

December 31, 2001. Contact: (Barbara Madden)

Specific: EPA authorized the use of flufenacet on wheat to control annual ryegrass; November 29, 2001 to December 31, 2001. Contact: (Barbara Madden)

Texas

Department of Agriculture

Crisis: On March 21, 2001, for the use of bifenthrin on citrus to control weevils. This program is expected to end on November 14, 2002. Contact: (Andrea Conrath)

Specific: EPA authorized the use of bifenthrin on citrus to control weevils; November 14, 2001 to November 14, 2002. Contact: (Andrea Conrath)

EPA authorized the use of azoxystrobin on cabbage to control leaf spot caused by *Cercospora brassicola* and *Alternaria brassicae*; November 29, 2001 to March 18, 2003. Contact: (Libby Pemberton)

EPA authorized the use of propiconazole in sorghum to control sorghum ergot; December 14, 2001 to December 13, 2002. Contact: (Dan Rosenblatt)

EPA authorized the use of imazapic-ammonium on bermudagrass hay meadows and pastures to control grassy weeds; February 1, 2002 to October 31, 2002. Contact: (Libby Pemberton)

EPA authorized the use of coumaphos in beehives to control *varroa* mites and small hive beetles; February 2, 2002 to February 1, 2003. Contact: (Barbara Madden)

EPA authorized the use of bifenazate on greenhouse grown tomatoes to control spider mites; June 13, 2002 to June 12, 2003. Contact: (Barbara Madden)

Virginia

Department of Agriculture and Consumer Services

Specific: EPA authorized the use of flufenacet on wheat to control annual ryegrass; October 1, 2001 to December 31, 2001. Contact: (Barbara Madden)

Washington

Department of Agriculture

Specific: EPA authorized the use of flufenacet on wheat and triticale to control annual ryegrass; October 3, 2001 to June 30, 2002. Contact: (Barbara Madden)

EPA authorized the use of clopyralid on cranberries to control lotus, Douglas aster, and clover; January 1, 2002 to December 31, 2002. Contact: (Libby Pemberton)

EPA authorized the use of pendimethalin on mint to control kochia and redroot pigweed; January 1, 2002 to December 31, 2002. Contact: (Libby Pemberton)

B. Federal Departments and Agencies

Environmental Protection Agency Office of Solid Waste and Emergency Response

Crisis: On November 9, 2001, for the use of chlorine dioxide liquid on structures or other property identified as contaminated or potentially contaminated by *Bacillus anthracis* to control anthrax. This program is expected to end on November 9, 2002. Contact: (Barbara Madden)

On November 16, 2001, for the use of hydrogen peroxide and dimethylbenzyl ammonium chlorides on structures or other property identified as contaminated or potentially contaminated by *Bacillus anthracis* to control anthrax. This program is expected to end on November 16, 2002. Contact: (Barbara Madden)

On November 30, 2001, for the use of chlorine dioxide gas in the Hart Senate Office Building to control anthrax (*Bacillus anthracis*). This program ended on February 1, 2002. Contact: (Barbara Madden)

On December 7, 2001, for the use of ethylene oxide to fumigate items retrieved from Congressional Offices that were contaminated or potentially contaminated by *Bacillus anthracis*. This program is expected to end by December 6, 2002. Contact: (Barbara Madden)

On December 17, 2001, for the use of ethylene oxide to fumigate mail received by the Department of Justice that may have been contaminated or potentially contaminated by *Bacillus anthracis*. This program ended on January 1, 2002. Contact: (Barbara Madden)

List of Subjects

Environmental protection, Pesticides and pest.

Dated: January 30, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 02-3099 Filed 2-12-02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7143-5]

Operating Permits Program; Notice of Location of Response Letters to Citizens Concerning Program Deficiencies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The EPA is identifying a website which contains letters from EPA to citizens which respond to the citizens' comments on alleged deficiencies in State and local air operating permits programs. The citizen comments were submitted to EPA as a result of a 90-day comment period EPA provided for members of the public to identify deficiencies they perceive exist in State and local agency operating permits programs required by title V of the Clean Air Act (Act). The 90-day comment period was from December 11, 2000, until March 12, 2001.

FOR FURTHER INFORMATION CONTACT: Jeff Herring, C304-04, Information Transfer and Program Integration Division, Environmental Protection Agency, Research Triangle Park, North Carolina, 27711. Telephone: 919-541-3195. Internet address: herring.jeff@epa.gov.

SUPPLEMENTARY INFORMATION: On December 11, 2000 (65 FR 77376), EPA announced a 90-day comment period during which the public could submit comments identifying deficiencies they perceived to exist in State and local agency operating permits programs required by title V of the Act. The 90-day comment period ended on March 12, 2001.

The December 11, 2000 notice solicited comment from the public regarding either deficiencies in the elements of the approved program, such as deficiencies in the States' approved regulations, or deficiencies in how a permitting authority was implementing its program. The Agency indicated that it would consider information received from the public and determine whether it agreed or disagreed with the purported deficiencies and would then publish notices of those findings. Where the Agency agreed that a claimed shortcoming constituted a deficiency, it indicated it would issue a notice of deficiency. Where the Agency disagreed as to the existence of a deficiency, it indicated it would respond to the citizen comments by December 1, 2001, for comments on programs granted interim approval as of December 11, 2000. For programs granted full approval as of December 11, 2000, EPA indicated it would respond to citizen comments by April 1, 2002.

In accordance with the procedures set forth in the December 11, 2000, notice and outlined above, EPA has issued notices of deficiency for several State permitting authorities in connection with the citizen comment letters submitted pursuant to the December 11, 2000, notice. Notices of deficiency have been published in the **Federal Register** for the following permitting authorities:

Permitting authority	Citation
State of Michigan	66 FR 64038, December 11, 2001.
State of Indiana	66 FR 64039, December 11, 2001.
District of Columbia	66 FR 65947, December 21, 2001.
State of Washington	67 FR 72, January 2, 2002.
State of Texas	67 FR 732, January 7, 2002.

Also in accordance with the December 11, 2000, notice, EPA has issued Agency response letters to citizen comments which explain EPA's reasoning in those instances where the Agency disagrees that particular alleged problems constitute deficiencies within the meaning of part 70. The EPA hereby notifies the public that these letters are available via the internet at the following web address: (<http://www.epa.gov/air/oaqps/permits/response/>). The EPA notes further that the terms "deficiency" and "notice of deficiency" are terms of art under the operating permits regulations in part 70. Thus, as explained in our letters responding to citizen comments, in some instances where EPA declined to issue a notice of deficiency, it was because the Agency disagreed that there was a problem with the State program or its implementation that requires correction. In other instances, however, EPA agreed in whole or in part with commenters that a program was not being properly implemented but nevertheless did not issue a notice of deficiency. Rather, EPA determined that the alleged deficiency had been corrected because the State had made a firm commitment to correct program implementation shortcomings where that could be accomplished on a timely basis by the State administratively without additional rulemaking or legislation.

Background

Pursuant to section 502(b) of the Act, EPA has promulgated regulations establishing the minimum requirements for State and local air agency operating

permits programs. We promulgated these regulations on July 21, 1992 (57 FR 32250), in part 70 of title 40, chapter I, of the Code of Federal Regulations. Section 502(d) of the Act requires each State to develop and submit to EPA an operating permits program meeting the requirements of the part 70 regulations and requires us to approve or disapprove the submitted program. In some cases, States have delegated authority to local city, county, or district air pollution control agencies to administer operating permits programs in their jurisdictions. These operating permits programs must meet the same requirements as the State programs. In accordance with section 502(g) of the Act and 40 CFR 70.4(d), for 99 State and local operating permits programs, we granted "interim" rather than full approval because the programs substantially met, but did not fully meet, the provisions of part 70. For interim approved programs, we identified in the notice of interim approval those program deficiencies that would have to be corrected before we could grant the program full approval. As of December 11, 2000, some of those 99 programs had since been granted full approval and the remainder still had interim approval status.

After a State or local permitting program is granted full or interim approval, EPA has oversight of the program to insure that the program is implemented correctly and is not changed in an unacceptable manner. Section 70.4(i) of the part 70 regulations requires permitting authorities to keep us apprised of any proposed program

modifications and also to submit any program modifications to us for approval. Section 70.10(b) requires any approved operating permits program to be implemented " * * * in accordance with the requirements of this part and of any agreement between the State and the Administrator concerning operation of the program."

Furthermore, §§ 70.4(i) and 70.10(b) provide authority for us to require permitting authorities to correct program or implementation deficiencies. As explained previously, EPA has exercised these authorities by in some instances issuing notices of deficiency and in other instances issuing letters explaining why we do not agree that deficiencies exist.

Dated: February 5, 2002.

Anna B. Duncan,

Acting Director, Information Transfer and Program Integration Division.

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FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting Thursday, February 14, 2002

February 7, 2002.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, February 14, 2002, which is scheduled to commence at 9:30 a.m. in Room TW-C305, at 445 12th Street, SW., Washington, DC.

Item No.	Bureau	Subject
1	Common Carrier	<i>Title:</i> Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; and Universal Service Obligations of Broadband Providers. <i>Summary:</i> The Commission will consider a Notice of Proposed Rule Making initiating a thorough examination of the appropriate legal and policy framework under the Communications Act of 1934, as amended, for broadband access to the Internet provided over domestic wireline facilities.
2	Common Carrier	<i>Title:</i> Federal-State Joint Board on Universal Service (CC Docket No. 96-45); 1998 Biennial Regulatory Review (CC Docket No. 98-171); Telecommunications Services for Individuals with Hearing and Speech Disabilities (CC Docket No. 90-571); Administration of the North American Numbering Plan (CC Docket No. 92-327); Number Resource Optimization (CC Docket No. 99-200); Telephone Number Portability (CC Docket No. 95-116); and Truth-in-Billing and Billing Format (CC Docket No. 98-170). <i>Summary:</i> The Commission will consider a Further Notice of Proposed Rulemaking and Order concerning the system for assessment and recovery of universal service contributions.