

1,1-diphosphonic acid is determined by a method entitled "Determination of 1-hydroxyethylidene-1,1-diphosphonic acid (HEDP) Peroxyacid/Peroxide-Containing Solutions," August 21, 2001, developed by Ecolab, Inc., St. Paul, MN, which is incorporated by reference. The Director of the Office of the Federal Register approves these incorporations by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of these methods from the Division of Petition Review, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204-0001, or you may examine a copy at the Center for Food Safety and Applied Nutrition's Library, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

Dated: September 6, 2001.

**L. Robert Lake,**

*Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.*

[FR Doc. 01-23263 Filed 9-18-01; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[COTP Western Alaska-01-002]

RIN 2115-AA97

#### Safety Zone; Gulf of Alaska, Southeast of Narrow Cape, Kodiak Island, Alaska

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule; correction.

**SUMMARY:** The Coast Guard is correcting the effective period for a temporary final rule for a safety zone in the Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska, that was published in the **Federal Register** on August 21, 2001 and then amended in the **Federal Register** on August 29, 2001. This correction is being made because of a revision in the window of time that the rocket is now scheduled to launch. This correction changes the effective period from 2 p.m. to 7:30 p.m. on September 17, 2001, to the same hours each day from September 21, 2001 through September 29, 2001.

**DATES:** 33 CFR 165.T-01-002 published August 21, 2001 (66 FR 43776), corrected August 29, 2001 (66 FR 45619), and as further corrected in this document, is effective September 21, 2001 through September 29, 2001.

**ADDRESSES:** The public docket for this rulemaking is maintained by Coast Guard Marine Safety Office Anchorage, 510 "L" Street, Suite 100, Anchorage, AK 99501. Materials in the public docket are available for inspection and copying at Coast Guard Marine Safety Office Anchorage. Normal office hours are 7:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** LCDR Diane Kalina, Marine Safety Office Anchorage, at (907) 271-6700.

**SUPPLEMENTARY INFORMATION:** The Coast Guard published a temporary final rule in the **Federal Register** on August 21, 2001, (66 FR 43774) establishing a temporary safety zone in the Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska, effective from 2 p.m. on August 31, 2001 through 7:30 p.m. on September 15, 2001. We then published a correction in the **Federal Register** on August 29, 2001 (66 FR 45619) changing the effective period to a single day, September 17, 2001, to reflect a change in the launch schedule. The zone is needed to protect the safety of persons and vessels operating in the vicinity during a rocket launch from the Alaska Aerospace Development Corporation (AADC), Narrow Cape, Kodiak Island facility. The AADC recently revised the window of time for the rocket to launch to September 21, 2001 through September 29, 2001. The Coast Guard is amending the effective period of the rule to correspond with the new schedule for the launch. This correction changes the one-day effective period, September 17, 2001, to a 9-day effective period, September 21, 2001 through September 29, 2001.

In rule FR Doc. 01-21083 published on August 21, 2001 (66 FR 43774), as amended by a correction published on August 29, 2001 (66 FR 45619), make the following corrections. On page 43775, in the first column, starting on line 3, remove the words "on September 17, 2001" and add in its place the words "each day between September 21, 2001 and September 29, 2001". On page 43775, in the first column, starting on line 27, remove the words "on September 17, 2001" and add in its place the words "each day between September 21, 2001 and September 29, 2001". On page 43775, in the second column, starting on line 36, remove the words "on September 17, 2001" and add in its place the words "from September 21, 2001 to September 29, 2001". On page 43776, in the second column, starting on line 4, remove the words "from 2 p.m. through 7:30 p.m. on September 21, 2001" and add in its place the words "from 2 p.m. through

7:30 p.m. each day from September 21, 2001 through September 29, 2001".

Dated: September 6, 2001.

**W.J. Hutmacher,**

*Captain, U.S. Coast Guard, Captain of the Port, Western Alaska.*

[FR Doc. 01-23340 Filed 9-14-01; 4:51 pm]

BILLING CODE 4910-15-U

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MD059/71/98/114-3077; FRL-7057-4]

#### Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress Plans, Corrections to the Base Year Inventories, and Contingency Measures for the Maryland Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Maryland. These revisions establish the three percent per year emission reduction rate-of-progress (ROP) requirement for the period from 1996 through 2005 for the Maryland portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area (the Philadelphia area), namely Cecil County. EPA is also approving contingency measures for failure to meet ROP and corrections to the 1990 base year inventories of ozone precursor emissions for Cecil County. EPA is approving these revisions in accordance with the requirements of the Clean Air Act.

**EFFECTIVE DATE:** This final rule is effective on October 19, 2001.

**ADDRESSES:** 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 Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

**FOR FURTHER INFORMATION CONTACT:** Kristeen Gaffney, (215) 814-2092. Or by e-mail at [gaffney.kristeen@epa.gov](mailto:gaffney.kristeen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

On July 13, 2001 (66 FR 36717), EPA published a notice of proposed

rulemaking (NPR) for the State of Maryland. The NPR proposed approval of the post 1996 ROP plans for milestone years 1999, 2002 and 2005 for the Cecil County portion of the Philadelphia ozone nonattainment area submitted by the State of Maryland on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000. The NPR also proposed approval of revisions to the 1990 base year emissions inventories for Cecil County and the contingency plan for failure to meet ROP for Cecil County.

Other specific requirements of Maryland's SIP revisions for the ROP plans, base year inventory corrections and contingency plans for Cecil County and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

## II. Final Actions

**Final Action:** EPA is approving the post 1996 ROP plans for milestone years 1999, 2002 and 2005 for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area submitted on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

**Final Action:** EPA is approving corrections to the 1990 base year emissions inventories for Cecil County, submitted on December 24, 1997.

**Final Action:** EPA is approving the contingency plans for failure to meet ROP for Cecil County submitted on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

## III. Administrative Requirements

### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this 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 action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This 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 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 approves pre-existing 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 (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 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 Clean Air Act. This 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 Clean Air Act. 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 Clean Air Act. 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 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 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.*).

### B. Submission to Congress and the Comptroller General

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. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

### C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve the post 1996 ROP plans, inventory corrections and contingency plans for the Cecil County, Maryland portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area must be filed in the United States Court of Appeals for the appropriate circuit by November 19, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: September 10, 2001.

**Donald S. Welsh,**  
Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

### PART 52—[AMENDED]

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

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

### Subpart V—Maryland

2. Section 52.1075 is amended by adding paragraph (h) to read as follows:

**§ 52.1075 1990 base year emission inventory.**

\* \* \* \* \*

(h) EPA approves revisions to the Maryland State Implementation Plan amending the 1990 base year emission inventories for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area, submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997. This submittal consists of amendments to the 1990 base year point, area, highway mobile and non-road mobile source emission inventories for volatile organic compounds and nitrogen oxides in the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area.

3. Section 52.1076 is amended by adding paragraph (f) to read as follows:

**§ 52.1076 Control strategy and rate-of-progress plans: ozone.**

\* \* \* \* \*

(f)(1) EPA approves revisions to the Maryland State Implementation Plan for post 1996 rate of progress plans for milestone years 1999, 2002 and 2005 for the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area. These revisions were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

(2) EPA approves the contingency plans for failure to meet rate of progress in the Cecil County portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area for milestone years 1999, 2002 and 2005. These plans were submitted by the Secretary of the Maryland Department of the Environment on December 24, 1997, as revised on April 24 and August 18, 1998, December 21, 1999 and December 28, 2000.

\* \* \* \* \*

[FR Doc. 01-23222 Filed 9-18-01; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 61 and 63**

[FRL-7057-8]

**Final Approval of the Clean Air Act, Section 112(l), Delegation of Authority to Washington Department of Ecology and Four Local Air Agencies in Washington**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** Pursuant to the authority of Clean Air Act (CAA), section 112(l), The United States Environmental Protection Agency, Region 10 (EPA) approves the State of Washington Department of Ecology's (Ecology) request, and the requests of four local air pollution control agencies in Washington, for program approval and delegation of authority to implement and enforce specific federal National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations (as they apply to both part 70 and non-part 70 sources) which have been adopted into state law. EPA delegates these programs to Ecology for the purpose of direct implementation and enforcement (within Ecology's jurisdiction). EPA also delegates these programs to the following four local agencies: the Benton Clean Air Authority (BCAA), the Olympic Air Pollution Control Authority (OAPCA), the Spokane County Air Pollution Control Authority (SCAPCA), and the Yakima Regional Clean Air Authority (YRCAA).

EPA also approves a mechanism by which Ecology and the four local agencies will receive delegation of future NESHAPs; and waives its notification requirements such that sources within Ecology, BCAA, and SCAPCA's jurisdictions only need to send notifications and reports to Ecology, BCAA, or SCAPCA, and do not need to send a copy to EPA.

Delegation to the remaining local agencies in the State of Washington (the Northwest Air Pollution Authority, the Puget Sound Clean Air Agency, and the Southwest Air Pollution Control Authority) was promulgated in a direct final rule on December 1, 1998. A correction and clarification to that direct final rule was published on February 17, 1999, and amendments updating this delegation were published on April 22, 1999, and February 28, 2000.

**DATES:** This rule becomes effective on October 19, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Tracy Oliver, US EPA, Region 10 (OAQ-

107), 1200 Sixth Avenue, Seattle, WA, 98101, (206) 553-1172.

**SUPPLEMENTARY INFORMATION:****Table of Contents**

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**I. Comments**

EPA received comments from SCAPCA and BCAA in response to the proposed notice published on July 3, 2001 (see 66 FR 35115).

Pursuant to 40 CFR 61.04(b), 63.9(a)(4)(ii) and 63.10(a)(4)(ii), BCAA amended its delegation request to ask EPA to waive the requirement that sources submit certain notifications and reports to EPA, as well as BCAA (the delegated agency). BCAA stated that the duplication of effort would pose an added burden on the local sources and the local authority, and that this requirement may prove to be a source of confusion for sources. BCAA demonstrated that it has the resources to adequately review such notices. Thus, today's final action grants BCAA's request and waives the requirement that sources provide notifications and reports to EPA in addition to BCAA. The waiver is the same as that approved for Ecology and SCAPCA. (Note, this waiver applies only to notifications and reports pertaining to those authorities that are delegated to the local agency. Some General Provisions authorities are retained by EPA and sources subject to a delegated NESHAP should continue to send responsive materials to EPA for Administrator decision. The delegated agency should be copied on these submissions to EPA. For more information, see the sections below titled, "How does this Delegation Affect the Regulated Community" and "Where Will the Regulated Community Send Notifications and Reports?")

SCAPCA submitted comments requesting further clarification about: (1) The requirement that agencies input information for all area sources subject to delegated standards in AIRS (Aerometric Information Retrieval System (AIRS)—the national EPA air depository database); and (2) what documents must be submitted to EPA when SCAPCA carries-out its delegated General Provisions authorities.

In response to SCAPCA's comment #1, all major sources must be entered into AIRS. All area sources subject to part 61 or receiving an administrative order or civil referral must be entered into AIRS. MACTRAX (EPA's part 63