2. 37 CFR 253.5 is amended by revising paragraphs (c)(1) through (c)(3).

§ 253.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

* * * * *

(c) * * *

(1) For all such compositions in the repertory of ASCAP, $231 annually.

(2) For all such compositions in the repertory of BMI, $231 annually.

(3) For all such compositions in the repertory of SESAC, $63 annually.

* * * * *

Dated: November 22, 1999.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 99–30929 Filed 11–30–99; 8:45 am]

BILLING CODE 1410–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT060–7219a; A–1–FRL–6479–4]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Removal of Oxygenated Gasoline Requirement for the Connecticut Portion of the New York-N. New Jersey-Long Island Area (the ''Southwest Connecticut Area'')

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In today's action, EPA is approving a State Implementation Plan (SIP) revision under the Clean Air Act submitted by the State of Connecticut on October 7, 1999 to remove Connecticut's oxygenated gasoline program as a carbon monoxide control (CO) measure from the SIP. The SIP revision includes revised regulations adopted by Connecticut which redefine the control period for oxygenated gasoline in southwest Connecticut such that the oxygenated gasoline program is not required to be implemented except in the unlikely event of a violation of the CO standard in the area. EPA supports this regulatory amendment since it is consistent with the CO redesignation and maintenance plan for the southwest Connecticut area that EPA approved on March 10, 1999 (64 FR 12005).

DATES: This direct final rule is effective on January 31, 2000 without further notice, unless EPA receives adverse comment by January 3, 2000. 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.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100 Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE–131), Washington, D.C. 20460; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106–1630.

FOR FURTHER INFORMATION CONTACT: Jeff Butensky, Environmental Planner; (617) 918–1665; butensky.jeff@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Table of Contents

What Action Is EPA Taking Today?

On October 7, 1999, the State of Connecticut submitted a formal revision to its SIP removing the oxygenated gasoline program as a CO control measure for the southwest Connecticut area. In the CO redesignation published on March 10, 1999 (64 FR 12005), EPA agreed that Connectocut's CO SIP does not rely on the oxygenated gasoline program to maintain the CO National Ambient Air Quality Standard (NAAQS) in the southwest Connecticut area.

Under Clean Air Act section 211(m), 42 U.S.C. 7545(m), States with certain CO nonattainment areas are required to implement oxygenated gasoline programs. Once such an area subsequently attains the CO NAAQS, oxygenated gasoline requirements may be removed if it is demonstrated that the program is not needed to maintain attainment in that area. See Clean Air Act section 110(l), 42 U.S.C. 7410(l). CO concentrations throughout the New York City area (which includes the southwest Connecticut area) have been below the CO NAAQS for more than four years, and the CO NAAQS has not been exceeded in southwest Connecticut since 1985.

Through the use of EPA's MOBILE computer model and air quality dispersion modeling, it has been determined that the oxygenated gasoline program no longer needs to be implemented to maintain attainment of the CO NAAQS. The CO NAAQS will not be violated in the future if the program is removed as a control strategy. Improved CO levels are attributable primarily to three sources of emission reductions: (1) turnover of vehicle fleets in the area to more sophisticated cleaner technology vehicles; (2) implementation of reformulated gasoline year round; and (3) the recent implementation of the enhanced vehicle inspection and maintenance (I/M) program in Connecticut. This modeling supports the conclusion that the area will remain well below the NAAQS without the wintertime oxygenated gasoline program in place.

What Is the Oxygenated Gasoline Program and How Does It Apply to Connecticut?

The oxygenated gasoline program is designed to reduce CO pollution from gasoline powered vehicles including passenger cars, sport utility vehicles and light trucks, which are significant contributors of CO emissions. Inhaling CO inhibits the blood's capacity to carry oxygen to organs and tissues. Persons with heart disease, infants, elderly persons, and individuals with respiratory diseases are particularly sensitive to CO. Effects of CO on healthy adults include impaired exercise capacity, visual perception, manual dexterity, learning functions, and ability to perform complex tasks.

On March 3, 1978, (43 FR 8962), EPA published a rulemaking that set forth the attainment status for all States in relation to the NAAQS. The Connecticut portion of the New York—N. New Jersey-Long Island area was designated as nonattainment for CO through this notice.

The Clean Air Act sets forth a number of SIP requirements for States with areas designated as nonattainment for the CO NAAQS. Section 211(m) of the Clean Air Act requires States with CO nonattainment areas, having design values of 9.5 parts per million (ppm) CO or above for any two-year period after 1989, to implement oxygenated gasoline programs. The requirement for an oxygenated gasoline program is to apply during the high CO season, which is generally during the colder winter

months when cars tend to have higher tailpipe CO emissions. Oxygenated gasoline programs require that, during the high CO season, gasoline contain at least 2.7% oxygen by weight. This requirement was intended to assure more complete gasoline combustion, thus achieving a reduction in tailpipe emissions.

The requirement for an oxygenated gasoline program applies to southwest Connecticut because this area is included in the New York City CO nonattainment area which had a design value for CO above 9.5 ppm. In a letter to EPA dated March 14, 1991, the Connecticut Department of Environmental Protection (CTDEP) recommended that the southwest Connecticut area be classified as moderate nonattainment for CO based on monitoring data measured outside the Connecticut portion of the nonattainment area, which includes the aforementioned parts of New York State and New Jersey. Therefore, although the southwest Connecticut area was attaining the standard prior to 1990, the area had to implement the oxygenated gasoline program as part of the New York-N. New Jersey-Long Island Area. The municipalities included in the Connecticut area are Bethel, Bridgeport, Bridgewater, Brookfield, Danbury, Darien, Easton, Fairfield, Greenwich, Monroe, New Canaan, New Fairfield, New Milford, Newtown, Norwalk, Redding, Ridgefield, Sherman, Stamford, Stratford, Trumbull, Weston, Westport, and Wilton.[1] EPA also determined that oxygenated gasoline must contain a minimum oxygen content of 2.7 percent by weight of oxygen, specific labeling requirements, and enforcement procedures (57 FR 47849 (October 20, 1992)).

On September 30, 1994, Connecticut submitted to EPA its oxygenated gasoline program contained in section 22a–174–28 of the Regulations of Connecticut State Agencies, entitled ''Oxygenated gasoline.'' EPA approved this submittal as it applies to southwest Connecticut on July 25, 1996 (61 FR 38574), thereby satisfying the requirements of section 211(m) of the Clean Air Act. This action also defined the control period (i.e, the period that oxygenated gasoline must be sold in the area) to be the four month period from November 1 through the last day of February.

[1] Because Clean Air Act section 211(m) applies to the larger of the Consolidated Metropolitan Statistical Areas (CMSA) or the metropolitan statistical area in which the nonattainment area is located, the oxygenated gasoline requirement for the area applies throughout the larger CMSA.

What Is the Purpose and Content of Connecticut's SIP Revision?

Connecticut submitted an oxygenated gasoline SIP revision to EPA on October 7, 1999. The submittal revised the SIP to remove Connecticut's oxygenated gasoline program as a CO control measure. The SIP revision documents that the Connecticut Department of Environmental Protection held a public hearing on August 5, 1999 to take comment on the State's proposed rulemaking to remove the State requirements for its oxygenated gasoline program in Connecticut. The rulemaking was adopted by the State of Connecticut on September 28, 1999, and submitted to EPA as a formal SIP revision on October 7, 1999.

The 1990 Clean Air Act required areas to achieve the CO standard by December 31, 1995, and the Connecticut area has measured no violations of the CO standard since 1985. This area was allowed to redesignate based on the entire area attaining, and the southwest Connecticut area was redesignated to attainment on March 10, 1999 (64 FR 12005). As a result of the redesignation to attainment, the area became eligible to drop the oxygenated gasoline requirement and convert it to a contingency measure. Removal of the oxygenated gasoline program is supported by the State's demonstration that the area is attaining the CO NAAQS and will continue to attain even without implementation of the oxygenated gasoline program. EPA supports this regulatory amendment since it is consistent with the CO redesignation and maintenance plan for the southwest Connecticut area that EPA approved on March 10, 1999 (64 FR 12005).

On September 9, 1999 (64 FR 48974), EPA approved the removal of the oxygenated gasoline program for the New Jersey portion of the CO control area. The submittal from New Jersey contained an analysis of multi-state air quality and impacts of oxygenated gasoline removal which confirmed that the area will continue to attain the CO NAAQS with the removal of oxygenated gasoline. In addition, the CO redesignation submitted by Connecticut on May 29, 1998 and approved by EPA on March 10, 1999 (64 FR 12005) also demonstrated that removing oxygenated gasoline in Connecticut would have inconsequential impact on the other two states CO attainment.

Based on EPA's determination that the entire CMSA is attaining the CO NAAQS, EPA is approving Connecticut's SIP revision, submitted on October 7, 1999, to remove the State's oxygenated gasoline program and convert it to a contingency measure in the CO SIP.

How Have the Criteria for Removing Oxygenated Gasoline Been Met?

The entire New York-N. New Jersey-Long Island area (which includes the southwest Connecticut area) has attained the CO NAAQS since 1995. In 1994, New Jersey experienced two violations of the CO NAAQS that were recorded at monitoring stations in North Bergen and Elizabeth in Northern New Jersey. Since 1995, no subsequent violations were recorded in Northern New Jersey. Since 1994, no violations of the CO NAAQS were recorded in the New York portion of the area, and southwest Connecticut area has not had an exceedance of the standard since 1985.[2]

Two CO monitors meeting EPA siting criteria are maintained in the southwest Connecticut portion of the New York City CO nonattainment area. Locations for these monitors were selected to assure good representation of both CO exposure to people and the maximum CO concentrations which would occur, and were placed in the cities of Bridgeport and Stamford.

Monitoring data from these locations are collected and quality-assured in accordance with 40 CFR part 58. In accordance with EPA's protocol for determining CO exceedances, the following table lists the second highest recorded CO concentrations, in ppm, at each monitoring station for the calendar years 1994 through 1998:

CONNECTICUT CO AIR QUALITY DATA SUMMARY—CO NAAQS EXCEEDANCE LEVEL = 9.5 PPM

Year	Bridgeport	Stamford
1994	5.8	6.2
1995	4.9	5.4
1996	3.0	4.1
1997	4.0	5.1
1998	2.8	3.8

Prior to today's action, EPA approved the redesignation of the southwest Connecticut portion of the New York City CO nonattainment area (64 FR 12005, March 10, 1999). As part of its action to approve Connecticut's redesignation, EPA also approved the maintenance demonstration for southwest Connecticut. Furthermore, EPA has also determined that CO

[2] An exceedance occurs when an average CO concentration greater than or equal to 9.5 ppm is recorded over an eight-hour period. A violation occurs when two non-overlapping exceedances are recorded at the same monitoring site during the same calendar year.

maintenance is demonstrated in southwest Connecticut without reliance on oxygenated gasoline implementation. Connecticut has demonstrated that any increase in CO emissions that might result from removing the oxygenated gasoline requirement will not contribute to CO emissions that exceed the CO emissions budget EPA approved in Connecticut's maintenance plan. In addition, the redesignation included an analysis of the impacts that removing the Connecticut program would have on New York and New Jersey, and these impacts were deemed inconsequential. Additional detail on the CO maintenance demonstration analysis for Connecticut can be found at 63 FR 58637 (November 2, 1998) and 64 FR 12005 (March 10, 1999).

Based on EPA's determination that the entire area is attaining the CO NAAQS and will continue to meet the standard even without the oxygenated gasoline program, EPA is approving Connecticut's SIP revision, submitted on October 7, 1999, which removes the State's oxygenated gasoline requirement program from its CO SIP.

What Is the Contingency Plan for Carbon Monoxide?

In the March 10, 1999 **Federal Register** (64 FR 12005), EPA determined, through Connecticut's use of EPA's MOBILE computer model and air quality dispersion modeling, that the oxygenated gasoline program is no longer necessary for Connecticut because it has been demonstrated that the CO NAAQS will not be violated anywhere in the CMSA if the program is removed. Furthermore, since the area was redesignated to attainment for CO, Connecticut is no longer required to implement the oxygenated gasoline program but must keep it in the SIP as a contingency measure. See Clean Air Act section 175A(d), 42 U.S.C. 7505a(d). However, the State is required to implement the maintenance plan approved into the SIP on March 10, 1999.

Connecticut developed a three-stage contingency plan for the southwest Connecticut area to be implemented in the unlikely event of an exceedance. The State will implement contingency measures when a CO exceedance occurs even though they are only required if a violation occurs, therefore making the continency plan more stringent than is required (again, see March 10, 1999 redesignation at 64 FR 12005). As mentioned earlier, an exceedance occurs when a monitor measures CO levels of 9.5 parts per million as a mean concentration over an eight-hour period. If this were to occur, the first stage of the plan is to investigate the local traffic conditions where the exceedance occurred. The second stage is the implementation of the enhanced inspection and maintenance program, and the third is the low emission vehicle program (both are already being implemented for ground-level ozone purposes.) The State believes that an early trigger (an exceedance rather than violation) will allow Connecticut to take early measures in response to the emission problem to avoid another exceedance and/or persistence of a problem that could lead to a NAAQS violation.

Connecticut's revised ''Oxygenated gasoline'' regulation contained in section 22a–174–28 of the Regulations of Connecticut State Agencies only applies if a violation of the CO standard (the NAAQS is violated if there are two or more exceedances in a given year) is recorded. Therefore, the oxygenated gasoline program essentially becomes a fourth contingency measure for the southwest Connecticut area. See the technical support document and the March 10, 1999 **Federal Register** for more information on CO contingency measures.

Conclusion

EPA has determined that the southwest Connecticut CO nonattainment area has attained the CO National Ambient Air Quality Standard and can maintain attainment without the continued implementation of its oxygenated gasoline program. As a consequence of this determination, EPA is approving Connecticut's October 7, 1999 SIP revision to remove the State's oxygenated gasoline program requirement from the federally approved State Implementation Plan and convert it to a contingency measure.

II. Final Action

EPA is approving removal of oxygenated gasoline requirement for the Connecticut portion of the New York-N. New Jersey-Long Island Area. The Agency has reviewed this request for revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. EPA is also making a minor technical correction to the Code of Federal Regulations to remove a CO attainment date extension that is no longer relevant to the State.

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 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 relevant adverse comments be filed. This rule will be effective January 31, 2000 without further notice unless the Agency receives relevant adverse comments by January 3, 2000.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and 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 on the proposed rule. Only 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 rule will be effective on January 31, 2000 and no further action will be taken on the proposed rule.

III. 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 Orders on Federalism

Executive Order 13132 on Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism

implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This final rule will not have substantial direct effects on the 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 13132. Thus, the requirements of section 6 of the Executive Order 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 Executive Order 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 Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 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, 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. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility

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 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 the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves 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. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. 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 31, 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).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: November 12, 1999.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of 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 H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(83) to read as follows:

§ 52.370 Identification of plan

* * * * *

(c) * * *

(83) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on October 7, 1999 to discontinue the oxygenated gasoline program in the Connecticut portion of the New York—N. New Jersey—Long Island Area.

(i) Incorporation by reference.

(A) CTDEP; ''Abatement of Air Pollution: Oxygenated Gasoline,''

State Regulation 22a–174–28.

(ii) Additional materials.

(A) Letter from the Connecticut Department of Environmental Protection dated October 7, 1999 submitting a revision to the Connecticut State Implementation Plan.

§ 52.372 [Amended]

3. Section 52.372 is amended by removing and reserving paragraph (a).

4. Section 52.376 is amended by adding paragraph (g) to read as follows:

§ 52.376 Control Strategy: Carbon Monoxide.

* * * * *

(g) Approval—On October 7, 1999, the Connecticut Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan that removes the oxygenated fuel requirement for the Connecticut portion of the New York—N. New Jersey—Long Island area and converts the program to a contingency measure. If a violation of the carbon monoxide ambient air quality standard were to occur, the State would be required to reimplement the program.

5. In § 52.385, Table 52.385 is amended by adding a entry in numerical order to read as follows:

§ 52.385 EPA—approved Connecticut regulations.

* * * * *

TABLE 52.385—EPA—APPROVED REGULATIONS

Connecticut State citation	Title/subject	Dates		Federal Register citation	52.370	Comments/ description
		Date adopted by State	Date approved by EPA			
*	*	*	*	*	*	*
22a–174–28	SIP revision concerning Oxygenated Gasoline.	September 28, 1999.	January 31, 2000	[64 FR 67188] ..	(c)(83)	This SIP revision removes the oxygenated gasoline requirement for the Connecticut portion of the New York—N. New Jersey—Long Island area and changes it to a continency measure for maintaining the carbon monoxide National Ambient Air Quality Standard in the southwest Connecticut area
*	*	*	*	*	*	*

[FR Doc. 99–31045 Filed 11–30–99; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 98–82; CS Docket No. 96–85; FCC 99–288]

Cable Television Consumer Protection and Competition Act of 1992; Cable Act Reform Provision of the Telecommunications Act of 1996: Review of the Commission's Cable Attribution Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts amendments to the cable attribution and affiliation rules, which determine whether an entity is subject to the Commission's cable regulations, in order to more accurately identify interests that confer on their holders the ability to influence or control the operations of a held entity or create the type of economic incentives that the Commission's rules relating to the provision of cable television services are designed to address.

DATES: Effective February 9, 2000, following OMB approval, unless a notice is published in the **Federal Register** stating otherwise.

Written comments by the public on the new and/or modified information collections are due January 31, 2000.

ADDRESSES: In addition to filing comments with the Office of the Secretary, a copy of any comments on the information collection(s) contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Darryl Cooper at (202) 418–7200 or via Internet at *dacooper@fcc.gov.* For additional information concerning the information collection(s) contained in this document, contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, FCC 99–288, adopted on October 8, 1999 and released October 20, 1999. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC 20554, or may be purchased from the Commission's copy contractor, International Transcription Service (''ITS''), (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036, or may be reviewed via internet at http://www.fcc.gov/Bureaus/Cable/WWW/csb.html. For copies in alternative formats, such as braille, audio cassette or large print, please contact Sheila Ray at ITS.

This *Report and Order* contains new or modified information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection(s) contained in this proceeding.

Paperwork Reduction Act

This *Report and Order* contains either a new or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collection(s) contained in this *Report and Order* as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due January 31, 2000. Comments should address: (a) whether the new or modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: 3060–XXXX.
Title: Cable Attribution Rules.
Form No.: Not applicable.
Type of Review: New collection.
Respondents: Business or other for-profit.
Number of Respondents: 20.
Estimated Time per Response: 4 hours.
Total Annual Burden: 80 hours.
Cost to Respondents: $3200.
Needs and Uses: Filings will be used by the Commission to determine the nature of the corporate, financial, partnership, ownership and other business relationships that confer on their holders a degree of ownership or other economic interest, or influence or control over an entity engaged in the provision of communications services such that the holders are subject to the Commission's regulations.

Synopsis of Report and Order

1. The Commission's *Report and Order* amends the Commission's cable attribution and affiliation rules to more accurately identify interests that confer on their holders the ability to influence the operations of the held entity such that the holders should be subject to the cable rules.

2. *Key Decisions:*

- The *Report and Order* maintains the 5% voting equity attribution standard and adopts this standard for the Commission's cable-telco buyout prohibition rule, cable/SMATV cross-ownership rule, and the competing provider prong of the effective competition test. 47 CFR 76.505, 76.501(d), 76.905(h).
- *The Report and Order* raises the passive institutional investor threshold from 10% to 20%.
- The *Report and Order* eliminates the cable attribution rule's single majority shareholder exemption.
- The *Report and Order* attributes nonvoting equity and debt where an investor's interest is greater than 33% of a company's total assets, which is the sum of all equity and debt. This equity debt rule will also act as an exemption to the insulated limited partner exception.
- For the horizontal ownership and channel occupancy rules, 47 CFR 503, 504, the *Report and Order* narrowly tailors the insulated limited partnership criteria to permit a limited partner to insulate its interest so long as the limited partner is not involved in the video-programming activities of the partnership. In addition, for these two rules, the *Report and Order* permits interlocking and appointed directors and officers to petition the Commission for a waiver from attribution where the directors and officers are not involved in the video-programming activities of either company.
- The *Report and Order* adopts a 10% partnership or voting equity attribution threshold for the local exchange carrier prong of the effective competition test. 47 CFR 76.905(b)(4).
- The *Report and Order* permits investors in limited liability companies to insulate their interests under the insulated limited partnership criteria.
- The *Report and Order* clarifies the attribution and affiliation standards for the following rules: 47 CFR 76.1000 (program access); 47 CFR 76.1300 (program carriage); 47 CFR 76.924 (allocation of service cost categories); 47