bond, in addition to compliance with the other provisions of this bond, also agrees to provide such manifest information to Customs in the manner and in the time period required by §§ 4.7(b) and 4.7a(c) of this chapter. If the NVOCC, as principal, defaults with regard to these obligations, the principal and surety (jointly and severally) agree to pay liquidated damages of $5,000 for each regulation violated.

* * * * *

Robert C. Bonner,

Commissioner of Customs.

Approved: August 6, 2002.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 02–20147 Filed 8–6–02; 11:42 am]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–044]

RIN 1218–AA84

Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol and Their Acetates (Glycol Ethers)

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Reopening of the rulemaking record on a proposed rule.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is re-opening the record in the rulemaking on Occupational Exposure to 2-Methoxyethanol, 2-Ethoxyethanol, and their Acetates (Glycol Ethers) to solicit information on the extent to which the four glycol ethers (2–ME, 2–EE, 2–MEA and 2–EEA) are currently used in the workplace. The Agency is also seeking information on substitutes for these four glycol ethers that employers may be using, including information on patterns of use, levels of employee exposure to the substitutes, and their degree of toxicity.

DATES: Comments must be submitted by the following dates:

Hard Copy: Your comments must be submitted (postmarked or sent) by November 6, 2002.

Facsimile and Electronic Transmission: Your comments must be sent by November 6, 2002. (Please see the Supplementary Information provided below for additional information on submitting comments.)

ADDRESSES: *Regular Mail, Express Delivery, Hand-delivery, and Messenger Service:* You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. H–044, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–2350. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., EST.

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number of this document, Docket No. H–044, in your comments.

Electronic: You may submit comments through the Internet at *http://ecomments.osha.gov.*

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries, contact the Office of Public Affairs, N–3647, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693–1890. For technical inquiries, contact Ms. Amanda Edens, Directorate of Health Standards Programs, OSHA, N–3718, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone 202–693–2270. For additional copies of this **Federal Register** document, contact OSHA, Office of Publications, U.S. Department of Labor, Room N–3101, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 693–1888. Electronic copies of this **Federal Register** document, as well as news releases and other relevant documents, are available at OSHA's web page on the Internet at *www.osha.gov.*

SUPPLEMENTARY INFORMATION:

Submission of Comments on This Document and Internet Access to Comments and Submissions

You may submit comments in response to this document by (1) hard copy, or (2) FAX transmission (facsimile), or (3) electronically through the OSHA Webpage. Please note that you cannot attach materials, such as studies or journal articles, to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments. Because of security-related problems there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

All comments and submissions will be available for inspection and copying at the OSHA Docket Office at the above address. Comment and submissions posted on OSHA's Web site are available at *www.osha.gov.* OSHA cautions you about submitting personal information such as social security numbers and birth dates. Contact the OSHA Docket Office at (202) 693–2350 for information about materials not available through the OSHA Web page and for assistance in using the Web page to locate docket submissions.

Background

On March 23, 1993, OSHA proposed to reduce permissible exposure limits for four ethylene glycol ethers (2-Methoxyethanol (2–ME), 2-Ethoxyethanol (2–EE), and their acetates (2–MEA, 2–EEA)) to protect approximately 46,000 workers from significant risks of adverse reproductive and developmental health effects (58 FR 15526). The Agency held informal public hearings on the proposal, and the record was certified in March 1994.

Information submitted in response to the proposal, at the hearings, and in post-hearing comments indicates that the domestic production of the four ethylene glycol ethers was on the decline and that their use in several key industry sectors either may have been eliminated or may have been in the process of being phased out (Exs. 11–18, 19B, 28, 29A, 48, 53, 58; Ex. 302–X, pp. 596–600). By the close of the record, there was testimony that 2–MEA production had been phased out completely. There also had been a significant decline in production of the remaining glycol ethers since 1987. The vast majority of the 2–EE produced in 1991 was used as a chemical intermediate to produce 2–EEA, of which nearly 75% was exported; 2–EEA production for paints and coatings had been reduced by almost three-quarters since 1987; and most of 2–ME production was planned to be phased out by 1996 (Exs. 29A, 58). The evidence in the record indicated that less than one-half of the 11 major use categories that had been identified in OSHA's preliminary economic analysis remained (Ex. 58; Ex. 302–X, pp. 596–600).

Evidence also was submitted that the four ethylene glycol ethers were being shifted out of several critical uses. Evidence indicated that these glycol ethers were no longer being used in the auto refinishing industry (Exs. 24, 53), which accounted for about 86 percent of the affected establishments and 57

percent of all exposed workers (58 FR 15583). The targeted glycol ethers also had been discontinued in construction paints and were being replaced in surface coatings, printing inks, and in the semiconductor industry (Exs. 28, 48,11–18, 19–B). (More recent public information confirms this downward trend in the production and use of these glycol ethers. Environmental Protection Agency Toxic Release Inventory, *http://www.epa.gov/opptintr/tri.*)

OSHA has decided to re-open the rulemaking record, which is now 9½ years old, to seek up-to-date information about the extent to which 2–ME, 2–EE, 2–MEA and 2–EEA are currently used. OSHA requests comments and data from interested persons about whether the four glycol ethers are still in use, including information about the level of production, the industries and processes in which they are still used, and employee exposure levels.

OSHA also requests information on substitutes for these glycol ethers that are currently used, including information on the volume of usage, levels of employee exposure to the substitutes, and toxicity of the substitutes. As noted in the proposal, the four glycol ethers have been shown to be potent reproductive and developmental toxins. The Agency is interested in information related to the types of risks that any substitutes may pose to workers. OSHA will use the information gathered during this re-opening to make determinations about how to proceed with the Glycol Ethers rulemaking.

Authority and Signature

This document was prepared under the direction of John L. Henshaw, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594, 29 U.S.C. 655), 29 CFR 1911.18, and Secretary's Order 3–2000.

Signed at Washington, DC, this 2nd day of August, 2002.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 02–20001 Filed 8–7–02; 8:45 am]

BILLING CODE 4510–26–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL–7256–9]

Amendment to State Implementation Plan (SIP) Procedural Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to amend its procedural regulations regarding State Implementation Plans under the Clean Air Act (CAA) to clarify that such plans, when approved by EPA, are fully enforceable and binding upon all entities affected by the plans, and that any interpretations of relevant law or application of law to specific facts contained in EPA's rulemaking action on such plans shall have full force and effect of law as precedent for any future EPA rulemaking action on similar plans. Further, EPA proposes to clarify that the agency will apply the CAA and implementing regulations in like manner to like situations, and will explain any deviations from past practice based upon factual differences in different areas or developing interpretations of applicable law in future plan approval or disapproval actions, through notice-and-comment rulemaking.

DATES: Comments must be received on or before September 9, 2002.

ADDRESSES: All comments should be submitted to Docket #A–2002–10, Office of Air and Radiation Docket and Information Center, 1200 Pennsylvania Avenue, NW., Mail Code 6102, Washington, DC 20460, phone number (202) 260–7548. The normal business hours are 7:30 a.m. to 5:30 p.m. Comments can either be submitted to the address above, by fax (202) 260–4400, or by e-mail to *A-and-R-Docket@epa.gov*.

FOR FURTHER INFORMATION CONTACT: Ms. Denise M. Gerth, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C–539–02, Research Triangle Park, NC 27711, phone number (919) 541–5550 or by e-mail at: *gerth.denise@epa.gov.*

SUPPLEMENTARY INFORMATION: States adopt SIPs under section 110 of the CAA providing for implementation of national ambient air quality standards (NAAQS) within their boundaries. Such SIPs are subsequently approved or disapproved by EPA pursuant to notice-and-comment rulemaking under the Administrative Procedure Act. *Buckeye Power, Inc.* v. *EPA*, 481 F.2d 162 (6th Cir. 1973). Under clearly established case law, once approved by EPA, these SIPs have full force and effect of law and are fully enforceable and binding upon all entities affected by the plans. *Union Electric Co.* v. *EPA*, 515 F.2d, 206 (8th Cir. 1975).

For a number of years, EPA had included certain language in the preambles to its rulemaking actions approving or disapproving submitted SIPs indicating that ''[n]othing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. U.S. EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.'' (58 FR 48312, September 15, 1993). By this language, EPA had intended to convey to States contemplating prospective SIP revisions that EPA's approval or disapproval of any SIP would depend on the specific facts and law applicable to the SIP revision at issue, and that States could not be guaranteed an identical result to that reached in any prior SIP action. The purpose of this language was not to leave the approved SIPs without the force and effect of law as to regulated parties, nor to deprive the rulemaking actions regarding SIP submissions of the precedential effect they necessarily have regarding subsequent EPA rulemaking actions. In fact, although EPA certainly has the ability to adjust its policies and rulings in light of experience and to announce new principles through rulemaking procedures, EPA may not depart from its prior rules of decision to reach a different result in future cases without fully explaining such discrepancies and taking comment on the appropriateness of the resulting action. *Western States Petroleum Association, et al.,* v. *EPA, et al.*, 87 F.3d 280 (9th Cir. 1996).

In a recent decision concerning a SIP revision in Nevada, the Court of Appeals for the Ninth Circuit, while acknowledging that SIPs are enforceable against regulated parties, interpreted the language EPA had included in the SIP warning States that they could not be guaranteed a given result in future SIP revision requests as limiting the binding precedential effect of EPA's action approving the SIP. *Hall* v. *EPA*, 273 F.3d 1146 (9th Circuit 2001). As noted above, EPA did not intend this result, and further the agency believes that in light of existing law concerning Agency rulemaking, EPA could not impose such a restriction on its actions in any event.