(126) On August 18, 1999, Indiana submitted amendments to the State's automobile refinishing rule for Lake, Porter, Clark, and Floyd Counties.

(i) Incorporation by reference.

326 Indiana Administrative Code 8–10: Automobile Refinishing, Section 1: Applicability, Section 5: Work practice standards, Section 6: Compliance procedures, Section 9: Recordkeeping and reporting. Adopted by the Indiana Air Pollution Control Board February 4, 1998. Filed with the Secretary of State July 14, 1998. Published at Indiana Register, Volume 21, Number 12, page 4518, September 1, 1998. Effective August 13, 1998.

(127) On August 18, 1999, Indiana submitted rules for controlling Volatile Organic Compound (VOC) emissions in Vanderburgh County. The rules contain control requirements for Stage I gasoline vapor recovery equipment, and a requirement for automobile refinishers to use special coating application equipment (automobile refinishing spray guns) to reduce VOC.

(i) Incorporation by reference.

(A) 326 Indiana Administrative Code 8–4: Petroleum Sources, Section 1: Applicability, Subsection (c). Adopted by the Indiana Air Pollution Control Board November 4, 1998. Filed with the Secretary of State April 23, 1999. Published at Indiana Register, Volume 22, Number 9, June 1, 1999. Effective May 23, 1999.

(B) 326 Indiana Administrative Code 8–10: Automobile Refinishing, Section 1: Applicability, Section 3: Requirements. Adopted by the Indiana Air Pollution Control Board November 4, 1998. Filed with the Secretary of State April 23, 1999. Published at Indiana Register, Volume 22, Number 9, June 1, 1999. Effective May 23, 1999.

[FR Doc. 99–32371 Filed 12–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 090–1090; FRL–6508–4]

Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is announcing it is approving an amendment to the Missouri State Implementation Plan (SIP). EPA is approving revisions to Missouri rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter From Industrial Processes. The effect of this action is to ensure Federal enforceability of the state's air program rule revisions and to maintain consistency between the state adopted rules and the approved SIP.

DATES: This rule will be effective on February 18, 2000, unless EPA receives adverse written comments by January 19, 2000. If adverse comment is received EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to Wayne Kaiser, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

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

This section provides additional information by addressing the following questions:

What is a SIP?

What is the Federal approval process for a SIP?

What does Federal approval of a state regulation mean to me?

What is being addressed in this notice?

Have the requirements for approval of a SIP revision been met?

What action are we taking?

What Is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by us. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by us under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled ''Approval and Promulgations of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

What Is Being Addressed in This Document?

On April 5, 1999, and September 30, 1999, we received requests from Director of the Missouri Department of Natural Resources (MDNR) to amend the Missouri SIP. Both requests pertained to revisions of the Missouri air rule which regulates particulate emissions, 10 CSR

10–3.050, Restriction of Emission of Particulate Matter From Industrial Processes.

In the first request, rule 10 CSR 10–3.050 was revised in two places. First, section (3) General Provisions, paragraph (B) was revised to change the word ''waste'' to ''fuel.'' The revised subparagraph now reads, ''Process weight means the total weight of all material introduced into a source operation including solid fuels, but excluding liquids and gases used solely as fuels and * * *.'' This change was made for clarification and to provide consistency with other language in the rule.

The second change was to section (5), Exemptions, paragraph (B)(4). This paragraph revised existing language pertaining to charcoal kilns to reference a recently adopted rule, 10 CSR 10–6.330, Restriction of Emissions From Batch-Type Charcoal Kilns, which established emission controls for charcoal kilns. This rule was approved as a SIP revision on December 8, 1998. Thus, this revision to rule 10–5.030 was an update for the purpose of clarification and consistency with rule 10–6.330.

In the second case, section (5), Exemption, paragraph (B), was amended to add new subparagraph 5. The subparagraph provides an exemption from the particulate matter emissions rule for smoke generating devices when a required permit or a written determination that a permit is not required has been issued or written. The revision has the effect of eliminating the need to issue variances for use of smoke generating devices. These devices are used for military training by the Fort Leonard Wood Smoke Training School.

Extensive air quality modeling was conducted by the MDNR, with assistance from EPA, to evaluate the impact of the use of smoke generators during training exercises at Fort Leonard Wood. The state provided a summary of the modeling results with its SIP request. Based on the modeling analysis, the smoke training at Fort Leonard Wood, if operated under the requirements listed in the prevention of significant deterioration permit, will not cause or contribute to a violation of the national ambient air quality standards. Because the exemption from the rule only applies where a source has met applicable permitting requirements, and the permitting requirements are designed to protect the NAAQS, EPA believes that the addition of the exemption will not adversely impact the NAAQS.

Additional background and technical information regarding the specific rule revisions are contained in the technical support document (TSD) prepared for this action, which is available from the EPA contact listed above.

Have the Requirements for Approval of a SIP Revision Been Met?

The state submittals have met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittals also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the TSD which is part of this notice, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

What Action Are We Taking?

We are processing this action as a direct final action because the revisions make changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments.

Conclusion

EPA is approving an amendment to the Missouri SIP related to rule 10 CSR 10–3.050, Restriction of Emission of Particulate Matter From Industrial Processes. Dates: This direct final rule is effective on February 18, 2000, without further notice, unless EPA receives adverse comment by January 19, 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.

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. E.O. 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces E.O. 12612 (Federalism) and E.O. 12875 (Enhancing the Intergovernmental Partnership). E.O. 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the E.O. to include regulations that have ''substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.'' Under E.O. 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by state and local governments, or EPA consults with state and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts state law unless the Agency consults with state and local officials early in the process of developing the proposed regulation.

This final rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in E.O. 13132. Thus, the requirements of section 6 of the E.O. do not apply to this rule.

C. E.O. 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 is not an economically significant regulatory action as defined by E.O. 12866, and it does not establish a further health or risk-based standard because it approves provisions which implement a previously promulgated health or safety-based standard.

D. E.O. 13084

Under E.O. 13084, Consultation and Coordination with Indian Tribal Governments, 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 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 (RFA)

The 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 CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, 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 CAA, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA 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 annual costs to state, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated 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 preexisting 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 United States Senate, the United States House of Representatives, and the United States Comptroller General 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 18, 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 40 CFR Part 52

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

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

Dated: November 29, 1999.

Dennis Grams,

Regional Administrator, Region VII.

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 AA—Missouri

2. In § 52.1320 the entry in paragraph (c), table titled EPA-Approved Missouri Regulations, Missouri Citation 10–3.050 is revised to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) EPA-approved regulations.

Missouri Citation	Title	State Effective date	EPA approval date	Explanations
	Missouri Department of Natural Resources			
*	* * * * *	*	*	*
	Chapter 3—Air Pollution Control Regulations for the Outstate Missouri Area			
*	* * * * *	*	*	*
10–3.050	Restriction of Emission of Particulate Matter From Industrial Processes.	September 30, 1999	December 20, 1999 [FR 71037]	
*	* * * * *	*	*	*

[FR Doc. 99–32375 Filed 12–17–99; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[MO 082–1082; FRL–6506–2]

Approval and Promulgation of Implementation Plans and State Operating Permits Programs; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is announcing the final approval of the Missouri ''Definitions and Common Reference Tables'' rule and certain portions of the Missouri ''Operating Permits'' rule as revisions to the Missouri State Implementation Plan (SIP) and as revisions to the State operating permits program. These revisions clarify the Missouri rules, update the rules for consistency with Federal regulations and other state rules, and are consistent with EPA guidance.

EFFECTIVE DATE: This rule will be effective January 19, 2000.

ADDRESSES: Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Kim Johnson, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101. (913) 551–7975.

SUPPLEMENTARY INFORMATION:

Background

What is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter (PM), and sulfur dioxide.

Each state must submit these regulations and control strategies to EPA for approval and incorporation into the Federally enforceable SIP.

The CAA requires each state to have a Federally approved SIP which protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to EPA for inclusion into the SIP. EPA must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by EPA.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, Part 52 entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR but are ''incorporated by reference,'' which means that EPA has approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, EPA is authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violators as described in the CAA.

What is the Part 70 (Operating Permits) Program?

The CAA Amendments of 1990 require all states to develop operating permits programs that meet certain Federal criteria. In implementing this program, the states are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the Part 70 (operating permits) program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include ''major'' sources of air pollution and certain other sources specified in the CAA or in EPA's implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or particulate matter less than 10 microns in diameter (PM_{10}); those that emit 10 tons per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of HAPs.

Revisions to the state operating permits program are also subject to public notice, comment, and EPA approval.

What are the Changes That EPA is Approving?

The revisions include changes to the definitions Rule 10 CSR 10–6.020 which: (1) Add a de minimis emission level for municipal solid waste landfills (any source which has emissions below this de minimis level is not required to obtain a new source permit), (2) remove caprolactam from the list of HAPs, and (3) revise the PM and PM_{10} definitions. These changes are all consistent with Federal regulations and EPA guidance.

The changes to the operating permits Rule 10 CSR 10–6.065 include revising the exemption for grain-handling facilities by including an exemption from Part 70 permitting requirements for country grain elevators. Also included are operating permit rule updates to make the exemptions consistent with the Missouri construction permits rule requirements, 10 CSR 10–6.060. For example, the sand and gravel operations exemption is revised to include