section 1(a) of Executive Order 12875 do not apply to this rule.

*G. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments*

Under Executive Order 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, 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 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.''

This action neither creates a mandate nor imposes any enforceable duties on tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

*H. The National Technology Transfer and Advancement Act*

The National Technology Transfer and Advancement Act of 1995 (NTTAA), section 12(d), Public Law 104–113, requires federal agencies and departments to use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments. If use of such technical standards is inconsistent with applicable law or otherwise impractical, a federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies if the head of the agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards.

This rule does not include any technical standards; therefore, EPA is not considering the use of any voluntary consensus standards.

*I. Submission to Congress and the General Accounting Office*

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).

*J. 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 September 7, 1999. 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, Intergovernmental relations, Ozone.

Dated: June 28, 1999.

**Carol M. Browner,**

*Administrator.*

**References**

1. 64 FR 14659–14665 (March 26, 1999); *Approval and Promulgation of Implementation Plans; Phoenix, Arizona Ozone Nonattainment Area, Revisions to the 15 Percent Rate of Progress Plan;* Proposed rule.

2. Air Division, U.S. EPA, Region 9, ''Final Addendum to the Technical Support Document for the Notice of Final Rulemaking on the Clean Air Act Section 182(b)(1) 15 Percent Rate of Progress Requirement for the Phoenix Metropolitan Ozone Nonattainment Area,'' June 14, 1999.

3. 63 FR 3687–3693 (January 26, 1998); *Approval and Promulgation of Implementation Plans; Phoenix Arizona Ozone Nonattainment Area, 15 Percent Rate of Progress Plan and 1990 Base Year Emission Inventory;* Proposed rule.

4. *Guidance for Growth Factors, Projections, and Control Strategies for the 15 Percent Rate of Progress Plans,* Office of Air Quality Planning and Standards, U.S. EPA. EPA–452/R–93–002, March 1993.

5. 57 FR 13498 (April 16, 1992). *State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990.* General Preamble for future proposed rulemakings.

[FR Doc. 99–16932 Filed 7–2–99; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[UT–001–0018; UT–001–0019; UT–001–0020; FRL–6368–8]**

## Approval and Promulgation of Air Quality Implementation Plans; Utah; Foreword and Definitions, Revision to Definition for Sole Source of Heat and Emissions Standards, Nonsubstantive Changes; General Requirements, Open Burning and Nonsubstantive Changes; and Foreword and Definitions, Addition of Definition for $PM_{10}$ Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** On March 26, 1999, EPA published a direct final and proposed rulemaking approving State Implementation Plan (SIP) revisions submitted by the Governor of the State of Utah. On July 11, 1994, the Governor submitted a SIP revision for the purpose of establishing a modification to the definition for ''Sole Source of Heat'' in UACR R307–1–1; this revision also made a change to UACR R307–1–4, ''Emissions Standards.'' On February 6, 1996, a SIP revision to UACR R307–1–2 was submitted by the Governor of Utah which contains changes to Utah's open burning rules, requiring that the local county fire marshal has to establish a 30-day open burning window in order for open burning to be allowed in areas outside of nonattainment areas. Other minor changes are made in this revision to UACR R307–1–2.4, ''General Burning'' and R307–1–2.5, ''Confidentiality of Information.'' In addition, on July 9, 1998, SIP revisions were submitted that would add a definition for ''$PM_{10}$ Nonattainment Area'' to UACR R307–1–1. This action is being taken under section 110 of the Clean Air Act.

**EFFECTIVE DATE:** This final rule is effective August 5, 1999.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202 and the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of the state documents relevant to this action are available for public inspection at the Utah Department of Environmental Quality, Division of Air Quality, 150 North 1950 West, Salt Lake City, Utah.

**FOR FURTHER INFORMATION CONTACT:** Cindy Rosenberg, EPA, Region VIII, (303) 312–6436.

**SUPPLEMENTARY INFORMATION:** Throughout this document, wherever ''we'', ''us'', or ''our'' are used, we mean the Environmental Protection Agency (EPA).

**Table of Contents**



## I. EPA's Final Action

We are approving the Governor's submittal of July 11, 1994, to revise the definition for ''Sole Source of Heat'' to define which households may continue burning during woodburning bans so that those households with small portable heaters still qualify under the definition of households for which wood or coal burning is the only source of heat. We are also approving a change made under ''Emissions Standards,'' which moves section 4.13.3 D to section 4.13.3.E. We are approving the submittal of February 6, 1996, which made changes to Utah's open burning regulations (in ''General Burning'') to require that the local county fire marshal establish a 30-day window during which open burning activities may occur in areas outside of nonattainment areas during the spring and fall closed burning seasons. This applies to all areas in the State outside of Salt Lake, Davis, Weber, and Utah Counties where the state forester has permitted the local county fire marshal to establish the open burning window. Minor changes were also made to R307–1–2.4, ''General Burning'' as well as R307–1–2.5, ''Confidentiality of Information.'' Lastly, we are approving the Governor's submittal of July 9, 1998, adding a definition for ''$PM_{10}$ Nonattainment Area'' in R307–1–1.

## II. Summary of SIP Revision

*A. Review of Revisions*

1. Review of the Changes to ''Foreword and Definitions'' Concerning the Definition for ''Sole Source of Heat''

The residential woodburning regulation revision was developed by the Utah Division of Air Quality with input from local governments and the public. The Air Quality Board approved two changes to the woodburning rule at the December 9, 1993, hearing which were later submitted by the Governor on July 11, 1994. The revision to R307–1–1 changes the definition for ''Sole Source of Heat.'' This change defines which households may continue burning during woodburning bans so that those households with small portable heaters still qualify under the definition of households for which wood or coal burning is the only source of heat. The second revision, which was made to the residential woodburning regulations under R307–1–4.13, specifies the actions which must be taken if contingency measures are implemented in the Salt Lake, Davis or Utah County nonattainment areas. These plans were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional Administrator. We returned the portions of these plans with a letter to the Governor on January 29, 1999. However, a nonsubstantive change was made in this section as a result of the revision. This change moves section 4.13.3 D to section 4.13.3.E. For the purposes of ease and efficiency for the State, the revised sub-section number is being approved, and thus, there will be no section 4.13.3.D.

2. Review of the Changes to ''General Requirements'' Concerning Open Burning Regulations and Minor Changes to Rules

On February 6, 1996, the State of Utah submitted its revised open burning regulations in order to make them more consistent with Utah Code 65A–8–9. Utah made revisions to its open burning regulations for areas outside of nonattainment areas because they were found to be in conflict with Utah Code 65A–8–9. The Code prohibits open burning between June 1 and October 31, unless a permit has been issued, whereas the open burning regulations allowed burning between March 30 and May 30 and between September 15 and October 30 in areas outside of nonattainment areas. These changes were made under UACR R307–1–2.4.4.

The following are requirements for open burning under Utah Code 65A–8–9 which pertain to the rule change addressed by the SIP:

1. June 1 through October 31 of each year is to be a closed fire season throughout the State.

2. The state forester has jurisdiction over the types of open burning allowed with a permit during the closed fire season.

The open burning requirement that was previously in the Utah SIP pertaining to this rule change is as follows:

For areas outside of Salt Lake, Davis, Weber, and Utah Counties (nonattainment areas), open burning is allowed during the periods of March 30 through May 30 and September 15 through October 30 with a permit issued by the authorized local authority.

The open burning requirement that was adopted by the Utah Air Quality Board on September 6, 1995 is as follows:

For areas outside of the designated nonattainment areas, open burning is allowed during the March 30 through May 30 period and the September 15 through October 30 period if the local county fire marshal has established a 30-day window for such open burning to occur with a permit issued by the authorized local authority and the state forester has allowed for such permit to be issued.

Other minor changes were made to the open burning regulations as well. Section R307–1–2.4, ''General Burning'' has had numbers added to it to make it more consistent with Utah Code 19–2–114. Section R307–1–2.4.3.C is corrected to refer to Subsection R307–17–3 in place of section 4.13.3 of the regulations. More minor changes were also made throughout the open burning regulations to change capitalization and to correct references.

Minor changes were also made under R307–1–2.5, ''Confidentiality of Information'' including a changed statutory reference in R307–1–2.5.1.B. Additional changes were made to correct references and capitalization of section headings.

3. Review of the Changes to ''Foreword and Definitions'' Concerning the Addition of a Definition for $PM_{10}$ nonattainment Areas

On January 7, 1998, the Air Quality Board approved the addition of the definition for ''$PM_{10}$ Nonattainment Area.'' This revision was made to ensure that the currently designated nonattainment areas within the State for $PM_{10}$ would be held to the same requirements after the pre-existing $PM_{10}$ NAAQS were revoked as they were prior to the revocation of the NAAQS. Since this revision was made, the United States Court of Appeals for the District of Columbia Circuit ruled on May 14, 1999, in *American Trucking Associations, Inc.* v. *U.S. Environmental Protection Agency* (Nos. 97–1440 and 97–1441), to vacate our new standards for $PM_{10}$. We are now unable to approve any revocations of the old $PM_{10}$ standard. Nonetheless, this definition can still be approved without a revocation of the $PM_{10}$ standard because it reaffirms the designation status for the nonattainment areas, set forth in 40 CFR 81.345.

*B. Procedural Background*

The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to EPA. Section 110(a)(2) of the CAA provides that each SIP revision be adopted after going through a reasonable notice and public hearing process prior to being submitted by a State. We have evaluated each of the above Governor's submittals and discuss them below.

1. July 11, 1994 Submittal

Copies of the proposed changes were made available to the public and the State held public hearings for the changes to ''Foreword and Definitions'' and ''Emissions Standards'' on October 5, 1993, October 6, 1993, October 7, 1993, and October 13, 1993. The changes to the State's rules were adopted by the Air Quality Board on December 9, 1993 and became effective on January 31, 1994; the revision was formally submitted by the Governor on July 11, 1994. We determined the submittal was complete on September 22, 1994. A portion of this revision included $PM_{10}$ contingency plans which were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional Administrator. We returned this portion of the submittal with a letter to the Governor on January 29, 1999.

2. February 6, 1996 Submittal

Copies of the proposed changes were made available to the public and the State held public hearings for the changes to ''General Requirements'' on July 14 (two separate hearings), 17, 18, and 19, 1995. The changes to the State's rule were adopted by the Air Quality Board on September 6, 1995 and became effective on October 31, 1995; the new open burning regulations, along with the other nonsubstantive changes to ''General Requirements,'' were formally submitted by the Governor on February 6, 1996. We determined the submittal was complete on August 14, 1996.

3. July 9, 1998 Submittal

Copies of the proposed changes were made available to the public and the State held public hearings for the changes to ''Foreword and Definitions'' on December 16, 1997 and January 5, 1998. The changes to the State's rule were adopted by the Air Quality Board on January 7, 1998 and became effective on January 8, 1998; the new definition was formally submitted by the Governor on July 9, 1998. We determined the submittal was complete on October 16, 1998.

## III. EPA's Response to Public Comments

The following discussion responds to the adverse comments that we received concerning the **Federal Register** direct final rule approving Utah's definition of ''$PM_{10}$ Nonattainment Area.''

*Comment:* We received an adverse comment from the Utah Petroleum Association regarding the definition of ''$PM_{10}$ Nonattainment Area.'' They believe that we had no reason to approve the new definition for ''$PM_{10}$ Nonattainment Area'' unless we intended to revoke the pre-existing $PM_{10}$ standard for the nonattainment areas in Utah (Salt Lake County, Utah County, and Ogden City). The Utah Petroleum Association believes that we should either revoke the standard for these nonattainment areas at the same time as we approve this new definition or provide Utah with a commitment for a date in the future when the revocation will occur. They believe that we have no legal basis for approving this definition if we do not follow the above. If we cannot take one of these two actions, they believe that we should wait to approve this definition until we are able to do so. They also believe that if we cannot revoke the $PM_{10}$ standard at the same time as we approve this definition or if we cannot commit to a date when the standard will be revoked, that the approval of the definition brings a result that is contrary to the intent of Utah in submitting the definition to us for approval into the SIP. The commentors cite Utah's explanation of this new definition to show that the State intended for the revocation to take place shortly after the approval of the definition. The State certified that adding the definition would enable them to guarantee that all rules that currently apply in the $PM_{10}$ nonattainment areas would remain in place after the $PM_{10}$ standard is revoked.

*EPA's Response:* The State adopted this definition so that all requirements applying in the $PM_{10}$ nonattainment areas would remain in place once we revoked the $PM_{10}$ standard in those areas. But, this definition can also be approved without a revocation of the $PM_{10}$ standard because it simply reaffirms the designation status for the nonattainment areas contained in 40 CFR 81.345. With regard to the Utah Petroleum Association's assertion that we should only approve this definition at the same time as we revoke the standard, that action is not necessary for this definition to be effective. Furthermore, we were unable to revoke the $PM_{10}$ standard at the time that the previous direct final rule for this action was published because we had not yet approved State revisions to nonattainment SIPs for Salt Lake County and Utah County.

Nor did the State intend for these two actions to occur at the same time. Contrary to the comment, the State did not request a simultaneous revocation and approval of this definition. The State has since requested a revocation for the nonattainment areas. However, after this action was published and the comment received, the United States Court of Appeals for the District of Columbia's Circuit ruled on May 14, 1999 to vacate our new standards for $PM_{10}$. We are now unable to approve any revocations of the old $PM_{10}$ standard. Despite this, we have no reason not to act on the revision and believe we should not further delay the State's request for the ''$PM_{10}$ Nonattainment Area'' definition to be federally approved.

The Utah Petroleum Association has asserted that we have no legal basis for approving the definition for ''$PM_{10}$ Nonattainment Area'' absent a revocation for these areas. In truth, there are no legal requirements surrounding this definition because it does not impose any new requirements on the nonattainment areas. As already noted, this definition reaffirms the areas' designation status contained in 40 CFR 81.345.

## IV. Background for the Action

On March 26, 1999, we published notices of direct final (64 FR 14620) and proposed rulemakings (64 FR 14665) for the State of Utah. The proposed

rulemaking specified that we would withdraw the direct final rule if adverse comments were filed on the rulemaking. The 30-day comment period concluded on April 26, 1999. During this comment period, we received a comment letter in response to rulemaking and the direct final rule was withdrawn in the **Federal Register** on May 11, 1999 (64 FR 25214).

## V. 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*

Executive Order 12875: Enhancing the Intergovernmental Partnership

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

### *C. Executive Order 13045*

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*

Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly 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. 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 (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 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 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 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 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 September 7, 1999. 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).)

Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: June 16, 1999.

**Patricia D. Hull,**

*Acting Regional Administrator, Region VIII.*

40 CFR part 52, is amended as follows:

## PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

### Subpart TT—Utah

2. Section 52.2320 is amended by adding paragraph (c)(41) to read as follows:

**§ 52.2320 Identification of plan.**

* * * * *

(c) * * *

(41) On July 11, 1994 the Governor of Utah submitted revisions to the Utah State Implementation Plan (SIP) to revise the definition for ''Sole Source of Heat'' under UACR R307–1–1, ''Foreword and Definitions,'' to allow the exemption of those households with small portable heating devices from mandatory no-burn periods. This revision also made changes to the residential woodburning regulations under UACR R307–1–4.13.3 ''No-Burn Periods,'' which specifies the actions which must be taken if contingency measures are implemented in the Salt Lake, Davis or Utah County nonattainment areas. These plans were requested to be withdrawn by the Governor in a November 9, 1998, letter to the Regional Administrator. EPA returned the portions of these plans with a letter to the Governor on January 29, 1999. A nonsubstantive change was made in this section as a result of the revision which moves section 4.13.3 D to section 4.13.3.E; this change was also approved by EPA. On February 6, 1996 the Governor of Utah submitted revisions to the Utah State Implementation Plan to revise Utah's open burning regulations, under UACR R307–1–2.4, to require that the local county fire marshal establish 30-day open burning windows during the spring and fall closed burning seasons in areas outside of Salt Lake, Davis, Weber, and Utah Counties as granted by the state forester. There were also minor changes made to the open burning regulations under UACR R307–1–2.4, ''General Burning'' and minor changes made to UACR R307–1–2.5 ''Confidentiality of Information.'' On July 9, 1998 the Governor of Utah submitted revisions to the Utah SIP to add a definition for ''$PM_{10}$ Nonattainment Area,'' under UACR R307–1–1, ''Foreword and Definitions.''

(i) Incorporation by reference.

(A) UACR R307–1–1, a portion of ''Foreword and Definitions,'' revision of definition for ''Sole Source of Heat,'' as adopted by Utah Air Quality Board on December 9, 1993, effective on January 31, 1994.

(B) UACR R307–1–4, a portion of ''Emissions Standards,'' as adopted by Utah Air Quality Board on December 9, 1993, effective on January 31, 1994.

(C) UACR R307–1–2, a portion of ''General Requirements,'' open burning changes and nonsubstantive wording changes, as adopted by Utah Air Quality Board on September 6, 1995, effective on October 31, 1995.

(D) UACR R307–1–1, a portion of ''Foreword and Definitions,'' addition of definition for ''$PM_{10}$ Nonattainment Area,'' as adopted by Utah Air Quality Board on January 7, 1998, effective on January 8, 1998.

(ii) Additional Material.

(A) July 20, 1998, fax from Jan Miller, Utah Department of Air Quality, to Cindy Rosenberg, EPA Region VIII, transmitting Utah Code 65A–8–9, regarding closed fire seasons.

(B) October 21, 1998, letter from Richard R. Long, Director, EPA Air and Radiation Program, to Ursula Trueman, Director, Utah Division of Air Quality, requesting that Utah withdraw the submitted Salt Lake and Davis County $PM_{10}$ Contingency Measure SIP revisions, the Utah County $PM_{10}$ Contingency Measure SIP revisions, and the Residential Woodburning in Salt Lake, Davis and Utah Counties $PM_{10}$ Contingency Measure SIP revision.

(C) November 9, 1998, letter from the Governor of Utah, to William Yellowtail, EPA Region VIII Administrator, requesting that the submitted Salt Lake and Davis County and Utah County $PM_{10}$ Contingency Measure SIP revisions and the Residential Woodburning in Salt Lake, Davis and Utah Counties $PM_{10}$ Contingency Measure SIP revision be withdrawn.

(D) December 16, 1998, letter from Larry Svoboda, EPA Region VIII, to Ursula Trueman, Utah Department of Air Quality, clarifying revisions that were made to UACR R307–1–4.

(E) January 5, 1999, letter from Ursula Trueman, Utah Department of Air Quality, to William Yellowtail, EPA Region VIII Administrator, concurring on EPA's clarification of revisions that were made to UACR R307–1–4.

(F) January 29, 1999, letter from William Yellowtail, EPA Region VIII Administrator, to the Governor of Utah returning the Salt Lake and Davis County and Utah County $PM_{10}$ Contingency Measure SIP revisions and the Residential Woodburning in Salt Lake, Davis and Utah Counties $PM_{10}$ Contingency Measure SIP revision.

[FR Doc. 99–16931 Filed 7–2–99; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

**[OPP–300863A; FRL–6089–3]**

**RIN 2070–AB78**

### Difenoconazole; Pesticide Tolerance; Technical Amendment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; Technical amendment.

**SUMMARY:** EPA is issuing a technical amendment to the regulation which established tolerances for the fungicide Difenoconazole, that published in the **Federal Register** on June 2, 1999. This amendment correctly revises 40 CFR 180.475.