The filing notice for the petition (64 FR 22615) stated that the action resulting from the petition qualified for a categorical exclusion under 21 CFR 25.32(i). This was a misprint. The correct citation is 21 CFR 25.32(j). The agency reviewed the claim and concluded that the exclusion listed in 21 CFR 25.32(j) applies.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will achieve its intended technical effect, and therefore, (3) the regulations in § 178.3570 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this final rule under 21 CFR 25.32(j), as stated above. No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before October 1, 1999, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 178 is amended as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS.

1. The authority citation for 21 CFR part 178 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 178.3570 is amended in the table in paragraph (a)(3) by alphabetically adding an entry under the headings ''Substances'' and ''Limitations'' to read as follows:

§ 178.3570 Lubricants with incidental food contact.

* * * * *

(a) * * *

(3) * * *

Substances	Limitations
* * *	* * * *
Phosphorothioic acid, *O*,*O*,*O*-triphenyl ester, *tert*-butyl derivatives (CAS Reg. No. 192268–65–8).	For use only as an extreme pressure-antiwear adjuvant at a level not to exceed 0.5 percent by weight of the lubricant.
* * *	* * * *

* * * * *

Dated: August 20, 1999.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–22679 Filed 8–31–99; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA092/098–5044; FRL–6428–8]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Enhanced Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We are converting the conditional approval of Virginia's enhanced vehicle inspection and maintenance (I/M) program, which was granted on May 15, 1997 (62 FR 26746), to a full approval. The Virginia program was conditionally approved as a revision to its State Implementation Plan (SIP) in the rule published on May 15, 1997. The conditions for full approval were described in that rulemaking, and are also discussed in this document. We have determined that Virginia has met all of the conditions for a full approval of its enhanced I/M program, and that the Virginia program meets all the requirements of the Clean Air Act.

DATES: This rule is effective on October 18, 1999, unless EPA receives adverse written comment by October 1, 1999. If adverse comment is received, we 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.

ADDRESSES: Send written comments to: David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. You may inspect copies of the documents relevant to this action during normal business hours at the following locations: Air Protection Division, 14th floor, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219. Please contact Catherine L. Magliocchetti at (215) 814–2174 if you wish to arrange an appointment to view the docket at the Philadelphia office.

FOR FURTHER INFORMATION CONTACT: Catherine L. Magliocchetti, (215) 814–2174, or by e-mail at magliocchetti.catherine@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This Supplementary Information section is organized as follows:

What action is EPA taking today?
Who is affected by this action?
Who will benefit from this action?
What were the requirements for full approval of the Virginia program?
How did Virginia fulfill these requirements for full approval?

What Action Is EPA Taking Today?

In this action, we are converting our conditional approval of Virginia's I/M program as a revision to the SIP to a full approval. We are also approving Virginia's plan for conducting vehicle emissions evaluation testing in an alternative manner to Mass Emissions Transient Testing as described and provided for by 40 CFR 51.353. And, we are also approving Virginia's short-term evaluation credit demonstration, as required by provisions of the National Highway Systems Designation Act of 1995.

Who Is Affected by This Action?

Residents of the following jurisdictions in Northern Virginia: the counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford; and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. It is important to note that our action today does not impose any new requirements on Virginia residents; we are merely granting full federal approval (versus the conditional federal approval previously in place) to the Virginia law and regulations that are already in place at the state level to implement the enhanced I/M program in the Commonwealth. These laws and regulations were made part of the Virginia SIP by the final rule that was published on May 15, 1997.

Who Will Benefit From This Action?

The residents of Virginia will benefit from this program, which is designed to keep vehicles maintained and operating within pollution control standards. Since air pollution does not recognize political boundaries, neighboring states' residents will also benefit from implementation of this program, designed to prevent excessive vehicle pollution.

What Were the Requirements for Full Approval of the Virginia Program?

As specified in the rulemaking published on May 15, 1997, final approval of Virginia's plan would be granted based upon the following four requirements:

(1) Virginia complies with all the conditions of its commitment to EPA, (2) EPA's review of Virginia's program evaluation confirms that the appropriate amount of program credit was claimed by Virginia, and achieved with the interim program, (3) Final program regulations are submitted to EPA, and (4) Virginia's I/M program meets all of the requirements of EPA's I/M rule, including those deminimis deficiencies identified in the May 15, 1997 interim final rulemaking.

How Did Virginia Fulfill These Requirements for Full Approval?

On June 16, 1998, Virginia submitted its revised SIP revision to EPA, correcting the major and deminimis conditions for full approval (items 1 and 4 above), as detailed in Table 1. This submittal also contained final program regulations, which fulfilled item 3. The requirement under item 2, review and approval of Virginia's interim program credit demonstration, was fulfilled by Virginia's February 2, 1999 submittal which contained an analysis of the program credits, as demonstrated during the first 6 months of program operation.

TABLE 1: SATISFACTION OF THE CONDITIONS FOR FULL APPROVAL

Requirement for full approval	How Virginia satisfied the requirement
Major Rulemaking Conditions—as summarized from the 5–15–97 rule	
(1) Submit revised program modeling demonstrating compliance with the I/M performance standard, using actual in-use program configuration for inputs.	As part of the June 16, 1998 submittal, Virginia included revised modeling that demonstrated compliance with the enhanced I/M performance standard in all applicable jurisdictions, using appropriate program inputs.
(2) Submit the final program regulations, including a METT-based evaluation as required under 40 CFR 51.353. (NOTE: This condition was subsequently amended in a July 9, 1998 rulemaking by EPA. This revision extended the deadline for submittal of the evaluation plan to November 30, 1998, and allowed for technologies other than METT-based testing to be used in the program evaluation).	On November 30, 1998, Virginia submitted an amendment to its I/M SIP revision, consisting of a proposed plan for conducting vehicle emissions evaluation testing in an alternative manner to Mass Emissions Transient Testing as described and provided for by the revised regulation under 40 CFR 51.353. This submittal was supplemented by Virginia on February 22, 1999.
(3) Submit final regulations which require and detail approvable test procedures and equipment specifications for all of the evaporative and exhaust tests to be used in the Virginia program.	Final regulations were included in the June 16, 1998 submittal, and included test procedures and equipment specifications for all evaporative and exhaust tests to be used in the Virginia program.
Deminimis Rulemaking Conditions—as summarized from the 5–15–97 rule	
(1) Satisfy the test frequency requirements under 40 CFR 51.355(a), and describe how test frequency will be integrated into the registration denial motorist enforcement program.	As part of the June 16 submittal, Virginia adopted and submitted regulations and procedures that ensure proper enforcement system safeguards, including registration denial procedures and integrated scheduling of vehicle testing.

TABLE 1: SATISFACTION OF THE CONDITIONS FOR FULL APPROVAL—Continued

Requirement for full approval	How Virginia satisfied the requirement
(2) Account for testing exemptions in the performance standard modeling demonstration, per 40 CFR 51.356(b)(2).	As part of the June 16 submittal, Virginia adequately addressed the requirements of this section, and appropriately modeled the performance standards credits using acceptable compliance rates and vehicle exemption inputs.
(3) Satisfy the quality control requirements, per 40 CFR 51.359	As part of the June 16 submittal, Virginia submitted its procedures for quality control and recordkeeping, in accordance with this section.
(4) Amend the Virginia regulation to comply with 40 CFR 51.360(c)(1)	As part of the June 16 submittal, Virginia included its regulation and plan for allowing issuance of the program waivers to be administered by the inspector, with oversight of the process by the DEQ. Virginia's description of, and reasoning for this plan are further detailed in an April 16, 1997 letter from DEQ to EPA. Most importantly, VA commits to monitoring the waiver rate under this proposed plan, and to make changes to the waiver issuance system if the modeled waiver rate of 3% is exceeded. EPA believes this is a reasonable alternative to agency-issued waivers. Furthermore, EPA believes that in passing the NHSDA, Congress did not intend for this element of the 1992 I/M Program Requirements to pertain to decentralized programs such as the one in Virginia. Therefore, EPA will allow Virginia to implement this plan, with the noted precautionary oversight measures in place to prevent fraud and abuse of this unique waiver issuance system.
(5) Satisfy the motorist compliance enforcement program oversight requirements, per 40 CFR 51.362.	As part of the June 16 submittal, Virginia included acceptable compliance enforcement program oversight procedures and documentation.
(6) Satisfy the quality assurance oversight requirements, per 40 CFR 51.363(e).	As part of the June 16 submittal, Virginia included acceptable quality assurance oversight procedures and documentation.
(7) Satisfy the penalty schedule requirements, per 40 CFR 51.364(a) and (d).	As part of the June 16 submittal, Virginia included a procedures document which includes an acceptable penalty schedule.
(8) Satisfy the data collection and reporting requirements, per 40 CFR 51.365(a).	As part of the June 16 submittal, Virginia included the procedures and documentation that adequately address the data collection and reporting requirements of this section.
(9) Satisfy the public information requirements, per 40 CFR 51.383(a) and (b).	As part of the June 16 submittal, Virginia included a Public Information Plan that adequately addresses the requirements of this section.
(10) Satisfy the repair performance monitoring requirements, per 40 CFR 51.369.	As part of the June 16 submittal, Virginia included the regulations and documentation that adequately address this requirement.
(11) Satisfy the recall compliance requirements, per 40 CFR 51.370	As part of the June 16 submittal, Virginia committed to adopt final recall compliance requirements within 6 months of final guidance from EPA. Since EPA has not provided this guidance to the states, EPA considers Virginia to have met all obligations up to date concerning this requirement.
(12) Satisfy the on-road testing requirements, per 40 CFR 51.371	As part of the June 16 submittal, Virginia committed to obtain a contractor to perform the necessary duties for on-road testing by July 1999.
(13) Submit a list of implementation milestone deadlines	All implementation milestone deadlines have been met by Virginia, and are included as part of the June 16 submittal.

EPA Action

We are converting the conditional approval of Virginia's enhanced I/M SIP to full approval. An extensive discussion of Virginia's plan, and our rationale for its approval was provided in the previous final rule which conditionally approved the I/M SIP (*see* 62 FR 26745 and 61 FR 57343), and our Technical Support Documents dated July 19, 1998 and September 4, 1996. This action to convert our conditional approval to full approval is being published without prior proposal because we view this as a noncontroversial revision and we anticipate no adverse comment. However, in a separate document in this **Federal Register** publication, we are proposing this action, should adverse written comments be filed. This action will be effective without further notice unless we receive relevant adverse comment by October 1, 1999. Should we receive adverse comments, we will publish a withdrawal and inform the public that this action will not take effect. Anyone interested in commenting on this action should do so at this time. If no such comments are received, you are advised that this action will be effective on October 18, 1999.

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) ''privilege'' for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia's legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia's Voluntary Environmental Assessment Privilege Law, Va. Code Section 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information (1) that are generated or developed before the commencement of a voluntary environmental assessment; (2) that are prepared independently of the assessment process; (3) that demonstrate a clear, imminent and substantial

danger to the public health or environment; or (4) that are required by law.

On January 12, 1997, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege Law, Va. Code Section 10.1–1198, precludes granting a privilege to documents and information ''required by law,'' including documents and information ''required by federal law to maintain program delegation, authorization or approval,'' since Virginia must ''enforce federally authorized environmental programs in a manner that is no less stringent than their federal counterparts. * * *'' The opinion concludes that ''[r]egarding section 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by federal law to maintain program delegation, authorization or approval.''

Virginia's Immunity law, Va. Code Section 10.1–1199, provides that ''[t]o the extent consistent with requirements imposed by Federal law,'' any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General's January 12, 1997 opinion states that the quoted language renders this statute inapplicable to enforcement of any federally authorized programs, since ''no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with federal law, which is one of the criteria for immunity.''

Therefore, EPA has determined that Virginia's Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its enhanced inspection and maintenance program consistent with the federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities, EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by this, or any, state audit privilege or immunity law.

Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

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 EPA complies by consulting, E.O. requires EPA to 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.

C. Executive Order 13045

E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is ''economically significant,'' as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has 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 final 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 address an environmental health or safety risk that would have a disproportionate effect on children.

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 EPA complies by consulting, Executive Order 13084 requires EPA to 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, Executive Order 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. 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

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 a 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**. 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 Clean Air Act, petitions for judicial review of this approval of Virginia's Enhanced Inspection and Maintenance Program must be filed in the United States Court of Appeals for the appropriate circuit by November 1, 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, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: August 16, 1999.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR part 52 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 VV—Virginia

2. Section 52.2420 is amended by adding paragraphs (c)(134) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(134) Revisions to the Virginia Regulations, Establishment of the Vehicle Emissions Inspection and Maintenance Program in the Northern Virginia Area, submitted on June 16, 1998, November 30, 1998, February 2, 1999 and February 22, 1999, by the Virginia Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of June 16, 1998 from the Virginia Department of Environmental Quality transmitting an Enhanced Vehicle Emissions Inspection Program for the Northern Virginia Area.

(B) Regulations for the Enhanced Motor Vehicle Emissions Inspection Program in the Northern Virginia Area: 9 VAC 5–91–10 *et seq.*

(C) Letter of November 30, 1998 from the Virginia Department of Environmental Quality transmitting an Alternative Program Credit Evaluation Program.

(D) Letter of February 2, 1999 from the Virginia Department of Environmental Quality, transmitting an Evaluation of Virginia's Enhanced I/M Program Credits.

(E) Letter of February 22, 1999 from the Virginia Department of Environmental Quality, supplementing the November 30, 1998 transmittal.

(ii) Additional material.

(A) Remainder of June 16, 1998 submittal,

(B) Remainder of November 30, 1998 submittal, as supplemented on February 22, 1999, and

(C) Remainder of February 2, 1999 submittal.

§ 52.2450 [Amended]

3. In section 52.2450, paragraphs (b), (c) and (d) are removed and reserved.

[FR Doc. 99–22452 Filed 8–31–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AK–21–1709–a; FRL–6412–7]

Approval and Promulgation of State Implementation Plans: Alaska

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves various amendments to the carbon monoxide (CO) Alaska State Implementation Plan (SIP) for Alaska. These amendments to the Alaska State Air Quality Control Plan are contained in three separate submittals to EPA, dated February 6, 1997, June 1, 1998, and September 10, 1998.

The submittals include revisions to Alaska's Air Quality Control Regulations (18 AAC 50), Emissions Inspection and Maintenance (I/M) requirements for Motor Vehicles (18 AAC 52), and Fuel Requirements for Motor Vehicles (18 AAC 53).

In addition, the revisions include changing the I/M program schedule for cars subject to I/M from annual to biennial, replacing the CO contingency measures for Anchorage, updating Alaska's General and Transportation conformity programs, and streamlining several portions of the Alaska Air Quality Control Plan for more efficient reading and organization.

DATES: This direct final rule is effective on November 1, 1999 without further notice, unless EPA receives adverse comment by October 1, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform