

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval date	EPA approval date	Explanation
Chapter 101—General Rules				
Section 101.1	Definitions	08/16/93	[07/17/00 and page number]	Ref 52.2299(c)(102) Note: Nonattainment review definitions repealed from 101.1 and added to 116.12.
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Chapter 116 (Reg 6)—Control of Air Pollution by Permits for New Construction or Modification				
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Section 116.03	Consideration for Granting a Permit to Construct and Operate.	08/16/93	[07/17/00 and page number]	Ref 52.2299(c)(102) Note:(a)(7), (8), (9), (10), (11), and (12); (c); (d); and (e) NOT in SIP.
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Subchapter A—Definitions				
*	*	*	*	*
Section 116.12	Nonattainment Review Definitions	02/24/99	[07/17/00 and page number]	Includes Table I, Major Source/Major Modification Emission Thresholds.
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Subchapter B—New Source Review Permits Nonattainment Review				
Section 116.150	New Major Source or Major Modification in Ozone Nonattainment Area.	02/24/99	[07/17/00 and page number]	
Section 116.151	New Major Source or Major Modification in Nonattainment Area Other than Ozone.	03/18/98	[07/17/00 and page number]	
*	*	*	*	*
Subchapter B—New Source Review Permits Emission Reductions: Offsets				
Section 116.170	Applicability for Reduction Credits	08/16/93	[07/17/00 and page number]	Note: 116.170(2) Not in SIP.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL53-200019(a); FRL-6735-6]

Approval and Promulgation of State Plans—Alabama: Approval of Revisions to the Alabama State Implementation Plan: Transportation Conformity Interagency Memorandum of Agreement; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; correction.

SUMMARY: The United States Environmental Protection Agency (EPA) published in the Federal Register on

May 11, 2000, a document approving the transportation conformity rule submitted by the Alabama Department of Environmental Management for the State of Alabama. The rule is being clarified and corrected to remove a sentence that was inadvertently included in the **Federal Register** document.

DATES: This correction is effective on July 17, 2000.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler at (404) 562-9042, sheckler.kelly@epa.gov.

SUPPLEMENTARY INFORMATION: The May 11, 2000, (65 FR 30358-30362) rulemaking included a statement in the first full paragraph in the first column on page 30360 that reads “The MOA is enforceable against the parties by their consent in the MOA to allow the Attorney General for the State of

Alabama to sue any or all of the agencies for specific performance of other relief on behalf of the citizens of Alabama in parren patrial.” The Federal requirements for conformity do not require that the Attorney General for a state have this legal authority. Since the State of Alabama’s submittal does not contain any such provisions for the Alabama Attorney General, the preamble language is amended to delete this sentence in its entirety.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today’s rule final

without prior proposal and opportunity for comment because we are merely correcting the preamble language in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This 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 governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental

Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of July 17, 2000. 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 correction to the identification of plan for Alabama is not a "major rule" as defined by 5 U.S.C. 804(2).

Dated: June 30, 2000.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 00-18024 Filed 7-14-00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 2, 15, 90 and 95

[ET Docket No. 99-255; PR Docket No. 92-235; FCC 00-211]

Wireless Medical Telemetry Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates new spectrum and establishes rules for a Wireless Medical Telemetry Service (WMTS) that allows potentially life-critical equipment to operate on an interference-protected basis. Medical telemetry equipment is used in hospitals and health care facilities to transmit patient measurement data,

such as pulse and respiration rates to a nearby receiver, permitting greater patient mobility and increased comfort. This action will increase the reliability of medical telemetry equipment.

DATES EFFECTIVE: October 16, 2000.

FOR FURTHER INFORMATION CONTACT:

Hugh Van Tuyl, Office of Engineering and Technology, (202) 418-7506.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, ET Docket 99-255 and PR Docket 92-235, FCC 00-211, adopted June 8, 2000, and released June 12, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Summary of the Report and Order

1. The Report and Order establishes a new Wireless Medical Telemetry Service (WMTS) which will enhance the ability of health care providers to offer high quality and cost-effective care to patients with acute and chronic health care needs. This action addresses consumer concerns that medical telemetry devices are increasingly at risk of harmful interference due to more extensive use of spectrum resources by other applications. The Commission allocates 14 Megahertz (MHz) to WMTS on a primary basis, which will allow potentially life-critical medical telemetry equipment to operate on an interference-protected basis. The Commission also adopts service rules for WMTS that "license by rule" to minimize regulatory procedures to facilitate rapid deployment. Medical telemetry equipment is used in hospitals and health care facilities to transmit patient measurement data, such as pulse and respiration rates to a nearby receiver, permitting greater patient mobility and increased comfort. As this service permits remote monitoring of several patients simultaneously it could also potentially decrease health care costs. The Commission's action will improve the reliability of this vital service.

2. In the Notice of Proposed Rule Making (NPRM), 64 FR 41891, August 2, 1999, in this proceeding, we proposed to allocate spectrum where medical telemetry equipment could operate on a primary basis. We also proposed to establish a new Wireless Medical Telemetry Service (WMTS) under part