

SUPPLEMENTARY INFORMATION:**Request for Comments**

The Coast Guard encourages all interested persons to comment on this test schedule by submitting written data, views, or arguments. Persons submitting comments should identify this deviation, the specific section of the deviation to which each comment applies, and the reason for each comment. All comments and attachments must be submitted in an unbound format, no larger than 8½ x 11 inches, suitable for copying. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope. All comments and other materials referenced in this notice will be available for inspection and copying at the Coast Guard location under **ADDRESSES**, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The Coast Guard will consider all comments and material received during the comment period.

Public Hearing

The Coast Guard plans no public hearing. Interested persons may request a public hearing by writing to the Coast Guard at the address under **ADDRESSES**. The request should include the reasons why a hearing should be beneficial. If it determines that the opportunity for oral presentations will be beneficial, the Coast Guard will hold a public hearing at a time and place to be announced by a later notice in the **Federal Register**.

Discussion of Deviation

The Henry Ford bridge, mile 4.8 across the Cerritos Channel, Long Beach, California, provides 7.3 feet above mean high water when closed. Vessels that can pass under the bridge without an opening may do so at all times. This deviation has been coordinated in advance with, the U.S. Coast Guard Marine Safety Office Los Angeles/Long Beach, U.S. Army Corps of Engineers Los Angeles District, fire departments for the cities of Los Angeles and Long Beach, the ports of Los Angeles and Long Beach, Alameda Corridor, commercial operators and marinas on the waterway.

The existing drawbridge regulation requires the drawspan to be maintained in the open-to-navigation position and lowered only for passage of land traffic. This deviation from the existing regulation will allow the bridge to be maintained in the closed-to-navigation position and operated in compliance with the General Drawbridge Operation Regulations under 33 CFR 117, subpart A. During the 60-day test period, the

bridge will open fully and completely when requested for the passage of waterway traffic. This deviation is for the purpose of testing the "best fit" operation of the bridge, to reduce wear-and-tear on the operating machinery of the bridge, while continuing to meet the reasonable needs of navigation. At the conclusion of the 60-day test period, the drawspan will resume operation in compliance with 33 CFR, 117.147(b).

Dated: March 21, 2001.

E.R. Riutta,

U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 01-8015 Filed 3-30-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 70**

[FRL-6952-3]

Clean Air Act Full Approval of Operating Permits Program in Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; Removal of amendment and reinstatement of regulatory text.

SUMMARY: On January 2, 2001, the EPA published a direct final rule (66 FR 16) approving, and an accompanying proposed rule (66 FR 84) proposing to approve, the operating permits program submitted by the State of Washington. Washington's operating permits program was submitted in response to the directive in the Clean Air Act that permitting authorities develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources within the permitting authority's jurisdiction.

EPA is removing the amendment made by that final rule due to the adverse public comments received and reinstating the previous regulatory text. In a subsequent final rule, EPA will summarize and respond to the comments received and take final rulemaking action on the operating permits program submitted by the State of Washington.

EFFECTIVE DATE: April 2, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Interested persons

wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Denise Baker, Office of Air Quality (OAQ-107), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553-8087.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: February 28, 2001.

Charles E. Findley,

Acting Regional Administrator, Region 10.

40 CFR part 70, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. In appendix A to part 70, the entry for Washington is amended by revising paragraphs (a), (b), (c), (d), (e), (f), (g), (h), and (i) to read as follows:

Appendix A to part 70—Approval Status of State and Local Operating Permits Programs

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Washington

(a) Department of Ecology (Ecology): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(b) Energy Facility Site Evaluation Council (EFSEC): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(c) Benton County Clean Air Authority (BCCAA): submitted on November 1, 1993 and amended on September 29, 1994 and April 12, 1995; effective on December 9, 1994; interim approval expires December 9, 1996.

(d) Northwest Air Pollution Authority (NWAPA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(e) Olympic Air Pollution Control Authority (OAPCA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(f) Puget Sound Air Pollution Control Agency (PSAPCA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(g) Southwest Air Pollution Control Authority (SWAPCA): submitted on November 1, 1993; effective on December 9, 1994; interim approval expires December 9, 1996.

(h) Spokane County Air Pollution Control Authority (SCAPCA): submitted on November 1, 1993; effective on December 9,

1994; interim approval expires December 9, 1996.

(i) Yakima County Clean Air Authority (YCCAA); submitted on November 1, 1993 and amended on September 29, 1994; effective on December 9, 1994; interim approval expires December 9, 1996.

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[FR Doc. 01-8023 Filed 3-30-01; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 533

[Docket No. NHTSA-2001-8977]

RIN 2127-AI35

Light Truck Average Fuel Economy Standard, Model Year 2003

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Final rule.

SUMMARY: This final rule establishes the corporate average fuel economy standard for light trucks manufactured in model year (MY) 2003. The issuance of the standard is required by statute. As required by section 320 of the fiscal year (FY) 2001 DOT Appropriations Act, the light truck standard for MY 2003 is identical to the standard for MY 2002, 20.7 mpg.

DATES: This final rule becomes effective on May 2, 2001.

ADDRESSES: Petitions for reconsideration should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, call Henrietta Spinner, Office of Consumer Programs, at (202) 366-0846, facsimile (202) 493-2290, electronic mail

“hspinner@nhtsa.dot.gov” For legal issues, call Otto Matheke, Office of the Chief Counsel, at 202-366-5263.

SUPPLEMENTARY INFORMATION:

I. Background

In December 1975, during the aftermath of the energy crisis created by the oil embargo of 1973-74, Congress enacted the Energy Policy and Conservation Act. The Act established an automotive fuel economy regulatory program by adding Title V, “Improving Automotive Efficiency,” to the Motor Vehicle Information and Cost Saving Act. Title V has been amended from time to time and recodified without substantive change as Chapter 329 of

Title 49 of the United States Code. Chapter 329 provides for the issuance of average fuel economy standards for passenger automobiles and automobiles that are not passenger automobiles (light trucks).

Section 32902(a) of Chapter 329 states that the Secretary of Transportation shall prescribe by regulation corporate average fuel economy (CAFE) standards for light trucks for each model year. That section also states that “[e]ach standard shall be the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year.” (The Secretary has delegated the authority to implement the automotive fuel economy program to the Administrator of NHTSA. 49 CFR 1.50(f).) Section 32902(f) provides that in determining the maximum feasible average fuel economy level, we shall consider four criteria: technological feasibility, economic practicability, the effect of other motor vehicle standards of the Government on fuel economy, and the need of the United States to conserve energy. Using this authority, we have set light truck CAFE standards through MY 2002. See 49 CFR 533.5(a). The standard for MY 2002 is 20.7 miles per gallon (mpg) (65 FR 17776).

We began the process of establishing light truck CAFE standards for model years after MY 1997 by publishing an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register**. 59 FR 16324 (April 6, 1994). The ANPRM outlined the agency’s intention to set standards for some, or all, of the model years from 1998 to 2006.

On November 15, 1995, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 1996 was enacted. Pub. L. 104-50. Section 330 of that Act provides:

None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations . . . prescribing corporate average fuel economy standards for automobiles . . . in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

We then issued a notice of proposed rulemaking (NPRM) limited to MY 1998, which proposed to set the light truck CAFE standard for that year at 20.7 mpg, the same standard as had been set for MY 1997. 61 FR 145 (January 3, 1996). This 20.7 mpg standard was adopted by a final rule issued on March 29, 1996. 61 FR 14680 (April 3, 1996).

On September 30, 1996, the Department of Transportation and Related Agencies Appropriations Act for

Fiscal Year 1997 was enacted. Pub. L. 104-205. Section 323 of that Act provides:

None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations . . . prescribing corporate average fuel economy standards for automobiles . . . in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

On March 31, 1997, we issued a final rule (62 FR 15859) establishing light truck fuel economy standards for the 1999 model year. This final rule was not preceded by an NPRM. The agency concluded that the restriction contained in Section 323 of the FY 1997 Appropriations Act prevented us from issuing any standards other than the standard set for the 1998 model year. Because we had no other course of action, we determined that issuing an NPRM was unnecessary and contrary to the public interest.

We followed that same procedure for following years and did not issue an NPRM prior to establishing the 2000, 2001, and 2002 light truck fuel economy standards. The agency concluded, as it had when setting the 1999 standard, that the restrictions contained in the appropriations acts prevented us from issuing any standards other than the standard set for the prior model year. We also determined that issuing an NPRM was unnecessary and contrary to the public interest because we had no other course of action.

On October 23, 2000, the Department of Transportation and Related Agencies Appropriations Act for Fiscal Year 2001 was enacted. Pub. L. 106-346. This law contained the appropriations provisions for the Department of Transportation for the 2001 fiscal year. Section 320 of that Act provides:

None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

Because light truck CAFE standards must be set no later than eighteen months before the beginning of the model year in question, the deadline for us to set the MY 2003 standard is approximately April 1, 2001. As the agency cannot spend any funds in violation of the terms of Section 320, it cannot undertake any work in preparation of a standard for MY 2003 unless it is identical to the MY 2002