

(3) College preparatory programs for secondary school students designed to increase competency and skills in challenging subject matters, including math and science, to enable Indian students to successfully transition to postsecondary education.

(Authority: 20 U.S.C. 7441 and 7473)

[FR Doc. 02-18305 Filed 7-19-02; 8:45 am]

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**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

**36 CFR Part 1228**

RIN 3095-AB02

**Records Disposition**

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Correcting amendment.

**SUMMARY:** This document corrects NARA's rule on disposition of Federal records by correcting a reference to a section that has been redesignated.

**DATES:** Effective on July 22, 2002.

**FOR FURTHER INFORMATION CONTACT:** Kim Richardson at telephone number 301-837-2902 or fax number 301-837-0319.

**SUPPLEMENTARY INFORMATION:** NARA redesignated certain sections in Part 1228 in a rulemaking on December 2, 1999 (64 FR 67667). We inadvertently failed to amend § 1228.42 to reflect the redesignation of a referenced section. This amendment makes that correction to the CFR.

**List of Subjects in 36 CFR Part 1228**

Archives and records.

Accordingly, 36 CFR part 1228 is corrected by making the following correcting amendment:

**PART 1228—DISPOSITION OF FEDERAL RECORDS**

1. The authority citation for Part 1228 continues to read as follows:

**Authority:** 44 U.S.C. chs. 21, 29, and 33.

**§ 1228.42 [Amended].**

2. In paragraph (d) of § 1228.42 revise the reference to “§ 1228.200” to read “§ 1228.282”.

Dated: July 15, 2002.

**John W. Carlin,**

*Archivist of the United States.*

[FR Doc. 02-18327 Filed 7-19-02; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA 261-0362a; FRL-7247-8]

**Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from organic solvents, organic solvent degreasing operations and organic solvent cleaning, storage and disposal. We are approving local rules that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This direct final rule is effective on September 20, 2002, without further notice, unless EPA receives adverse comments by August 21, 2002. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** to notify the public that this rule will not take effect.

**ADDRESSES:** Mail comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection

Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

San Joaquin Valley Unified Air Pollution Control District, 1990 E. Gettysburg, Fresno, CA 93726.

**FOR FURTHER INFORMATION CONTACT:** Charnjit Bhullar, Rulemaking Office (AIR-4), U.S. Environmental Protection Agency, Region IX, (415) 972-3960.

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

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**I. The State's Submittal**

*A. What Rules Did the State Submit?*

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
SJVUAPCD .....	4661	Organic Solvents .....	12/20/01	02/20/02
SJVUAPCD .....	4662	Organic Solvent Degreasing Operations .....	12/20/01	02/20/02
SJVUAPCD .....	4663	Organic Solvent Cleaning, Storage, and Disposal .....	12/20/01	02/20/02

On March 15, 2002, these rule submittals were found to meet the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

*B. Are There Other Versions of These Rules?*

There are no previous versions of Rules 4662 and 4663 in the SIP, although the SJVUAPCD adopted earlier

versions of rule 4661 on December 9, 1999, and CARB submitted it to us on February 23, 2000. We approved this version of Rule 4661 into the SIP on August 29, 2000. The SJVUAPCD

adopted revisions to the SIP-approved version of rule 4661 and adopted rules 4662 and 4663 on December 20, 2001 and CARB submitted them to us on February 20, 2002. The SJVUAPCD previously adopted rule 4662 on December 17, 1992 and CARB submitted it to us on July 23, 1999. The SJVUAPCD again adopted rule 4662 on April 19, 2001 and CARB submitted it to us on October 30, 2001. The EPA did not act on previous two submittals of rule 4662. While we can act on only the most recently submitted version, we have reviewed materials provided with previous submittals.

**C. What Is the Purpose of the Submitted Rules?**

Rule 4661 regulates emissions of VOCs from a variety of sources and controls emissions of VOCs by limiting the amount of organic solvents that may be released into the atmosphere. This rule applies to any source operation that uses organic solvents and is not exempted by any other district rule(s). Rule 4662 controls emissions by limiting VOCs from organic solvent degreasing operations. This rule applies to all organic solvent degreasing operations except cleaning outside a degreaser. Rule 4663 controls emissions by limiting VOCs from organic solvent cleaning and from storage and disposal of solvents and waste solvent materials. This rule applies to any organic solvent cleaning performed outside a degreaser during the production, repair, maintenance, or servicing of parts, products, tools, machinery, equipment, or in general work areas at stationary sources. It also applies to the storage and disposal of all solvents and waste solvent materials at stationary sources. The technical support documents (TSDs) have more information about these rules.

**II. EPA's Evaluation and Action**

**A. How Is EPA Evaluating the Rules?**

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). The SJVUAPCD regulates an ozone nonattainment area (see 40 CFR part 81), so Rules 4661, 4662, and 4663 must fulfill RACT.

Guidance and policy documents that we used to help evaluate specific enforceability and RACT requirements consistently include the following:

1. *Issues Relating to VOC Regulation, Cut Points, Deficiencies, and Deviations: Clarifications to Appendix D of November 24, 1987 Federal Register*. EPA, May 25, 1988 (the "Blue Book").
2. *Control of Volatile Organic Emissions from Solvent Metal Cleaning*. EPA-450/2-77-022, November 1977.
3. *Determination of Reasonably Available Control Technology and Best Available Control Technology for Organic Solvent Cleaning and Degreasing operations*. CARB, July 18, 1991.
4. *Guidance Document for Correcting VOC Rule Deficiencies*. EPA Region IX, August 21, 2001 (the "Little Blue Book").

**B. Do the Rules Meet the Evaluation Criteria?**

We believe these rules are consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSDs have more information on our evaluation.

**C. EPA Recommendations To Further Improve the Rules**

The TSDs describe additional rule revisions that do not affect EPA's

current action but are recommended for the next time the local agency modifies the rules.

**D. Public Comment and Final Action**

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by August 21, 2002, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on September 20, 2002. This will incorporate these rules into the federally enforceable SIP.

Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

**III. Background Information**

**Why Were These Rules Submitted?**

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. Table 2 lists some of the national milestones leading to the submittal of these local agency VOC rules.

TABLE 2.—OZONE NONATTAINMENT MILESTONES

Date	Event
March 3, 1978	EPA promulgated a list of ozone nonattainment areas under the Clean Air Act as amended in 1977. 43 FR 8964; 40 CFR 81.305.
May 26, 1988	EPA notified Governors that parts of their SIPs were inadequate to attain and maintain the ozone standard and requested that they correct the deficiencies (EPA's SIP-Call). See section 110(a)(2)(H) of the pre-amended Act.
November 15, 1990	Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q.
May 15, 1991	Section 182(a)(2)(A) requires that ozone nonattainment areas correct deficient RACT rules by this date.

**IV. Administrative 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 these rules 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 these rules approve pre-existing requirements under state law and do not impose any additional enforceable duty beyond that required by state law, they do 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).

These rules also do not have tribal implications because they 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 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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 (64 FR 43255, August 10, 1999). This action 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. These rules also are not subject to Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because they are 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. These rules do not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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 these rules 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 20, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of these rules 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 2, 2002.

**Wayne Nastri**,  
Regional Administrator, Region IX.

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 *et seq.*

#### Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(294)(i)(A)(4) to read as follows:

##### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(294) \* \* \*

(i) \* \* \*

(A) \* \* \*

(4) Rule 4661, adopted on May 21, 1992 and amended on December 20, 2001, Rule 4662, adopted April 11, 1991 and amended on December 20, 2001,

and Rule 4663, adopted on December 20, 2001.

\* \* \* \* \*

[FR Doc. 02-18398 Filed 7-19-02; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 82

[FRL-7247-5]

RIN 2060-AG12

### Protection of Stratospheric Ozone; Listing of Substitutes in the Foam Sector

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** This action lists acceptable and unacceptable substitutes for ozone-depleting substances (ODSs) in the foam blowing sector under the U.S. Environmental Protection Agency's (EPA) Significant New Alternatives Policy (SNAP) program. Today's action: Withdraws the proposed decision to list HCFC-22 and HCFC-142b as unacceptable substitutes for existing users; lists HCFC-22 and HCFC-142b as unacceptable substitutes for HCFC-141b in rigid polyurethane/polyisocyanurate laminated boardstock, rigid polyurethane appliance foam, and rigid polyurethane spray foam applications; lists HCFC-22 and HCFC-142b as acceptable substitutes for HCFC-141b, with narrowed use limits (users must ascertain and document that other acceptable alternatives are not technically feasible) in commercial refrigeration and sandwich panel applications and in the rigid polyurethane slabstock and other foams end-use; and lists HCFC-124 as an unacceptable substitute in all foam end-uses. At this time, EPA is deferring final action on its proposed decision to list HCFC-141b as an unacceptable foam blowing agent.

**EFFECTIVE DATE:** August 21, 2002.

**ADDRESSES:** Information relevant to this rulemaking is available in Docket A-2000-18, U.S. Environmental Protection Agency, OAR Docket and Information Center, 401 M Street, SW., Room M-1500, Mail Code 6102, Washington, DC 20460. The docket may be inspected between 8 a.m. and 5:30 p.m. on weekdays. Telephone (202) 260-7548; fax (202) 260-4400. As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying.

**FOR FURTHER INFORMATION CONTACT:** Jeff Cohen at phone: (202) 564-0135, fax