

Under EPA's permitting regulations, citizens may, at any time, petition EPA regarding alleged deficiencies in state title V operating permit programs. In addition, EPA may on its own identify deficiencies. If, in the future, EPA agrees with a new citizen petition or otherwise identifies deficiencies, EPA may issue a new NOD.

II. Description of Action

The EPA is publishing this NOD to notify the District of Columbia and the public that EPA has found a deficiency in the District of Columbia's title V operating permit program. This document is being published to satisfy section 502(i) of the Clean Air Act and 40 CFR 70.10(b)(1), which provides that EPA shall publish in the **Federal Register** a notice of any determination that a State's title V permitting program no longer complies with the requirements of 40 CFR part 70 and the Clean Air Act. The deficiency that is the subject of this document relates to the District of Columbia's regulatory authority to provide adequate public notification of permit actions, pursuant to 40 CFR part 70.

The EPA's regulations at 40 CFR 70.7(h) and 70.7(d)(3)(i) provide that public notice shall be provided for all permit proceedings, except those qualifying as administrative permit amendments or minor permit modifications. Such public notification shall be provided by a number of means, including "by publication in a newspaper of general circulation in the area where the source is located or in a State publication designed to give general public notice; to persons on a mailing list developed by the permitting authority, including those who request in writing to be on the list; and by other means if necessary to assure adequate notice to the affected public." See, 40 CFR 70.7(h)(1). EPA's regulations at 40 CFR 70.4(b)(16) require that State part 70 program submittals contain provisions requiring the permitting authority to implement the requirements of 40 CFR 70.7. The District of Columbia's operating permit program regulations at 20 DCMR 303.10 require that public notice of draft initial permits, significant modifications and permit renewals be published in the *District of Columbia Register* and that copies of such notice be sent to the applicant, to the representatives of affected states, and to persons on a mailing list developed by the Mayor, including those who request in writing to be on the list.

However, the regulations do not expressly require that "other means" be employed if necessary to assure

adequate public notice. Because the District of Columbia's operating permit program regulations do not require the District to provide public notice by other means if necessary to assure adequate notice to the affected public, the District of Columbia's operating permit program does not fully comply with the requirements of the Clean Air Act and 40 CFR part 70.

Title V provides for the approval of State programs for the issuance of operating permits that incorporate the applicable requirements of the Clean Air Act. To receive title V program approval, a State permitting authority must submit a program to EPA that meets certain minimum criteria, and EPA must disapprove a program that fails, or withdraw an approved program that subsequently fails, to meet these criteria. These criteria include requirements for proper public participation procedures (40 CFR 70.4(b)(16)). See 40 CFR 70.7(h).

The EPA's title V implementing regulations at 40 CFR 70.4 and 70.10(b) and (c) provide that EPA may withdraw a part 70 program approval, in whole or in part, whenever the approved program no longer complies with the requirements of part 70 and the permitting authority fails to take corrective action. A list of potential bases for program withdrawal is provided at 40 CFR 70.10(c)(1)(i), and includes the case where the permitting authority's legal authority does not meet the requirements of 40 CFR part 70.

The procedures for program withdrawal are set forth at 40 CFR 70.10(b). The procedures require as a prerequisite to withdrawal that the EPA Administrator notify the permitting authority of any finding of deficiency by publishing a notice in the **Federal Register**. This document satisfies this requirement and constitutes a finding of deficiency. According to 40 CFR 70.10(b)(2), if the District of Columbia has not taken "significant action to assure adequate administration and enforcement of the program" within 90 days after issuance of this notice of deficiency, EPA may withdraw the state program, apply any of the sanctions specified in section 179(b) of the Act, and/or promulgate, administer, and enforce a federal title V program. As provided by 40 CFR 70.10(b)(3), if the state has not corrected the deficiency within 18 months after the date of the finding of deficiency and signature of the NOD, EPA would be required to apply the sanctions under section 179(b) of the Act, in accordance with section 179(a) of the Act. In addition, 40 CFR 70.10(b)(4) provides that, if the state has not corrected the deficiency within 18

months after the date of the finding of deficiency, EPA will promulgate, administer, and enforce a whole or partial program within 2 years of the date of the finding. This document constitutes a finding of deficiency.

This document is not a proposal to withdraw the District of Columbia's title V program. Consistent with 40 CFR 70.10(b)(2), EPA will wait at least 90 days to determine whether the state has taken significant action to correct the deficiency.

III. EPA Responses to Citizen Comments

EPA is responding in writing to all timely comments that citizens submitted pursuant to the settlement agreement. For all comments not resulting in an NOD, EPA is responding directly to the commenter, explaining the reasons why EPA did not find that an NOD was warranted. The EPA will publish a notice of availability in the **Federal Register** notifying the public that EPA has responded in writing to the commenter and explaining how the public may obtain a copy of EPA's responses.

IV. Administrative Requirements

Under section 307(b)(1) of the Act, petitions for judicial review of today's action to issue a notice of deficiency for the District of Columbia's Clean Air Act title V operating permit program may be filed in the United States Court of Appeals for the appropriate circuit within 60 days of December 21, 2001.

Authority: 42 U.S.C. 7401-7671q.

Dated: December 13, 2001.

Judith Katz,

Acting Regional Administrator, Region III.

[FR Doc. 01-31499 Filed 12-20-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6624-7]

Environmental Impact Statements; Notice of Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 564-7167 or www.epa.gov/oeca/ofa.

Weekly receipt of Environmental Impact Statements

Filed December 10, 2001

Through December 14, 2001

Pursuant to 40 CFR 1506.9.

EIS No. 010523, Draft EIS, FRC, MI, WI, Bond Falls Project, Issuing a New License for Existing Hydroelectric License, (FERC No. 1864-005)

Ontonagon River Basin, Ontonagon and Gogebic Counties, MI and Vilas County, WI, Comment Period Ends: February 04, 2002, Contact: Patrick Murphy (202) 219-2659.

EIS No. 010524, Final EIS, FHW, NM, New Mexico Highway 126 (NM-126), Cuba-La Cueva Road (also Known as Forest Highway 12) Improvement, COE Section 404 Permit and NPDES Permit, Sandoval and Rio Arriba Counties, NM, Wait Period Ends: January 22, 2002, Contact: Richard J. Cushing (303) 969-5910.

EIS No. 010525, Revised Draft EIS, COE, MO, ND, SD, NB, IA, KS, Missouri River Master Water Control Manual Review and Update, Mainstem Reservoir System, New and Updated Information, Missouri River Basin, SD, NB, IA and MO, Comment Period Ends: February 04, 2002, Contact: Rose Hargrave (402) 697-2527.

EIS No. 0526, Final EIS, BLM, NV, Falcon to Gonder 345kV Transmission Project, Construction, Resource Management Plan Amendments, Right-of-Way Grant, Lander, Elko, Eureka and White Pine Counties, NV, Wait Period Ends: January 22, 2002, Contact: Mary Craggett (775) 635-4060.

EIS No. 010527, Final EIS, FTA, CT, New Britain—Hartford Busway Project, Proposal to Build an Exclusive Bus Rapid Transit (BRT) Facility, Located in the Towns/Cities of New Britain, Newington, West Hartford and Hartford CT, Wait Period Ends: January 22, 2002, Contact: Richard H. Doyle (617) 494-2055.

EIS No. 010528, Draft EIS, AFS, MO, Oak Decline and Forest Health Project, To Improve Forest Health, Treat Affected Stands, Recover Valuable Timber Products, Promote Public Safety, Potosi and Salem Ranger Districts, Mark Twain National Forest, Crawford, Dent, Iron, Reynolds, Shannon and Washington, MO, Comment Period Ends: February 04, 2002, Contact: Karen Mobley (573) 729-6656.

EIS No. 010529, Final EIS, FHW, WV, Shawnee Highway Project, Construction between the Ghent Interchange of I-787 in the North and McDowell County 14 or McDowell County 17 in the South, Funding, McDowell, Raleigh and Wyoming Counties, WV, Wait Period Ends: January 22, 2002, Contact: Thomas J. Smith (304) 347-5928.

EIS No. 010530, Final EIS, FRC, NY, Eastchester Project, Natural Gas Pipeline and Associated Facilities, (Docket Nos. CP00-232-001) Construction, Operation and Maintenance, from Northport Long Island to the Bronx, Approval and US Army COE Section 10 and 404 Permits Issuance, Bronx Borough, NY, Wait Period Ends: February 04, 2002, Contact: John Schnagl (202) 219-2661. This document is available on the Internet at: <http://rimsweb1.ferc.fed.us>

EIS No. 010531, Draft EIS, UAF, CA, EL Rancho Road Bridge Project, To Provide a Flood-Free Crossing at San Antonia Creek to Access North Vandenberg Air Force Base, Santa Barbara County, CA, Comment Period Ends: February 04, 2002, Contact: Jack Bush (703) 604-0553.

Amended Notices

EIS No. 010357, Draft EIS, SFW, Light Goose Management Plan, Implementation, Reducing and Stabilizing Specific Populations "Light Geese" in North America, Comment Period Ends: January 25, 2002, Contact: Jon Andrew (703) 358-1714. Revision of FR Notice Published on 09/28/2001: CEQ Review Period Ending on 12/14/2001 has been Extended to 01/25/2002.

EIS No. 010368, Final Supplement, JUS, Cannabis Eradication in the Contiguous United States and Hawaii, Updated Information concerning New Scientific Data on Herbicidal Eradication, Wait Period Ends: January 28, 2002, Contact: Joyce M. Elliott (202) 307-8923. Published FR -10-05-01 Review Period Reopened.

EIS No. 010401, Draft Supplement, FHW, MI, US-31 Petoskey Area Improvement Study, To Reduce Congestion on US-31 in the City of Petoskey and Resort and Bear Creek Townships, COE Section 404 Permit, Emmet County, MI, Comment Period Ends: February 28, 2001, Contact: James A. Kirschensteiner (517) 702-1835.

Revision of FR Notice Published on 11/02/2001: CEQ. Comment Period Ending 12/17/2001 has been Extended to 02/28/2002.

Dated: December 18, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01-31537 Filed 12-20-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6624-8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated May 18, 2001 (66 FR 27647).

Draft EISs

ERP No. D-COE-A39138-00 Rating **3, Programmatic EIS—Nationwide Permits Procedures Review and Examination, US Army Corps of Engineers Section 10 and 404 Permit Issuance.

Summary: EPA believes the data used in the Draft PEIS and the methods used to analyze and draw conclusions from that data were inadequate, thereby preventing a full disclosure of potentially significant environmental impacts of the proposal. EPA recommended that the draft PEIS be formally revised and made available for public comment in a supplemental or revised draft PEIS.

ERP No. D-USA-A10074-00 Rating EC2, Programmatic EIS—Army Transformation, Army Vision to Address the Changing Circumstances of the 21st Century, Transformation in three Phases: Initial Phase, Interim Capability Phase, and an Objective Force Phase.

Summary: EPA expressed environmental concerns regarding air, land use, water resources, and noise and requested additional information regarding impact analysis.

Dated: December 18, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01-31538 Filed 12-20-01; 8:45 am]

BILLING CODE 6560-50-P