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, Incorporation by
reference, Ozone, Volatile organic
compounds.

Authority: 42 U.S.C. 7401 et seq.
Thomas V. Skinner,
Regional Administrator, Region 5.

Part 52, chapter I, title 40 of the Code
of Federal Regulations is amended as follows:

PART 52—[AMENDED]
1. The authority citation for part 52
continues to read as follows:
Authority: 42 U.S.C. 7401–7671q.

Subpart P—Indiana
2. Section 52.770, is amended by
adding paragraph (c)(142) to read as follows:

§ 52.770 Identification of plan.
* * * * *
(c) * * *
(142) On June 8, 2000 the Indiana
Department of Environmental
Management submitted a State
Implementation Plan (SIP) revision
amending certain provisions of the
Indiana vehicle inspection and
maintenance (I/M) program in operation
in Lake, Porter, Clark, and Floyd
Counties. Among the most significant
changes being made to the program
include: the exemption of the current
calendar year model vehicle plus the (3)
previous model years vehicles from
emission testing; the inclusion of
language that allows the use of the IM93
alternative vehicle emission test
currently being used in the program;
language that updates the requirement
to test vehicles equipped with second
generation on-board diagnostics systems
(OBDII); and the elimination of the off-
cycle test, which is the emission test
currently required when there is a
change in possession of motor vehicle
titles. The Air Pollution Control Board
amended 326 IAC 13–1.1 and repealed
326 IAC 13–1.1–17, thereby putting in
place the revisions to the I/M program.
(i) Incorporation by reference.
(A) 326 Indiana Administrative Code
13–1.1 adopted December 2, 1998,
effective January 22, 1999.

(ii) Other material.
(A) June 8, 2000 letter and enclosures
from the Indiana Department of
Environmental Management (IDEM)
Commissioner to the Regional
Administrator of the United States
Environmental Protection Agency
(USEPA) submitting Indiana’s revision
to the ozone State Implementation Plan
(SIP).

ENVIRONMENTAL PROTECTION
AGENCY
40 CFR Part 63
[AD–FRL–7067–9]
RIN 2060–AG91
National Emission Standards for
Hazardous Air Pollutants From Natural
Gas Transmission and Storage Facilities
AGENCY: Environmental Protection
Agency (EPA).
ACTION: Final rule; technical correction.

SUMMARY: On June 17, 1999, we issued
the national emission standards for
hazardous air pollutants from oil and
natural gas production facilities and the
national emission standards for
hazardous air pollutants from natural
gas transmission and storage facilities
(64 FR 32610). On June 29, 2001, we
issued technical corrections to clarify
intent and correct errors in these
national emission standards for
hazardous air pollutants (NESHAP) (66
FR 34548). This action corrects an error
in the June 29, 2001 technical
corrections for the Natural Gas
Transmission and Storage Facilities
NESHAP. This technical correction does
not change the level of health protection
or the basic control requirements of the
Natural Gas Transmission and Storage
Facilities NESHAP, which requires new
and existing major sources to control
emissions of hazardous air pollutants
(HAP) to the level reflecting application
of the maximum achievable control
technology.

Section 553 of the Administrative
Procedure Act, 5 U.S.C. 553(b)(B),
provides that, when an agency for good
cause finds that notice and public
procedure are impracticable, unnecessary,
or contrary to the public interest, the
agency may issue a rule without
providing notice and an opportunity for
public comment. We have determined
that there is good cause for making this
error correction without prior proposal
and opportunity for comment because
the change to the rule is a minor
technical correction, is noncontroversial
in nature, and does not substantively
change the requirements of the natural
gas transmission and storage facilities
NESHAP. Thus, notice and public
procedure are unnecessary. We find that
this constitutes good cause under 5
U.S.C. 553(b)(5).

ADDRESSES: Docket No. A–94–04
contains the supporting information
used in the development of this
rulemaking. The docket is located at
the U.S. EPA in room M–1500, Waterside
Mall (ground floor), 401 M Street SW,
Washington, DC 20460, and may be
inspected from 8:30 a.m. to 5:30 p.m.,
Monday through Friday, excluding legal
holidays. A reasonable fee may be
charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr.
Greg Nizich, Waste and Chemical
Processes Group, Emission Standards
Division(MD–13), U.S. EPA, Research
Triangle Park, North Carolina 27711,
telephone number: (919) 541–3078,
facsimile: (919) 541–0246, electronic
email address: nizich.greg@epa.gov.

SUPPLEMENTARY INFORMATION: Regulated
toentities. Entities that will potentially
be affected by this correction are those
that store or transport natural gas and are
major sources of HAP as defined in
section 112 of the Clean Air Act. The
regulated categories and entities
include:

<table>
<thead>
<tr>
<th>Category</th>
<th>Examples of regulated entities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry</td>
<td>Glycol dehydration units and natural gas transmission and storage facilities.</td>
</tr>
</tbody>
</table>

This table is not intended to be
exhaustive, but rather provides a guide
for readers regarding entities likely to be
regulated by this action. This table lists
the types of entities that we are now
aware could potentially be regulated by
this action. Other types of entities not
listed in the table could also be
regulated. To determine whether your
facility, company, business,
organization, etc., is regulated by this
action, you should carefully examine
the applicability criteria in § 63.1270 of
the natural gas transmission and storage
facilities NESHAP. If you have
questions regarding the applicability of
this action to a particular entity, consult
the person listed in the preceding FOR
FURTHER INFORMATION CONTACT
section.

World Wide Web (WWW). The text of
today’s document will also be available
on the WWW through the Technology
Transfer Network (TTN). Following
signature, a copy of this action will be
posted on the TTN’s policy and guidance page for newly proposed or promulgated rules http://www.epa.gov/ ttn/oarpg. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

I. Correction

Today’s action consists of one error correction to the natural gas transmission and storage facilities NESHAP technical corrections notice that was published on June 29, 2001 (66 FR 34548). This error correction is minor in nature and noncontroversial.

This correction is being made to reinstate a portion of the first sentence in § 63.1270(a) that was mistakenly deleted during the editing process for the June 29, 2001 technical corrections. Reinstatement of this language will make it clear that the natural gas transmission and storage facilities NESHAP only applies to natural gas transmission and storage facilities that are major sources of HAP, and that transmission and storage systems are subject to the rule up to a final end user only when a local distribution company is not present.

II. 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 (OMB). Because the EPA has made a “good cause” finding that 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.), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA. This action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 6, 2000). This technical correction does not have substantial direct effects on the States, or on the relationship between the national government and the States, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This technical correction also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant.

This technical correction action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act (NNTAA) of 1995 (15 U.S.C. 272) do not apply. This technical correction also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this technical correction, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of this rule correction 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 technical correction does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). The EPA’s compliance with these statutes and Executive Orders for the underlying rule is discussed in the June 17, 1999 Federal Register document containing the Oil and Natural Gas Production final rule and Natural Gas Transmission and Storage final rule (64 FR 32610).

This technical correction is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

The Congressional Review Act (CRA) (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 rule effective sooner than otherwise provided by the CRA if the agency makes 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 September 27, 2001. The 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 action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects for 40 CFR Part 63

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

Robert Brenner,
Acting Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:
   Authority: 42 U.S.C. 7401, et seq.

Subpart HHH—[Amended]

2. Section 63.1270 is amended by revising the first sentence of paragraph (a) introductory text to read as follows:

 § 63.1270 Applicability and designation of affected source.

(a) This subpart applies to owners and operators of natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user (if there is no local distribution company), and that are major sources of hazardous air pollutants (HAP) emissions as defined in § 63.1271.

* * *

[FR Doc. 01–24210 Filed 9–26–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301169; FRL–6801–5]

RIN 2070–AB78

Bifenthrin; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).