

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 CAA. 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 29, 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,

Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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 R—Kansas

2. In § 52.870 the table in paragraph (e) is amended by adding an entry at the end of the table.

The addition reads as follows:

#### § 52.870 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

#### EPA APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Comments
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
Air monitoring plan .....	Statewide .....	1/16/02	August 30, 2002 [FR cite].	

Dated: August 12, 2002.

**William A. Spratlin,**  
Acting Regional Administrator, Region 7.  
[FR Doc. 02-22087 Filed 8-29-02; 8:45 am]  
BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 300

[FRL-7207-7]

#### National Priorities List for Uncontrolled Hazardous Waste Sites

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Clarification of United States Avenue Burn site.

On July 22, 1999, the Environmental Protection Agency ("EPA") promulgated a final rule adding the United States Avenue Burn site, located in Gibbsboro, NJ, on the National Priorities List ("NPL") (64 FR 39878). On September 21, 1999, the Sherwin-Williams Company filed a petition for review of that rule in the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit"). *Sherwin-*

*Williams Company v. United States Environmental Protection Agency*, Case No. 99-1388 (D.C. Cir. 1999). EPA and Sherwin-Williams thereafter entered into negotiations to settle this litigation, and on July 10, 2002 the parties entered into a formal settlement agreement.

In response to this settlement agreement, the DC Circuit Court issued an order remanding the United States Avenue Burn listing decision to EPA on August 2, 2002. In accordance with the Court's remand order and the settlement agreement, EPA is providing notice clarifying that the United States Avenue Burn site, as listed on the NPL (40 CFR part 300, Appendix B), does not include the Railroad Track Area. However, the United States Avenue Burn site remains on the NPL.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Griesert, phone (703) 603-8888, State, Tribal and Site Identification Center; Office of Emergency and Remedial Response (mail code 5204G); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue NW., Washington, DC 20460.

Dated: August 23, 2002.

**Marianne Lamont Horinko,**  
Assistant Administrator, Office of Solid Waste and Emergency Response.  
[FR Doc. 02-22229 Filed 8-29-02; 8:45 am]  
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#### NATIONAL SCIENCE FOUNDATION

#### 45 CFR Part 672

#### Antarctic Conservation Act of 1978, Civil Monetary Penalties

**AGENCY:** National Science Foundation.

**ACTION:** Final rule with a request for comments.

**SUMMARY:** The National Science Foundation (NSF) is adjusting civil monetary penalties that may be imposed for violations of the Antarctic Conservation Act of 1978 to reflect inflation since the last effective adjustment.

**DATES:** This rule is effective September 30, 2002.

Comments, however, are welcome at any time and will be considered in making future revisions.