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**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 9**

[FRL-7028-2]

**OMB Approvals Under the Paperwork
Reduction Act; Technical Amendment****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control number issued under the PRA for EPA's Confidentiality Rules.

In addition, this technical amendment amends the table that lists the OMB control number issued under the PRA for the rule entitled Imports and Exports of Hazardous Wastes: Implementation of OECD Council Decision C(92)39 Concerning Control of Transfrontier Movements of Wastes Destined for Recovery Operations.

EFFECTIVE DATE: This rule is effective August 10, 2001.

FOR FURTHER INFORMATION CONTACT: Rebecca Moser, Office of Environmental Information, phone 202-260-6780, concerning EPA's Confidentiality Rules; or James Michael, Office of Solid Waste and Emergency Response, phone 703-308-8610, concerning Imports and Exports of Hazardous Wastes.

SUPPLEMENTARY INFORMATION: EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. This amendment updates the table to list those information collection requirements promulgated under EPA's Confidentiality Rules, which appeared in the **Federal Register** at 41 FR 36902 on September 1, 1976, as amended at 43 FR 40000, September 8, 1978, and 50 FR 51661, December 18, 1985. The affected regulations are codified at 40 CFR part 2, subpart B.

This amendment also updates the table to list those information collection requirements promulgated under Imports and Exports of Hazardous Wastes: Implementation of OECD Council Decision C(92)39 Concerning

Control of Transfrontier Movements of Wastes Destined for Recovery Operations, which appeared in the **Federal Register** at 61 FR 16310 on April 12, 1996. The affected regulations are codified at 40 CFR 262.83-262.85 and 40 CFR 262.87.

EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations. The table lists CFR citations with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

These ICRs were previously subject to public notice and comment prior to OMB approval. Due to the technical nature of the table, EPA finds that further notice and comment is unnecessary. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 13132 (64 FR 43255, October 10, 1999) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to

influence the regulation. This rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

Congressional Review Act

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 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of August 10, 2001. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: July 24, 2001.

Oscar Morales,*Director, Collection Strategies Division, Office of Information Collection.*

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. In § 9.1 the table is amended:

a. By revising the entry "Part 2, Subpart B".

b. By adding new entries in numerical order under the indicated heading for "262.83-262.85" and "262.87".

The revision and additions read as follows:

**§ 9.1 OMB approvals under the Paperwork
Reduction Act.**

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40 CFR citation	OMB Control No.
Public Information Part 2, subpart B	2020-0003
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Standards Applicable to Gen- erators of Hazardous Waste	
* * *	*
262.83-262.85.	2050-0143
262.87	2050-0143
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ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52
[AZ 086-0043; FRL-7029-5]
Partial Removal of Direct Final Rule Revising the Arizona State Implementation Plan, Maricopa County Environmental Services Department
AGENCY: Environmental Protection Agency (EPA).
ACTION: Partial removal of direct final rule.
SUMMARY: EPA is removing direct final approval of a revision to the Arizona

State Implementation Plan (SIP) that was published on May 24, 2001 (66 FR 28666).
EFFECTIVE DATE: August 10, 2001.
FOR FURTHER INFORMATION CONTACT: Yvonne Fong, Rulemaking Office (Air-4), U.S. Environmental Protection Agency, Region IX, (415) 744-1199.
SUPPLEMENTARY INFORMATION: On May 24, 2001 (66 FR 28685), EPA proposed to approve the following rules into the California and Arizona State Implementation Plans (SIP).

Local agency	Rule #	Rule title
Antelope Valley	1171	Solvent Cleaning Operations.
Maricopa County	344	Automotive Windshield Washer Fluid.

On the same day (66 FR 28666), EPA also published a direct final rule approving these rules into their respective SIPs, and providing a 30 day public comment period and explained that if we received adverse comments, we would withdraw the relevant direct final action.

We did receive adverse comments, and are therefore removing the direct final approval of Maricopa County Environmental Services Department (MCESD) Rule 344, Automotive Windshield Washer Fluid. We are not opening an additional comment period. At a later date, we intend to respond to comments and finalize action on this rule based on the May 24, 2001 proposal. The other rule listed above is not affected by this removal and is incorporated into the SIP as of the effective date of the May 24, 2001 direct final action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 18, 2001.

Jane Diamond,

Acting Regional Administrator, Region IX.

Subpart F of part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart F—California

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*
2. Section 52.120 is amended by removing and reserving paragraph (c)(94)(i)(E) to read as follows:
§ 52.120 Identification of plan.
* * * * *
(c) * * *
(94) * * *
(i) * * *
(E) [Reserved]
* * * * *
[FR Doc. 01-20042 Filed 8-9-01; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52
[PA-4121a; FRL-7027-9]
Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; NO_x RACT Determination for Latrobe Steel Company in the Pittsburgh-Beaver Valley Area
AGENCY: Environmental Protection Agency (EPA).
ACTION: Direct final rule.
SUMMARY: EPA is taking direct final action to approve a revision to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revision was submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for Latrobe Steel Company, a major source of nitrogen oxides (NO_x) located in the Pittsburgh-Beaver Valley

ozone nonattainment area (the Pittsburgh area). EPA is approving this revision to establish RACT requirements in the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on September 24, 2001 without further notice, unless EPA receives adverse written comment by September 10, 2001. If EPA receives such comments, it 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: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, Air Protection Division, Mail code 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Michael Ioff at (215) 814-2166, the EPA Region III address above or by e-mail at *ioff.mike@epa.gov*. Please note that while questions may be posed via telephone and e-mail, formal comments