Dated: February 11, 2000.

Felicia Marcus,

Regional Administrator, Region IX.

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 F—California

2. Part 52.220 is being amended by adding paragraph (c)(198(i)(I)(*2*) and (c)(241)(i)(A)(*4*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(198) * * *

(i) * * *

(I) * * *

(*2*) Rule 60 adopted on May 17, 1994.

* * * * *

(241) * * *

(i) * * *

(A) * * *

(*4*) Rule 19.3 adopted on May 15, 1996.

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[FR Doc. 00–5500 Filed 3–8–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT061–7220A; A–1–FRL–6542–3]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut and Rhode Island; Clean Fuel Fleets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final rulemaking action to approve both Connecticut's and Rhode Island's Clean Fuel Fleets Substitute Plan, incorporating them into the State Implementation Plan (SIP) under the Clean Air Act (CAA).

DATES: This direct final rule takes effect on May 8, 2000 without further notice, unless EPA receives adverse or critical comments by April 10, 2000. If EPA does receive adverse comments, 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: 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:

This section is organized as follows:

What Action Is EPA Taking Today?

The EPA is approving both Connecticut's and Rhode Island's Clean Fuel Fleets Substitute Plan submitted May 12, 1994 and October 5, 1994, respectively. We are approving these submittals into the Connecticut and Rhode Island SIPs as meeting the requirements of Section 182(c)(4) of the CAA.

What Are the Clean Fuel Fleets Requirements?

Section 246 of the CAA requires that serious or higher ozone nonattainment areas with populations of more than 250,000 adopt a Clean Fuel Fleets program (CFFP). Both ozone nonattainment areas in Connecticut meet that criterion: the Connecticut portion of the New York-Northern New Jersey-Long Island severe nonattainment area and the Greater Connecticut serious nonattainment area. (See 40 CFR 81.307.) Also, the Rhode Island ozone nonattainment area met that criterion at the time of submittal. (See 40 CFR 81.340.) Since that time, EPA has revoked the one-hour ozone standard for Rhode Island (64 FR 30911). On October 25, 1999 (64 FR 57424), EPA proposed that standard should apply again. In the event that EPA reimposes the one-hour ozone standard in Rhode Island, once again triggering the CFFP mandate, this approval action will ensure that Rhode Island meets the requirement for a CFFP.

Section 182(c)(4)(A) of the CAA requires States with serious ozone nonattainment areas to submit for EPA approval a SIP revision that includes measures to implement the CFFP. Section 182(d) requires the same of severe ozone nonattainment areas. Under this program, a certain specified percentage of vehicles purchased by fleet operators for covered fleets must meet emission standards that are more stringent than those that apply to conventional vehicles.

Alternatively, Section 182(c)(4)(B) of the CAA allows States to ''opt out'' of the CFFP by submitting a program or programs that will result in at least equivalent long term reductions in ozone-producing and toxic air emissions as achieved by the CFFP. The CAA directs EPA to approve a substitute program if it achieves long term reductions in emissions of ozone producing and toxic air pollutants equivalent to those that would have been achieved by the CFFP or the portion of the CFFP for which the measure is to be substituted.

How Are Connecticut and Rhode Island Meeting the Clean Fuel Fleets Requirements?

Connecticut has decided to opt out of the CFFP. Connecticut's substitute plan relies on the implementation of its reformulated gasoline (RFG) program and the enhanced inspection and maintenance (I/M) program in areas in Connecticut where these programs are not required explicitly by the CAA. Since Connecticut is implementing both programs statewide, an additional 87 towns will use RFG and 40 towns will have enhanced I/M beyond what would be required by the CAA. The resulting reductions of ozone-producing emissions meet or exceed the emissions reductions that would have occurred if the CFFP were implemented. Yet only those emissions reductions needed to meet CFFP targets are being approved herein. Specifically, Connecticut's Clean Fuel Fleets Substitute Plan will result in 0.1 tons per day (tpd) of ozone-producing chemicals (total reduction of volatile organic compounds (VOC) and nitrogen oxides combined) in 2000 and 0.4 tpd in 2015 in the severe area and 0.4 tpd in 2000 and 1.2 tpd in the serious area.

Rhode Island has also decided to opt out of the CFFP. Rhode Island's substitute plan relies on the implementation of its reformulated gasoline (RFG) program, which is required statewide. The resulting reductions of ozone-producing emissions meet or exceed the emissions reductions that would have occurred if the CFFP were implemented. Yet, only those emissions reductions needed to meet CFFP targets are being approved herein. Specifically, Rhode Island's Clean Fuel Fleets Substitute Plan will result in 0.119 tpd of ozone-producing chemicals (total VOC and nitrogen oxides) in 2000 and 0.487 tpd in 2015.

The emission reductions for Connecticut's implementation of enhanced I/M and RFG, and Rhode Island's implementation of RFG greatly exceed the reductions that could have been achieved with the CFFP. In the case of Connecticut, enhanced I/M and RFG were explicitly required by the Act in much of the State. But in other parts of the State, and for RFG in Rhode Island, the programs are being implemented in areas not specifically mandated by the Act. These programs can be counted for the purposes of CFFP substitution and they are needed for meeting CAA rate of progress and air quality goals. In Connecticut, the substitute measures achieve 0.7 tons per day (tpd) of ozone-producing chemicals, or VOC, in this case, in 2000 and 0.4 tpd in 2015 in the severe area. Further, the substitute measures achieve 17.1 tpd in 2000 and 7.8 tpd in the Connecticut serious area beyond the levels explicitly mandated by the Act. In Rhode Island, the substitute measure (RFG) achieves approximately 7 tons per day (tpd) of ozone-producing chemicals (VOC) in 2000 and a comparable reduction in 2015. Again, in all cases, only those emissions reductions needed to meet CFFP targets are being approved herein. Finally, since reductions in toxic air emissions are proportional to the reductions in VOC, any substitute plan which reduces VOCs will also reduce toxic air emissions in the same proportion. Therefore, both Connecticut and Rhode Island's substitute plans will meet substitute CFFP requirement for air toxics.

Why Is EPA Approving Connecticut's and Rhode Island's Clean Fuel Fleets Substitute Plan SIP Revisions?

EPA is approving Connecticut's and Rhode Island's Clean Fuel Fleets Substitute Plan SIP revision because each State has successfully demonstrated that it has achieved long term reductions in emissions of ozone producing and toxic air pollutants equivalent to those that would have been achieved by the CFFP. Both Connecticut's and Rhode Island's emission reduction calculations follow EPA guidance. Further information on both Connecticut's and Rhode Island's Clean Fuel Fleets Substitute Plan SIP revision and EPA's evaluation of these SIP revisions can be found in a memorandum entitled ''Technical Support Document—Clean Fuel Fleets, Connecticut and Rhode Island.'' Copies of this document are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

How Does Clean Fuel Fleets Affect Air Quality in Connecticut and Rhode Island?

EPA's approval of both Connecticut's and Rhode Island's Clean Fuel Fleets Substitute Plan will have a positive benefit on air quality in both Connecticut and Rhode Island. The emission reductions which Connecticut and Rhode Island are using to offset a CFFP will be permanent and will not be available for emissions trading.

What Is the Process for EPA's Approval of This SIP Revision?

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is also publishing a separate document that will serve as the proposal to approve this SIP revision should we receive relevant adverse. This action will be effective May 8, 2000 without further notice unless we receive relevant adverse comments by April 10, 2000.

If EPA does receive adverse comments, we will withdraw the direct final rule and publish a document stating that the rule will not take effect. We will then respond to all public comments received in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. If you are interested in commenting on this action, you should do so at this time. If no such comments are received, you should know that this rule will be effective on May 8, 2000 and no further action will be taken on the proposed rule.

Nothing in this action should be construed as permitting 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.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state laws as meeting federal requirements and imposes no additional requirements beyond those imposed by those state laws. Accordingly, the Administrator certifies 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.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This 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. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7,

1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

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 May 8, 2000. 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).) EPA encourages interested parties to comment on the proposed rule rather than filing a petition for review in the Court of Appeals.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: February 14, 2000.

Mindy S. Lubber,

Acting Regional Administrator, EPA—New England.

Part 52 of 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 H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(81) to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) * * *

(81) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on May 12, 1994.

(i) Incorporation by reference.

(A) ''Clean Fuel Fleet Substitute Plan,'' prepared by the Connecticut Department of Environmental Protection, dated May 12, 1994.

(ii) Additional materials.

(A) Letter from the Connecticut Department of Environmental Protection dated May 12, 1994 submitting a revision to the Connecticut State Implementation Plan.

Subpart OO—Rhode Island

3. In § 52.2070 the table in paragraph (e) is amended by adding a new state citation to the end of the table to read as follows:

§ 52.2070 Identification of plan.

* * * * *

(e) * * *

RHODE ISLAND NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date	Explanations
*	* *	*	* *	*
Letter from RI DEM submitting revision for Clean Fuel Fleet Substitution Plan.	Providence (all of Rhode Island) nonattainment area.	October 5, 1994	March 9, 2000 [Insert FR citation from published date].	

[FR Doc. 00–5200 Filed 3–8–00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT–054–7213A; A–1–FRL–6545–9]

Approval and Promulgation of Air Quality Implementation Plan; Connecticut, New Hampshire, and Rhode Island; Approval of National Low Emission Vehicle Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve State Implementation Plan (SIP) revisions submitted individually by the States of Connecticut, New Hampshire and Rhode Island, committing that each State will accept compliance with the National Low Emission Vehicle (National LEV) program requirements as a compliance option for new motor vehicles sold in the State. Connecticut submitted its SIP revision on February 7, 1996 and February 18, 1999. EPA proposed approval of this submittal in a direct final rulemaking action on August 16, 1999 (64 FR 44450), and received