This rule is not subject to 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 significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today’s action does not require the public to perform activities conducive to the use of VCS.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. section 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. section 804(2). This rule will be effective May 16, 2003.

K. Petitions for Judicial Review

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 June 16, 2003. 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, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 5, 2003.

Alexis Strauss, 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. Section 52.120 is amended by adding paragraph (c)(94)(i)(G) to read as follows:

§ 52.120 Identification of plan.

   * * * * *

   (c) * * * * * * * * *

   (94) * * * * * * * * *

   (i) * * * * * * * * *

   (G) Rule 331, revised on April 7, 1999.

   * * * * * * * * *

Subpart F—California

3. Section 52.220 is amended by adding paragraph (c)(277)(i)(C)(3) to read as follows:

§ 52.220 Identification of plan.

   * * * * * * * * *

   (c) * * * * * * * * *

   (277) * * * * * * * * *

   (i) * * * * * * * * *

   (C) * * * * * * * * *


   * * * * * * * * *

   [FR Doc. 03–9041 Filed 4–15–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[DC–T5–2003–01a; FRL–7483–6]

Clean Air Act Approval of Operating Permits Program Revision; District of Columbia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the District of Columbia’s Clean Air Act title V operating permit program, pertaining to requirements for public notification of permit actions. In a notice of deficiency (NOD) published in the Federal Register on December 21, 2001, EPA notified the District of Columbia of EPA’s finding that the District’s provisions for providing public notification of permitting actions did not fully comply with the requirements of the Clean Air Act (CAA) and its implementing regulations. Direct final approval of this program revision resolves the deficiency identified in the NOD and the District of Columbia maintains final full approval of the Clean Air Act title V operating permits program.

EFFECTIVE DATE: This rule is effective on June 2, 2003 without further notice, unless EPA receives adverse written comment by May 16, 2003. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the Federal Register and inform the public that the rule will not take effect.

ADRESSES: Written comments may be mailed to Kristeen Gaffney, Acting Chief, Permits and Technical Assessment Branch, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and District of Columbia Department of Health, Air Quality Division, 51 N Street, NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Paresh R. Pandya, U.S. Environmental Protection Agency, Region III (3AP11), 1650 Arch Street, Philadelphia, PA 19103 at (215) 814–2167, or by e-mail at pandya.perry@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The EPA granted final interim approval of the District of Columbia’s operating permit program on August 7, 1995 (60 FR 40101). The District amended its operating permit program to address deficiencies identified in the interim approval action. The EPA proposed full approval of the District of Columbia’s operating permit program in the Federal Register on October 16,
2001 (66 FR 52538). Adverse comments were received and EPA withdrew the
approval. A final rulemaking action was published in the Federal Register on
December 4, 2001 (66 FR 62954) which summarized the adverse comments,
provided EPA’s responses, and
promulgated final full approval of the
District of Columbia’s operating permit
program. Subsequently, in reevaluating
the commenter’s concerns, EPA agreed
that the commenter had identified a
deficiency in the District of Columbia’s
title V operating permit program relating
to the District of Columbia’s public
notification requirements. The EPA
published a notice of deficiency (NOD)
in the Federal Register (pursuant to 40
CFR 70.4(l) and 70.10(b)) on December
21, 2001 (66 FR 65947) to notify the
District of Columbia and the public that
EPA found a deficiency in the District of
Columbia’s title V operating permit
program. The deficiency relates to the
District of Columbia’s regulatory
authority to provide public notification
of permit actions.

II. Description of Action

The EPA’s regulations at 40 CFR 70.7(h) and 70.7(d)(3)(i) provide that
public notice shall be provided for all permit proceedings, except those
qualifying as administrative permit amendments or minor permit
modifications. Such public notification shall be provided by a number of means,
including “by publication in a newspaper of general circulation in the
area where the source is located or in a State publication designed to give
general public notice; to persons on a
mailing list developed by the permitting
authority, including those who request
in writing to be on the list; and by other
means if necessary to assure adequate
notice to the affected public.” See, 40
CFR 70.7(h)(1). EPA’s regulations at 40
CFR 70.4(b)(16) require that State part
70 program submittals contain
provisions requiring the permitting
authority to implement the
requirements of 40 CFR 70.7. The
District of Columbia’s operating permit
program regulations at 20 DCMR 303.10
required that public notice of draft
initial permits, significant modifications
and permit renewals be published in the
District of Columbia Register and that
copies of such notice be sent to persons
on a permit mailing list. However, the
regulations did not expressly require that “other means” be employed if
necessary to assure adequate public
notice. Because the District of
Columbia’s operating permit program
regulations require the District
to provide public notice by other means
if necessary to assure adequate notice to
the affected public, the District of
Columbia’s operating permit program
did not fully comply with the
requirements of the Clean Air Act and
40 CFR part 70.

Title V provides for the approval of State programs for the issuance of
operating permits that incorporate the applicable requirements of the Clean Air
Act. To receive title V program
approval, a State permitting authority
must submit a program to EPA that
meets certain minimum criteria, and
EPA must disapprove a program that
fails, or withdraw an approved program
that subsequently fails, to meet these
criteria. These criteria include
requirements for proper public
participation procedures (40 CFR 70.7(h)).

The EPA’s title V implementing
regulations at 40 CFR 70.4 and 70.10(b)
and (c) provide that EPA may withdraw
a part 70 program approval, in whole or
in part, whenever the approved program
no longer complies with the
requirements of part 70 and the
permitting authority fails to take
corrective action. A list of potential
bases for program withdrawal is
provided at 40 CFR 70.10(c)(1)(i), and
includes the case where the permitting
authority’s legal authority does not meet
the requirements of 40 CFR part 70.

III. Final Action

On April 4, 2003, the District of
Columbia submitted revisions to 20
DCMR 303.10(a)(1)(B) which require that
a notice be published in the District of
Columbia Register and using any
“other means” necessary to assure
adequate notice to the affected public of
the application, the preliminary
determination, the location of the public
file and the procedures for submitting
written comments and requesting a
hearing. With this amendment to 20
DCMR 303.10(a)(1)(B), the District of
Columbia has adequately resolved the
deficiency EPA identified in its
December 21, 2001 notice of deficiency
and maintains full final approval of the
Clean Air Act title V operating permits
program.

EPA is publishing this rule without
prior proposal because the Agency
views this as a noncontroversial
amendment and anticipates no adverse
comment. However, in the “Proposed
Rules” section of today’s Federal
Register, EPA is publishing a separate
document that will serve as the proposal
to approve the operating permit program
revisions if adverse comments are filed
relevant to the issues discussed in this
revision. The time for comments is
June 2, 2003 without further notice
unless EPA receives adverse comments
by May 16, 2003. If EPA receives
adverse comment, EPA will publish a
timely withdrawal in the Federal
Register informing the public that the
rule will not take effect. EPA will
address all public comments in a
subsequent final rule based on the
proposed rule. EPA will not institute a
second comment period on this action.
Any parties interested in commenting
must do so at this time.

IV. Statutory and Executive Order
Reviews

A. General Requirements

Under Executive Order 12866 (58 FR
15175, 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 this rule
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 this
rule approves pre-existing requirements
under state law and does not impose
any additional enforceable duty beyond
that required by state law, it does not
contain any unfunded mandate or
significantly or uniquely affect small
governments, as described in the
Unfunded Mandates Reform Act of 1995
(Pub. L. 104-4). This rule also does not
have tribal implications because it will
do 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
This action approving revisions to the District of Columbia operating permit program may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 70

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


James W. Newsom,
Acting Regional Administrator, Region III.

Appendix A of part 70 of title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

2. Appendix A to part 70 is amended by adding paragraph (c) in the entry for the District of Columbia to read as follows:

Appendix A to part 70—Approval Status of State and Local Operating Permits Programs

District of Columbia


[FR Doc. 03–3943 Filed 4–15–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180


Pesticides; Minimal Risk Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule reorganizes certain existing tolerance exemptions. All of these chemical substances were reviewed as part of the tolerance reassessment process required under the Food Quality Protection Act of 1996 (FQPA). As a result of that review, certain chemical substances are now classified as “minimal risk,” and are therefore being shifted to the section of 40 CFR part 180 that holds minimal risk chemicals. The Agency is merely moving certain tolerance exemptions from one section of the Code of Federal Regulations to another. No existing tolerance exemptions are lost or expanded and no new tolerance exemptions are added as a result of this action.

DATES: This final rule is effective on April 16, 2003.

FOR FURTHER INFORMATION CONTACT:

Kathryn Boyle, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: 703–305–6304; fax number: 703–305–0599; e-mail address: Boyle.kathryn@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be potentially affected by this action if you formulate or market pesticide products. Potentially affected categories and entities may include, but are not limited to:

• Crop production (NAICS 111)
• Animal production (NAICS 112)
• Food manufacturing (NAICS 311)
• Pesticide manufacturing (NAICS 32532)
• Antimicrobial pesticides (NAICS 32561)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under: FOR FURTHER INFORMATION CONTACT.

B. How Can I Get Copies Of This Document and Other Related Information?

1. Docket. EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0126. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI)