

Washington permitting authorities have committed to EPA to require reporting of all "other" deviations no later than 30 days after the end of the month in which the deviation is discovered. The proposed change to the provisions for prompt reporting of deviations would make Washington regulations consistent with the current practice of Washington permitting authorities, and EPA believes the change is consistent with the requirements of part 70.

## II. Final Action

EPA is proposing to approve as a revision to Washington's title V air operating permits program proposed revisions to Washington's regulations for IEUs, specifically, revisions to WAC 173-401-530(2)(c) and deletion of WAC 173-401-530(2)(d). EPA has determined that the proposed changes meet the requirements of title V and part 70 relating to IEUs and adequately address the deficiency identified in the Notice of Deficiency published in the **Federal Register** on January 2, 2002 (67 FR 73). EPA is also proposing to approve the proposed addition of definitions for "continuous compliance" and "intermittent compliance," the proposed change to the definition of "major source," proposed changes to clarify that the use of a standard application form is not required if all required information is provided by the applicant, and a proposed change to the time frame for the prompt reporting of permit deviations. Because the proposed revisions Chapter 173-401 apply throughout the State of Washington, this proposed approval applies to all State and local agencies that implement Washington's operating permits program. As discussed above, those agencies include Ecology, EFSEC, BCCAA, NWAPA, OAPCA, PSCAA, SCAPCA, SWCAA, and YRCAA.

Consistent with EPA's action granting Washington full approval, this approval does not extend to "Indian Country", as defined in 18 USC 1151, except with respect to non-trust lands within the 1873 Survey Area of the Puyallup Reservation.<sup>1</sup> See 66 FR 42439, 42440 (August 13, 2001); 64 FR 8247, 8250-8251 (February 19, 1999); 59 FR 42552, 42554 (August 18, 1994).

## III. Administrative Requirements

Under Executive Order 12866, "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action"

<sup>1</sup> As these terms are defined in the Agreement dated August 27, 1988 among the Puyallup Tribe of Indians, local governments in Pierce County, the State of Washington, the United States, and certain private property owners.

and therefore is not subject to review by the Office of Management and Budget. Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities because it merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. This rule does not contain any unfunded mandates and does not significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4) because it approves pre-existing requirements under State law and does not impose any additional enforceable duties beyond that required by State law. This rule also does not have tribal implications because it will 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, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000). This rule also does not have Federalism implications because it will not 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, "Federalism" (64 FR 43255, August 10, 1999). The rule merely approves existing requirements under State law, and does not alter the relationship or the distribution of power and responsibilities between the State and the Federal government established in the Clean Air Act. This rule also is not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) or 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 significantly regulatory action under Executive Order 12866. This action will not impose any collection of information subject to the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, other than those previously approved and assigned OMB control number 2060-0243. For additional information concerning these

requirements, see 40 CFR part 70. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

In reviewing State operating permit programs submitted pursuant to title V of the Clean Air Act, EPA will approve State programs provided that they meet the requirements of the Clean Air Act and EPA's regulations codified at 40 CFR part 70. 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 State operating permit program for failure to use VCS. It would, thus, be inconsistent with applicable law for EPA, when it reviews an operating permit program, to use VCS in place of a State program 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 USC 272 note) do not apply.

### List of Subjects in 40 CFR Part 70

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

Dated: June 18, 2002.

**John Iani,**

*Regional Administrator, Region 10.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7238-3]

### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to delete the Hopkins Farm Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA), Region 2, is issuing a Notice of Intent to Delete the Hopkins Farm Superfund Site (Site), located in Plumsted Township, Ocean County, New Jersey, from the National Priorities List (NPL) and requests public comment on this Notice of Intent.

The NPL is appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated

pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. The EPA and the State of New Jersey, through the New Jersey Department of Environmental Protection, have determined that all responsible parties or other parties have implemented appropriate response actions and no further actions are required.

In the "Rules and Regulations" Section of today's **Federal Register**, EPA is publishing a Direct Final Notice of Deletion of the Hopkins Farm Superfund Site without prior notice because EPA views this as a noncontroversial revision and anticipates no significant adverse comment. EPA has explained our reasons for this deletion in the preamble to the Direct Final Deletion. If EPA receives no significant adverse comment(s) on the Direct Final Notice of Deletion, EPA will not take further

action on this Notice of Intent to Delete. If EPA receives significant adverse comment(s), EPA will withdraw the Direct Final Notice of Deletion and it will not take effect. EPA will, as appropriate, address all public comments. If, after evaluating public comments, EPA decides to proceed with deletion, EPA will do so in a subsequent Final Deletion Notice based on this Notice of Intent to Delete. EPA will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time. For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

**DATES:** Comments concerning this Site must be received by July 29, 2002.

**ADDRESSES:** Written comments should be addressed to: Trevor Anderson, Remedial Project Manager, Emergency and Remedial Response Division, U.S.

Environmental Protection Agency, Region 2, 290 Broadway, 19th Floor, New York, New York 10007-1866.

**FOR FURTHER INFORMATION CONTACT:** Mr. Trevor Anderson at the address provided above, or by telephone at (212) 637-4425, by Fax at (212) 637-4429 or via e-mail at [Anderson.Trevor@EPA.GOV](mailto:Anderson.Trevor@EPA.GOV).

**SUPPLEMENTARY INFORMATION:** For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9675; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Dated: June 14, 2002.

**Jane M. Kenny,**

*Regional Administrator, U.S. EPA, Region 2.*  
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