approval. If EPA receives no adverse comments in response to this action, no further activity is contemplated. If EPA does receive adverse comments, we will withdraw the direct final rule and respond to all public comments received in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. If you are interested in commenting on this action, you should do so at this time.

DATES: Written comments must be received on or before April 10, 2000.

ADDRESSES: You may mail comments to David B. Conroy, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, EPA Region 1, One Congress Street, Suite 1100 (CAA), Boston, MA 02114. You may also email comments to judge.robert@epa.gov.

You may review copies of the relevant documents to this action by appointment during normal business hours at the Office Ecosystem Protection, EPA Region 1, One Congress Street, Boston, Massachusetts. In addition, the information for each respective State is available at the Bureau of Air Management, Connecticut Department of Environmental Protection, 79 Elm Street, Hartford, Connecticut 06106–1630; and the Office of Air Resources, Department of Environmental Management, 235 Promenade Street, Providence, RI 02908–5767.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge at 617–918–1045 or judge.robert@epa.gov.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule, which is located in the Rules Section of this **Federal Register**.

Dated: February 14, 2000.

Mindy S. Lubber,

Acting Regional Administrator, EPA–New England.

[FR Doc. 00–5201 Filed 3–8–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 022–0185; FRL–6548–6]

Approving Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution Control District

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 several Ventura County Air Pollution Control District (District) rules about permitting and New Source Review (NSR) for stationary sources. EPA also proposes to delete from the SIP four rules that are obsolete. The rules subject to this action are both for general permitting requirements and for requirements specific to major new or modified air emission sources. A description of these rules is in our technical support document (TSD) in the administrative record for this action.

The intended effect of proposing limited approval and limited disapproval is to ensure the District's permitting and NSR 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 the rules generally strengthen the SIP, some of the rules subject to this action do not fully meet the CAA requirements for non-attainment areas and contain deficiencies which must be corrected. The rules have been evaluated based on CAA guidelines for EPA action on SIP submittals and general rulemaking authority.

In this document we are also requesting comments on one issue.

DATES: Comments must be received by April 10, 2000.

ADDRESSES: Send comments to: Nahid Zoueshtiagh, Permits Office (AIR–3), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901. You can review and copy these rules, the existing SIP rules and EPA's TSD at EPA's Region 9 office from 8:00 AM to 4:00 PM Monday-Friday. A reasonable fee may be charged for copying. Copies of the submitted rules are also available for inspection at the following locations:

- California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.
- Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, California 93003.

FOR FURTHER INFORMATION CONTACT: Nahid Zoueshtiagh at (415) 744–1261.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' are used we mean EPA.

Table of Contents

I. What Action Is EPA Proposing?

1. Limited approval and disapproval of Permitting and New Source Review Rules.

EPA today proposes a limited approval and limited disapproval of revisions to the California SIP for the District rules presented in Table 1. Upon final action, the rules will replace the existing SIP rules, also presented in Table 1.

TABLE 1.—RULES SUBJECT TO TODAY'S PROPOSED ACTION

Rule No.	Existing SIP title	SIP approval date	Current rule title	Adoption date
10	Permits Required	6/18/82	Permits Required	6/13/95
11	Application Contents	6/18/82	Definitions for Regulation II	6/13/95
12	Statement by Engineer or Application Preparer	2/3/89	Application for Permits	6/13/95
13	Statement by Applicant	6/18/82	Action on Applications for an Authority to Construct.	6/13/95
14	Trial Test Runs	9/22/72	Action on Application for a Permit to Operate	6/13/95

TABLE 1.—RULES SUBJECT TO TODAY'S PROPOSED ACTION—Continued

Rule No.	Existing SIP title	SIP approval date	Current rule title	Adoption date
15	Permit Issuance	4/17/87	Standards for Permit Issuance	6/13/95
15.1	None		Sampling and Testing Facilities	10/12/93
16	Permit Contents	6/18/82	BACT Certification	6/13/95
18	Permit to Operate-Application Required for Existing Equipment.	9/22/72	None—Repealed	6/13/95
21	Expiration of Applications and Permits	6/18/82	None—Repealed	6/13/95
23	Exemptions from Permits	6/18/82	Exemptions from Permit	7/9/96
24	Source Recordkeeping & Reporting	6/18/82	Source Recordkeeping & Reporting	9/15/92
25	Action on Applications	6/18/82	None—Repealed	6/13/95
26	New Source Review	7/1/82	New Source Review	10/22/91
26.1	All New & Modified Stationary Sources	7/1/82	New Source Review (NSR) Definitions	1/13/98
26.2	All New & Modified Stationary Sources-Attainment Pollutants.	7/1/82	Requirements	1/13/98
26.3	All New & Modified Stationary Sources Non-attainment Pollutants.	7/1/82	Exemptions	1/3/98
26.4	Banking	None	Emission Banking	1/13/98
26.5	Power Plants	7/1/82	Community Bank	1/13/98
26.6	Air Quality Impact Analysis & Modification	7/1/82	Calculations	1/13/98
26.7	None		NSR-Notification	12/22/92
26.8	None		NSR-Permit to Operate	10/22/91
26.9	None		PowerPlants	10/22/91
26.1	None		Prevention of Significant Deterioration (PSD)	1/13/98
29	Conditions on Permit	6/18/82	Conditions on Permits	10/22/91
30	Permit Renewal	5/3/84	Permit Renewal	5/30/89
37	Source Record Keeping and Reporting	5/18/77	None—Replaced by Rule 24	5/23/79

Generally, the District rules subject to this action will strengthen the SIP. However, some rules contain deficiencies and are not fully approvable under part D of the CAA. Therefore, EPA today proposes a limited approval and limited disapproval of these rules. If our final action remains a limited approval and limited disapproval, the District will have 18 months from the date of the final action to correct any deficiencies to avoid federal sanctions. See CAA section 179(b). Further, the District's failure to correct the deficiencies will trigger the Federal implementation plan requirements under 110(c). We have summarized the rule deficiencies in section II of this document. A discussion of the rules subject to this action, and our evaluation are contained in the TSD for this rulemaking action. The TSD is available from the EPA Region 9 office.

2. Removal of four rules from the SIP

In addition to our action on the rules listed above, we propose to delete the District Rules 18, 21, 25 and 37 from the SIP. As Table-1 shows, these rules have already been repealed by the District. We are approving removal of these rules because their requirements are now contained in the rules subject to today's action.

3. Removal of Conditions in 1981 NSR SIP Approval

In addition to the above proposed actions, we propose to delete the District NSR rule conditions identified when EPA finalized the NSR rules in 1981. See 46 FR 21757 and 40 CFR 52.232(a)(11). These conditions are moot today for the following reasons:

- The current rules will, upon final approval, supercede the 1980 rules;
- EPA has not taken action on any revisions to the District's NSR rule since 1981;
- The District has revised and submitted new NSR rules to comply with the 1990 CAA amendments.

II. How Did EPA Arrive at the Proposed Action?

1. Overview

EPA evaluated the District rules for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). Our interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents. EPA has issued a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing non-attainment NSR SIP requirements (See 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion.

The Act requires States to comply with certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) and section 110(l) of the Act require that each implementation plan or revision to an implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 172(c)(7) of the Act requires that plan provisions for non-attainment areas shall meet the applicable provisions of section 110(a)(2). We believe that once the District rules subject to this action are approved into the SIP, they will strengthen the existing SIP by:

- Including major source and major modification thresholds that are consistent with the 1990 Clean Air Act Amendments for major stationary sources and major modifications locating in the District which is classified a severe ozone non-attainment area;
- Establishing the appropriate emissions offset ratio for major stationary sources and major modifications locating in severe ozone non-attainment areas;
- Establishing a comprehensive permitting program;

• Clarifying the existing requirements.

2. Deficiencies of Permitting and New Source Review Rules

We are proposing limited approval and limited disapproval for Rule 10 (Permits Required), Rule 11 (Definitions for Regulation II), Rule 12 (Applications for Permits), Rule 13 (Action on Applications for an Authority to Construct (ATC)), Rule 14 (Action on Applications for a Permit to Operate (PTO)), Rule 15 (Standards for Permit Issuance), Rule 15.1 (Sampling and Testing Facilities), Rule 16 (BACT Certification), Rule 23 (Exemptions from Permit), Rule 24 (Recordkeeping & Recording), Rule 26 and its subsection rules (New Source Review), Rule 29 (Conditions on Permits), and Rule 30 (Permit Renewal). These rules were submitted by the California Air Resources Board (CARB) to EPA for incorporation into the SIP. For some rules the District has submitted numerous revisions since the initial SIP approval dates. We are taking action only on the latest SIP submittal. The submittal dates for the rules subject to this action, shown in parentheses, are as follows.

• Rules 30 (3/26/90)
• Rules 26, 26.8–26.9 (1/28/92)
• Rule 29 (6/19/92)
• Rule 24 (11/12/92)
• Rule 26.7 (5/13/93)
• Rule 15.1 (3/29/94)
• Rules 10–15, 16, 18, 21 and 25 (10/13/95)
• Rule 23 (10/18/96)
• Rules 26.1–26.6, and 26.10 (5/18/98)

Although the latest rules that were submitted and are being acted on in this action will strengthen the SIP, the rules have several deficiencies which prevent EPA from being able to fully approve them. These deficiencies relate to Rules 10 and 26. We also note that for Rule 15 we read the reference to a variance as being limited to incorporating a compliance schedule, and not providing any latitude to avoid compliance with an applicable requirement. In addition to identifying the deficiencies, we are suggesting how to correct them. Following is a summary of the rule deficiencies which must be corrected to support full approval:

a. Deficiencies with Rule 10

Part 10.2.b of this rule provides an exemption from obtaining an ATC for emission units which relocate within five miles in the District. This exemption applies only to cases in which there is no emission increase for the relocating units. However, the exemption is not limited to a particular equipment size or type or amount of emissions. Under this exemption, the emission units must only obtain a PTO at the new location. We understand that historically the District has used this provision of the rule for relocation of very small sources (such as dry cleaners) that often relocate because of lease expiration.

We are disapproving this exemption because issuance of only a PTO for the relocated units at the new location will not satisfy two important requirements ensured through an ATC. The first is an analysis for the best available control technology (BACT), as provided in District's Rules 11 and 26. The second is public notification. In regard to the BACT requirements, it should be noted that for non-attainment pollutants, prior to the issuance of an ATC, EPA requires the lowest achievable emission rate (LAER) instead of BACT. However, as discussed in the TSD for this action, EPA has determined that the District's BACT requirements satisfy the federal LAER requirements.

The relocation exemption under Rule 10 does not have any restrictions on the number of units, size, type or the age of the relocating emission unit. Therefore a relocating unit, regardless of its age (i.e. the issuance date of its ATC), could operate under its existing BACT which was determined at the time of the ATC issuance. Further, Rule 10.B.2.d which requires a PTO to include a statement that the PTO shall not be construed to allow any emissions unit to operate in violation of any applicable State or Federal standards, will not satisfy the ATC requirements for BACT and public notice.

We believe Rule 10 is deficient because it circumvents both of the key requirements—BACT and public notice for an ATC. If the District believes that this type of exemption is necessary and justified for certain types of very small sources and operations, then it must clarify the rule and set specific conditions for the exemption from an ATC for very small relocating emission units.

Further, the District must revise section A.3 of its Rule 26.3 (NSR exemption for relocated units) to reflect revisions it is making to Rule 10 to correct the deficiency.

b. Deficiencies with Rule 26

Rules 26.1 through 26.10 constitute the District NSR program. The rules apply to sources of air pollution that require an ATC or a PTO. According to these rules, any new, modified, replaced or relocated major sources of emissions must apply BACT, and must obtain offsets for the increased air pollutants. Rule 26 has three areas of deficiencies. The first deficiency is about the requirements for offsetting air emission increases. The NSR rules must meet the CAA section 173(c)(2) requirements for offsetting air emissions increases. The Act requires that sources provide offsets in order to obtain an ATC permit. Specifically, the Act requires that offsetting emission reductions must be federally enforceable at the time that the NSR permit is issued (section 173(a)), and in effect by the time the source commences operation (section 173(c)(1)). In addition, section 173(c)(2) requires that the offsets be surplus of all other requirements of the Act. In other words, the CAA does not allow the use of emission reduction credits (ERCs) which were surplus some years ago when they were banked, but which are no longer surplus at the time that the ATC permit is issued. Thus, the District is required to adjust all emission reductions to ensure that the requirement of section 173(c)(2) for surplus ERCs is met at the time that the ERCs are used. The District rule is deficient because it does not require that ERCs be surplus at the time of use. To be corrected, Rules 26.2.B and 26.6.D.7.b must specify that the ERCs be surplus at the time of use. The District must revise 26.2.B and 26.6.D.7 to add this requirement. The District should also revise the definition of major modification in Rule 26.1.16, to add that in calculating contemporaneous net emission increases, ERCs that are not surplus at the time of use shall not be included.

A second deficiency in the District NSR program is Rule 26.2.C. Rule 26.2.C provides authority to the District to deny a permit to operate to a source which would cause the violation of any ambient air quality standards. The rule, however, must also provide the District with the authority to deny a permit if a source would cause increases in pollution concentrations over the baseline concentration and would cause violation of ambient air increments. To correct this deficiency, the District must revise this rule to include an authority to deny a permit to operate if a source would cause violation of ambient air increments.

The third deficiency in District's NSR program is about relying entirely on California Environmental Quality Act (CEQA) for the alternatives analysis required by section 173(a)(5) of the Act. We are specifically concerned about certain exemptions provided by CEQA which could result in bypassing the federal requirements for the alternatives analysis. Rule 26.2.E allows a source to

comply with the alternatives analysis by qualifying for a statutory or categorical exemption, or a negative declaration pursuant to CEQA. The CAA does not contain any exemptions from the requirement to conduct an alternatives analysis. The District must revise the rule to remove any exemptions. Further, although the District may base its alternatives analysis on materials developed under CEQA, the District must independently conclude that the alternatives analysis demonstrates that the benefits of the proposed source significantly outweigh the environmental and social cost.

3. Removing Rules 18, 21, 25 and 37

In addition to our proposed limited approval and limited disapproval action on the permitting and NSR rules, we propose to delete Rules 18, 21, 25 and 37. These rules are obsolete today for the following reasons:

- The District has repealed them;
- The requirements of Rules 18, 21 and 25 are contained in Rules 10, 12 and 13.
- The requirements of Rule 37 are now contained in Rule 24.

III. EPA Solicits Comment on One Issue

We are soliciting comments on the following issue:

1. Public Notification

The District does not require public notification for its preliminary ATC decisions for all emission sources. The public notification rule (Rule 26.7) only requires public notification for an ATC if the potential to emit (PTE) from all new, modified, replacement or relocated units exceeds the limits presented in Table—2.

TABLE #2.—PTE THRESHOLD FOR PUBLIC NOTIFICATION

[In tons per year]

#Nitrogen Oxides (NO_X)	15.0
Reactive Organic Compounds (ROC)	15.0
Sulfur Oxides (SO_X)	15.0
Particulate Matter (PM–10)	15.0
Carbon Monoxide (CO)	100.0

Therefore, if the PTE is lower than the above limits, the District is not required to notify the public. Please note that the District's above listed threshold levels are lower than the federal significance levels for NO_X, ROC, and SO_X, and are equal to the federal significance levels for PM–10 and CO. The federal NSR regulation under 40 CFR 51.161 does not specify any emissions threshold for public notification. 40 CFR 51.160(e), however, requires States to ''identify types and sizes of facilities that will be subject to review. * * *'' and ''discuss the basis for determining which facilities will be subject to review.'' We are soliciting comment on whether the District's PTE emission levels in Rule 26.7 are appropriate to ensure the public has the opportunity to review the proposed ATC permits.

IV. Overview of Limited Approval/ Disapproval

Because of the deficiencies identified in this rulemaking, Rules 10, 15 and 26 are not approvable pursuant to section 182(a)(2)(A) of the CAA and EPA cannot grant full approval of the District's permitting and NSR program under section 110(k)(3) and part D. Rules 10, 15 and 26 are not consistent with the interpretation of sections 110(a)(2)(C) and 173 of the CAA, and may lead to rule enforceability problems.

Also, because the submitted rules are not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rules under section 110(k)(3).

However, EPA may grant a limited approval of the submitted permitting and NSR rules under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to strengthen the SIP, EPA is proposing a limited approval of the District's submitted rules 10–15, 15.1, 16, 23–24, 26, 26.1–26.10 and 29–30 under sections 110(k)(3) and 301(a) of the CAA.

At the same time, EPA is also proposing a limited disapproval of the District's rules 10–15, 15.1, 16, 23–24, 26, 26.1–26.10 and 29–30, because they contain deficiencies and, as such, the rules do not fully meet the requirements of part D of the Act. Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated non-attainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: withholding highway funding and increasing the offset requirements. The 18 month period referred to in section 179(a) will begin on the effective date of EPA's final limited disapproval. Moreover, the final limited disapproval triggers the federal implementation plan (FIP) requirement under section 110(c). It should be noted that the rules covered by this proposed rulemaking have been adopted by the District and are currently in effect in the District. EPA's final limited disapproval action will not prevent the District or EPA from enforcing these rules.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

1. Executive Order 12866

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

2. Executive Order 13045

Executive Order 13045, entitled 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 Executive Order 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 Executive Order 13045 because it is does not involve decisions intended to mitigate environmental health or safety risks.

3. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, 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 those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those 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 officials 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 Executive Order 13084 do not apply to this rule.

4. Executive Order 13132

Executive Order 13132, entitled Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This proposed rule will not have substantial direct effects on the 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 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

5. 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).

6. 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.

7. 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 proposed action does not require the public to perform activities conducive to the use of VCS.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

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

Dated: February 25, 2000.

David P. Howekamp,

Acting Regional Administrator, Region IX.

[FR Doc. 00–5629 Filed 3–8–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[(DE046–1022b); FRL–6548–1]

Approval and Promulgation of Air Quality Implementation Plans; Delaware; Regulation 37—NO_X Budget Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve a State Implementation Plan (SIP) revision submitted by the State of