

preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

#### (g) *Unfunded Mandates*

Under section 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### (h) *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.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen

dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: April 22, 2002.

**Robert E. Roberts,**

*Regional Administrator, Region VIII.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[FRL–7204–6]

RIN 2060–AE82

### National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing

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

**ACTION:** Proposed rules; extension of comment period and notice of public hearing.

**SUMMARY:** This action announces a new date for a public hearing EPA is holding to take comments on the Agency’s proposed rule for national emission standards for hazardous air pollutants (NESHAP): Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing, published on April 4, 2002. The comment period for the above-named action is also being extended.

**DATES:** *Comments.* Submit comments on or before June 28, 2002.

*Public Hearing.* The public hearing will be held on May 23, 2002, from 10 a.m. to 4 p.m. (EST). The hearing may conclude prior to 4 p.m., depending on the number of attendees and level of interest. If you are interested in attending the hearing, you must call the contact person listed below (*see FOR FURTHER INFORMATION CONTACT*). You must contact the EPA and request to speak at a public hearing by May 10, 2002.

**ADDRESSES:** *Comments.* By U.S. Postal Service, send comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–96–04, U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. In person or by courier, deliver comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–96–04, U.S. EPA, 401 M Street, SW, Washington, DC 20460. The EPA

requests a separate copy also be sent to the contact person listed below (*see FOR FURTHER INFORMATION CONTACT*).

*Public Hearing.* A public hearing will be held at 10 a.m. on May 23, 2002 in the new EPA facility located at 109 T.W. Alexander Drive, Auditorium in Building C, Room C111, Research Triangle Park, North Carolina, 27709.

*Docket.* Docket No. A–96–04 contains supporting information used in developing the NESHAP. The docket is located at the U.S. EPA, 401 M Street, SW, Washington, DC 20460 in room M–1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** For information about the proposed NESHAP, contact Mr. Randy McDonald, Organic Chemicals Group, Emission Standards Division (C504–04), U.S. EPA, Research Triangle Park, North Carolina, 27711, telephone number (919) 541–5402, electronic mail address [mcdonald.randy@epa.gov](mailto:mcdonald.randy@epa.gov). For information about the public hearing, contact Ms. Maria Noell, Organic Chemicals Group, Emission Standards Division (C504–04), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5607, electronic mail address [noell.maria@epa.gov](mailto:noell.maria@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments

Comments and data may be submitted by electronic mail (e-mail) to: *a-and-r-docket@epa.gov*. Electronic comments must be submitted either as an ASCII file to avoid the use of special characters and encryption problems or on disks in WordPerfect® file format. All comments and data submitted in electronic form must note the docket number: A–96–04. No confidential business information (CBI) should be submitted by e-mail. Electronic comments may be filed online at many Federal Depository Libraries.

Commenters wishing to submit proprietary information for consideration must clearly distinguish such information from other comments and clearly label it as CBI. Send submissions containing such proprietary information directly to the following address, and not to the public docket, to ensure that proprietary information is not inadvertently placed in the docket: Attention: Mr. Randy McDonald, c/o OAQPS Document Control Officer (C404–02), U.S. EPA, Research Triangle Park, NC 27709. The EPA will disclose information identified as CBI only to the extent allowed by the

procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies a submission when it is received by the EPA, the information may be made available to the public without further notice to the commenter.

#### World Wide Web (WWW)

In addition to being available in the docket, an electronic copy of the proposed NESHAP will also be available on the WWW through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the proposed NESHAP will be posted on the TTN's policy and guidance page for newly proposed or promulgated rules at <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

The EPA published its proposed rules for the Miscellaneous Organic Chemical Manufacturing source category and the Miscellaneous Coating Manufacturing source category, on April 4, 2002 (67 FR 16154). In the proposed rules, we originally scheduled the public hearing date for May 6, 2002, contingent upon receiving a request for one. We did receive a request to hold a public hearing, so we are announcing that the public hearing date is rescheduled for May 23, 2002. We also scheduled the comment period to end on June 3, 2002; however, we are now extending the comment period to June 28, 2002. We are extending these dates because many of the facilities affected by the proposed rules will also be subject to other proposed MACT standards that will have public comment periods overlapping with the comment periods of the Miscellaneous Organic Chemical Manufacturing and the Miscellaneous Coating Manufacturing NESHAP. In addition, many of these facilities also have actions due, such as precompliance reports, during this same time period on promulgated MACT standards that affect them. This extension of the public comment period and the public hearing date will provide these facilities additional time necessary to better prepare meaningful comments on these proposed rules.

Dated: April 25, 2002.

**Robert Brenner,**

*Acting Assistant Administrator for Air and Radiation.*

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Parts 89, 90, 91, 94, 1048, 1051, 1065, and 1068

[AMS-FRL-7204-7]

RIN 2060-A111

##### Control of Emissions from Nonroad Large Spark Ignition Engines and Recreational Engines (Marine and Land-based); Extension of Comment Period

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

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The Environmental Protection Agency published in the **Federal Register** of October 5, 2001, a notice of proposed rulemaking proposing new emission standards for large spark-ignition engines, recreational vehicles using spark-ignition engines, and recreational marine diesel engines. The Agency received a number of comments noting considerable information on strategies to reduce permeation emissions and suggesting that requirements controlling such emissions be proposed for land-based recreational vehicles. As a result, EPA is requesting comment on whether it should finalize an emission standard controlling permeation emissions from fuel tanks and hoses for land-based recreational vehicles. This document provides a detailed discussion regarding this issue and discusses what form a final standard regulating these permeation emissions would take. This document extends the period for written comments on that notice of proposed rulemaking to May 31, 2002. The extension only applies to comments on whether EPA should finalize emission standards regulating permeation emissions from land-based recreational vehicles, and, if so, the form such standards would take.

**DATES:** *Comments:* Send written comments on this notice by May 31, 2002.

**ADDRESSES:** You may send written comments in paper form to Margaret Borushko, U.S. EPA, National Vehicle and Fuels Emission Laboratory, 2000 Traverwood, Ann Arbor, MI 48105. We must receive them by the date indicated under **DATES** above. You may also submit comments via e-mail to "[NRANPRM@epa.gov](mailto:NRANPRM@epa.gov)." In your correspondence, refer to Docket A-2000-01.

**FOR FURTHER INFORMATION CONTACT:** Margaret Borushko, U.S. EPA, National

Vehicle and Fuels Emission Laboratory, 2000 Traverwood, Ann Arbor, MI 48105; Telephone (734) 214-4334; FAX: (734) 214-4816; E-mail: [borushko.margaret@epa.gov](mailto:borushko.margaret@epa.gov). EPA hearings and comments hotline: 734-214-4370.

**SUPPLEMENTARY INFORMATION:** On October 5, 2001, we published a Notice of Proposed Rulemaking (NPRM) for the Control of Emissions from Nonroad Large Spark Ignition Engines and Recreational Engines (Marine and Land-Based) (66 FR 51098). The comment period for the NPRM was originally scheduled to end on December 17, 2001; however, the comment period was extended to January 18, 2002 as a result of several requests for additional time. During this comment period, we received many comments from a wide range of commenters covering a broad range of issues. One of the issues that was raised by several commenters<sup>1</sup> was the information related to the control of evaporative emissions related to permeation from fuel tanks and fuel hoses, and the lack of any proposed emission standards regulating these emissions from land-based recreational vehicles.

We have conducted our initial review and assessment of the issues and data raised in these comments, and believe that they have merit and should be presented to the public for further consideration. Therefore, we are asking for comment on the possibility of finalizing standards regulating permeation emissions from land-based recreational vehicles. Our work on evaporative emissions from marine applications indicates that the permeation emissions from tanks and hoses are a large part of the total emissions from these applications. Additionally, commenters stated that work done by the California Air Resources Board (ARB) on permeation emissions from plastic fuel tanks and rubber fuel line hoses for various types of nonroad equipment as well as portable plastic fuel containers indicated that these permeation emissions are a concern. Our own investigation into the hydrocarbon emissions related to permeation of fuel tanks and fuel hoses with respect to marine applications supports the concerns raised by the commenters. Given this, we are assessing the possibility of regulating permeation emissions from other vehicle types, including, off-highway motorcycles (OHM), all-terrain vehicles (ATVs) (including utility work and specialty

<sup>1</sup> See public docket A-2000-1 IV-D-186, items IV-D-198, and IV-D-202.