

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 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.

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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

information that it should consider in determining whether visibility problems at the GCNP can be reasonably attributed to MGS, and if so, what, if any, pollution control requirements should be applied.

At the request of Southern California Edison Company, EPA is extending the comment period for 30 days.

DATES: The comment period on the advance notice of proposed rulemaking is extended until September 15, 1999.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: EPA Region IX, 75 Hawthorne Street (AIR2), San Francisco, CA 94105, Attn: Regina Spindler (Phone: 415-744-1251).
FOR FURTHER INFORMATION CONTACT: Regina Spindler (415) 744-1251, Planning Office (AIR2), Air Division, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Dated: July 30, 1999.

David Howekamp,

Acting Regional Administrator, Region IX.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 226-164; FRL-6415-4]

Approving Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control Agency

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of revisions to the California State Implementation Plan (SIP) which concern New Source Review permitting requirements for stationary sources in San Diego County. EPA also proposes to eliminate approval conditions created in 1981 that are no longer relevant.

The intended effect of proposing limited approval and limited disapproval is to ensure San Diego County's New Source Review rules are consistent with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action will incorporate these rules into the federally approved SIP. Although strengthening the SIP, these rules do not fully meet the CAA requirements for nonattainment areas. The rules have been evaluated based on CAA guidelines for EPA action on SIP submittals and general rulemaking authority.

DATES: Comments must be received on or before September 7, 1999.

ADDRESSES: Comments may be mailed to: David Wampler, Permits Office [AIR-3], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of the rules are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, California 92123-1096
California Air Resources Board, 2020 "L" Street, Sacramento, California 95812

FOR FURTHER INFORMATION CONTACT: David Wampler, Permits Office, [AIR-3], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901; Telephone: (415) 744-1256; E-mail: wampler.david@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever "we," "us," or "our" are used we mean EPA.

I. What Action is EPA Proposing?

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I. What Action Is EPA Proposing?

A. New Source Review Rules

EPA today proposes a limited approval and limited disapproval of revisions to the California State Implementation Plan (SIP) for San Diego Air Pollution Control District (District or SDCAPCD) rules 20.1, 20.2, 20.3, and 20.4. Table 1 lists the number and title of the rules. The rules were submitted to EPA by the California Air Resources Board (CARB) on May 13, 1999 and found complete by EPA on June 10, 1999.

TABLE 1.—RULES INCLUDED IN TODAY'S PROPOSED RULEMAKING

Rule No.	Rule Title—New Source Review
20.1	General Provisions.
20.2	Non-Major Stationary Sources.
20.3	Major Stationary Sources and PSD Stationary Sources.
20.4	Portable Emission Units.

Upon final action, the rules will replace existing SIP rules of the same number approved by EPA into the SIP on April 14, 1981. See 46 FR 21757 and 40 CFR 52.220(c)(64)(i)(A).¹

We evaluated the rules for consistency with the CAA, EPA regulations, and EPA policy. We've found that the revisions are overall more stringent than the rules of the same number that exist in the SIP.

Even though San Diego County APCD rules 20.1, 20.2, 20.3 and 20.4 will strengthen the SIP, these rules still contain deficiencies (discussed below)

¹ In addition to the approval for rules 20.1 through 20.4, EPA's April 14, 1981 final rulemaking action also approved SDCAPCD rules 20.5, "Power Plants;" 20.6, "Standards for Permit to Operate—Air Quality Analysis;" and 20.7, "Standards for Authority to Construct: Significant Deterioration." The 4/14/81 approval of Rule 20.7 was found to be incorrect and it was later rescinded from the SIP in a final rulemaking on June 4, 1982 (47 FR 24308). Rules 20.5 and 20.6 remain fully approved into the SIP today and are unaffected by this rulemaking.