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 7, 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, Incorporation by reference, Intergovernmental regulations, Particulate matter, Reporting and recordkeeping, Ozone, Volatile organic compounds.

Dated: October 27, 1999.

Debbie Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 99–28882 Filed 11–5–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OK–3–1–5201a; FRL–6470–4]

Approval and Promulgation of Implementation, Plans Oklahoma; Visibility Protection

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action approving a revision to the Oklahoma State Implementation Plan (SIP) involving the Oklahoma Visibility Protection Plan for the Federal Class I area. This action approves the general plan revisions and the long-term strategy and removes the disapproval of the Oklahoma SIP and resultant Federal Implementation Plan (FIP) for failure to meet the Federal requirements. This action does not apply to areas of ''Indian Country'' over which the State of Oklahoma has not demonstrated authority.

DATES: This rule is effective on January 7, 2000, without further notice, unless EPA receives adverse comment by December 8, 1999. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Dallas, Texas 75202–2733.

Oklahoma Department of Environmental Quality, Air Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101–1677.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Bill Deese of the EPA Region 6 Air Planning Section at (214) 665–7253.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' and ''our'' is used, we mean EPA.

I. What Is the Purpose of This Action?

This action approves the Oklahoma Visibility Protection Plan submitted by the Governor of Oklahoma on June 18, 1990, as a revision to the Oklahoma SIP. This plan includes revisions to sections 1.4.4(b), 1.4.4(f), and 1.4.4(g) of the Prevention of Significant Deterioration (PSD) rules in the Oklahoma Air Quality Control Regulations. This action removes the EPA disapproval of the Oklahoma visibility plan and resultant FIPs published in the **Federal Register** on June 24, 1986 (51 FR 22937), and November 24, 1987 (52 FR 45137), and codified in 40 CFR 52.1933.

II. Why Is EPA Taking This Action?

Section 169A of the Federal Clean Air Act (the Act) requires visibility protection for mandatory Class I Federal areas where EPA has determined that visibility is an important value. Mandatory Class I Federal areas are defined as certain national parks, wilderness areas, and international parks, as described in section 162(a) of the Act. Mandatory Class I Federal areas in each State are listed in 40 CFR part 81, subpart D—Identification of Mandatory Class I Federal Areas Where Visibility is an Important Value.

Section 169A of the Act specifically required EPA to promulgate regulations requiring certain states to amend their SIPs to provide for visibility protection. These regulations have been promulgated in 40 CFR part 51, subpart P, Visibility Protection. *See* 45 FR 80089, December 2, 1980.

III. Does Oklahoma Have Any Federal Class I Areas?

Oklahoma has one mandatory Class I area. It is the Wichita Mountains National Wildlife Refuge in Comanche County near Fort Sill Military Reservation.

IV. What Is Meant by Part I and Part II Visibility SIPs?

In December 1982, the Environmental Defense Fund (EDF) filed suit in the U.S. District Court for the Northern District of California alleging that EPA had failed to perform a nondiscretionary duty under section 110 of the Act to promulgate visibility SIPs. A negotiated settlement agreement between EPA and EDF required EPA to promulgate visibility SIPs on a specific schedule. We were required to promulgate FIPs for visibility in States where SIPs were deficient with respect to the visibility regulations. Specifically, the first part of the agreement required us to propose and promulgate FIPs which cover the visibility monitoring and new source review (NSR) provisions under 40 CFR 51.305 and 51.307, respectively. These requirements became known as the Part I Visibility SIP requirements. However the settlement allowed a State an opportunity to avoid Federal promulgation if it submitted an approvable part I SIP by May 6, 1985. Oklahoma was one of the States listed as having an inadequate NSR and monitoring plan for visibility protection.

The second part of the settlement agreement required EPA to determine the adequacy of the SIPs to meet the remaining provisions of the visibility regulations and to propose and promulgate FIPs for states with deficient

SIPs. These remaining provisions cover the general plan provisions including visibility implementation control strategy (40 CFR 51.302) and long-term strategies (section 51.306). These provisions became known as the part II visibility SIP requirements. However, the settlement agreement allowed a State an opportunity to avoid Federal promulgation if it submitted an approvable part II visibility SIP by August 31, 1987. Oklahoma was one of the States listed as having an inadequate part II visibility protection SIP.

For more information on details of the provisions of the settlement agreement, see EPA's announcement of the agreement at 49 FR 20647 (May 16, 1984).

V. Why Did EPA Disapprove the Oklahoma Visibility SIP?

On October 23, 1984 (49 FR 42670), we proposed to disapprove the SIPs of 34 states, including Oklahoma, for failure to meet the visibility monitoring and visibility NSR requirements and proposed to incorporate Federal visibility regulations into the State plans.

On July 12, 1985, to avoid the national disapproval action, the Governor of Oklahoma submitted to us the Oklahoma Visibility Protection Plan (1985 Plan). On April 7, 1986 (51 FR 13029), we proposed to disapprove the 1985 Plan because it did not include an approvable part I visibility monitoring strategy required in 40 CFR 51.305 and the plan did not include an approvable NSR portion required in 40 CFR 51.307. The 1985 Plan incorporated existing Oklahoma Air Pollution Control Regulation, section 1.4.4(f)(7), Post-construction Monitoring, stating that the permit application would be reviewed for compliance with all current and applicable Oklahoma Air Pollution Control Regulations. However, the State failed to adopt additional regulations to meet the requirements in 40 CFR 51.307, Visibility NSR. A review of the existing Oklahoma section 1.4.4(g), Source Impacting Class I Areas, did not meet these NSR requirements.

On June 24, 1986 (51 FR 22937), we published a final disapproval of the Oklahoma Visibility Protection Plan submitted on June 12, 1985, and promulgated a FIP. The disapproval and the FIP promulgation, codified at 40 CFR 52.1933(a) and (b), incorporated into the Oklahoma SIP the Federal requirements in 40 CFR 52.26, Visibility monitoring strategy; § 52.27, Protection of visibility from sources in attainment areas; and § 52.28, Protection of visibility from sources in nonattainment areas.

On March 12, 1987 (52 FR 7802), EPA proposed to disapprove the SIPs of States (including Oklahoma) which failed to comply with the provisions of 40 CFR 51.302 and 51.306. The EPA was required by the EDF settlement agreement to promulgate visibility SIPs on a specific schedule. For States (including Oklahoma) which failed to submit a part II visibility protection SIP by August 31, 1987, EPA was required to promulgate a part II FIP. These FIPs were promulgated in the **Federal Register** on November 24, 1987 (52 FR 45137). The disapproval of the Oklahoma SIP and the FIP promulgation, codified in 40 CFR 52.1933(c), incorporated into the Oklahoma SIP the requirements of 40 CFR 52.29, Visibility long-term strategy.

VI. Review of the 1990 Oklahoma Visibility Plan

On June 18, 1990, the Governor of Oklahoma submitted to EPA a revised Oklahoma visibility protection plan to meet the part I and part II requirements of 40 CFR part 51, subpart P, Visibility Protection. The plan, entitled ''Visibility Protection Plan'' (1990 Plan), was developed by the Air Quality Service of the Oklahoma State Department of Health.

The EPA has reviewed the State's submittal and developed an evaluation report entitled ''Evaluation Report for the Oklahoma Visibility Protection Plan.''

The text of the 1990 Plan is similar to the text of the 1985 Plan. The major difference in the plans is that the 1990 Plan includes section 1.4.4(b) and revised sections 1.4.4(f) and 1.4.4(g) of the PSD regulations in Oklahoma Air Quality Control Regulations. The revisions to sections 1.4.4(f) and 1.4.4(g) are as amended by the Oklahoma State Department of Health on July 9, 1987, effective August 10, 1987.

All definitions in section 1.4.4(b), Definitions, in the June 18, 1990, submittal have already been approved by EPA or have been superceded by revisions submitted after June 18, 1990.

Section 1.4.4(f), Air Quality Impact Evaluation, was revised to include visibility impact evaluation requirements and gives the Commissioner authority to require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification.

Section 1.4.4(g), Sources Impacting Class I Areas, was revised to require the Commissioner to notify the Federal Land Manager (FLM) of the receipt of any analysis of the anticipated impacts on visibility in any Federal Class I area, and include a complete copy of the permit application of any proposed new major stationary source or major modification that may effect visibility in any Federal Class I area. The Commissioner is required to consider any timely analysis performed by the FLM that he receives. Where the Commissioner finds that such an analysis does not demonstrate to the satisfaction of the State that an adverse impact will result in the Federal Class I area, the Commissioner will, in the notice of public hearing on the permit application, either explain his decision or give notice as to where the explanation can be obtained. The revisions also added to section 1.4.4(g) the definitions of ''Adverse impact on visibility,'' ''Natural conditions,'' ''Visibility impairment,'' ''Federal land manager,'' and ''Installation.''

As stated above, the Wichita Mountains National Wildlife Refuge in Comanche County near Fort Sill Military Reservation is the only mandatory Class I area in Oklahoma. The refuge is managed by the U.S. Fish and Wildlife Service. The 1990 Plan commits the State to visibility protection within the refuge boundary consistent with the Act and EPA's regulatory requirements. In addition, the SIP is to be reviewed every three years consistent with the requirements of 40 CFR 51.306(c) and revised as necessary. The strategy which the State plan adopted includes a determination that there is no existing visibility impairment in the one mandatory Class I Federal area in Oklahoma that is reasonably attributable to specific sources. Currently, there are no integral vistas in Oklahoma.

States do not have jurisdiction over ''Indian Country'' (as defined in 18 U.S.C. 1151, and referenced in 40 CFR 51.1(i)) unless specifically granted by Congress. Since the State of Oklahoma has not submitted a demonstration of authority over ''Indian Country,'' we are limiting our approval to those areas that do not constitute Indian Country. For a more detailed discussion of Tribal authority under the Act, see 59 FR 43956 (August 25, 1994) and 63 FR 7254 (February 12, 1998).

Based on our review, we find that the approval of sections 1.4.4(f) and 1.4.4(g) will result in the Oklahoma SIP regulations meeting all of the Federal NSR requirements of 40 CFR part 51, subpart P, Visibility Protection. Section 8, Visibility Monitoring Program, of the 1990 Plan, provides that the Oklahoma State Department of Health will monitor the background visibility conditions in the mandatory Class I Federal area by monthly review of local airport visibility data as collected by the

National Weather Service in Lawton, Oklahoma, airport located 22 miles southeast of the Wichita Mountains Wilderness and the Fort Sill Military Reservation airport located 19 miles southeast of the Wilderness in almost flat terrain. The airport visibility data should be representative of the conditions in the Class I area. The 1990 Plan includes an emission inventory of sources within 55 kilometers radius from the Wichita Mountains Refuge. The Oklahoma State Department of Health determined that there are no existing sources with a 55 kilometer radius from the Refuge with emissions that would significantly impact upon the Federal Class I area.

The Department will consider any available visibility data for use in making its decisions. The Department will coordinate with the FLM in conducting any monitoring of visibility in the mandatory Federal Class I area.

Our review also finds that the State of Oklahoma has satisfied the visibility general plan requirements of 40 CFR 51.302 and 51.306. These are the part II requirements for visibility long-term strategy and for implementation control strategies. The FLM has been afforded the opportunity to identify visibility impairment and to recommend elements for inclusion in the long-term strategy. The State has accorded the FLM opportunities to participate and comment on its visibility SIP revision. Comments by the FLM were submitted to the State during the State's public notice period, and they were considered by the State and incorporated where applicable. The State has committed in the SIP to consult continually with the FLM on the review and implementation of the visibility program.

The 1990 Plan contains the following provisions of the part II Visibility Protection Plan requirements:

(1) A determination that there is no existing visibility impairment that is reasonably attributable to specific sources,

(2) A discussion of the SIP elements and how each element of the plan relates to the national goal, and

(3) A long-term (10–15 years) strategy.

Since no existing reasonably attributable impairment has been identified, all elements of the plan are intended to prevent future impairment of visibility. If existing reasonably attributable impairment is later identified, the State will revise its plan to remedy the impairment. The part II revision consists of a narrative only, no regulatory revisions. Currently, there are no integral vistas in Oklahoma.

The Oklahoma visibility long-term strategy section included the following:

(1) Coordination with the FLM;

(2) Consideration of the six required factors for a long-term strategy;

(3) A provision for the review of the impact of new sources, and discussion of current visibility monitoring efforts; and

(4) Provisions for periodic review (*i.e.*, every three years) of the plan, which review must include consultation with the FLM and a report to the public and to EPA on progress toward the national goal.

VII. Final Action

We are approving the Oklahoma ''Visibility Protection Plan'' submitted by the Governor on June 18, 1990. We are approving revisions to sections 1.4.4(f) and 1.4.4(g) of the Oklahoma Air Pollution Control Regulations in the Oklahoma SIP submitted with the plan. We are removing and reserving 40 CFR 52.1933, Visibility Protection, because the Oklahoma SIP meets the requirements of section 169A of the Act and EPA's regulatory requirements.

The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are received. This rule will be effective on January 7, 2000, without further notice unless we receive adverse comment by December 8, 1999. If EPA receives adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

VIII. Administrative Requirements

A. Executive Order (E.O.) 12866

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

B. Executive Orders on Federalism

Under E.O. 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, E.O. 12875 requires EPA to 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 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 rules on any of these entities. This action does not create any new requirements but simply approves requirements that the State is already imposing. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new E.O. on federalism, E.O. 13132 (64 FR 43255, August 10, 1999), which will take effect on November 2, 1999. In the interim, the current E.O. 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 E.O. 12612. The rule affects only one State, and does not alter the relationship or the distribution of power and responsibilities established in the Act.

C. Executive Order 13045

Executive Order 13045, entitled ''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.

The EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required

under section 5–501 of the Order has the potential to influence the regulation. This final rule is not subject to E.O. 13045 because it approves a State program.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to 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, E.O. 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 E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, 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 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *See Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, 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.

The 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. The 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**. A major rule can not take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major'' rule as defined by 5 U.S.C. 804(2). This rule will be effective January 7, 2000.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 7, 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, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: October 27, 1999.

Myron O. Knudson,

Acting Regional Administrator, Region 6.

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 SS—Oklahoma

2. Section 52.1920 is amended by adding paragraph (c)(49) to read as follows:

§ 52.1920 Identification of plan.

* * * * *

(c) * * *

(49) Oklahoma visibility protection plan submitted by the Governor of Oklahoma on June 18, 1990.

(i) Incorporation by reference. Oklahoma Air Pollution Control Regulations, Sections 1.4.4(f)(2), 1.4.4(f)(7), 1.4.4(f)(11), and 1.4.4(g), as amended by the Oklahoma State Department of Health on July 9, 1987, effective August 10, 1987.

(ii) Additional information. ''Oklahoma Visibility Protection Plan,'' submitted by the Governor of Oklahoma on June 18, 1990.

2. Section 52.1933 is removed and reserved.

§ 52.1933 [Reserved]

[FR Doc. 99–29069 Filed 11–5–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 034–0181; FRL–6470–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing full approval of a revision to the California State Implementation Plan (SIP) for the South Coast Air Basin (SCAB) proposed in the **Federal Register** on April 12, 1999. This final action will incorporate this rule into the federally approved SIP. The intended effect of finalizing this action is to regulate particulate matter (PM–10) emissions in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rule regulates PM–10 emissions from open burning. Thus, EPA is finalizing the approval under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority.

EFFECTIVE DATE: This action is effective on December 8, 1999.

ADDRESSES: Copies of the rules and EPA's evaluation report of the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460.

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

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901 Telephone: (415) 744–1135.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rule being approved into the California SIP is the South Coast Air Quality Management District (SCAQMD) Rule 208, Permit for Open Burning (adopted on January 5, 1990). This rule was submitted by the California Air Resources Board (CARB) to EPA on May 13, 1991.

II. Background

On April 12, 1999 at 64 FR 17589, EPA proposed granting full approval of the following rule into the California SIP for the SCAB: SCAQMD Rule 208, adopted on January 5, 1990 and submitted by the CARB to EPA on May 13, 1991. This PM–10 rule was submitted by the State of California in response to section 110(a) and part D of the CAA for incorporation into the California SIP. A detailed discussion of the background of the above rule and the nonattainment area in which it applies is provided in the proposed rule cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans) and EPA's interpretation of these requirements as expressed in various EPA policy guidance documents referenced in the proposed rule. EPA is finalizing the full approval of SCAQMD Rule 208, because it strengthens the SIP by requiring that a written permit for any open outdoor fires be obtained from the Executive Officer of the SCAQMD. EPA has determined that SCAQMD Rule 208 meets the RACM requirements of part D of the CAA.

III. Response to Public Comments

A 30-day public comment period was provided in 64 FR 17589. EPA did not receive any comment letters on SCAQMD Rule 208.

IV. EPA Action

EPA has evaluated submitted SCAQMD Rule 208, Permit for Open Burning, and has determined that it is consistent with the CAA, EPA regulations, and meets RACM requirements. EPA is finalizing full approval of SCAQMD Rule 208 into the California SIP.

V. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may