-100 *Designated emission standards* of Rule 6-2 (9 VAC 5-60-90 *et seq.*) of 9 VAC 5 Chapter 60 amended to adopt 40 CFR 63.460 through 63.469 by reference. This amendment was adopted on January 8, 1997, published in the Virginia Register of Regulations on March 31, 1997 and effective on May 1, 1997.

(2) Revised date reference to 40 CFR part 63 (July 1, 1996) contained in 9 VAC 5-60-90 (General), as it pertains to the documents listed in 9 VAC 5-60-100, Subpart T.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NJ35-2-195a FRL-6461-7]

Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Approval of National Low Emission Vehicle Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a State Implementation Plan (SIP) revision submitted by the State of New Jersey on February 22, 1999. That revision committed that the State will accept compliance with the National Low Emission Vehicle (National LEV) program requirements as a compliance option for new motor vehicles sold in the State. New Jersey has previously adopted the California Low Emission Vehicle (CAL LEV) program, but the State has made clear that National LEV is the preferred motor vehicle control program. Auto manufacturers have agreed to sell cleaner vehicles meeting the National LEV standards throughout

New Jersey for the duration of the manufacturers' commitments to the National LEV program. This SIP revision is required as part of the agreement between states and automobile manufacturers to ensure the continuation of the National LEV program to supply clean cars throughout most of the country, beginning with 1999 model year vehicles in Northeastern states and extending to other states beginning with 2001 model year vehicles.

DATES: This rule is effective on January 3, 2000 without further notice, unless EPA receives adverse comment by December 3, 1999. If we receive such comment, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments may be mailed to: Raymond Werner, Acting Chief, Air Programs Branch, Environmental Protection Agency, Region 2, 290 Broadway, 25th Floor, New York, NY 10007-1866.

Copies of the State submittal are available for public inspection during normal business hours, by appointment, at the following addresses:

Environmental Protection Agency, Region 2, Air Programs Branch, 290 Broadway, 25th Floor, New York, NY 10007-1866.

New Jersey Department of Environmental Protection, Bureau of Air Quality Planning, 401 East State Street, CN027, Trenton, New Jersey 08625

FOR FURTHER INFORMATION CONTACT: Michael P. Moltzen, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, NY 10007-1866, (212) 637-3710.

SUPPLEMENTARY INFORMATION:

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1. What Action Is EPA Taking Today?

The EPA is approving New Jersey's State Implementation Plan (SIP) revision, submitted on February 22, 1999, which fulfills the State's obligation to incorporate its commitment to the National Low Emission Vehicle (National LEV) program in the SIP. The submittal contains amendments, adopted on February 3, 1999, to the State's "Ozone Transport Commission—Low Emission

Vehicle" (OTC-LEV) program rules at N.J.A.C. 7:27-26. These changes complete New Jersey's process of agreeing to participate in, or "opting into" the National LEV program.

The State's commitment to opt into the National LEV program was stated by Governor Christine Todd Whitman in her January 28, 1998 letter to the EPA Administrator. New Jersey's regulations now provide that the National LEV program is an acceptable compliance option, in addition to the California low emission vehicle (CAL LEV) program, for new motor vehicles sold in the State.

New Jersey had previously adopted the CAL LEV program, but had also specified that National LEV would be the State's preferred motor vehicle control program if it became effective. Based on the opt-ins and commitments of the auto manufacturers and the Northeastern states, on March 2, 1998, EPA determined that National LEV is in effect. New Jersey's SIP revision is required as part of the agreement between states and automobile manufacturers to ensure the continuation of this program to bring clean cars throughout the country, beginning with 1999 model year vehicles in the Northeast.

The final National LEV rule stated that if states submitted SIP revisions containing language substantively identical to the language in the National LEV regulations without additional conditions, and if the submissions met the Clean Air Act requirements for approvable SIP submissions, we would not need to go through notice-and-comment rulemaking to approve the SIP revisions. In the National LEV rulemaking, we provided full opportunity for public comment on the language for the SIP revisions. Thus, as discussed in more detail in the final rule, the requirements for EPA approval are easily verified objective criteria. See 63 FR 936 (January 7, 1998). While we believe that we could have appropriately approved the New Jersey submittal without providing for additional notice and comment, we nonetheless decided to take this action as a direct final rulemaking, which allows an opportunity for further public comment. Here, we are not under a timing constraint that would support a shorter rulemaking process, and thus we decided there was no need to deviate from EPA's usual procedures for SIP approvals.

2. What Is the National Low Emission Vehicle Program?

The National Low Emission Vehicle (National LEV) program is a voluntary nationwide clean car program, designed

to reduce smog and other pollution from new motor vehicles. On January 7, 1998, (63 FR 926) EPA published a final rule outlining the National LEV program. The National LEV regulations allow auto manufacturers to commit to meet tailpipe standards for cars and light light-duty trucks that are more stringent than EPA can mandate. The regulations provided that the program would come into effect only if Northeastern states and the auto manufacturers voluntarily signed up for it. On March 9, 1998 (63 FR 11374), EPA published a notice finding that nine Northeastern states (New Jersey, New Hampshire, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia, Delaware and the District of Columbia) and 23 manufacturers had opted into the National LEV program and that the program is in effect. Now that it is in effect, National LEV is enforceable in the same manner as any other federal new motor vehicle program.

National LEV will achieve significant air pollution reductions nationwide. In addition, the program provides substantial harmonization of federal and California new motor vehicle standards and test procedures, which enables manufacturers to design and test vehicles to one set of standards nationwide. The National LEV program demonstrates how cooperative, partnership efforts can produce a smarter, cheaper program that reduces regulatory burden while increasing protection of the environment and public health.

The National LEV program will result in substantial reductions in non-methane organic gases (NMOG) and nitrous oxides (NO_x), which contribute to unhealthy levels of smog in many areas across the country. National LEV vehicles are 70% cleaner than today's model requirements under the Clean Air Act. This voluntary program provides auto manufacturers flexibility in meeting the associated standards as well as the opportunity to harmonize their production lines and make vehicles more efficiently.

National LEV vehicles were estimated to cost an additional \$76 above the price of vehicles otherwise required today, but it is expected that due to factors such as economies of scale and historical trends related to emission control costs, the per vehicle cost will be even lower. This incremental cost is less than 0.5% of the price of an average new car. In addition, the National LEV program will help ozone nonattainment areas across the country improve their air quality as well as reduce pressure to make further, more costly emission

reductions from stationary industrial sources.

Because it is a voluntary program, National LEV was set up to come into effect, and will remain in effect, only if the Northeastern state and auto manufacturer participants commit to the program and abide by their commitments. The states and manufacturers initially committed to the program through opt-in notifications to EPA, which were sufficient for EPA to find that National LEV had come into effect. The National LEV regulations provide that the second stage of the state commitments is to be made through SIP revisions that incorporate the state commitments to National LEV in state regulations, which EPA will approve into the federally-enforceable SIPs. The National LEV regulations laid out the elements to be incorporated in the SIP revisions, the timing for such revisions, and the language (or substantively similar language) that needs to be included in a SIP revision to allow EPA to approve the revision as adequately committing the state to the National LEV program. In today's action, EPA is approving the National LEV SIP revision for New Jersey as adequately committing the State to the program. EPA expects to take similar action for the other states that have elected to join the National LEV program in the future.

3. What Is New Jersey's Role in the National LEV Program?

Along with eight other Northeast states, New Jersey has chosen to participate in and accept National LEV as an alternative motor vehicle control program. New Jersey has adopted state clean vehicle rules which include provisions for a program identical to the California low emission vehicle (CAL LEV) program, pursuant to section 177 of the Clean Air Act. The motor vehicle program rules, originally adopted on November 22, 1995, are titled "Ozone Transport Commission—Low Emission Vehicle program" (OTC-LEV) and are codified at N.J.A.C. 7:27-26. These rules explicitly provide that motor vehicle manufacturers could comply with a national program as an alternative to the CAL LEV program in New Jersey.

The State adopted amendments, on February 3, 1999, to its OTC-LEV program rules. Those amendments, transmitted in the SIP submittal we are acting on today, modify the OTC-LEV rule to accept compliance with National LEV, specifically, as the auto manufacturers' alternative to compliance with the section 177 CAL LEV requirements. The State's regulations now provide that for the duration of New Jersey's participation in

National LEV, manufacturers may comply with National LEV or equally stringent mandatory federal standards in lieu of compliance with the CAL LEV program adopted pursuant to section 177. The regulations accept National LEV as a compliance alternative for requirements applicable to passenger cars, light light-duty trucks, and light-duty trucks designed to operate on gasoline. The regulations further provide that New Jersey's participation in National LEV conditionally extends until model year 2006. The condition is that by the end of calendar year 2000, EPA must adopt mandatory standards at least as stringent as the National LEV standards. Such standards would apply to new motor vehicles beginning in model year 2004, 2005 or 2006. If EPA does not adopt such standards by that date, the State's participation in National LEV would extend only until model year 2004. Through this regulation and its amendments, the State has adequately committed to the National LEV program, as provided in the final National LEV rule.

4. Final Action

EPA has evaluated the SIP revision submitted by New Jersey and have determined it is consistent with the EPA National LEV regulations and meets the Clean Air Act section 110 requirements for SIP approvals. Therefore, EPA is approving the New Jersey "OTC-LEV" program rules as amended on February 3, 1999, and submitted on February 22, 1999, into the New Jersey SIP.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal 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 January 3, 2000 without further notice unless the Agency receives adverse comment by December 3, 1999.

If EPA receives adverse comment, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments received in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

5. Administrative Requirements

A. Executive Order 12866

Regulatory Impact Analysis

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 Orders on Federalism

Under Executive Order 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, 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 Executive Order 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999),) which will take effect on November 2, 1999. In the interim, the current Executive Order 12612 (52 FR 41685 (October 30, 1987)) on federalism still applies. This rule will not have a substantial direct effect on states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only one state, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

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 is not "economically significant" as defined under E. O. 12866, and does not involve an action that addresses environmental or safety risks.

D. Executive Order 13084

Consultation and Coordination With Indian Tribal Governments

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly 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 OMB, 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. Impact on Small Entities

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 sections 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 the 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 this final approval action 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 January 3, 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, Incorporation by reference, Intergovernmental relations,

Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 27, 1999.

William J. Muszynski,
Acting Regional Administrator,
Region 2.

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 FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(67) to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

* * * * *

(67) Revision to the New Jersey State Implementation Plan (SIP) for ozone, submitting amended New Jersey Ozone Transport Commission—Low Emission Vehicle (OTC–LEV) program, Opting into the National Low Emission Vehicle (National LEV) Program, dated February 22, 1999, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Title 7, Chapter 27, Subchapter 26, "Ozone Transport Commission—Low Emission Vehicles Program," effective March 1, 1999.

(ii) Additional information: Letter from the New Jersey Department of Environmental Protection Commissioner Shinn, dated February 22, 1999, submitting a revision to the New Jersey State Implementation Plan for the National Low Emission Vehicle program.

3. Section 52.1605 is amended by revising the entry for "Subchapter 26" under the heading "Title 7, Chapter 27" in numerical order to read as follows:

§ 52.1605 EPA-approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Explanation
*	*	*	*
Title 7, Chapter 27			

State regulation	State effective date	EPA approved date	Explanation
* * *	* * *	* * *	* * *
Subchapter 26, "Ozone Transport Commission—Low Emission Vehicles Program".	March 1, 1999	Nov. 3, 1999	Provides that for the duration of New Jersey's participation in National Low Emission Vehicle (LEV), manufacturers may comply with National LEV or equally stringent mandatory federal standards in lieu of compliance with the California LEV program adopted pursuant to section 177. The regulations accept National LEV as a compliance alternative for requirements applicable to passenger cars, light light-duty trucks, and light-duty trucks designed to operate on gasoline.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN106-1a; FRL-6446-5]

Approval and Promulgation of Implementation Plan; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving an Indiana request to amend the Stage II Vapor Recovery rule as a revision to the State Implementation Plan (SIP). Indiana submitted the SIP revision request on April 6, 1999. The revision affects gasoline dispensing facilities in Clark, Floyd, Lake, and Porter Counties. Stage II Vapor Recovery systems lower Volatile Organic Compound (VOC) emissions from vehicle refueling operations. VOC emissions are a precursor of ground-level ozone, commonly known as smog.

DATES: This rule is effective on January 3, 2000, unless EPA receives adverse written comments by December 3, 1999. If adverse written comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the revision request for this rulemaking action are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone

Francisco J. Acevedo at (312) 886-6061 before visiting the Region 5 Office).

FOR FURTHER INFORMATION CONTACT:

Francisco J. Acevedo, Environmental Protection Specialist, at (312) 886-6061.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we," "us," or "our" are used we mean EPA.

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I. What Action Is EPA Proposing in This Rulemaking?

We are approving Indiana's April 6, 1999, SIP revision request to amend the Stage II Vapor Recovery rules promulgated by Indiana in 1993 and approved by us on April 28, 1994. The amendments we are approving clarify the applicability of definitions pertaining to gasoline dispensing facilities.

II. Why Are the Amendments to the Stage II Vapor Recovery Rule Approvable?

This SIP revision does not impact the stringency of the SIP. The definitions specific to the Stage II Vapor Recovery rules promulgated by Indiana in 1993 and approved by us on April 28, 1994 were incorrectly incorporated into the general provisions for all of the volatile organic compound rules contained in Indiana rule 326 IAC Article 8. To

rectify this error and avoid future confusion, Indiana amended the Stage II rules and relocated the definitions specific to gasoline dispensing facilities from 326 IAC 8-1-0.5 to 326 IAC 8-4-6. Indiana did not make any other substantive changes to the Stage II rule; and this revision does not change the requirements of the Stage II program originally approved. For these reasons, the amendments to the Stage II Vapor Recovery rule are approvable.

III. Where Are the Rules for This SIP Revision Codified?

The Stage II Vapor Recovery rule amendments are codified under 326 IAC 8-1-0.5: Definitions, and 326 IAC 8-4-6: Gasoline dispensing facilities.

The rules were published in the Indiana Register on November 1, 1995 (19 In. Reg. 202). The effective date of the rules is October 18, 1995.

IV. What Public Hearing Opportunities Were Provided for This SIP Revision?

Indiana held public hearings on March 1, 1995, and on May 3, 1995, in Indianapolis, Indiana.

V. Final Rulemaking Action

In this rulemaking action, we are approving the April 6, 1999, SIP revision request, which includes technical amendments to the Stage II Vapor recovery rule affecting gasoline dispensing facilities.

The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision 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 written comments be received. This action will be effective without further notice unless EPA receives relevant adverse written comment by December 3, 1999. Should the Agency receive such comments, it will publish a timely withdrawal informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no