response to an OSM, July 1, 1999, issue letter (Administrative Record No. OH–2178–05). In the letter, OSM had requested that the amendment clearly restrict exemptions to projects that are AML eligible; and clearly require that the exempted reclamation project is conducted in accordance with the provisions of 30 CFR Subchapter R. The following are changes to OAC Section 1501:13–1–04 made in the final submission and not previously described in the April 16, 1999, **Federal Register** notice. Revisions concerning nonsubstantive wording, format, or organizational changes will not be described in this notice.

The last sentence of Subsection (A)(3) in the original amendment read as follows: ''Funding at less than 50 percent may qualify if the construction is undertaken as an approved reclamation project under Section 1513.30 or 1513.37 of the revised code.'' This sentence has been revised as follows: ''Funding at less than 50 percent may qualify if the project is eligible under 1513.37 of the revised code and the construction is undertaken as an approved reclamation project under Section 1513.30 or 1513.37 of the Revised Code.''

Subsection (C)(4)(ii) in the original amendment read as follows: ''Ensure that the reclamation project is conducted in accordance with the provision of the approved AML program and procedures.'' This subsection has been revised as follows: ''Ensure that the reclamation project is conducted in accordance with the provisions of the AML program and procedures as approved by the U.S. Secretary Of Interior under 30 CFR Subchapter R.''

III. Public Comment Procedures

According to the provisions of 30 CFR 732.17(h), we are seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. Specifically, we are seeking comments on the clarification to the State's amendment submitted on July 9, 1999. Comments should address whether the proposed amendment with these clarifications satisfies the applicable program approval criteria of 30 CFR 732.15. If we determine the amendment to be adequate, it will become part of the Ohio program.

Written Comments

Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. Comments received after the time indicated under **DATES** or at locations other than the Appalachian Regional Coordinating Center will not necessarily be considered in the final rulemaking or included in the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempt from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by Section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCR and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 611 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), this rule will not produce a Federal mandate of $100 million or greater in any year, i.e., it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 27, 1999.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 99–20273 Filed 8–5–99; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN42–01–7267; FRL–6415–2]

Approval and Promulgation of State Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Proposed approval.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve an amendment to the carbon monoxide (CO) State Implementation Plan (SIP) for Minnesota. Minnesota submitted this amendment to the SIP to the EPA in four separate submittals, dated November 14, 1995, July 8, 1996, September 24, 1996, and June 30, 1999.

The submittals include revisions to the motor vehicle inspection and maintenance (I/M) program currently in operation in the Minneapolis/St. Paul CO nonattainment area. The revisions make changes to the State's I/M program, including model year coverage, vehicle waiver provisions, and other program deficiencies identified by the EPA. The revision also contains provisions for the discontinuation of the I/M program if EPA redesignates the area to attainment for CO.

DATES: Comments on this proposed action must be received by September 7, 1999.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone John Mooney at 312–886–6043 before visiting the Region 5 Office.)

A copy of these SIP revisions are available for inspection at the following location: Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street SW, Washington, DC 20460, (202) 260–7548.

FOR FURTHER INFORMATION CONTACT: John Mooney, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6043.

SUPPLEMENTARY INFORMATION:

I. Overview

The Minnesota Pollution Control Agency (MPCA) submitted its initial I/M submittals to EPA in November and December of 1993. As described below, the EPA conditionally approved Minnesota's initial submittal on October 13, 1994 (59 FR 51860). Subsequently, Minnesota submitted to the EPA four additional revisions to the State's I/M program. The changes proposed since 1993 reflect actions taken by the State Legislature pertaining to model year coverage, waiver provisions, and other program changes required by EPA's conditional approval.

The information in this section is organized as follows:

A. What SIP amendments is EPA proposing to approve?

B. Why is EPA requiring the State to change its I/M program?

C. How has the State addressed EPA's requirements?

D. What does the State need to do to receive full approval?

E. What happens if the Minneapolis/St. Paul area is redesignated to attainment for CO?

A. What SIP Amendments Is EPA Proposing To Approve?

The following table outlines the revisions submitted by the State to EPA subsequent to the State's initial I/M submittal in 1993. The State's most recent submittal identifies those provisions of their earlier submittals that address EPA's conditional approval. In this submittal, the State also withdraws Part 7023.1010, Subp. 35(B), Part 7023.1030, Subp. 11(B,C), and Part 7023.1055, Subp. 1 (E)(2) of the Minnesota Rules. The State is withdrawing these provisions because they have been superceded by recent amendments to the State I/M program. EPA proposes to approve the relevant portions of each of these submittals as requested by the State on June 30, 1999.

Date of submittal to EPA	Items received
November 14, 1995	—Basic I/M performance standard modeling. —I/M legislation with changes to model year coverage. —Response to EPA's October 13, 1994 conditional approval (59 FR 51860).
July 8, 1996	—Notification of public hearing.
September 24, 1996	—Administrative materials for the November 14, 1995, and July 6, 1996 submittals, including proof of public hearing.
June 30, 1999	—Minnesota Statute Sections 116.60 to 116.65 as amended by the 1999 Minnesota State Legislature. —Letter from the Minnesota Attorney General detailing the prevalence of statute over rules. —Letter from the Minnesota Pollution Control Agency (MPCA) requesting approval of I/M legislation, certain portions of Minnesota's I/M regulation, and performance standard modeling from earlier submittals. This letter also withdraws certain obsolete sections of the State's earlier submittals.

As requested by the State, the EPA is proposing to approve: Minnesota Statutes Sections 116.60 to 116.65; Minnesota Rules 7023.1010–7023.1105 (except Part 7023.1010, Subp. 35(B), Part 7023.1030, Subp. 11(B,C), and Part 7023.1055, Subp. 1 (E)(2)); and technical materials showing that the program meets EPA's basic I/M performance standard, as well as the conditions of EPA's October 13, 1994 conditional approval.

B. Why Is EPA Requiring the State To Change Its I/M Program?

Section 187(a)(4) of the Clean Air Act requires states with moderate CO nonattainment areas to improve existing I/M programs or implement new ones. EPA designated the Minneapolis/St. Paul area as a moderate CO nonattainment area on November 16, 1991 (56 FR 56694). Therefore, the State of Minnesota was required to develop a State Implementation Plan to meet the I/M requirements contained in the Clean Air Act, and in the corresponding regulations for I/M, codified at 40 CFR Part 51, Subpart S.

On November 10, 1992, the State submitted its initial I/M plan to the EPA, which it supplemented on November 12, 1993, and December 15, 1993. On October 13, 1994, the EPA published a rulemaking action conditionally approving Minnesota's I/M plan. As part of this rulemaking action, the EPA identified a number of deficiencies in the State's plan and issued a conditional approval, which required that the State submit a revised plan within one year from the conditional approval date. A detailed discussion of EPA's rulemaking action can be found in the final rule at 59 FR 51860 (October 13, 1994). In 1995, the Minnesota Legislature amended its I/M program to make changes to the vehicle model years tested in the program. In 1999, the Minnesota Legislature amended its I/M program to address the deficiencies identified in EPA's October 13, 1994 rulemaking action (59 FR 51860). The State has submitted all of these changes in the series of submittals noted above.

C. How Has the State Addressed EPA's Requirements?

EPA's conditional approval noted four specific deficiencies in Minnesota's I/M plan. All other parts of the plan comply with EPA's requirements. EPA's technical support documents dated June 23, 1994, September 7, 1994, and July 19, 1999 contain a more detailed analysis of the I/M review. The four deficiencies identified in EPA's conditional approval and the manner in which the State has addressed them follow:

1. The Requirement That Only Certified Automotive Repair Technicians Perform Repairs in Order for a Vehicle To Obtain a Waiver

In its November 15, 1995 SIP submittal, the State described its

technician assistance program. In general, the State of Minnesota does not require certification or licensing in order to perform automotive repairs in the State. Minnesota offers a variety of assistance and training programs in the State and offers a Consumer Advocacy Program to technicians and the public as part of its I/M program. In addition, the State publishes a number of newsletters and a technician training curriculum specifically focused on automobile emissions. Further, the State publishes a Repair Report that lists names and addresses of repair facilities, average cost of repair, and the percentage of pass and fail inspections based on the number of vehicles repaired at the facility. All of these programs provide the public and the repair community with the opportunity for feedback and training necessary to improve repair effectiveness without a formal certification process. Minnesota has demonstrated that their system, despite the lack of a certification process, does not cause an increase in the waiver rate or a reduction in the emission reductions achieved by the program. The waiver rates in Minnesota remain consistent with those seen in similar areas around the country. Overall, the program continues to meet EPA's basic I/M performance standard, the computer model based analysis of the emissions impact of the program. As a result, EPA believes that the State has addressed this deficiency.

2. The Requirement That the State's Minimum Repair Cost Limit Be Actually Spent Before a Vehicle is Eligible To Receive a Waiver

The legislation enacted during the 1999 Minnesota State Legislature, and submitted by the State on June 30, 1999, requires motorists to spend at least $75 in repair for vehicles manufactured before 1981, and $200 in repair for vehicles manufactured in 1981 and after in order to receive a waiver. Unlike prior statute, the new legislation does not allow repair estimates to qualify for waivers. This legislation is consistent with EPA's I/M regulations. It should be noted that this legislation conflicts with Minnesota State Rule 7023.1055, Subp. 1(E)(2) promulgated by the MPCA. In its June 30, 1999 submittal, the State submitted a letter from the Minnesota Attorney General which states that where a State statute is in conflict with a State rule, the statute takes precedence. Further, the State has formally withdrawn Rule 7023.1055, Subp. 1(E)(2) from its formal SIP submittal. Therefore, the EPA is proposing to approve the legislation.

3. The Requirement That Vehicles With Switched Engines Be Tested With Emissions Standards Based on the Model Year of the Chassis Rather than the Engine Year

The legislation enacted during the 1999 Minnesota State Legislature, and submitted by the State on June 30, 1999, requires vehicles to be tested based on chassis model year, rather than engine model year. This legislation is consistent with EPA's I/M regulations. It should be noted that this legislation conflicts with Minnesota State Rule 7023.1010, Subp. 35(B), and Rule 7032.1030, Subp. 11(B,C). In its, June 30, 1999 submittal, the State submitted a letter from the Minnesota Attorney General which states that where a State statute conflicts with a State rule, the statute takes precedence. Further, the State has formally withdrawn Rule 7023.1010, Subp. 35(B), and Rule 7032.1030, Subp. 11(B,C) from its formal SIP submittal. Therefore, EPA is proposing to approve the legislation.

4. The Requirement To Change the Re-inspection Procedure To Include a Determination That an Emission Control Device is the Correct Type for the Certified Configuration of the Vehicle Inspected

In its November 14, 1995 submittal, the MPCA fully described its inspection procedures, noting that inspection staff perform visual checks to ensure that emissions system for vehicles are correctly configured. The EPA believes that this procedure is sufficient to meet the requirements of EPA's I/M regulations and is approvable.

In 1995, the Minnesota Legislature passed a bill exempting cars five years old and newer from the I/M testing requirement. EPA's I/M regulations give States the flexibility to change various program elements, including model year coverage, as long as the overall program meets the EPA's basic I/M performance standard, which is a computer model based analysis of the emissions impact of the program. In its November 14, 1995, the MPCA included new I/M performance standard computer modeling reflecting the model year changes made by the Minnesota Legislature. The EPA has reviewed the State's computer modeling and finds that it complies with applicable modeling guidance. This modeling shows that the I/M program continues to meet EPA's basic I/M performance standard, even with the five model year exemption. Therefore, the changes made to the program are acceptable under EPA's I/M regulations.

D. What Does the State Need To Do To Receive Full Approval?

The State has provided the necessary technical materials to meet EPA's I/M requirements. At present, however, the State has not held a public hearing and submitted its response to comments to the EPA as part of its SIP submittal. The State must submit this information to EPA to receive full approval of its I/M SIP. If the State submits this information during the public comment period on today's action, the State's SIP submittal will be deemed complete and the EPA will move forward to fully approve the revision.

E. What Happens if the Minneapolis/St. Paul Area Is Redesignated to Attainment for CO?

As noted in EPA's technical support document for the State's CO redesignation request dated May 3, 1999, as well as in EPA's proposed approval of the State's redesignation request, the MPCA has performed computer photochemical modeling which shows that in the future the I/M program will not be necessary to attain or maintain the National Ambient Air Quality Standard (NAAQS) for CO. In its redesignation request, the State also included the I/M program as a contingency measure if the program is subsequently needed to correct a violation of the CO NAAQS. The EPA has reviewed the modeling submitted with the redesignation and has found that it meets EPA's technical modeling criteria. The EPA has also reviewed the State's redesignation request and has found that it meets the redesignation requirements in the Clean Air Act and EPA guidance (see 64 FR 25855, May 13, 1999). As a result, once the Minneapolis/St. Paul CO nonattainment area is redesignated to attainment, the State may discontinue operation of its I/M program and request its removal from the SIP. If EPA does not approve the redesignation request for the area, I/M will remain as an applicable requirement and EPA will work with the State to ensure that all nonattainment control programs are implemented in accordance with the requirements of the Act.

II. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875: Enhancing Intergovernmental Partnerships

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. If the mandate is unfunded, EPA must provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of 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 elective 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.'' This 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 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 or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on these communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the OMB in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. 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 is does not involve decisions intended to mitigate environmental health or safety risks.

E. Regulatory Flexibility

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 direct final rule will not have a significant impact on a substantial number of small entities because plan approvals under section 111(d) do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal 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 (Act) preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of a State action. The Act forbids EPA to base its actions 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 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Carbon Monoxide.

Authority: 42 U.S.C. 7401–7671q.

Dated: July 22, 1999.

Jerri-Anne Garl,

Acting Regional Administrator, Region 5.

[FR Doc. 99–20310 Filed 8–5–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6414–5]

Assessment of Visibility Impairment at the Grand Canyon National Park: Advance Notice of Proposed Rulemaking; Extension of Public Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Advance notice of proposed rulemaking; Extension of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is extending the comment period for an advance notice of proposed rulemaking published June 17, 1999 (64 FR 32458), regarding visibility impairment at the Grand Canyon National Park (GCNP) and the possibility that the Mohave Generating Station (MGS) in Laughlin, Nevada may contribute to that impairment. In the June 17 notice, EPA requests