

as deficiencies in the States' approved regulations, or deficiencies in how a permitting authority was implementing its program. The Agency indicated that it would consider information received from the public and determine whether it agreed or disagreed with the purported deficiencies and would then publish notices of those findings. Where the Agency agreed that a claimed shortcoming constituted a deficiency, it indicated it would issue a notice of deficiency. Where the Agency disagreed as to the existence of a deficiency, it indicated it would respond to the citizen comments by December 1, 2001, for comments on programs granted interim approval as of December 11, 2000. For programs granted full approval as of December 11, 2000, EPA indicated it would respond to citizen comments by April 1, 2002.

In accordance with the procedures set forth in the December 11, 2000, notice and outlined above, EPA issued a notice of deficiency for Texas in connection with the citizen comment letters submitted pursuant to the December 11, 2000, notice (see 67 FR 732, January 7, 2002). The State of Texas must adopt appropriate corrections to its title V program and submit them to EPA for approval within the timeframes set out in the notice of deficiency or face highway and/or offsets sanctions under section 179(b) of the Act<sup>1</sup> and implementation of a whole or partial Federal operating permits program under part 71 if it fails to do so.

Also in accordance with the December 11, 2000, notice, EPA has issued Agency response letters to citizen comments which explain EPA's reasoning in those instances where the Agency disagrees that particular alleged problems constitute deficiencies within the meaning of part 70. The EPA hereby notifies the public that an EPA letter responding to citizen allegations concerning Texas is available at the following web address: (<http://www.epa.gov/air/oaqps/permits/response/>). In a previously published notice (67 FR 6709, January 13, 2002), EPA alerted the public to this same web site as the location for all EPA response letters that had been signed at that time. The EPA also notes that when it signs additional EPA response letters in the future, it will publish additional notices of availability to identify the location of its web site containing those letters.

The EPA notes further that the terms "deficiency" and "notice of deficiency" are terms of art under the operating permits regulations in part 70. Thus, as

explained in our letters responding to citizen comments, in some instances where EPA declined to issue a notice of deficiency, it was because the Agency disagreed that there was a problem with the State program or its implementation that requires correction. In other instances, however, EPA agreed in whole or in part with commenters that a program was not being properly implemented but nevertheless did not issue a notice of deficiency. Rather, EPA determined that the alleged deficiency had been corrected because the State had made a firm commitment to correct program implementation shortcomings where that could be accomplished on a timely basis by the State administratively without additional rulemaking or legislation.

### Background

Pursuant to section 502(b) of the Act, EPA has promulgated regulations establishing the minimum requirements for State and local air agency operating permits programs. We promulgated these regulations on July 21, 1992 (57 FR 32250), in part 70 of title 40, chapter I, of the Code of Federal Regulations. Section 502(d) of the Act requires each State to develop and submit to EPA an operating permits program meeting the requirements of the part 70 regulations and requires us to approve or disapprove the submitted program. In some cases, States have delegated authority to local city, county, or district air pollution control agencies to administer operating permits programs in their jurisdictions. These operating permits programs must meet the same requirements as the State programs. In accordance with section 502(g) of the Act and 40 CFR section 70.4(d), for 99 State and local operating permits programs, we granted "interim" rather than full approval because the programs substantially met, but did not fully meet, the provisions of part 70. For interim approved programs, we identified in the notice of interim approval those program deficiencies that would have to be corrected before we could grant the program full approval. As of December 11, 2000, some of those 99 programs had since been granted full approval and the remainder still had interim approval status.

After a State or local permitting program is granted full or interim approval, EPA has oversight of the program to insure that the program is implemented correctly and is not changed in an unacceptable manner. Section 70.4(i) of the part 70 regulations requires permitting authorities to keep us apprised of any proposed program

modifications and also to submit any program modifications to us for approval. Section 70.10(b) requires any approved operating permits program to be implemented "\* \* \* in accordance with the requirements of this part and of any agreement between the State and the Administrator concerning operation of the program."

Furthermore, sections 70.4(i) and 70.10(b) provide authority for us to require permitting authorities to correct program or implementation deficiencies. As explained previously, EPA has exercised these authorities by in some instances issuing notices of deficiency and in other instances issuing letters explaining why we do not agree that deficiencies exist.

### Administrative Requirements

Under section 307(b)(1) of the Act, petitions for judicial review of EPA's action responding to the citizen letter on Texas' operating permits programs may be filed in the United States Court of Appeals for the appropriate circuit within 60 days of April 5, 2002.

Dated: March 25, 2002.

**Robert G. Kella,**

*Acting Director, Information Transfer and Program Integration Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6627-9]

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7167 or [www.epa.gov/oeca/ofa](http://www.epa.gov/oeca/ofa)  
Weekly receipt of Environmental Impact Statements

Filed March 25, 2002 Through March 29, 2002

Pursuant to 40 CFR 1506.9.

*EIS No. 020121, Draft Supplement, NOA, Regulatory Adjustment 2 to the Atlantic Tunas, Swordfish, and Sharks Fishery Management Plan, Proposed Rule to Reduce Sea Turtle Bycatch and Bycatch Mortality in Highly Migratory Species Fisheries, Comment Period Ends: May 20, 2002, Contact: Christopher Rogers (301) 713-2347.*

This document is available on the Internet at: (<http://www.nmfs.noaa.gov/sfa/hmspg.html>).

*EIS No. 020122, Draft Supplement, NPS, NV, Great Basin National Park (GRBA) Amendment to the General Management Plan (GMP), Proposal to*

<sup>1</sup> The EPA is in the process of promulgating a rule which will address the order of sanctions.

Construct a Visitor Learning Center on an 80-acre Parcel of Land North of the Town of Baker, NV, Comment Period Ends: June 04, 2002, Contact: Becky Mills (775) 234-7331.

*EIS No. 020123, Draft EIS, COE, CA,* Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, Implementation, Located between Highway 20 and Middle Creek immediately northwest of Clear Lake, Lake County, CA, Comment Period Ends: May 20, 2002, Contact: Jerry Fuentes (916) 557-6706.

*EIS No. 020124, Draft EIS, FRC, CT, NY,* Islander East Pipeline Project, To Construct and Operate an Interstate Natural Gas Pipeline Facilities, To Provide 285.009 dekatherms per day (Dth/d) of natural gas to energy market, New Haven, CT and Suffolk County, NY, Comment Period Ends: May 20, 2002, Contact: Margalie R. Salas (202) 208-2156.

*EIS No. 020125, Final EIS, FTA, MN,* Northstar Transportation Corridor Project, Improvements from downtown Minneapolis to the St. Cloud area along Trunk Highway (TH) 10/47 and the Burlington Northern Santa Fe (BNSF) Railroad Transcontinental Route, Connecting the Hiawatha Light Rail Transit (LRT) Line at a Multi-Modal Station, Minneapolis/St. Paul (MSP) International, Wait Period Ends: May 06, 2002, Contact: Joel Ettinger (312) 353-2865.

*EIS No. 020126, Final Supplement,* TVA, AL, Browns Ferry Nuclear Plant, Operating License Renewal, Units 2 and 3 and Potentially Unit 1 Operations Extension, Athens, Limstone County, AL, Wait Period Ends: May 06, 2002, Contact: Bruce L. Yeager (865) 632-8051.

*EIS No. 020127, Draft EIS, COE, FL,* Broward County Shore Protection Project, Proposed for Fill Placement in Segment II (Hillsboro Inlet to Port Everglades) and Segment III (Port Everglades to the south County Line), Broward County, FL, Comment Period Ends: May 20, 2002, Contact: Yvonne Haberer (904) 232-1701.

#### Amended Notices

*EIS No. 020118, Draft EIS, FHW, NC,* Second Bridge to Oak Island project, Transportation Improve from SR-1104 (Beach Drive) to NC-211, COE Section 404 Permit and US Coast Guard Permit, Federal Aid Project No. STP.1105(6), State Project No. 8.2231201, and TIP NO. R-2245, Brunswick County, NC, Comment Period Ends: May 13, 2002, Contact: Nicholas L. Graf (919) 856-4346.

Published FR 03-29-02 Correction to Comment Period from 04-29-2002 to 05-13-2002.

Dated: April 2, 2002.

**B. Katherine Biggs,**

*Associate Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 02-8300 Filed 4-4-02; 8:45 am]

**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

**[FRL-7168-4]**

#### Meeting of the Local Government Advisory Committee

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

**ACTION:** Notice.

**SUMMARY:** The Local Government Advisory Committee (LGAC) and its Subcommittees will meet on May 1-3, 2002, in Washington, DC. The Committee will be discussing issues concerning the relationship between Local Governments and the U.S. Environmental Protection Agency (EPA). The focus of the meeting will be the orientation of new members to the Committee, the development of Committee Work Plans for the next 18 months, attendance at sessions of the EPA Science Forum, and discussions and briefings on current environmental issues.

There will also be an orientation session for the new LGAC members in the morning on May 1st to discuss EPA organization and structure, Committee history and rationale, legal requirements for members, and LGAC functions, and current issues.

During the meeting decisions will be made as to Subcommittees and Workgroup organization and these groups plus the standing Small Community Advisory Subcommittee (SCAS) may meet to initiate discussions on topics assigned by the Committee.

The Committee will hear comments from the public between 10 a.m.-10:20 a.m., May 3. Each individual or organization wishing to address the LGAC meeting will be allowed a maximum of five minutes to present their point of view. Please contact the Designated Federal Officer (DFO) at the numbers listed below to schedule agenda time. Time will be allotted on a first come, first served basis, and the total period for comments may be extended, if the number of requests for appearances required it.

These are open meetings and all interested persons are invited to attend.

LGAC meeting minutes and Subcommittee summary notes will be available after the meetings and can be obtained by written request from the DFO. Members of the public are requested to call the DFO at the number listed below if planning to attend so that arrangements can be made to comfortably accommodate attendees as much as possible, and to facilitate security clearance to the meeting. Seating will be on a first come, first served basis.

**DATES:** Formal Committee sessions will begin May 1st, and the orientation session will be held from 10:30 a.m.-12:30 p.m. The Local Government Advisory Committee plenary session will begin at 3:30 p.m. Wednesday, May 1st and conclude at 3:30 pm Friday, May 3rd.

**ADDRESSES:** The meetings will be held in Washington, D.C. at the EPA's Headquarters, located at 1200 Pennsylvania Avenue, NW—the Ariel Rios North Building. The orientation session will be held in conference room 5530. The LGAC plenary session on Wednesday, Thursday and Friday will be held in the Rachel Carson Great Hall on the 3rd floor.

Additional information can be obtained by writing the DFO at 1200 Pennsylvania Avenue, NW (1306A), Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** The DFO for the Local Government Advisory Committee (LGAC) is Paul Guthrie (202) 564-3649.

Dated: March 27, 2002.

**Paul N. Guthrie,**

*Designated Federal Officer, Local Government Advisory Committee.*

[FR Doc. 02-8296 Filed 4-4-02; 8:45 am]

**BILLING CODE 6560-50-U**

#### ENVIRONMENTAL PROTECTION AGENCY

**[FRL-7167-2]**

#### Proposed CERCLA Administrative Cost Recovery Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act; Environmental Waste Resources Site, Coal City, IL

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; Request for Public Comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C.