Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 870, 888, and 890 are amended as follows:

PART 870—CARDIOVASCULAR DEVICES

1. The authority citation for 21 CFR part 870 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 870.4200 is revised to read as follows:

§ 870.4200 Cardiopulmonary bypass accessory equipment.

(a) *Identification.* Cardiopulmonary bypass accessory equipment is a device that has no contact with blood and that is used in the cardiopulmonary bypass circuit to support, adjoin, or connect components, or to aid in the setup of the extracorporeal line, e.g., an oxygenator mounting bracket or system-priming equipment.

(b) *Classification.* (1) Class I. The device is classified as class I if it does not involve an electrical connection to the patient. The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to § 870.9.

(2) Class II (special controls). The device is classified as class II if it involves an electrical connection to the patient. The special controls are as follows:

(i) The performance standard under part 898 of this chapter, and

(ii) The guidance document entitled ''Guidance on the Performance Standard for Electrode Lead Wires and Patient Cables.'' The device is exempt from the premarket notification procedures in subpart E of part 807 of this chapter subject to § 870.9.

PART 888—ORTHOPEDIC DEVICES

3. The authority citation for 21 CFR part 888 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

4. Section 888.1500 is revised to read as follows:

§ 888.1500 Goniometer.

(a) *Identification.* A goniometer is an AC-powered or battery powered device intended to evaluate joint function by measuring and recording ranges of motion, acceleration, or forces exerted by a joint.

(b) *Classification.* (1) Class I (general controls) for a goniometer that does not use electrode lead wires and patient cables. This device is exempt from the premarket notification procedures of subpart E of part 807 of this chapter subject to § 888.9.

(2) Class II (special controls) for a goniometer that uses electrode lead wires and patient cables. The special controls consist of:

(i) The performance standard under part 898 of this chapter, and

(ii) The guidance entitled ''Guidance on the Performance Standard for Electrode Lead Wires and Patient Cables.'' This device is exempt from the premarket notification procedures of subpart E of part 807 of this chapter subject to § 888.9.

PART 890—PHYSICAL MEDICINE DEVICES

5. The authority citation for 21 CFR part 890 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

6. Section 890.1175 is amended by revising paragraph (b) to read as follows:

§ 890.1175 Electrode cable.

* * * * *

(b) *Classification.* Class II (special controls). The special controls consist of:

(1) The performance standard under part 898 of this chapter, and

(2) The guidance document entitled ''Guidance on the Performance Standard for Electrode Lead Wires and Patient Cables.'' This device is exempt from the premarket notification procedures of subpart E of part 807 of this chapter subject to § 890.9.

Dated: March 2, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–8850 Filed 4–10–00; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN107–1a; FRL–6573–8]

Approval and Promulgation of Implementation Plan; Indiana Particulate Matter Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On February 3, 1999, the State of Indiana Department of Environmental Management (IDEM) submitted a site-specific State Implementation Plan (SIP) request to revise Particulate Matter (PM) emission limits for a facility owned by Central Soya Company, Inc., located in Indianapolis, Marion County, Indiana. Central Soya is converting its grain elevator from a processing to a storage facility. The SIP revision request reflects changes in emission limits resulting from the shutdown of various operations at the plant, and provides new emission limits reflecting the addition of new operations.

The projected PM emission decrease associated with the elimination of selected activities at the facility is 71.22 tons per year. The projected PM emission increases associated with the changes in operations at the facility is 14.81 tons per year. The overall change is a projected net decrease in PM emissions of approximately 56 tons per year from the facility. Because Indiana's Central Soya SIP revision request is consistent with the Clean Air Act and applicable policy, EPA is approving it.

DATES: This rule is effective on June 12, 2000, unless EPA receives adverse written comments by May 11, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. You can inspect copies of the State Plan submittal at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (We recommended that you contact Mark J. Palermo at (312) 886–6082 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Environmental Engineer, at (312) 886–6084.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us'' or ''our'' are used, we mean EPA. Also, whenever we refer to ''Central Soya'', we mean Central Soya Company, Incorporated, at 1102 West 18th Street in Marion County, Indianapolis, Indiana.

Table of Contents

I. What Is EPA Approving in This Action?

EPA is approving a requested revision to Indiana SIP rule 326 IAC 6–1–12 for Central Soya, as submitted by Indiana to EPA with a letter dated February 3, 1999. The rule addresses particulate matter concentration and annual emission limits for a number of sources at Central Soya's Marion County, Indianapolis, Indiana facility. Indiana submitted additional technical support information on February 23, 1999. The revision reflects the elimination of old processes and the addition of new operations at the facility. We are approving mass rate limits reflected in both an annual rate, which represents a cap on the total emissions for that source, and a concentration limit in grains per dry standard cubic feet (grains/dscf).

II. The Indiana State Plan Requirement

What Pollutant Does This Revision Affect?

This revision provides for the reduction in emissions of particulate matter from the sources which are closed down, and an increase in emissions for additional sources. Particulate emissions should change from a total of 71.22 tons per year, the previously approved emission level, to 14.81 tons per year. This represents a net emissions decrease of approximately 56 tons of PM per year.

What Is the Existing State Requirement for This Source?

Prior to this SIP revision request, Central Soya had been subject to particulate matter emission limits for a boiler and a number of other sources and operations under 326 IAC 6–1–12(a). Those limits, as noted in the record of public hearing of the Air Pollution Control Board, are as follows:

Source description	Tons/year	Grains per dry standard cubic foot
Vogt Boiler	32.3	[1] 0.350
Toasting Feed Mill	5.0	0.013
Dry Soybean Meal	5.6	0.03
Soybean Meal Cooler	10.2	0.03
Pellet Cooler (South)	7.4	0.03
Feed Pellet Cooler (North)	9.0	0.034
Bean Bowl Storage	0.2	0.001
Conveyor System Aspiration	0.42	0.001
Truck Pit Receiving Area	1.1	0.006

[1] lb/MMBtu.

What Are the Changes Requested by Central Soya?

Central Soya asked the State to amend 326 IAC 6–1–12 to eliminate a number of sources and add several new sources. Central Soya has reported that the following sources (identified by point input I.D.) are no longer in operation: (01) Vogt Boiler; (02) Toasting Mill Feed; (03) Dry Soybean Mill; (04) Soybean Meal Cooler; (05) Pellet Cooler South; (06) Feed Pellet Cooler North; (08) Bean Bowl Storage; (09) Conveyor System Aspiration; and (10) Truck Pit. Central Soya has asked the State to delete these sources from the State rule.

Central Soya also requested that EPA approve the revised emission limits applicable to (09A) Elevator Gallery Belt Trippers; (09B) Elevator Gallery Belt Loaders (East and West); and (09C) Elevator Grain Dryer Conveying Legs. Central Soya also requested that the State add two other sources to the inventory: (10A) Elevator #1 Truck and Rail Receiving System and Basement, and (10B) Elevator #2 Truck and Rail Receiving System. The Indiana Air Pollution Control Board approved these changes on November 1, 1998.

[1] See 56 FR 56694 (November 6, 1991). On June 9, 1999, EPA revoked the one-hour ozone standard for eastern Massachusetts. See 64 FR 30911 (June 9, 1999). EPA has proposed to reinstate that standard. See 64 FR 57424 (October 25, 1999).

What Are the Criteria for Approving Changes to Central Soya SIP Requirements?

The general criteria used by EPA to evaluate such emissions trades, or ''bubbles,'' under the Clean Air Act are set out in the EPA's Emissions Trading Policy Statement (ETPS) (see 51 FR 43814, December 4, 1986). The ETPS allows a State to forego a modeling analysis in those trades where the ''applicable net baseline emissions do not increase and in which the sum of the emissions increases, looking only at the increasing sources, totals less than 25 tons per year of particulate matter.'' EPA considers that such trades will have, at most, a ''de minimis'' impact on local air quality. 51 FR 43844.

In the case of Central Soya, Indiana also elected to perform a ''Level II'' modeling analysis under the ETPS. A Level II analysis must include emissions from the sources involved in the trade, and must demonstrate that the air quality impact of the trade does not exceed set significance levels. For PM, the significance levels are 10 micrograms per cubic meter ($\mu g/m^3$) for any 24-hour period, and 5 $\mu g/m^3$ for any annual period.

The modeling analysis submitted by the IDEM in support of the requested Central Soya SIP revision is consistent with a Level II analysis. The analysis shows that the SIP revision request will not cause or contribute to any exceedances of the PM NAAQS. The maximum modeled PM air quality impacts were 1.8 $\mu g/m^3$ in 24-hours, and 0.0 $\mu g/m^3$ on an annual basis. Therefore, IDEM has demonstrated that this SIP revision will not have a significant impact on air quality.

III. The Indiana Plan for Particulate Matter

Who Is Affected by This SIP Revision?

This revision reduces the emissions of particulate matter from selected sources in the Central Soya facility, as well as the facility as a whole. The reductions come about because of the change in operations at the plant. The State reports that the facility underwent a change from a processing plant to exclusively a storage facility. Citizens of Marion County living near the facility will benefit from the reductions because the net overall change should be a positive impact on air quality.

Did the Public Have an Opportunity To Comment on the Changes?

The State published a public notice on November 3, 1997, and December 23, 1997, to inform citizens that the revised plan was available for review and public

comment. Indiana held two Air Pollution Control Board meetings on the Central Soya rule changes on December 3, 1997 and February 4, 1998. The State did not receive any adverse comment regarding these changes.

What Revisions Are We Approving?

Previous to this SIP revision request, Central Soya had been subject to particulate matter emission limits for a boiler and a number of other sources and operations under 326 IAC 6–1–12(a). These approved limits are noted in the record of public hearing of the Air Pollution Control Board.

Indiana has amended rule 326 IAC 6–1–12(a) to eliminate a number of sources, resulting in a reduction of annual particulate matter emissions from Central Soya. Indiana has added five sources to the rule. These are: Elevator Gallery Belt Trippers; Elevator Gallery Belt Loaders (East and West); Elevator Grain Dryer Conveying Legs; Elevator #1 Truck and Rail Receiving System and Basement; and Elevator #2 Truck and Rail Receiving System. The State-approved emission limits for the five new sources are listed in the following table:

Source description	Tons/year	Grains per dry standard cubic foot
Elevator Gallery Belt Tripper (East and West)	0.92	0.006
Elevator Gallery Belt Loaders (East and West)	0.70	0.006
Elevator Grain Dryer Conveying Legs	1.01	0.006
Elevator #1 Truck/Rail Receiving System and Basement	7.23	0.006
Elevator #2 Truck/Rail Receiving System	4.95	0.006

How Did Indiana Show That the Changes to the SIP Are Approvable?

The State's technical support document included a table of the changes in emissions at the Central Soya facility for the sources listed. These changes, as published in the November 1, 1998 Indiana Register, Volume 22, Number 2 (page 417), indicate that the decreases in PM emissions should total 71.22 tons per year and the increases should total 14.81 tons per year. This represents a net decrease in emissions of 56.41 tons per year.

The State also performed air emissions ambient modeling. The modeling shows that impacts are below the Level II significant impact levels of 10.0 μg/m^3 for the 24-hour and 5.0 μg/m^3 for the annual time averaged period.

IV. Review and Approval of the Indiana SIP Revision for Central Soya Company, Inc.

Why Is Indiana's SIP Revision Approvable?

The revision to this SIP is approvable because the changes requested by the State meet the requirements of the Clean Air Act and EPA's bubble policy, as noted above. Also, the emissions increases should have, at most, a ''de minimis'' impact on air quality as a result of the concurrent emissions reductions.

Are the Particulate Matter Air Quality Standards and Public Health Protected as a Result of the Approval of This SIP Submission?

The particulate matter air quality standard and public health should be protected by this SIP revision. The Clean Air Act and applicable policy permit changes to the State's implementation plan without the need for a detailed technical review under certain carefully circumscribed situations. These include emission changes in which there is a net reduction in emissions. This approach should ensure that ambient air quality standards will be attained and maintained, and public health protected. The request being approved today results in a net reduction in particulate matter emissions.

When Will This Rule Change Become Federally Enforceable?

This revision will become Federally enforceable on the effective date of this approval.

V. Final Rulemaking Action

In this rulemaking action, EPA approves the Central Soya Company, Incorporated SIP submission as a revision to the Indiana SIP. The revision eliminates a total of nine source operations and adds five new operations. It has the overall effect of reducing the emissions of particulate matter from the facility. The Indiana Air Pollution Control Board approved the revision and published it in the Indiana Register, Volume 22, Number 2, page 417, dated November 1, 1998. EPA is publishing this direct final approval without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse written comments be filed. This action will be effective June 12, 2000, without further notice unless EPA receives relevant adverse written comment by May 11, 2000. Should the Agency receive such comments, it will publish a final rule informing the public that this direct final action will not take effect. Any parties interested in commenting on this action should do so at this time. If no comments are received, the public is advised that this action will be effective on June 12, 2000.

VI. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under 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 does not involve decisions intended to mitigate environmental health or safety risks.

C. Executive Order 13084

Under Executive Order 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, 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. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

D. Executive Order 13132

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 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, 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.

E. Regulatory Flexibility

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 rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 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 costs to State, local, or tribal governments in the aggregate; or to the 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 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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

H. National Technology Transfer and Advancement Act

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

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

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of

this action must be filed in the United States Court of Appeals for the appropriate circuit by June 12, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 28, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

For the reasons stated in the preamble, 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 P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(130) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(130) On February 3, 1999, Indiana submitted a site specific SIP revision request for the Central Soya Company, Incorporated, Marion County, Indiana. The submitted revision amends 326 IAC 6–1–12(a), and provides for revised particulate matter emission totals for a number of source operations at the plant. The revision reflects the closure of nine operations and the addition of five new ones, resulting in a net reduction in particulate matter emissions.

(i) *Incorporation by reference.* The entry for Central Soya Company, Incorporated contained in Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Nonattainment Area Limitations, Section 12: Marion County. Subsection (a) amended at 22, Indiana Register 416, effective October 16, 1998.

[FR Doc. 00–8828 Filed 4–10–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MA063–01–7200a; A–1–FRL–6574–7A]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revised VOC Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving two State Implementation Plan (SIP) revisions submitted by the Commonwealth of Massachusetts. These SIP submittals include revisions to regulations for controlling volatile organic compound (VOC) emissions, including emissions from marine vessel loading and consumer products. The intended effect of this action is to approve the revised regulations into the Massachusetts SIP. This action is being taken in accordance with the Clean Air Act (CAA).

DATES: This direct final rule is effective on June 12, 2000 without further notice, unless EPA receives adverse comment by May 11, 2000. If adverse comment is received, EPA 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: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning Unit (mail code CAQ), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Anne E. Arnold, (617) 918–1047.

SUPPLEMENTARY INFORMATION: This section is organized as follows:

What Action Is EPA Taking?

EPA is approving Massachusetts' revised 310 CMR 7.24(8) ''Marine Volatile Organic Liquid Transfer'' and incorporating this rule into the Massachusetts SIP. EPA is also approving definitions in 310 CMR 7.00 which are associated with the marine vessel rule. EPA is also approving Massachusetts' revised 310 CMR 7.00 definition of ''volatile organic compound'' and an amendment to Massachusetts' 310 CMR 7.25 ''Best Available Controls for Consumer and Commercial Products'' and incorporating these regulations into the Massachusetts SIP.

What Are the CAA Requirements for Marine Vessels?

Section 183(f) of the CAA requires EPA to promulgate reasonably available control technology (RACT) standards to reduce VOC emissions from the loading and unloading of tank vessels. Furthermore, on November 12, 1993 (58 FR 60021), marine vessels were added to the list of those categories for which EPA will promulgate a maximum achievable control technology (MACT) standard. On September 19, 1995 (60 FR 48388), EPA promulgated both RACT and MACT standards for marine tank vessels. Section 183(f)(4) of the CAA states that after EPA promulgates such standards, no State may adopt, or attempt to enforce, less stringent standards for tank vessels subject to EPA's regulation.

In addition, section 182(b)(1) of the amended CAA requires States with ozone nonattainment areas classified as moderate and above to develop reasonable further progress plans to reduce VOC emissions by 15 percent within these areas by 1996 when compared to 1990 baseline VOC emission levels. Also, section 182(b)(2)(C) of the CAA requires that RACT be implemented for all major VOC sources by May 31, 1995. Pursuant to the Clean Air Act Amendments of 1990, the Commonwealth of Massachusetts was designated as serious nonattainment for ozone.[1]

Therefore, in Massachusetts, sources with the potential to emit greater than

[1] See 56 FR 56694 (November 6, 1991). On June 9, 1999, EPA revoked the one-hour ozone standard for eastern Massachusetts. See 64 FR 30911 (June 9, 1999). EPA has proposed to reinstate that standard. See 64 FR 57424 (October 25, 1999).