

- (J) Amendments to COMAR
11.14.08.02B(40), B(40)(a), and B(40)(b).
(2) Deletion of COMAR 11.14.08.03C.
(3) Addition of a new COMAR
11.14.08.03C and .03D.
(4) Amendments to COMAR
11.14.08.06A(2).
(5) Amendments to COMAR
11.14.08.06A(3)(k), (p), (q) and (r).
(6) Renumbering COMAR
11.14.08.06A(3)(s) and (t) to COMAR
11.14.08.06A(3)(t) and (u), respectively.
(7) The addition of a new COMAR
11.14.08.06A(3)(s).
(8) Amendment of COMAR
11.14.08.06D(7).
(9) Addition of a new COMAR
11.14.08.07C.
(10) Amendments to COMAR
11.14.08.09A.
(11) Deletion of COMAR
11.14.08.09A(1) through .09A(3),
inclusive.
(12) Addition of a new COMAR
11.14.08.09A(1).
(13) Addition of a new COMAR
11.14.08.09A(2), A(2)(a) and A(2)(b).
(14) Amendments to COMAR
11.14.08.09B, B(1), B(1)(a) and B(1)(a)(i).
(15) Amendments to COMAR
11.14.08.09B(1)(b).
(16) Amendments to COMAR
11.14.08.09B(2) and B(2)(a).
(17) Amendments to COMAR
11.14.08.09B(3).
(18) Amendments to COMAR
11.14.08.09B(3)(a) and (b).
(19) Amendments to COMAR
11.14.08.09A(4).
(20) Amendments to COMAR
11.14.08.09A(4)(a).
(21) Renumbering of COMAR
11.14.08.09E to .09F, .09F to .09G, and
.09G to .09H.
(22) Reservation with notes of
COMAR 11.14.08.09C and .09D,
(23) Addition with a note of a new
reserved COMAR 11.14.08.09E.
(24) Amendments to COMAR
11.14.08.09F and .09G.
(25) Amendments to COMAR
11.14.08.10B(1)(c) and B(1)(d).
(26) Amendments to COMAR
11.14.08.10C(6)(b).
(27) Renumbering of COMAR
11.14.08.11 to COMAR 11.14.08.11-1.
(28) Addition of a new COMAR
11.14.08.11.
(29) Amendments to COMAR
11.14.08.11-1, .11-1A(3), .11-1A(4),
11-1B, 11-1B(4) and 11-1B(5).
(30) Reservation with a note of
COMAR 11.14.08.11-1C.
(31) Amendments to COMAR
11.14.08.11-1D(1) and 11-1D(2).
(32) Amendment to COMAR
11.14.08.12.
(33) Renumbering of COMAR
11.14.08.12B to .12C.
(34) Reservation with a note of
COMAR 11.14.08.12A.
(35) Addition a new COMAR
11.14.08.12B and .12B(1).
(36) Addition with a note of a new
reserved COMAR 11.14.08.12B(2).
(37) Amendments to COMAR
11.14.08.12C(1) and C(3).
(38) Amendments to COMAR
11.14.08.15C(7)(c).
(39) Amendments to COMAR
11.14.08.16.
(40) Renumbering COMAR
11.14.08.16C to COMAR 11.14.08.16D.
(41) Reservation with a note of
COMAR 11.14.08.16A and .16B.
(42) Addition with a note of a new
reserved COMAR 11.14.08.16C.
(43) Amendments to COMAR
11.14.08.16D.
(44) Renumbering COMAR
11.14.08.22C to COMAR 11.14.08.22D.
(45) Reservation with a note of
COMAR 11.14.08.22A and .22B.
(46) Addition with a note of a new
reserved COMAR 11.14.08.22C.
(47) Amendments to COMAR
11.14.08.27C(2).
(48) The deletion of COMAR
11.14.08.27C(3).
(49) Renumbering COMAR
11.14.08.27C(4) to COMAR
11.14.08.27C(3).
(50) Amendments to COMAR
11.14.08.28A.
(51) Amendments to COMAR
11.14.08.32A.
(52) Amendments to COMAR
11.14.08.32B(5).
(53) Amendments to COMAR
11.14.08.42.
(G) Letter of May 25, 1999, from the
Maryland Department of the
Environment transmitting amendments
to the Enhanced Vehicle Emissions
Inspection Program.
(ii) Additional material.
(A) Remainder of the July 10, 1995,
submittal;
(B) Remainder of March 27, 1996,
submittal;
(C) Remainder of September 25, 1998,
submittal; and
(D) Remainder of May 25, 1999,
submittal.

§ 52.1072 [Amended]

3. In § 52.1072, paragraph (a) is
removed and reserved.

[FR Doc. 99-27197 Filed 10-28-99; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Part 52

[MN42-01-7267; FRL-6465-3]

**Approval and Promulgation of State
Implementation Plans; Minnesota**

AGENCY: Environmental Protection
Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection
Agency (EPA) is approving an
amendment to the carbon monoxide
(CO) State Implementation Plan (SIP) for
Minnesota. Minnesota submitted this
amendment to the SIP to the EPA in five
separate submittals, dated November 14,
1995, July 8, 1996, September 24, 1996,
June 30, 1999, and September 1, 1999.
EPA proposed this action on August 6,
1999 (64 FR 42888). No adverse
comments were received on EPA's
proposed approval.

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: This final rule is effective on
November 29, 1999.

ADDRESSES: Copies of the revision
requests are available for inspection at
the following address: 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.)

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.

I. SUPPLEMENTARY INFORMATION

Overview

The Minnesota Pollution Control
Agency (MPCA) submitted its initial I/
M submittals to EPA in November and
December of 1993. As described in
EPA's proposed approval action (64 FR
42888), the EPA conditionally approved
Minnesota's initial submittal on October

13, 1994 (59 FR 51860). Subsequently, Minnesota submitted to the EPA five 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 approving?

B. Who sent comments on EPA's proposed action?

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

A. What SIP Amendments is EPA Approving?

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 is approving 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.
July 8, 1996 ...	I/M legislation with changes to model year coverage.
September 24, 1996.	Response to EPA's October 13, 1994 conditional approval (59 FR 51860).
June 30, 1999	Notification of public hearing.
	Administrative materials for the November 14, 1995, and July 6, 1996 submittals, including proof of public hearing.
	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.

Date of submittal to EPA	Items received
September 1, 1999.	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.
	Notice of public hearing on June 30, 1999 submittal.

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. Who Sent Comments on EPA's Proposed Action?

The MPCA submitted the only comments on EPA's proposal in a letter dated September 1, 1999. The MPCA's letter included the required notice of public hearing that completed the State's SIP submittal. The EPA deemed the State's submittal complete in a letter dated October 7, 1999. As a result, the State's I/M submittal meets all approval criteria. There were no other comments on EPA's proposed approval of Minnesota's I/M SIP.

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

As noted in EPA's proposed approval of Minnesota's I/M SIP, 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. 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. 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 Orders on Federalism

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must 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 written communications from the governments, and a statement supporting the need to issue the regulation.

In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132 (64 FR 43255 (August 10, 1999)) which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)) on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only one State, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under 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. If the mandate is unfunded, EPA must 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, 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." Today's 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.

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 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.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. 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 December 28, 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, Incorporation by reference, Intergovernmental relations, Carbon monoxide.

Authority: 42 U.S.C. 7401-7671q.

Dated: October 21, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart Y—Minnesota

2. Section 52.1220 is amended by adding paragraph (c)(51) to read as follows:

§ 52.1220 Identification of Plan.

* * * * *

(c) * * *
 (51) On November 14, 1995, July 8, 1996, September 24, 1996, June 30, 1999, and September 1, 1999, the State of Minnesota submitted revisions to its State Implementation Plan for carbon monoxide regarding the implementation of the motor vehicle inspection and maintenance program in the Minneapolis/St. Paul carbon monoxide nonattainment area. This plan approves Minnesota Statutes Sections 116.60 to 116.65 and Minnesota Rules 7023.1010-7023.1105. This plan also removes Minnesota Rules Part 7023.1010, Subp. 35(B), Part 7023.1030, Subp. 11(B,C),

and Part 7023.1055, Subp. 1 (E)(2) from the SIP.

(i) Incorporation by reference.

(A) Minnesota Statutes Sections 116.60 to 116.65;

(B) 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)).

* * * * *

3. In § 52.1222 the table is amended by revising the entry for motor vehicles to read as follows:

§ 52.1222 EPA-approved Minnesota State regulations.

* * * * *

TABLE 52.1222.—EPA APPROVED REGULATIONS:

Rule description	Minnesota rule numbers	Contents of SIP	Effective date	Relevant ¶s in § 52.1220 ¹
Motor Vehicles.	7023.1010–7023.1105	All rules except Part 7023.1010, Subp. 35(B), Part 7023.1030, Subp. 11(B,C), and Part 7023.1055, Subp. 1 (E)(2).	November 29, 1999.	c51

¹ Recodifications affect essentially all rules but are shown only for substantially revised rules.
² "Existing" sources are sources other than those subject to a new source performance standard.

[FR Doc. 99–28309 Filed 10–28–99; 8:45 am]
 BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MN58–01–7283; FRL–6465–4]

Approval and Promulgation of State Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of Minnesota's request to redesignate the Minneapolis/St. Paul area, which includes Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties to attainment for carbon monoxide (CO). The EPA is also approving the corresponding 175A maintenance plan associated with the redesignation request as a revision to the Minnesota State Implementation Plan (SIP) for attaining and maintaining the National Ambient Air Quality Standard (NAAQS) for CO. The EPA proposed to approve this plan on May 13, 1999 (64 FR 25855).

DATES: This rule will be effective November 29, 1999.

ADDRESSES: Copies of the SIP revision, public comments and EPA's responses are available for inspection at the following address: 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 Michael Leslie at (312) 353–6680 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 S.W., Washington, D.C. 20460, (202) 260–7548.

FOR FURTHER INFORMATION CONTACT: Michael G. Leslie, 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) 353–6680.

SUPPLEMENTARY INFORMATION:

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 - G. Submission to Congress and the Comptroller General
 - H. National Technology Transfer and Advancement Act
 - I. Petitions for Judicial Review

I. Background

A. Minneapolis/St. Paul CO Nonattainment Area

On March 3, 1978 (43 FR 8902), pursuant to section 107 of the Clean Air Act (Act), EPA designated the Minneapolis/St. Paul area as nonattainment for CO. Under the 1990 amendments to the Act, the EPA is authorized to designate nonattainment areas and to classify them according to degree of severity. Therefore, on November 16, 1991 (56 FR 56694), the EPA designated the Minneapolis/St. Paul area moderate CO nonattainment.