

claimant of the qualified article and the exported article must all maintain their appropriate records required by this part.

7. In appendix A to part 191, general manufacturing drawback rulings "X." and "XIV.", respectively, are amended by adding a sentence after the third sentence of paragraph "F.", and by adding a sentence at the end of paragraph "G.", to read as follows:

#### Appendix to Part 191—General Manufacturing Drawback Rulings

\* \* \* \* \*

#### X. General Manufacturing Drawback Ruling Under 19 U.S.C. 1313(b) for Piece Goods (T.D. 83–73)

\* \* \* \* \*

##### F. Waste

\* \* \* If necessary to establish the quantity of merchandise (eligible piece goods) appearing in the exported articles, such waste records will also be kept. \* \* \*

##### G. Shrinkage, Gain, and Spoilage

\* \* \* If necessary to establish the quantity of merchandise (eligible piece goods) appearing in the exported articles, such records for shrinkage, gain and spoilage will also be kept.

\* \* \* \* \*

#### XIV. General Manufacturing Drawback Ruling Under 19 U.S.C. 1313(a) for Woven Piece Goods (T.D. 83–84)

\* \* \* \* \*

##### F. Waste

\* \* \* If necessary to establish the quantity of merchandise (eligible piece goods) appearing in the exported articles, such waste records will also be kept. \* \* \*

##### G. Shrinkage, Gain, and Spoilage

\* \* \* If necessary to establish the quantity of merchandise (eligible piece goods) appearing in the exported articles, such

records for shrinkage, gain, and spoilage will also be kept.

\* \* \* \* \*

#### Robert C. Bonner,

*Commissioner of Customs.*

Approved: April 1, 2002.

#### Timothy E. Skud,

*Acting Deputy Assistant Secretary of the Treasury.*

[FR Doc. 02–8217 Filed 4–5–02; 8:45 am]

BILLING CODE 4820–02–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 251–0326a; FRL–7160–8]

### Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a revision to the Monterey Bay Unified Air Pollution Control District (MBUAPCD) portion of the California State Implementation Plan (SIP). This revision concerns oxides of nitrogen (NO<sub>x</sub>) emissions from electric power boilers. We are approving the local rule that regulates these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on June 7, 2002, without further notice, unless EPA receives adverse comments by May 8, 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.

TABLE 1.—SUBMITTED RULE

Local agency	Rule #	Rule title	Adopted	Submitted
MBUAPCD .....	431	Emissions from Electric Power Boilers .....	10/17/01	11/07/01

On February 22, 2002, this rule submittal was 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 This Rule?

MBUAPCD adopted a version of this rule on December 17, 1997, which EPA approved into the SIP on December 13, 1998. MBUAPCD adopted revisions to this rule on October 17, 2001, which

were submitted to EPA for SIP approval on November 7, 2001.

#### C. What Is the Purpose of the Submitted Rule?

MBUAPCD Rule 431 provides limitations on emissions of nitrogen oxides (NO<sub>x</sub>) and carbon monoxide (CO) during the combustion of natural gas or fuel oil by boilers providing steam for electric power generation. This revision is designed primarily to allow additional time for compliance

**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 document (TSD) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

California Air Resources Board,  
Stationary Source Division, Rule  
Evaluation Section, 1001 "I" Street,  
Sacramento, CA 95812.

Monterey Bay Unified Air Pollution  
Control District, 24580 Silver Cloud  
Court, Monterey, CA 93940.

#### 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.

#### Table of Contents

- I. The State's Submittal
  - A. What rule did the State submit?
  - B. Are there other versions of this rule?
  - C. What is the purpose of the submitted rule?
- II. EPA's Evaluation and Action.
  - A. How is EPA evaluating the rule?
  - B. Does this rule meet the evaluation criteria?
  - C. Public comment and final action.
- III. Background information.
  - A. Why was this rule submitted?
- IV. Administrative Requirements

#### I. The State's Submittal

##### A. What Rule Did the State Submit?

Table 1 lists the rule we are approving with the dates that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).

with the 10 ppm NO<sub>x</sub> limit on Unit 7–1 at the Moss Landing Power Plant, for a period of seven months. The TSD has more information about this rule.

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

##### A. How Is EPA Evaluating This Rule?

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

sections 182(a)(2)(A) and 182(f)), and must not relax existing requirements (see sections 110(l) and 193).

Since MBUAPCD is in attainment for ozone, RACT requirements do not apply. Rule 431 is revised primarily to allow additional time for compliance with the 10 ppm NO<sub>x</sub> limit on Unit 7–1 for a period of seven months (from December 31, 2001 to July 31, 2002).

The rule has also been revised to remove obsolete provisions.

#### *B. Does This Rule Meet the Evaluation Criteria?*

Enforceability requirements have already been met in the previous approval of this Rule. We believe this rule is consistent with the relevant policy and guidance regarding enforceability, and SIP relaxations. The TSD has more information on our evaluation.

#### *C. Public Comment and Final Action.*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rule because we believe it fulfills all relevant requirements. We do not think anyone will object to this approval and we therefore 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 rule. If we receive adverse comments by May 8, 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 June 7, 2002. This action will incorporate this rule into the federally enforceable SIP.

### III. Background Information

#### *A. Why Was This Rule Submitted?*

NO<sub>x</sub> helps produce ground-level ozone, smog and particulate matter, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control NO<sub>x</sub> emissions. Table 2 lists some of the national milestones leading to the submittal of this local agency NO<sub>x</sub> rule.

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 1988 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 32111, “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 (Public Law 104–4).

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 (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 the state rules implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities 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), because it is 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. 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. 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).

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 7, 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: March 1, 2002.

**Keith 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 F—California

2. Section 52.220 is amended by adding paragraph (c)(292) to read as follows:

##### **§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(292) New and amended regulations for the following APCDs were submitted on November 7, 2001, by the Governor's designee.

(i) Incorporation by reference.

(A) Monterey Bay Air Pollution Control District.

(1) Rule 431, adopted on October 17, 2001.

\* \* \* \* \*

[FR Doc. 02-8293 Filed 4-5-02; 8:45 am]

**BILLING CODE 6560-50-P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

[CA 210-0306a; FRL-7165-2]

#### **Revisions to the California State Implementation Plan, South Coast Air Quality Management District**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP). These revisions concern nitrogen oxides (NO<sub>x</sub>) emissions from fuel burning equipment and from boilers, steam generators, process heaters, and from water heaters. We are approving local rules under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on June 7, 2002 without further notice, unless EPA receives adverse comments by May 8, 2002. If we receive such comments, 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.

You can inspect a copy of the submitted rule revisions and EPA's

technical support documents (TSDs) at our Region IX office during normal business hours. You may also see a copy of the submitted rule revisions and TSDs 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.

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765.

**FOR FURTHER INFORMATION CONTACT:** Al Petersen, Rulemaking Office (AIR-4), U.S. Environmental Protection Agency, Region IX; (415) 947-4118.

#### **SUPPLEMENTARY INFORMATION:**

Throughout this document, "we," "us" and "our" refer to EPA.

#### **Table of Contents**

- I. The State's Submittal
  - A. What rules did the State submit?
  - B. Are there other versions of these rules?
  - C. What are the changes or purposes to the submitted rules?
- II. EPA's Evaluation and Action
  - A. How is EPA evaluating the rules?
  - B. Do the rules meet the evaluation criteria?
  - C. Public comment and final action
  - D. EPA recommendation to further improve the rules
- III. Background Information
  - A. Why were these rules submitted?
- IV. Administrative Requirements

#### **I. The State's Submittal**

##### **A. What Rules Did the State Submit?**

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

**TABLE 1.—SUBMITTED RULES**

Local agency	Rule No.	Rule title	Adopted	Submitted
SCAQMD .....	1146	Emission of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters.	11/17/00	05/08/01
SCAQMD .....	1146.2	Emission of Oxides of Nitrogen from Large Water Heaters and Small Boilers.	01/09/98	05/18/98

On July 20, 2001 and July 17, 1998, respectively, these 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?**

We approved a version of SCAQMD Rule 1146 into the SIP on September 6, 1995 (60 FR 46220). There are no previous versions of SCAQMD Rule 1146.2 in the SIP.

The SCAQMD also adopted revisions to the SIP-approved version of Rule

1146 on June 16, 2000, and CARB submitted them to us on February 8, 2001. While we can act on only the most recently submitted version, we have reviewed materials provided with the previous submittal.