

and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be "in accordance with" the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA.

*Executive Order 12988—Civil Justice Reform*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 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 SMCRA 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*

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed state regulatory program provision does not constitute a major federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

*Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by the Office of Management and Budget 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. 601 *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 regulation.

*Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- a. Does not have an annual effect on the economy of \$100 million.
- b. Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.
- c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the state submittal which is the subject of this rule is based upon counterpart federal regulations for which an analysis was prepared and a determination made that the federal regulation was not considered a major rule.

*Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

**List of Subjects in 30 CFR Part 948**

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 5, 2000.

**Michael K. Robinson,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[AZ092-002; FRL-6736-1]

**Approval and Promulgation of Implementation Plans; Arizona—Maricopa County PM-10 Nonattainment Area; Serious Area Plan for Attainment of the Annual PM-10 Standard; Further Extension of Comment Period**

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

**ACTION:** Proposed rule; further extension of comment period.

**SUMMARY:** EPA is extending the comment period for its proposed action to approve provisions of the Revised MAG 1999 Serious Area Particulate Plan for PM-10 for the Maricopa County (Phoenix) Nonattainment Area, February 2000, and the control measures on which it relies, that address the annual PM-10 national ambient air quality standard. As part of this proposal, we also proposed to grant Arizona's request to extend the Clean Air Act deadline for attaining the annual PM-10 standard in the Phoenix area from 2001 to 2006 and to approve two particulate matter rules adopted by the Maricopa County Environmental Services Department and Maricopa County's Residential Woodburning Restrictions Ordinance.

**DATES:** Comments must be received by July 28, 2000.

**ADDRESSES:** Mail comments to Frances Wicher, Air Planning Office (Air-2), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**FOR FURTHER INFORMATION CONTACT:** Frances Wicher, Air Planning Office (Air-2), U.S. Environmental Protection Agency, Region IX, (415) 744-1248.

**SUPPLEMENTARY INFORMATION:** On April 13, 2000 (65 FR 19963), we proposed to approve the serious area air quality plan for attainment of the annual PM-10 standard in the Phoenix, Arizona, metropolitan area. The proposed actions are based on our initial determination that this plan complies with the Clean Air Act's requirements for attainment of the annual PM-10 standard in serious PM-10 nonattainment areas.

Specifically, we proposed to approve the following elements of the plan as they apply to the annual PM-10 standard:

- The base year emissions inventory of PM-10 sources,
- The demonstration that the plan provides for implementation of

reasonably available control measures (RACM) and best available control measures (BACM), the demonstration that attainment of the PM-10 annual standard by the Clean Air Act deadline of December 31, 2001 is impracticable,

- The demonstration that attainment of the PM-10 annual standard will occur by the most expeditious alternative date practicable, in this case, December 31, 2006,

- The demonstration that the plan provides for reasonable further progress and quantitative milestones,

- The demonstration that the plan includes to our satisfaction the most stringent measures found in the implementation plan of another state or are achieved in practice in another state, and can feasibly be implemented in the area.

- The demonstration that major sources of PM-10 precursors such as nitrogen oxides and sulfur dioxide do not contribute significantly to violations of the annual PM-10 standard, and

- The transportation conformity budget.

We also proposed to grant Arizona's request to extend the attainment date for the annual PM-10 standard from December 31, 2001 to December 31, 2006.

Finally, we are proposing to approve Maricopa County's fugitive dust rules, Rules 310 and 301.01, and its residential woodburning restriction ordinance.

The proposal action provided a 60 day public comment period that ended on June 12, 2000. We have already extended the comment period to July 3, 2000. In response to a request from City of Tempe, Arizona, we are extending the comment period for an additional 14 days.

Dated: July 5, 2000.  
**Felicia Marcus**,  
*Regional Administrator, Region IX.*  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[AZ-063-0026; FRL-6735-9]

**Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Pinal County Air Quality Control District**

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing a disapproval of revisions to the Pinal County Air Quality Control District (PCAQCD) portion of the Arizona State Implementation Plan (SIP). The revisions concern volatile organic compound (VOC) emissions from organic solvents, dry cleaners, coating operations, and degreasers. We have evaluated these revisions and are proposing to disapprove these revisions because they are not consistent with the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Comments are due on or before August 14, 2000.

**ADDRESSES:** Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the submitted rules and EPA's technical support document (TSD) at our Region IX office during normal business hours.

You may also see copies of the submitted rules at the following locations:

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, DC 20460

Arizona Department of Environmental Quality, 3033 North Central Avenue, Phoenix, AZ 85012

Pinal County Air Quality Control District, 31 North Pinal Street, Building F, Florence, AZ 85232

**FOR FURTHER INFORMATION CONTACT:** Yvonne Fong, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1199.

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

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**I. The State's Submittal**

*A. What Rules Did the State Submit?*

Table 1 lists the rules addressed by this proposal with the date that they were adopted by the local air agency and submitted by the Arizona Department of Environmental Quality (ADEQ).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
PCAQCD	5-9-278	Applicability	10/12/95	11/27/95
PCAQCD	5-9-280	Organic Solvents	10/12/95	11/27/95
PCAQCD	5-10-330	Petroleum Solvent Dry Cleaning	10/12/95	11/27/95
PCAQCD	5-11-350	Chlorinated Synthetic Solvent Dry Cleaning	10/12/95	11/27/95
PCAQCD	5-12-370	Architectural Coating Operations	10/12/95	11/27/95
PCAQCD	5-13-390	Spray Paint and Other Surface Coating Operations	10/12/95	11/27/95
PCAQCD	5-15-622	Degreasers	10/12/95	11/27/95
PCAQCD	7-3-3.4	Organic Solvents (rescission)	10/12/95	11/27/95

On February 2, 1996, these rule submittals were found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

*B. Are There Other Versions of These Rules?*

There are no previous versions of Rules 5-9-278, 5-9-280, 5-10-330, 5-11-350, 5-12-370, 5-13-390, and 5-15-

622 (Chapter 5 Rules) in the SIP. These Chapter 5 Rules were adopted by the PCAQCD on October 12, 1995 and submitted to us by the ADEQ on November 27, 1995.