submitted on May 27, 1999 by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of May 27, 1999 from the Department of Environmental Quality transmitting Virginia's plan for adoption of a National Low Emission Vehicle Program.

(B) Regulation for a National Low Emission Program, codified at 9 VAC 5–200 of the Virginia Code, effective on April 14, 1999, to add: 9 VAC 5–200–10, Paragraphs A, B, and C; and 9 VAC 5–200–20; and 9 VAC 5–200–30.

(ii) Additional Material.—Remainder of May 27, 1999 submittal pertaining to the National Low Emissions Vehicle Program.

[FR Doc. 99–33027 Filed 12–27–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–6514–5]

Section 112(l) Approval of the State of Florida's Rule Adjustment to the National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On April 9, 1999, the State of Florida, through the Florida Department of Environmental Protection (FDEP) submitted a request for adjustment of the ''National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities,'' (PERC) National Emission Standards for Hazardous Air Pollutants (NESHAP). This Request was submitted through the procedures outlined in 40 CFR 63.92 and 63.91 of section 112 of the Clean Air Act as Amended in 1990. The requested adjustment by FDEP would allow the Periodic Startup, Shutdown, and Malfunction reports as required in 40 CFR 63.10(d)(5) of the General Provisions, to be retained on site at PERC NESHAP affected facility instead of submitting them to the delegated agency. EPA has reviewed this 112(l) adjustment request, and determined that the State has satisfied the necessary criteria of a complete submittal as specified in §§ 63.92 and 63.91. EPA believes this 112(l) adjustment request by the State of Florida is approvable due to the State's consistent compliance and inspection rate of these specific area source PERC NESHAP affected facilities. EPA is hereby granting the State of Florida the authority to adjust its Periodic Startup, Shutdown, and Malfunction reports, to accommodate area source PERC NESHAP affected facilities through 40 CFR 63.92(b)(3)(viii) and 63.10(f)(2). Today's action is taken to modify the delegated PERC NESHAP to the State of Florida to accommodate sources classified by this PERC NESHAP as affected area sources as listed in 58 FR 49345 (September 22, 1993).

DATES: This direct final rule modification is effective February 28, 2000 without further notice, unless EPA receives adverse comment by January 27, 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: All comments should be addressed to: Leonardo Ceron, U.S. Environmental Protection Agency, Region 4, Air and Radiation Technology Branch, Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104 ; ceron.leonardo@epa.gov. Copies of Florida's original submittal and accompanying documentation are available for public review during normal business hours, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Leonardo Ceron, U.S. Environmental Protection Agency, Region 4, Air and Radiation Technology Branch, Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, GA 30303, Phone: (404) 562–9129; ceron.leonardo@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 15, 1996, The State of Florida notified the EPA of its adoption by reference of the PERC NESHAP located at 40 CFR 63.320, and the applicable sections of 40 CFR 63.1, (the General Provisions) both of which were adopted into the Florida Administrative Code (F.A.C.) 62–213.300(3)(1), and 62–204.800. Subsequently on February 11, 1998, the State of Florida, through the FDEP submitted a request for an adjustment of the PERC NESHAP through the procedures outlined in 40 CFR 63.92 and 63.91 of section 112 of the Clean Air Act as Amended in 1990. Based on discussions between the EPA Region 4 and FDEP, the State of Florida revised its initial request for adjustment and resubmitted a request on April 9, 1999. The revised 112(l) request was reviewed and deemed complete based on the criteria listed in 40 CFR 63.92 and 63.91. This adjustment will allow area source PERC NESHAP affected facilities the flexibility of retaining periodic startup, shutdown and malfunction reports required in 40 CFR 63.10(d)(5), on site, instead of submitting them on a periodic or biannual basis. However, this adjustment does not exempt or delay any Title V recordkeeping and compliance reporting requirements required of all Title V and general permit sources in the State of Florida. This regulatory flexibility for area source PERC NESHAP affected facilities is consistent with EPA's requirements for area sources subject to 40 CFR 63.340, 63.360, and 63.460. Accordingly, this determination is consistent with the applicability of the general provisions to 40 CFR 63.340, 63.360, and 63.460 which specifically exempt § 63.10(d)(5). EPA's decision to approve this adjustment is further supported by FDEP's compliance effectiveness at area source PERC NESHAP affected facilities within the State of Florida. The State of Florida has provided EPA with a letter submitted on August 20, 1999. The letter submitted by FDEP provided evidence of the State wide compliance rate for the area source PERC NESHAP affected facilities, of at least 82%, based on compliance inspections by FDEP. This compliance rate has consistently improved since 1996 from 61%, to 1997 with 77%, to 1998 with 82%. The compliance rate is based on the percentage of ''in-compliance'' inspection reports versa the ''non-compliance'' inspection reports by FDEP personnel on a 12 month basis. Compliance inspections are the most effective route to assert the requirements of NESHAPs as required in 40 CFR 63.320. The physical inspection of records and operations at each affected facility permitted by the State of Florida has allowed FDEP to achieve the above stated level of compliance. According to the State of Florida, inspections of PERC NESHAP affected facilities will continue to provide an increasing compliance rate and a verification of the periodic reporting which will be maintained on site in lieu of the flexibility provided by this adjustment today. The NESHAP adjustment provided herein will also assist small businesses in the reduction of cost associated with submitting biannual reports for the associated regulatory requirements, by allowing affected facilities to maintain records on site. Based on the review of the above documented request for flexibility to area source PERC NESHAP affected facilities, the State of Florida, through the FDEP, has satisfied all the requirements of 40 CFR 63.91 and 63.92. EPA therefore, is granting approval of this 112(l) request through the authority

listed in §§ 63.92(b)(3)(viii) and 63.10(f)(2). The approved 112(l) adjustment is adopted by the State of Florida in F.A.C. 62–213.300(3)(1).

II. Final Action

In this action, EPA is approving modifications to provisions of Florida's delegated PERC requirements for dry cleaning facilities as they pertain to periodic startup, shutdown, and malfunction reports listed in 40 CFR 63.1 for area source PERC NESHAP affected facilities within the State of Florida.

The 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 112(l) revision should adverse comments be filed. This rule will be effective February 28, 2000 without further notice unless the Agency receives adverse comments by January 27, 2000.

If the EPA receives such comments, then EPA will publish a document 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. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on February 28, 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 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

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. If the mandate is unfunded, EPA must provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, 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.

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. 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 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 Act

The Regulatory Flexibility Act 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 section 112(l) approvals of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the section 112(l) 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.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no

additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 28, 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 63

Environmental protection, Administrative practices and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 3, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 99–33329 Filed 12–27–99; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 101

[FPMR Temp. Reg. H–29]

RIN 3090–AF39

Criteria for Reporting Excess Personal Property

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Temporary regulation; extension of expiration date.

SUMMARY: The General Services Administration (GSA) is extending Federal Property Management Regulations provisions regarding criteria for reporting excess personal property to GSA.

DATES: Effective December 28, 1999, the expiration date of the temporary regulations published at 62 FR 2022 is extended through July 31, 2000.

SUPPLEMENTARY INFORMATION: FPMR Temporary Regulation H–29 was published in the Federal Register on January 15, 1997, 62 FR 2022. The expiration date of the temporary regulation was January 15, 1998. A supplement published in the **Federal Register** on December 31, 1997, 62 FR 68216, extended the expiration date through December 31, 1998. Another supplement was published in the **Federal Register** on January 8, 1999, 64 FR 1139, that extended the expiration date through January 15, 2000. This supplement further extends the expiration date through July 31, 2000.

List of Subjects in 41 CFR Chapter 101

Archives and records, Computer technology, Government procurement, Property management, Records management, Telecommunications. Federal information processing resources activities.

Therefore the expiration date for Temporary Regulation H–29 amending the appendix to subchapter H of chapter 101 and published at 62 FR 2022, January 15, 1997, extended until January 15, 1999 at 62 FR 68216, and January 15, 2000 at 64 FR 1139, is further extended through July 31, 2000.

Dated: December 15, 1999.

David J. Barram,

Administrator of General Services.

[FR Doc. 99–33421 Filed 12–27–99; 8:45 am]

BILLING CODE 6820–34–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[DA 99–2788]

Ex Parte Presentations in Commission Proceedings

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document contains an editorial amendment to the Commission's regulations concerning ex parte presentations. It consolidates amendments made in two separate Commission actions into a corrected text.

DATES: Effective January 28, 2000.

FOR FURTHER INFORMATION CONTACT: David S. Senzel, Office of General Counsel (202) 418–1720.

SUPPLEMENTARY INFORMATION: This is the full text of the Order of the Commission's Managing Director, DA 99–2788, adopted on December 14, 1999, and released December 17, 1999.

1. By this order, we correct the language of 47 CFR 1.1202(d)(2) of the Commission's ex parte rules. This provision was amended by two separate actions of the Commission. The first was the Commission's Report and Order in WT Docket No. 96–198, FCC 99–181, released September 29, 1999. Notice of this action was published in the **Federal Register** at 64 FR 63235 (Nov. 19, 1999), to become effective on January 28, 2000. The second was the Commission's Memorandum Opinion and Order in GC Docket No. 95–21, FCC 99–322, released November 9, 1999. Notice of this second action was published in the **Federal Register** at 64 FR 68946 (Dec. 9, 1999), to become effective on January 10, 2000. Each of the two actions fails to take into account the amendment made by the other. To cure this oversight, we will amend the rule to consolidate the amendments made by the two actions into a single corrected text.

2. Additionally, the text of the rule set forth in 64 FR 63235 contains a typographical error. That text refers to §§ 6.17 and 7.17 instead of the correct sections, 6.21 and 7.21. We will make an appropriate correction.

3. Pursuant to the authority delegated under 47 CFR 0.231(b), 47 CFR 1 IS AMENDED as set forth effective on January 28, 2000 and substituting for and superseding the corresponding