

Dated: September 30, 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 paragraphs (c)(279)(i)(A)(8) and (288)(i)(D) to read as follows:

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

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*      *      *      *      *
(c) * * *
(279) * * *
(i) * * *
(A) * * *
(8) Rule 417 adopted on September
14, 1999.
*      *      *      *      *
(288) * * *
(i) * * *
(D) Imperial County Air Pollution
Control District.
(1) Rules 412 and 413 adopted on
January 16, 2001.
*      *      *      *      *
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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 62**

**[MS–200301(a); FRL–7404–2]**

### **Approval and Promulgation of State Plan for Designated Facilities and Pollutants; State of Mississippi**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving the small Municipal Waste Combustion (MWC) units section 111(d) negative declaration submitted by the State of Mississippi. This negative declaration certifies that small MWC units subject to the requirements of section 111(d) and 129 of the Clean Air Act (CAA) do not exist in Mississippi.

**DATE:** This direct final rule will be effective January 6, 2003 unless EPA receives adverse comments by December 5, 2002. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Comments may be mailed to Joydeb Majumder, EPA Region 4, Air Toxics and Monitoring Branch, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.

Copies of documents relative to this action are available for public inspection during normal business hours at the above-listed Region 4 location. The interested person wanting to examine this document should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Joydeb Majumder at (404) 562–9121 or Michele Notarianni at (404) 562–9031.

**SUPPLEMENTARY INFORMATION:** Section 111(d) of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing facilities (designated facilities) whenever standards of performance have been established under section 111(d) for new sources of the same type, and EPA has established emissions guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA, but emissions of which are subject to a standard of performance for new stationary sources.

The emissions guidelines for small MWC units were originally promulgated in December 1995 but were vacated by the U.S. Court of Appeals for the District of Columbia Circuit in March 1997. In response to the 1997 vacature, on August 30, 1999, EPA proposed to reestablish emission guidelines for small MWC units. On December 6, 2000 (65 FR 76378), EPA finalized the section 111(d) emission guidelines for existing small MWC units. The emission guidelines contained in this final rule are equivalent to the 1995 emission guidelines for small MWC units. The emission guidelines are codified at 40 CFR part 60, subpart BBBBB.

Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants. Part 62 of the CFR provides the procedural framework for the submission of these plans. When designated facilities are located in a state, a state must develop and submit a plan for the control of designated pollutant. However, 40 CFR 62.06 provides that if there are no existing sources of the designated pollutants in the state, the state may submit a letter of certification to that effect, or negative

declaration, in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B for that designated pollutant. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

### **Final Action**

The State of Mississippi has determined there is no existing source in the state of Mississippi subject to the small MWC units emission guidelines. Consequently, the state of Mississippi has submitted a letter of negative declaration certifying this fact. We are taking final action to approve this negative declaration.

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 January 6, 2003 without further notice unless the Agency receives adverse comments by December 5, 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 January 6, 2003 and no further action will be taken on the proposed rule.

### **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. 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 January 6, 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 40 CFR Part 62

Environmental protection, Air pollution control, Municipal waste combustion units, Nitrogen dioxide, Particulate matter, Sulfur oxides.

Dated: October 24, 2002.

**A. Stanley Meiburg,**  
*Acting Regional Administrator, Region 4.*

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

#### Subpart Z—Mississippi

2. Subpart Z is amended by adding an undesignated center heading and § 62.6126 to read as follows:

##### AIR EMISSIONS FROM SMALL EXISTING MUNICIPAL WASTE COMBUSTION UNITS

##### § 62.6126 Identification of plan—negative declaration.

Letter from the Mississippi Department of Environmental Quality submitted March 27, 2002, certifying that there are no small municipal waste

combustion units subject to 40 CFR part 60, subpart BBBBB.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 80

[AMS-FRL-7404-5]

### Clean Diesel Fuel Implementation Workshop

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

**ACTION:** Notice of meeting.

**SUMMARY:** The Environmental Protection Agency will be holding a Clean Diesel Fuel Implementation Workshop November 20 and 21 in Houston, Texas. The clean diesel fuel program (66 FR 5002, January 18, 2001) establishes a maximum sulfur content of 15 ppm for highway diesel fuel beginning in June 2006 to enable the advanced emission control devices that will be used on 2007 and later model year heavy-duty diesel vehicles. The purpose of this workshop is to assist regulated entities, including refiners, fuel distributors, and fuel marketers, with program implementation and compliance. The workshop is being sponsored by the National Petrochemical and Refiners Association (NPRA) in conjunction with the Society of Independent Gasoline Marketers of America (SIGMA), the Association of Oil Pipelines (AOPL), the National Association of Convenience Stores (NACS), the Independent Fuel Terminal Operators Association (IFTOA), and the Petroleum Marketers Association of America (PMAA). EPA will present a summary of the clean diesel program, including recordkeeping and reporting requirements, and enforcement provisions. The workshop will also include a series of industry panel sessions on developing solutions to program implementation challenges. An agenda for the workshop will be available in early November on the clean diesel Web Page: <http://www.epa.gov/otaq/diesel.htm>. If you plan to attend the workshop, please register at <https://www.b-there.com/breg/diw02/index.cfm?x=1>.

**DATES:** Wednesday, November 20, 2002, from 10 a.m. to 6 p.m., Thursday, November 21, 2002, from 8 a.m. to 12:30 p.m.

**ADDRESSES:** The Westin Galleria Hotel, 5060 W. Alabama Street, Houston, Texas 77056, (713) 960-8100, (713)