proposal. Commenters on the February 26, 1999, proposal are encouraged to resubmit comments in light of this reproposal. EPA intends to address only those comments which are relevant to this reproposal. Anyone wishing to submit comments should do so during the comment period established by today's notice.

Implementation Deadline—40 CFR 51.373

The SIP commits to starting the I/M program on April 5, 2000. Before testing can begin, a number of tasks, as described in the SIP submittal and the EPA TSD, must be completed. They include the acquisition of the sites, construction of the test stations, purchase and installation of equipment, writing computer programs, writing procedure manuals, and hiring and training employees. Missouri and its contractor are in the process of completing these tasks. Although EPA regulations call for earlier start dates for I/M programs, EPA believes that the start date of April 5, 2000, is as expeditious as practicable and that the program is not deficient because of the April 5, 2000, start date. It is EPA policy that once the start date in the regulations has passed, SIPs are approvable if the program starts as expeditiously as practicable. EPA anticipates that it will not be taking final action on this proposal prior to the projected start date.

V. What is EPA's Conclusion and Proposed Action?

EPA's review of the material submitted indicates that the state has adopted an I/M program in accordance with the requirements of the Act and the Federal rule. EPA is proposing to approve the Missouri SIP revision for the St. Louis I/M program which was submitted on November 12, 1999. EPA solicits comments on this proposed action. Final rulemaking will occur after consideration of any comments. EPA anticipates that it will not take final action until after the April 5, 2000, start date. Therefore, EPA is not proposing conditional approval based on the start date.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve preexisting 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 (Pub. L. 104–4). For the same reason, this proposed 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 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 CAA. This proposed 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 CAA. 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 CAA. 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 proposed 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 proposed 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.*).

List of Subjects 40 CFR Part 52

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

Dated: February 7, 2000.

Dennis Grams,

Regional Administrator, Region 7.

[FR Doc. 00–3473 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL171–1b; FRL–6536–2]

Approval and Promulgation of State Implementation Plan; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The USEPA is proposing to approve the incorporation of revised air pollution permitting and emissions standards rules into the Illinois State Implementation Plan. The State submitted its plan request to USEPA on February 5, 1998.

DATES: USEPA must receive written comments on or before March 20, 2000.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the plan and USEPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone John Kelly at (312) 886–4882 before visiting the Region 5 Office.)

Copies of the plan are also available for inspection at the Illinois Environmental Protection Agency, Division of Air Pollution Control, 1021 North Grand Avenue East, Springfield, Illinois 62707–60015.

FOR FURTHER INFORMATION CONTACT: John Kelly, Environmental Scientist, Permits and Grants Section, Air Programs Branch (AR–18J), USEPA, Region 5, Chicago, Illinois 60604, (312) 886–4882.

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

Table of Contents

I. What action is USEPA taking today?
II. Where can I find more information about this proposal and the corresponding direct final rule?

I. What Action is USEPA Taking Today?

The USEPA is proposing to approve the incorporation into the Illinois State Implementation Plan of revised air pollution permitting and emissions standards rules, which the State of Illinois requested. Specifically, we are proposing to approve the incorporation of revisions to Title 35 of the Illinois Administrative Code (35 IAC) *201.146, Exemptions from State Permit Requirements* into the Illinois State Implementation Plan. These revisions clarify, modify and add to the list of emission units and activities which are exempt from State permitting requirements. The State submitted its plan request to USEPA on February 5, 1998.

II. Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

In the final rules section of this **Federal Register**, we are approving Illinois' request for a change to the Illinois State Implementation Plan as a direct final rule without prior proposal because we view this action as noncontroversial and anticipate no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless we receive relevant adverse written comment on this action. Should we receive such comment, we will publish a final rule informing you that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. We do not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

For additional information see the direct final rule published in the final rules section of this **Federal Register**.

Dated: February 4, 2000.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 00–3673 Filed 2–16–00; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of 90-Day Finding for a Petition To List the Yellow-billed Cuckoo as Endangered and Commencement of a Status Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding on a petition to list the yellow-billed cuckoo (*Coccyzus americanus*) as endangered, with critical habitat, pursuant to the Endangered Species Act (Act) of 1973, as amended. We find that the petition presents substantial scientific or commercial information to indicate that the listing of the yellow-billed cuckoo may be warranted. Therefore, we are initiating a status review to determine if the petitioned action is warranted. To ensure that the review is comprehensive, we are soliciting information and data regarding this species.

DATES: The finding in this document was made on February 7, 2000. To be considered in the status review and subsequent 12-month finding for the petition, your information and comments must be received by April 17, 2000.

ADDRESSES: You may submit data, information, comments, or questions concerning this finding to the Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W–2605, Sacramento, California 95825. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Karen Miller at the Sacramento Fish and Wildlife Office (see **ADDRESSES** section above), or at 916/414–6600.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial information indicating that the petitioned action may be warranted. To the maximum extent practicable, we must make this finding within 90 days of the receipt of the petition and publish it promptly in the **Federal Register**. If the finding is that substantial information was presented, we are also required to promptly commence a review of the status of the involved species. This finding is based on information contained in the petition, supporting information submitted with the petition, and information otherwise available to us at the time the finding was made. While the Act does not provide for petitions to designate critical habitat, the specific critical habitat designation is petitionable under the Administrative Procedures Act. As required by section 4(a)(3) of the Act, we will consider critical habitat designation if we determine that listing is warranted.

The processing of this petition conforms with our Listing Priority Guidance published in the **Federal Register** on October 22, 1999 (64 FR57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of this 90-day petition finding is a Priority 4 action and is being completed in accordance with the current Listing Priority Guidance.

We were previously petitioned to list the western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) in 1986 as endangered in the States of California, Washington, Oregon, Idaho, and Nevada (Manolis *et al.* 1986). We received this petition from Dr. Tim Manolis, Western Field Ornithologists, and it was cosigned by the Animal Protection Institute, Defenders of Wildlife, Sacramento River Preservation Trust, Friends of the River, Planning and Conservation League, Davis