

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."

This proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. This proposed rule applies to businesses, not government entities, submitting comments to substantiate CBI claims. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

XI. Unfunded Mandates Reform Act of 1995

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, EPA must prepare a budgetary impact statement to accompany any general notice of proposed rulemaking or final rule that includes a federal mandate which 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, for any rule subject to Section 202, EPA generally must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Under Section 203, before establishing any regulatory requirements that may significantly or uniquely affect small governments, EPA must take steps to inform and advise small governments of the requirements and enable them to provide input.

EPA has determined that this proposed rule does not include a federal mandate as defined in UMRA. The proposed rule does not include a federal mandate that may result in estimated annual costs to State, local or tribal governments in the aggregate, or to the private sector, of \$100 million or more, and does not establish regulatory requirements that may significantly or uniquely affect small governments.

XII. 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, EPA must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned rule is preferable to other potentially effective and reasonably feasible alternatives considered by EPA.

EPA believes Executive Order 13045 applies only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Executive Order has the potential to influence the regulation. This proposed rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

XIII. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, Section 12(d) (15 U.S.C., 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when EPA decides not to use available and applicable voluntary consensus standards.

This proposed rule does not involve any technical standards, and EPA is not considering the use of any voluntary consensus standards. EPA welcomes comments and specifically invites the public to identify any potentially-applicable voluntary consensus standards and explain why such standards should be used in this rule.

List of Subjects in 40 CFR Part 2

Environmental protection, Administrative practice and procedure, Confidential business information, Freedom of information, Government employees.

Dated: August 24, 2000.

Carol M. Browner,
Administrator.

For the reasons set out above, EPA proposes to amend 40 CFR part 2 as follows:

PART 2—PUBLIC INFORMATION

1. The authority citation for part 2 continues to read as follows:

Authority: 5 U.S.C. 301, 552 (as amended), 553; secs. 114, 205, 208, 301, and 307, Clean Air Act, as amended (42 U.S.C. 7414, 7525, 7542, 7601, 7607); secs. 308, 501, and 509(a), Clean Water Act, as amended (33 U.S.C. 1318, 1361, 1369(a); sec. 13, Noise Control Act of 1972 (42 U.S.C. 4912); secs. 1445 and 1450, Safe Drinking Water Act (42 U.S.C. 300j-4, 300j-9); secs. 2002, 3007, and 9005, Solid Waste Disposal Act, as amended (42 U.S.C. 6912, 6927, 6995); secs. 8(c), 11, and 14, Toxic Substances Control Act (15 U.S.C. 2607(c), 2610, 2613); secs. 10, 12, and 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136h, 136j, 136w); sec. 408(f), Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 346(f); secs. 104(f) and 108, Marine Protection Research and Sanctuaries Act of 1972 (33 U.S.C. 1414(f), 1418); secs. 104 and 115, Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9604 and 9615); sec. 505, Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 2005).

2. Section 2.205 is amended by revising paragraph (c) to read as follows:

§ 2.205 Final confidentiality determination by EPA legal office.

* * * * *

(c) *Confidential treatment of some comments from business.* If information submitted to EPA by a business as part of its comments under this section prior to [effective date of final rule] pertains to the business's claim, is not otherwise possessed by EPA, and is marked when received in accordance with § 2.203(b), it will be regarded by EPA as entitled to confidential treatment. This paragraph (c) does not apply to comments received after [effective date of final rule].

* * * * *

[FR Doc. 00-22158 Filed 8-29-00; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MI42-7823; FRL-6851-4]

Approval and Promulgation of State Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: The United States Environmental Protection Agency (EPA) is proposing to adjust the applicability date for the reinstating the 1-hour ozone National Ambient Air Quality Standard (NAAQS) in Muskegon County, Michigan and is proposing to determine that the area has attained the 1-hour ozone NAAQS. This proposal is based on 3 consecutive years of complete,

quality-assured, ambient air monitoring data for the 1997–1999 ozone seasons that demonstrate that the ozone NAAQS has been attained in the area. On the basis of this determination, EPA is also proposing that certain attainment demonstration requirements, and certain related requirements of part D of subchapter I of the Clean Air Act (CAA), do not apply to the Muskegon area.

EPA is also proposing to approve the State of Michigan's request to redesignate Muskegon County to attainment for the 1-hour ozone NAAQS. Michigan submitted the redesignation request for the Muskegon area on March 9, 1995, and submitted two updates to the request on June 14 and July 5, 2000. As part of this proposal, EPA is also proposing to approve the State's plan for maintaining the 1-hour ozone standard for the next 10 years as a revision to the Michigan State Implementation Plan (SIP). In this proposal and corresponding direct final rule, EPA is also notifying the public that we believe the motor vehicle emissions budgets for volatile organic compounds (VOC) and oxides of nitrogen (NO_x) in the Muskegon, MI submitted maintenance plan are adequate for conformity purposes and approvable as part of the maintenance plan.

In the final rules section of this **Federal Register**, EPA is approving the State's request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving and disapproving portions of the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this proposed rule within 30 days of this publication. Should we receive adverse comment, we will publish a document informing the public that the direct final rule will not take effect and that we will address adverse comments in a subsequent final rule based on this proposed rule. If we do not receive adverse comments, the direct final rule will take effect on the date stated in that document and EPA will not take further action on this proposed rule. We do not plan to institute a second comment period on this action. Any parties interested in commenting on this document should do so at this time.

DATES: EPA must receive written comments by September 29, 2000.

ADDRESSES: Send written comments to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs

Branch (AR-18)), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: John Mooney at (312) 886-6043.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**. Copies of the documents relevant to this action are available for public inspection during normal business hours at the above address. (Please telephone John Mooney at (312) 886-6043 before visiting the Region 5 Office.)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Hydrocarbons, Ozone, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, Intergovernmental relations, Hydrocarbons, Ozone, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671 *et seq.*

Dated: August 4, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 00-21914 Filed 8-29-00; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AG13

Endangered and Threatened Wildlife and Plants; Extension of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for Wintering Piping Plovers

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; Extension of public comment period and notice of availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the draft economic analysis for the proposed designation of critical habitat for the wintering population of the piping plover (*Charadrius melodus*). We also provide notice that the public comment period

for the proposal is extended to allow all interested parties to submit written comments on the proposal and the draft economic analysis. Comments previously submitted during the comment period need not be resubmitted as they will be incorporated into the public record and will be fully considered in the final determination on the proposal.

DATES: The original comment period is scheduled to close on September 5, 2000. The comment period is hereby extended until October 30, 2000. Comments from all interested parties must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at <http://ifw2es.fws.gov/library> or by writing to the Field Supervisor, Ecological Services Field Office, c/o TAMU-CC, Campus Box 338, 6300 Ocean Drive, Corpus Christi, TX 78412. All written comments should be submitted to the Field Supervisor at the above address or may be provided by e-mail to winterplovercomments@fws.gov or by facsimile to 361/994-8262. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Lee Elliott, Wildlife Biologist, at the above address (telephone 361/994-9005).

SUPPLEMENTARY INFORMATION:

Background

The piping plover is a small shorebird, about 17–18 centimeters (8 inches) long and weighing from 43 to 63 grams (1.5 to 2.25 ounces). The species breeds in the northern Great Plains (from Alberta to Ontario, Canada and south to Kansas and Colorado), the Great Lakes region, and the Atlantic Coast (from Newfoundland, Canada to North Carolina). Piping plovers winter on the southern Atlantic and Gulf Coasts from North Carolina to Texas, as well as eastern Mexico and Caribbean islands from Barbados to Cuba and the Bahamas (Haig 1992). Birds from each of the three breeding populations can be found throughout the wintering range. Individuals begin arriving on the wintering grounds in mid-July and can be found on the wintering grounds until mid-May. Populations declined dramatically due to year-round shooting of the species prior to passage of the Migratory Bird Treaty Act. Populations began to rebound following this protection, but loss of habitat and