

a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under section 5 U.S.C. 605(b), that this proposed rule would not have a significant economic impact on a substantial number of small entities. This conclusion is based upon the fact that the bridge will open on signal after the advance notice is given.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

#### Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

#### Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation,

eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

#### Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this rule.

#### Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a "significant energy action" under that order because it is not a "significant regulatory action" under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.789 is amended by revising paragraph (e) to read as follows:

#### § 117.789 Harlem River

\* \* \* \* \*

(e) The draw of the Metro North (Park Avenue) Bridge, mile 2.1, shall open on signal, except as provided in paragraph (b) of this section, from 10 a.m. to 5 p.m., if at least a four-hour advance notice is given by calling the number posted at the bridge.

\* \* \* \* \*

Dated: August 30, 2001.

**G.N. Naccara,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 01–22988 Filed 9–12–01; 8:45 am]

**BILLING CODE 4910–15–P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[CA 036–REC; FRL–7056–5]

#### Corrections to the California State Implementation Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to delete various local rules from the California State Implementation Plan (SIP) that were incorporated into the SIP in error. These primarily include rules concerning local fees, enforcement authorities, New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). EPA has determined that the continued presence of these rules in the SIP is potentially confusing and thus harmful to affected sources, local agencies and to EPA. The intended effect of this proposal is to delete these rules and make the SIP consistent with the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments must arrive by October 15, 2001.

**ADDRESSES:** Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75

Hawthorne Street, San Francisco, CA 94105.

You may inspect copies of the rules to be deleted at our Region IX office during normal business hours. You may also see copies at the locations listed in **SUPPLEMENTARY INFORMATION** under "Public Inspection."

**FOR FURTHER INFORMATION CONTACT:** Julie A. Rose, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; (415) 744-1184. Email: rose.julie@EPA.gov

**SUPPLEMENTARY INFORMATION:**

**Public Inspection**

California Air Resources Board  
Stationary Source Division  
Rule Evaluation Section  
1001 "I" Street  
Sacramento, CA 95814

Amador County Air Pollution Control District  
500 Argonaut Lane  
Jackson, CA 95642

Antelope Valley Air Pollution Control District  
43301 Division Street, Suite 206  
Lancaster, CA 93539-4409

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109

Butte County Air Quality Management District  
2525 Dominic Drive, Suite J  
Chico, CA 95928-7184

Calaveras County Air Pollution Control District  
891 Mountain Ranch Road  
San Andreas, CA 95249-9709

Colusa County Air Pollution Control District  
100 Sunrise Blvd. Suite F  
Colusa, CA 95932-3246

El Dorado County Air Pollution Control District  
2850 Fairlane Court, Building C  
Placerville, CA 95667-4100

Feather River Air Quality Management District  
938-14th Street  
Marysville, CA 95901-4149

Glenn County Air Pollution Control District  
720 North Colusa Street  
Willows, CA 95988-0351

Great Basin Unified Air Pollution Control District  
157 Short Street, Suite 6  
Bishop, CA 93514

Imperial County Air Pollution Control District  
150 South Ninth Street  
El Centro, CA 92243-2801

Kern County (Southeast Desert) Air Pollution Control District

2700 M. Street, Suite 302  
Bakersfield, CA 93301-2370  
Lake County Air Quality Management District

883 Lakeport Blvd.  
Lakeport, CA 95453-5405  
Lassen County Air Pollution Control District

175 Russell Avenue  
Susanville, CA 96130-4215  
Mariposa County Air Pollution Control District

5110 Bullion Street  
Mariposa, CA 95338  
Mendocino County Air Quality Management District

306 E. Gobbi Street  
Ukiah, CA 95482  
Modoc County Air Pollution Control District

202 W. Fourth Street  
Alturas, CA 96101  
Mojave Desert Air Quality Management District

14306 Park Avenue  
Victorville, CA 92392-2310  
Monterey Bay Unified Air Pollution Control District

24580 Silver Cloud Ct.  
Monterey, CA 93940-6536  
North Coast Unified Air Quality Management District

2300 Myrtle Avenue  
Eureka, CA 95501-3327  
Northern Sierra Air Quality Management District

200 Litton Drive, Suite 320  
Grass Valley, CA 95945-2509  
Northern Sonoma County Air Pollution Control District

150 Matheson Street  
Healdsburg, CA 95448-4908  
Placer County Air Pollution Control District

11464 B Avenue  
Auburn, CA 95603  
San Diego County Air Pollution Control District

9150 Chesapeake Drive  
San Diego, CA 92123-1096  
San Joaquin Valley Unified Air Pollution Control District

1990 East Gettysburg  
Fresno, CA 93726  
San Luis Obispo County Air Pollution Control District

3433 Roberto Court  
San Luis Obispo, CA 93401-7126  
Santa Barbara County Air Pollution Control District

26 Castilian Drive, B-23  
Goleta, CA 93117  
Shasta County Air Quality Management District

1855 Placer Street, Suite 101  
Redding, CA 96001-1759  
Siskiyou County Air Pollution Control District

Yreka, CA 96097-3036  
South Coast Air Quality Management District

21865 E. Copley Drive  
Diamond Bar, CA 91765  
Tehama County Air Pollution Control District

1750 Walnut Street  
Red Bluff, CA 96080  
Tuolumne County Air Pollution Control District

22365 Airport  
Columbia, CA 95310  
Ventura County Air Pollution Control District

669 County Square Drive  
Ventura, CA 93003  
Yolo-Solano Air Quality Management District

1947 Galileo Court, Suite 103  
Davis, CA 95616  
Throughout this document wherever "we," "us," or "our" are used, we mean EPA.

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- I. Why is EPA proposing to correct the SIP?
- II. What rules are proposed for deletion?
- III. Proposed action, public comment and final action
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**I. Why Is EPA Proposing To Correct the SIP?**

The Clean Air Act was first enacted in 1970. In the 1970s and early 1980s, thousands of state and local agency regulations were submitted to EPA for incorporation into the SIP in order to fulfill the new federal requirements. In many cases, states submitted entire regulatory air pollution programs, including many elements not required by the Act. Due to time and resource constraints, EPA's review of these submittals focussed primarily on the new substantive requirements and we approved many other elements into the SIP with minimal review.

We now recognize that many of these elements were not appropriate for approval into the SIP. In general, these elements are appropriate for state and local agencies to adopt and implement, but it is not necessary or appropriate to make them federally enforceable by incorporating them into the applicable SIP. These include:

A. Various local fee provisions that are not economic incentive programs and are not designed to replace or relax a SIP emission limit. While it is appropriate for local agencies to implement fee provisions, for example, to recover costs for issuing permits, it is generally not appropriate to make local fee collection federally enforceable.

B. Various provisions describing local agency investigative or enforcement

authority such as some rules titled enforcement, authority to inspect, authority to arrest, violation notices, and orders for abatement. States may need to adopt such rules to demonstrate adequate enforcement authority under section 110(a)(2) of the Act, but they should not be approved into the applicable SIP to avoid potential conflict with EPA's independent authorities provided in sections 113, 114 and elsewhere.

C. Local adoption of federal NSPS requirements either by reference or by adopting text identical or modified from

the requirements found in 40 CFR part 60. Since EPA has independent authority to implement 40 CFR part 60, it is not appropriate to make parallel local authorities federally enforceable by approving them into the applicable SIP.

D. Local adoption of NESHAP requirements found in 40 CFR part 61 as similarly discussed regarding NSPS.

**II. What Rules Are Proposed for Deletion?**

EPA has determined that the California rules listed in the tables

below are inappropriate for inclusion in the SIP, but were previously approved into the SIP in error. Dates that these rules were submitted by the State and approved by EPA are provided. We are proposing deletion of these rules and any earlier versions of these rules from the individual air pollution control district portions of the California SIP under section section 110(k)(6) as inconsistent with the requirements of CAA section 110 and part D.

Rule	Title	Submittal date	Approval date
<b>Amador County Air Pollution Control District</b>			
103 .....	Enforcement .....	10/15/79	05/18/81
105 .....	Civil Action .....	04/21/76	06/14/78
318 .....	Enforcement Responsibility .....	10/16/85	04/17/87
319 .....	Penalty .....	10/16/85	04/17/87
402 .....	Authority to Inspect .....	10/15/79	05/18/81
509 .....	Authority to Inspect .....	10/16/85	04/17/87
Reg. 6 .....	Fees (Rules 601 to 604) .....	10/15/79	05/18/81
<b>Antelope Valley Air Pollution Control District</b>			
302 .....	Fees for Publications .....	02/03/83	11/18/83
304 .....	Analysis Fees .....	02/03/83	10/19/84
<b>Los Angeles County</b>			
42 .....	Hearing Board Fees .....	06/06/77	09/08/78
43 .....	Analysis Fees .....	06/30/72	09/22/72
44 .....	Technical Reports, Charges for .....	06/30/72	09/22/72
45 .....	Permit Fees—Open Burning .....	07/25/73	09/08/78
105 .....	Authority to Arrest .....	06/06/77	09/08/78
120 .....	Fees .....	06/30/72	09/22/72
<b>Southern California APCD</b>			
105 .....	Authority to Arrest .....	04/21/76	06/14/78
<b>Bay Area Air Quality Management District</b>			
Reg. 3 .....	Fees .....	08/30/83	05/03/84
	Fees—Schedules A through Schedule I .....	08/30/83	05/03/84
Reg. 7 .....	New Source Performance Standards (01–13) .....	01/10/75	05/11/77
<b>Butte County Air Quality Management District</b>			
04–03 .....	Permit Fees .....	04/11/83	11/18/83
04–11 .....	Appeal Fee .....	04/11/83	11/18/83
05–03 .....	Application Fee .....	04/11/83	11/18/83
701 .....	Violation of Rules .....	02/10/86	02/03/87
702 .....	Violation of Orchard Heater or Open Burning Regulations .....	02/10/86	02/03/87
703 .....	Citations .....	02/10/86	02/03/87
902 .....	Empower to Enter Upon Private Property .....	02/10/86	02/03/87
<b>Calaveras County Air Pollution Control District</b>			
109 .....	Penalty .....	06/30/72	09/22/72
216 .....	Enforcement .....	10/13/77	11/07/78
324 .....	Penalty .....	10/13/77	11/07/78
402 .....	Authority to Inspect .....	10/13/77	11/07/78
602 .....	Permit Fee Schedules (1 to 6) .....	10/13/77	11/07/78
603 .....	Analysis Fees .....	10/13/77	11/07/78
604 .....	Technical Reports .....	10/13/77	11/07/78
<b>Colusa County Air Pollution Control District</b>			
1.4 .....	Enforcement .....	06/30/72	09/22/72

Rule	Title	Submittal date	Approval date
2.13	Appeal Fee	06/30/72	09/22/72
6.11	Enforcement	06/30/72	09/22/72
6.12	Penalty	06/30/72	09/22/72
<b>EI Dorado County Air Pollution Control District</b>			
<b>EI Dorado County</b>			
216	Enforcement	11/04/77	11/06/78
323	Enforcement Responsibility	04/10/75	06/14/78
324	Penalty	11/04/77	11/06/78
402	Authority to Inspect	11/04/77	11/06/78
601	Analysis Fees	04/10/75	06/14/78
602	Technical Reports—Charges for	04/10/75	06/14/78
<b>Lake Tahoe Air Basin</b>			
Reg. 6	Fees (Rules 601 to 613)	08/15/80	05/27/82
Reg. 8	Enforcement (Rules 801 to 804)	05/23/79	05/18/81
<b>Mountain Counties Air Basin</b>			
226	Enforcement	10/27/83	05/03/84
318	Enforcement Responsibility	10/23/81	05/27/82
319	Penalty	10/23/81	05/27/82
509	Authority to Inspect	04/17/80	05/27/82
Reg. 6	Fees (Rules 601 to 608)	08/15/80	05/27/82
Reg. 6	Fees (Rules 609 to 612)	04/11/83	11/18/83
<b>Feather River Air Quality Management District—Sutter County</b>			
1.4	Enforcement	02/25/80	01/26/82
2.20	Payment of Order Charging Costs	06/30/72	09/22/72
Reg. 8	Penalties and Abatement (Rules 8.0 to 8.2)	01/28/81	04/12/82
Reg. 9	Enforcement Procedure (Rules 9.0 to 9.4)	01/28/81	04/12/82
<b>Yuba County</b>			
Reg. 7	Fees (Rules 7.0 to 7.1)	10/15/79	01/26/82
8.0	Penalties	03/30/81	04/12/82
8.1	Arrest, Notice to Appear	10/15/79	01/26/82
8.2	Orders for Abatement	03/30/81	04/12/82
Reg. 9	Enforcement Procedures (Rules 9.0 to 9.4)	03/30/81	04/12/82
<b>Glenn County Air Pollution Control District</b>			
3	Enforcement	11/03/80	01/26/82
3.1	Right of Entry	01/10/75	08/22/77
151	Hearing Transcript Cost	06/30/72	09/22/72
152	Analysis Fees	11/04/77	09/14/78
153	Technical Reports and Regulations: Charges for	06/30/72	09/22/72
154	Authorization to Construct Fees	11/04/77	09/14/78
155	Permit to Operate Fee Schedules (1 to 7)	01/10/75	05/11/77
<b>Great Basin Unified Air Pollution Control District</b>			
105	Arrests and Notices to Appear	04/21/76	06/06/77
300	Permit Fees	05/28/81	04/13/82
301	Permit Fee Schedules (1 to 7)	10/23/81	04/13/82
302	Analysis Fees	04/21/76	06/06/77
303	Technical Reports—Charges For	04/21/76	06/06/77
<b>Imperial County Air Pollution Control District</b>			
104	Violations	11/04/77	08/11/78
105	Enforcement	06/09/87	02/03/89
106	Abatement	11/04/77	08/11/78
108	Inspections	06/09/87	02/03/89
Reg. 3	Fees (Rules 301, 302, 305, 306, and 307)	10/23/81	05/27/82
Reg. 3	Fees (Rule 303)	11/04/77	08/11/78
Reg. 3	Fees (Rule 304)	10/15/79	01/27/81
706	Penalty Clause	10/15/79	01/27/81

Rule	Title	Submittal date	Approval date
<b>Kern County Air Pollution Control District—Southeast Desert</b>			
104	Enforcement	11/10/76	03/22/78
107	Inspections	06/30/72	09/22/72
109	Penalty	06/30/72	9/22/72
110	Arrests and Notices to Appear	12/15/80	07/06/82
Reg. 3	Fees (Rules 301 and 305)	07/30/81	07/06/82
Reg. 3	Fees (Rules 301.1 and 302, Schedule 9)	07/19/83	02/01/84
Reg. 3	Fees Rule 302 (Schedules 1 to 8)	07/30/81	07/06/82
Reg. 3	Fees (Rules 303 and 304)	06/30/72	09/22/72
422	New Source Performance Standards	07/22/75	08/22/77
423	Emission Standards for Hazardous Air Pollutants	07/22/75	08/22/77
<b>Lake County Air Quality Management District</b>			
531	Credentials for Entry	02/10/77	08/04/78
660	Renewal Fees	05/23/79	01/27/81
660.1	Permit Fee Penalty	08/06/82	11/10/82
660.2	Cancellation or Denial	08/06/82	11/10/82
660.3	Miscellaneous Charges	08/06/82	11/10/82
Ch. 7	Penalties (Rules 900 and 902)	04/11/83	11/18/83
Ch. 7	Penalties (Rule 901)	02/10/77	08/04/78
1500	Enforcement	02/10/77	08/04/78
<b>Lassen County Air Pollution Control District</b>			
1.4	Enforcement	07/25/73	02/10/77
Reg. 3	Fees (Rules 3.2, 3.3 (Schedules 1 to 6), 3.4, and 3.5)	07/25/73	02/10/77
<b>Mariposa County Air Pollution Control District</b>			
17	Penalty	06/30/72	09/22/72
216	Enforcement	06/06/77	08/16/78
402	Authority to Inspect	06/06/77	08/16/78
<b>Mendocino County Air Quality Management District</b>			
340	Technical Report Charges	11/10/76	11/07/78
500	Enforcement	04/19/84	12/05/84
520	Civil Penalties	04/19/84	12/05/84
2-502.1	Penalties	04/19/84	12/05/84
2-502.2	Penalties	12/03/84	05/09/85
Part X	Paragraph 3, Permit Fees	02/21/72	05/31/72
<b>Modoc County Air Pollution Control District</b>			
1.4	Enforcement	06/30/72	09/22/72
<b>Mojave Desert Air Quality Management District</b>			
<b>Riverside County</b>			
105	Authority to Arrest	11/04/77	12/21/78
Reg. 3	Fees, Rules 301 and 42	06/06/77	09/08/78
Reg. 3	Fees, Rules 43 and 44	06/30/72	09/22/72
<b>San Bernardino County</b>			
105	Authority to Arrest	03/26/90	11/27/90
Reg. 3	Fees, Rules 40, 42, 43, and 44	02/21/72	05/31/72
<b>Southern California APCD</b>			
105	Authority to Arrest	04/21/76	06/14/78
<b>Monterey Bay Unified Air Pollution Control District</b>			
104	Arrests and Notices to Appear	02/06/85	07/13/87
Reg. 3	Fees (Rules 302 and 303)	10/23/74	10/27/77
Reg. 3	Fees (Rule 301, Schedules I to V)	02/03/83	08/09/85
<b>North Coast Unified Air Quality Management District</b>			
500	Enforcement	03/14/84	12/05/84
520	Civil Penalties	03/14/84	12/05/84

Rule	Title	Submittal date	Approval date
2-502	Penalties	07/10/84	01/29/85
<b>Northern Sierra Air Quality Management District</b>			
223	Enforcement	10/28/96	09/16/97
<b>Nevada County</b>			
105	Arrest Without Warrant; Citation Procedure	04/10/75	06/14/78
402	Authority to Inspect	06/06/77	09/14/78
Reg. 6	Fees (Rules 601 and 602)	04/10/75	06/14/78
41	Analysis Fees	02/21/72	05/31/72
<b>Plumas County</b>			
3	Penalties for Violations	06/30/72	09/22/72
4	Civil Penalties	06/30/72	09/22/72
40	Permit Fees	06/30/72	09/22/72
509	Authority to Inspect	06/22/81	06/18/82
<b>Sierra County</b>			
509	Authority to Inspect	06/22/81	06/18/82
46	General Enforcement	02/21/72	05/31/72
50	Field Inspection	02/21/81	05/31/72
618	Hearing Board Fees	05/23/79	01/25/82
<b>Northern Sonoma County Air Pollution Control District</b>			
42	Analysis Fees	06/30/72	09/22/72
100	Penalties for Violations	06/30/72	09/22/72
500	Enforcement	10/16/85	04/17/87
520	Civil Penalties	10/16/85	04/17/87
<b>Placer County Air Pollution Control District</b>			
105	Civil Action	01/10/75	06/14/78
402	Authority to Inspect	10/13/77	11/15/78
40	Hearing Board Fees	02/21/72	05/31/72
42	Technical Reports, Charges for	02/21/72	05/31/72
<b>Lake Tahoe Air Basin</b>			
Reg. 8	Enforcement (Rules 801 to 804)	10/13/77	11/15/78
<b>Mountain Counties Air Basin</b>			
801	Enforcement	10/13/77	11/15/78
802	Authority to Arrest	10/13/77	11/15/78
803	Penalties, paragraph A	2/10/86	2/3/87
803	Penalties, paragraphs B & C	10/13/77	11/15/78
804	Order for Abatement	10/13/77	11/15/78
<b>Sacramento Valley Air Basin</b>			
603	Analysis Fees	10/13/77	11/15/78
604	Renewal Fee	10/13/77	11/15/78
605	Exemptions to Rule 604	10/13/77	11/15/78
Reg. 8	Fee Schedules (1 to 5)	10/13/77	11/15/78
Reg. 8	Enforcement (Rules 801 to 804)	10/13/77	11/15/78
<b>San Diego County Air Pollution Control District</b>			
5	Authority to Arrest	4/21/76	5/11/77
<b>San Joaquin Valley Unified Air Pollution Control District</b>			
<b>Fresno County</b>			
104	Enforcement	6/30/72	9/22/72
105	Order of Abatement	6/30/72	9/22/72
107	Inspections	6/30/72	9/22/72
109	Penalty	6/30/72	9/22/72
111	Arrests and Notice to Appear	6/4/86	4/10/89
301	Permit Fee	4/11/83	11/18/83

Rule	Title	Submittal date	Approval date
302	Permit Fee Schedules	10/15/79	12/9/81
303	Analysis Fee Schedules	6/30/72	9/22/72
304	Technical Reports-Charges for	6/30/72	9/22/72
422	New Source Performance Standards	2/10/76	8/22/77
423	Emission Standards for Hazardous Air Pollutants	2/10/76	8/22/77
<b>Kern County</b>			
104	Enforcement	11/10/76	3/22/78
107	Inspections	6/30/72	9/22/72
109	Penalty	6/30/72	9/22/72
110	Arrests and Notice to Appear	12/15/80	7/6/82
301	Permit Fee	7/30/81	7/6/82
301.1	Banking Certificate Fees	7/19/83	2/1/84
302	Permit Fee Schedules	7/19/83	2/1/84
303	Analysis Fee Schedules	6/30/72	9/22/72
304	Technical Reports-Charges for	6/30/72	9/22/72
422	New Source Performance Standards	7/22/75	8/22/77
423	Emission Standards for Hazardous Air Pollutants	7/22/75	8/22/77
<b>Kings County</b>			
104	Enforcement	11/4/77	8/4/78
107	Inspections	7/25/73	8/22/77
109	Penalty	6/30/72	9/22/72
110	Arrests and Notice to Appear	11/4/77	8/4/78
301	Permit Fee	10/15/79	12/9/81
<b>Madera County</b>			
105	Enforcement	4/11/83	11/18/83
108	Inspections	4/11/83	11/18/83
111	Penalty	4/11/83	11/18/83
112	Arrests and Notice to Appear	2/7/89	4/16/91
301	Permit Fees	4/11/83	11/18/83
302	Permit Fee Schedules	4/11/83	11/18/83
303	Emission Analysis Fees	4/11/83	11/18/83
304	Report Fees	4/11/83	11/18/83
<b>Merced County</b>			
104	Enforcement	7/19/83	2/1/84
107	Inspections	6/30/72	9/22/72
112	Penalty	10/19/84	1/29/85
113	Arrests and Notices to Appear	7/19/83	2/1/84
301	Permit Fees (Paragraphs c to g, i, and j)	6/30/72	9/22/72
301	Permit Fees (Paragraphs: a, b, and h)	6/30/72	9/22/72
302	Permit Fee Schedules	8/2/76	6/14/78
303	Analysis Fees	6/30/72	9/22/72
304	Technical Reports—Charges for	6/30/72	9/22/72
<b>San Joaquin County</b>			
104	Enforcement	11/10/76	10/4/77
105	Order of Abatement	11/10/76	10/4/77
107	Inspections	6/30/72	9/22/72
109	Penalty	6/30/72	9/22/72
112	Arrests and Notice to Appear	11/10/76	10/4/77
422	New Source Performance Standards	02/10/76	08/22/77
423	Emission Standards for Hazardous Air Pollutants	02/10/76	08/22/77
<b>Stanislaus County</b>			
104	Enforcement	08/02/76	08/22/77
105	Order of Abatement	08/02/76	08/22/77
107	Inspections	06/30/72	09/22/72
109	Penalty	08/30/83	05/03/84
112	Arrests and Notice to Appear	08/02/76	08/22/77
422	New Source Performance Standards	08/02/76	08/22/77
Emission Standards for Hazardous Air Pollutants.	08/02/76	08/22/77	.....

Rule	Title	Submittal date	Approval date
<b>Tulare County</b>			
104 .....	Enforcement .....	05/20/82	11/10/82
107 .....	Inspections .....	06/30/72	09/22/72
109 .....	Penalty .....	06/30/72	09/22/72
110 .....	Arrests and Notice to Appear .....	06/09/87	02/03/89
<b>San Luis Obispo County Air Pollution Control District</b>			
110 .....	Enforcement .....	11/10/76	08/04/78
111 .....	Arrests and Notice to Appear .....	11/10/76	08/04/78
<b>Santa Barbara County Air Pollution Control District</b>			
210 .....	Fees (Paragraphs A to D-5 and G to L) .....	12/15/80	06/18/82
210 .....	Fees (Paragraphs D-6 to D-8 and E to F) .....	11/08/82	06/01/83
402 .....	Enforcement .....	05/23/79	05/18/81
<b>Shasta County Air Quality Management District</b>			
2-11 .....	Fees .....	05/20/82	11/10/82
3-7 .....	Enforcement .....	07/19/74	08/22/77
<b>Siskiyou County Air Pollution Control District</b>			
1.4 .....	Enforcement .....	03/26/90	11/04/96
3.1 .....	Hearing Board Fees .....	02/21/72	05/31/72
3.2 .....	Permit Fees .....	02/21/72	05/31/72
3.3 .....	Schedule of Fees .....	02/21/72	05/31/72
<b>South Coast Air Quality Management District</b>			
302 .....	Fees for Publication .....	02/03/83	11/18/83
304 .....	Analysis Fees .....	02/03/83	10/19/84
<b>Los Angeles County</b>			
45 .....	Permit Fees—Open Burning .....	07/25/73	09/08/78
120 .....	Fees .....	06/30/72	09/22/72
<b>Orange County</b>			
120 .....	Fees .....	02/21/72	05/31/72
<b>Southern California APCD</b>			
105 .....	Authority to Arrest .....	04/21/76	06/14/78
<b>Tehama County Air Pollution Control District</b>			
1.3 .....	Enforcement .....	12/15/80	04/12/82
2.9 .....	Variance and Permit Fees .....	12/15/80	04/12/82
<b>Tuolumne County Air Pollution Control District</b>			
216 .....	Enforcement .....	02/10/77	12/06/79
323 .....	Enforcement Responsibility .....	02/10/77	12/06/79
324 .....	Penalty .....	02/10/77	12/06/79
509 .....	Authority to Inspect .....	10/23/81	05/27/82
<b>Ventura County Air Pollution Control District</b>			
9 .....	Arrest Authority .....	05/23/79	06/18/82
72-72.8 .....	New Source Performance Standards (various sources) .....	11/03/75	08/15/77
72.9-72.10 .....	New Source Performance Standards (various sources) .....	11/10/76	08/15/77
73-73.4 .....	National Emission Standards for Hazardous Air Pollutants (various sources) .....	11/10/76	08/15/77
<b>Yolo-Solano Air Quality Management District</b>			
1.4 .....	Enforcement .....	06/22/78	01/29/79
1.7 .....	Arrest, Notice to Appear .....	02/21/72	05/31/72
2.18 .....	Payment of Order Charging Costs .....	02/21/72	05/31/72

### III. Proposed action, public comment and final action

EPA has reviewed the rules listed in the tables above and determined that they were previously approved into the applicable California SIP in error. Deletion of these rules will not relax the applicable SIP and is consistent with the Act. Therefore, EPA is proposing to delete these rules under section 110(k)(6) of the Act, which provides EPA authority to remove these rules without additional State submission. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final action that will delete these rules from the federally enforceable SIP.

### IV. 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. For this reason, this proposed action is also not subject to Executive Order 32111, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This proposed action 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 proposed rule 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 (Public Law 104-4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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 does not alter the relationship or the distribution of power and responsibilities

established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In this proposed rule, EPA is not developing or adopting a technical standard. 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 in 40 CFR Part 52

Environmental protection, Air pollution control, Reporting and recordkeeping requirements.

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

Dated: August 31, 2001.

**Sally Seymour,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 01-22999 Filed 9-12-01; 8:45 am]

**BILLING CODE 6560-50-P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 63

[PA001-1000; FRL-7056-1]

#### Approval of Section 112(l) Authority for Hazardous Air Pollutants; State of Pennsylvania; Department of Environmental Protection

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve Pennsylvania Department of Environmental Protection's (PADEP's) request for delegation of authority to implement and enforce its hazardous air pollutant regulations for perchloroethylene drycleaning facilities, hard and decorative chromium

electroplating and chromium anodizing tanks, ethylene oxide sterilization facilities, halogenated solvent cleaning and secondary lead smelting which have been adopted by reference from the Federal requirements set forth in the Code of Federal Regulations. This proposed approval will automatically delegate future amendments to these regulations. In addition, EPA is proposing to approve of PADEP's mechanism for receiving delegation of future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails submission of a delegation request letter to EPA following EPA notification of a new Federal requirement. This action pertains only to sources which are not required to obtain a Clean Air Act operating permit. In the Final Rules section of this **Federal Register**, EPA is approving the State's request for delegation of authority as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before October 15, 2001.

**ADDRESSES:** Written comments on this action should be sent concurrently to: Makeba A. Morris, Chief, Permits and Technical Assessment Branch, Mail Code 3AP11, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, and James M. Salvaggio, Director, Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105. 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 and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.