

accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping requirements under the Paperwork Reduction Act.

List of Subjects in 22 CFR Part 42

Aliens, Immigrants, Passports and visas.

PART 42—[AMENDED]

1. The authority citation for part 42 is revised to read as follows:

Authority: 8 U.S.C. 1104.

2. Amend § 42.11 as follows:

a. In the table, under the heading “Immediate Relatives”, revise the entry for IR4;

b. In the table, revise the entries under the heading “Vietnam Amerasian Immigrants”;

c. In the table, under the heading “Employment 4th Preference (Certain

Special Immigrants)”, add an entry for SP in alpha-numeric order; and

d. In the table, remove the heading “Transition for Employees of Certain U.S. Businesses in Hong Kong (Fiscal Years 1991–1993)” and the entries HK1, HK2 and HK3, and remove the note at the end of the table.

The revisions and additions read as follows:

§ 42.11 Classification symbols.

* * * * *

IMMIGRANTS

Symbol	Class	Section of law
Immediate Relatives		
IR4	Child Adopted Abroad by U.S. Citizen	201(b)
*	*	*
Vietnam Amerasian Immigrants		
AM1	Vietnam Amerasian Principal	584(b)(1)(A), 584(b)(1)(B), and 584(b)(2)(C) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (As contained in section 101(e) of Public Law 100–102 as amended.
AM2	Spouse or Child of AM1	
AM3	Natural Mother of Unmarried AM1 (Spouse or Child of Such Mother) or Person Who has Acted in Effect as the Mother, Father, or Next-of-Kin of Unmarried AM1 (and Spouse or Child of Such Person).	
*	*	*
Employment 4th Preference (Certain Special Immigrants)		
SP	Alien Beneficiary of a petition or labor certification application filed prior to September 11, 2001, if the petition or application was rendered void due to a terrorist act of September 11, 2001. Spouse, child of such alien, or the grandparent of a child orphaned by a terrorist act of September 11, 2001.	Section 421 of Public Law 107–56.
*	*	*

Dated: July 31, 2002.

George Lannon,

Acting Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 02–20090 Filed 8–28–02; 8:45 am]

BILLING CODE 4710–06–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–186; TN–187; TN–202; TN–203–200207a; FRL–7270–6]

Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to Tennessee Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation (TDEC) on July 10, 1996, February 14, 1997, and February 21, 1997. These submittals revise the regulations for Exemptions in the Construction and Operating Permits chapter, General Provisions and Applicability in the Nitrogen Oxides chapter, and add a chapter on Conflict of Interest.

DATES: This direct final rule is effective October 28, 2002, without further

notice, unless EPA receives adverse comment by September 30, 2002. If adverse comment is received, EPA 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.

ADDRESSES: All comments should be addressed to Steven M. Scofield at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960.

Copies of the State submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region 4 Air Planning Branch, 61
Forsyth Street, SW., Atlanta, Georgia
30303-8960. Steven M. Scofield, 404/
562-9034.

Division of Air Pollution Control,
Tennessee Department of
Environment and Conservation, L&C
Annex, 9th Floor, 401 Church Street,
Nashville, Tennessee 37243-1531.
615/532-0554.

FOR FURTHER INFORMATION CONTACT:

Steven M. Scofield; Regulatory
Development Section; Air Planning
Branch; Air, Pesticides and Toxics
Management Division; U.S.
Environmental Protection Agency
Region 4; 61 Forsyth Street, SW;
Atlanta, Georgia 30303-8960. Mr.
Scofield can also be reached by phone
at (404) 562-9034 or by electronic mail
at scofield.steve@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Analysis of State's Submittal

On July 10, 1996, the State of Tennessee, through the TDEC, submitted revisions to rule 1200-3-9-.04 Exemptions, in the Construction and Operating Permits chapter of the Tennessee SIP. The revisions are summarized as follows:

1200-3-9-.04(1) The existing paragraph is being replaced with a new paragraph which states the exemptions listed in paragraph 1200-3-9-.04(4) do not apply if an air contaminant source is subject to a standard or requirement contained in chapters 1200-3-18 Volatile Organic Compounds, 1200-3-19, 1200-3-22 Lead Emission Standards, and 1200-3-27 Nitrogen Oxides.

1200-3-9-.04(3) This paragraph is being added to specify that any person may request that a federally enforceable permit be issued for any of the air contaminant sources that are exempted in paragraph 1200-3-9-.04(4).

1200-3-9-.04(4) The original paragraph 1200-3-9-.04(1) is included in this new paragraph with the addition

of language in the beginning to clarify that the list of exempted air contaminant sources contained in this paragraph shall not be used as "insignificant activities" or "insignificant emission units" when applying for a major source operating permit under paragraph 1200-3-9-.02(11). In addition, exemptions are being added for the following air contaminant sources:

1. Automobile body shops (except sources in ozone nonattainment areas which emit more than 15 pounds per day of volatile organic compounds);

2. Any process emission source emitting less than 0.1 pounds per hour of a pollutant excluding hazardous air contaminants or pollutants;

3. Any air contaminant source with the potential to emit radionuclides which will result in a dose to the most exposed member of the public of less than 0.1 millirem per year;

4. Any modification (as defined in Rule 1200-3-2-.01) to an existing process emission source, incinerator, or fuel-burning installation to add sources of equipment leaks as long as the estimated increase in annual emissions attributable to the modification does not exceed 5 tons per year.

1200-3-9-.04(5) This paragraph is being renumbered to 1200-3-9-.04(6). New paragraph 1200-3-9-.04(5) addresses insignificant activities for major source operating permit and is not part of the SIP.

On February 14, 1997, the State of Tennessee, through the TDEC, submitted a revision to rule 1200-3-27.02 General Provisions and Applicability, revising paragraph (6) by deleting Shelby County from the list of counties in which the owner or operator of any facility which has actual emissions from stationary sources of 25 tons or more nitrogen oxides (NO_x) during a calendar year is required to report to the Technical Secretary information and data concerning NO_x and volatile organic compounds (VOCs) emissions, as required by Clean Air Act (CAA) section 182(a)(3)(B). Shelby County was redesignated to attainment for ozone on February 16, 1995. However, the Consolidated Emissions Reporting Rule (CERR) requires all states to report statewide emissions for all criteria pollutants every three years beginning with 2002.

On February 21, 1997, the State of Tennessee, through the TDEC, submitted the addition of Chapter 1200-3-17 Conflict of Interest. The chapter was developed as a result of the Attorney General Opinion required as a part of Tennessee's title V submittal. In that opinion, the Attorney General found that the laws and regulations of the State did not fully address conflict

of interest as required under sections 7428 and 7429(e) of the CAA. Rule 1200-3-17-.02 defines a "conflict of interest" occurring when a Board member or the Technical Secretary takes an action in the performance of their duties that singularly benefits a source when the Board member or the Technical Secretary has a significant portion of their personal income derived from the operations of said source. The rule requires that prior to the issuance of a permit, variance or an enforcement order that requires an action on their part, the Technical Secretary or a Board member shall issue a statement that declares any conflict of interest that they may have in the matter.

II. Final Action

EPA is approving the aforementioned revisions to the Tennessee SIP because they are consistent with the CAA and EPA policy. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 28, 2002, without further notice unless the Agency receives adverse comments by September 30, 2002.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 28, 2002, and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

III. 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 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 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 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. 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 28, 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, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: July 30, 2002.

J.I. Palmer, Jr.,

Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *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.*

2. Section 52.2220 is amended in the table in paragraph (c):

a. Under Chapter 1200-3-9 by revising the entry for “Section 1200-3-9-.04.”

b. Adding “Chapter 1200-3-17” and adding entries for “Section 1200-3-17-.01”, “Section 1200-3-17-.02” and “Section 1200-3-17-.03.”

c. Under Chapter 1200-3-27 by revising the entry for “Section 1200-3-27-.02.”

The revisions read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED TENNESSEE REGULATIONS

State citation	Title/subject	Adoption date	EPA approval date	Federal Register notice
* * *	* * *	*	*	*
Chapter 1200-3-9	CONSTRUCTION AND OPERATING PERMITS			
* * *	* * *	*	*	*
Section 1200-3-9-.04	Exemptions	08/26/95 08/28/95	10/28/02	[Insert citation of publication]
* * *	* * *	*	*	*
Chapter 1200-3-17	CONFLICT OF INTEREST			
Section 1200-3-17-.01	Purpose and Intent	09/18/96	10/28/02	[Insert citation of publication]
Section 1200-3-17-.02	Conflict of Interest on the Part of the Board and Technical Secretary.	09/18/96	10/28/02	[Insert citation of publication]

EPA APPROVED TENNESSEE REGULATIONS—Continued

State citation	Title/subject	Adoption date	EPA approval date	Federal Register notice
Section 1200–3–17–.03	Conflict of Interest in the Permitting of Municipal Solid Waste Incineration Units.	09/18/96	10/28/02	[Insert citation of publication]
* * * * *				
Chapter 1200–3–27	NITROGEN OXIDES			
* * * * *				
Section 1200–3–27–.02	General Provisions and Applicability	11/23/96	10/28/02	[Insert citation of publication]
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[FR Doc. 02–22089 Filed 8–28–02; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180****[OPP–2002–0189; FRL–7193–4]****Imazethapyr; Pesticide Tolerance****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This regulation establishes a tolerance for combined residues of imazethapyr, its metabolite CL 288511 and its metabolite CL 182704 in or on rice bran, rice grain, and rice straw. This regulation also establishes a tolerance for combined residues of imazethapyr and its metabolite CL 288511 in or on crayfish and meat byproducts of cattle, goat, hog, horse, and sheep. BASF requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective August 29, 2002. Objections and requests for hearings, identified by docket ID number OPP–2002–0189, must be received on or before October 28, 2002.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket ID number OPP–2002–0189 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Jim Tompkins, Registration Division (7505C), Office of Pesticide

Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–305–5697; e-mail address: Tompkins.Jim@epa.gov.

SUPPLEMENTARY INFORMATION:**I. General Information***A. Does this Action Apply to Me?*

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Cat-egories	NAICS	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

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 the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have 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 Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select

“Laws and Regulations”, “Regulations and Proposed Rules,” and then look up the entry for this document under the “**Federal Register**—Environmental Documents.” You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html, a beta site currently under development. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>.

2. *In person.* The Agency has established an official record for this action under docket ID number OPP–2002–0189. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. Background and Statutory Findings

In the **Federal Register** of September 27, 2000 (65 FR 58074) (FRL–6744–6), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality