

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. This rule does 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 this rule 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 October 25, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 6, 2002.

**Keith A. Takata,**

*Acting 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 D—Arizona

2. Subpart D is amended by adding § 52.122 to read as follows:

##### § 52.122 Negative declarations.

(a) The following air pollution control districts submitted negative declarations for volatile organic compound source categories to satisfy the requirements of section 182 of the Clean Air Act, as amended. The following negative declarations are approved as additional information to the State Implementation Plan.

(1) Maricopa County Environmental Services Department.

(i) Refinery Sources (Refinery Process Turnarounds), Automobile and Light Duty Trucks, Magnet Wire, Flatwood Paneling, Pharmaceuticals and Cosmetic Manufacturing Operations, Rubber Tire Manufacturing, Polymer Manufacturing, Industrial Wastewater, Ship Building and Repair, Synthetic Organic Chemical Manufacturing Industry (SOCMI) Batch Processing, SOCMI Reactors, and SOCMI Distillation were adopted on April 26, 2000 and submitted on December 14, 2000.

(b) [Reserved]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 80

[AMS-FRL-7265-4]

RIN 2060-AJ71

#### Control of Air Pollution From New Motor Vehicles; Second Amendment to the Tier 2/Gasoline Sulfur Regulations; Partial Withdrawal of Direct Final Rule

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

**ACTION:** Partial withdrawal of direct final rule.

**SUMMARY:** Due to receipt of adverse comments, EPA is withdrawing certain amendments that were included in the direct final rule published on June 12, 2002 (67 FR 40169), related to the Tier 2/Gasoline Sulfur program. The only provisions being withdrawn are the changes to the section concerning the generation of credits beginning in 2004. Because these provisions are being withdrawn, the existing provisions

regarding this matter remain in effect. We will address the adverse comments in a subsequent final action based on the parallel proposal published on June 12, 2002 (67 FR 40256).

**DATES:** The following provisions of the direct final rule published at 67 FR 40169 (June 12, 2002) are withdrawn as of August 26, 2002:

1. The revision to 40 CFR 80.310(a),
2. The amendment of 40 CFR 80.310(b), and
3. The addition of 40 CFR 80.310(d).

**ADDRESSES:** All comments and materials relevant to today's action are contained in Public Docket No. A-97-10 at the following address: EPA Docket Center (EPA/DC), Public Reading Room, Room B102, EPA West Building, 1301 Constitution Avenue, NW., Washington, DC. Dockets may be inspected from 8:30 a.m. to 4:30 p.m., Monday through Friday, except on government holidays. You can reach the Air Docket by telephone at (202) 566-1742 and by facsimile at (202) 566-1741. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR part 2.

**FOR FURTHER INFORMATION CONTACT:** Mary Manners, U.S. EPA, National Vehicle and Fuels Emission Laboratory, Assessment and Standards Division, 2000 Traverwood, Ann Arbor, MI 48105; telephone (734) 214-4873, fax (734) 214-4051, e-mail: [manners.mary@epa.gov](mailto:manners.mary@epa.gov).

**SUPPLEMENTARY INFORMATION:** We stated in the direct final rule published at 67 FR 40169 (June 12, 2002) that if we received adverse comment on one or more distinct amendments, paragraphs, or sections of the rulemaking by July 12, 2002, we would publish a timely withdrawal in the **Federal Register** indicating which provisions would become effective on September 10, 2002, and which provisions would be withdrawn due to adverse comment. We received adverse comments on the amendments to 40 CFR 80.310.

The direct final rule eliminated the anti-backsliding provision under the Geographic Phase-in Area (GPA) program for GPA gasoline. Specifically, we replaced the variable average standard for GPA gasoline<sup>1</sup> with a flat average standard of 150 ppm sulfur for 2004 through 2006. In addition, to

<sup>1</sup> The anti-backsliding requirement defined the average standard for GPA gasoline as the least of (1) 150 ppm, (2) the refinery's or importer's 1997/1998 average gasoline sulfur level, calculated in accordance with § 80.295, plus 30 ppm, or (3) the lowest average sulfur content for any year in which the refinery generated allotments or credits under § 80.275(a) or § 80.305 plus 30 ppm, not to exceed 150 ppm.

prevent the generation of windfall credits by refineries that have existing gasoline sulfur baselines below 150 ppm sulfur (but now will have an average GPA standard of 150 ppm), we also amended § 80.310, "How are credits generated beginning in 2004?". As stated in the preamble to the direct final rule, we believed that the amendment to § 80.310 would allow for the generation of credits during the 2004 through 2006 period comparable to the number of credits that could have been generated under the Tier 2 rule (65 FR 6698, February 10, 2000), even though the standard for all GPA gasoline will be 150 ppm sulfur.

As a result of the adverse comments received, we are withdrawing all amendments to § 80.310. We intend to consider the issues raised by the comments in a final action based on the concurrent notice of proposed rulemaking (67 FR 40256). With the exception of the amendments to § 80.310, all other amendments will become effective on September 10, 2002 as provided in the June 12, 2002 direct final rule.

**List of Subjects in 40 CFR Part 80**

Environmental protection, Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: August 16, 2002.

**Robert Brenner,**

*Assistant Administrator for Office of Air and Radiation.*

[FR Doc. 02-21662 Filed 8-23-02; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

[FRL-7266-1]

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

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Notice of deletion for the Facility Area portion of the A.O. Polymer Site from the National Priorities List.

**SUMMARY:** The U.S. Environmental Protection Agency, Region II announces the deletion of the Facility Area portion of the A.O. Polymer Site (Site) located in Sussex County, New Jersey, from the National Priorities List (NPL). The NPL constitutes appendix B to 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA and the State of New Jersey, through the Department of Environmental Protection, have determined that all appropriate response actions under CERCLA, as amended, have been implemented at the Facility Area portion of the Site and that no further response action by responsible parties is appropriate. This partial deletion pertains only to the Facility Area portion of the Site and does not include the other portions of the Site, which will remain on the NPL.

**EFFECTIVE DATE:** August 26, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jeff Catanzarita, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290, Broadway, 19th Floor, New York, NY 10007-1866, (212) 637-4409.

**SUPPLEMENTARY INFORMATION:** The Facility Area portion of the A.O. Polymer Site is located at 44 Station Road in the Township of Sparta, Sussex County, New Jersey. The Site has two portions: The Facility Area and the Disposal Area. The Disposal Area is located in the northeast corner of the Site and is separated from the Facility Area by a dirt road. The Disposal Area and groundwater contamination by the Site are undergoing cleanup and will remain on the NPL.

A Notice of Intent to Delete for the Facility Area portion was published in the **Federal Register** on June 20, 2002 (67 FR 41914). The closing date for

comments on the Notice of Intent to Delete was July 20, 2002. EPA received no comments regarding this deletion. The Deletion Docket may be reviewed at the EPA Region II office in New York, New York, the Sparta Township Library, Sparta, New Jersey, and the New Jersey Department of Environmental Protection office in Trenton, New Jersey.

The NPL is a list maintained by EPA of sites that EPA has determined present a significant risk to human health, welfare, or the environment. Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action. Deletion of a portion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

**List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: August 12, 2002.

**Jane M. Kenny,**

*Regional Administrator, Region II.*

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

1. The authority citation for part 300 continues to read as follows:

**Authority:** 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); E.O.12777, 56 FR 54757, 3 CFR 1991 Comp., p.351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

2. Table 1 of appendix B to part 300 is amended under the State of New Jersey (NJ) by revising the entry for "A.O. Polymer".

**Appendix B to Part 300—National Priorities List**

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)
NJ	A.O. Polymer	Sparta/Sussex	P

(a) \* \* \*

P = Sites with partial deletion(s).