

FDC date	State	City	Airport	FDC No.	Subject
12/03/01	NY	New York	La Guardia	1/2883	NDB or GPS Rwy 22, Amdt 12A.
12/04/01	PA	Corry	Corry-Lawrence	1/2936	NDB or GPS Rwy 14, Amdt 4.
12/05/01	KS	Fort Scott	Fort Scott Muni	1/2934	NDB or GPS Rwy 17, Amdt 11.
12/05/01	FL	Dunnellon	Dunnellon/Mario N Co & Park of Commerce.	1/2977	GPS Rwy 23, Orig-A.
12/05/01	NH	Rochester	Skyhaven	1/2979	NDB or GPS-B, Amdt 1A.
12/05/01	NH	Rochester	Skyhaven	1/2980	NDB Rwy 33, Amdt 4.
12/05/01	NH	Rochester	Skyhaven	1/2981	VOR/DME or GPS-A, Amdt 1.
12/05/01	NH	Rochester	Skyhaven	1/2982	GPS Rwy 33, Orig.
12/10/01	ME	Bangor	Bangor Intl	1/3020	ILS Rwy 33, Amdt 10A.
12/10/01	ME	Bangor	Bangor Intl	1/3021	NDB Rwy 33, Amdt 5C.
12/10/01	MN	Faribault	Faribault Intl	1/3024	VOR or GPS-A, Amdt 5.
12/10/01	SC	Orangeburg	Orangeburg Muni	1/3036	NDB or GPS Rwy 5, Orig-B.
12/10/01	NC	Beaufort	Michael J. Smith Field	1/3044	LOC Rwy 26, Orig.
12/10/01	NC	Beaufort	Michael J. Smith Field	1/3046	NDB or GPS Rwy 21, Orig.
12/10/01	AL	Dothan	Dothan Rgnl	1/3051	VOR Rwy 14, Amdt 3C.
12/10/01	AL	Dothan	Dothan Rgnl	1/3052	LOC BC Rwy 14, Amdt 6E.
12/10/01	AL	Dothan	Dothan Rgnl	1/3053	ILS Rwy 32, Amdt 7E.
12/10/01	AL	Dothan	Dothan Rgnl	1/3056	RNAV (GPS) Rwy 14, Orig.
12/10/01	AL	Dothan	Dothan Rgnl	1/3057	VOR Rwy 18, Amdt 3B.
12/10/01	AL	Dothan	Dothan Rgnl	1/3058	VOR or TACAN or GPS-A, Amdt 11D.
12/10/01	DC	Washington	Ronald Reagan Washington National	1/3108	VOR Rwy 15, Amdt 9A.
12/10/01	DC	Washington	Ronald Reagan Washington National	1/3110	VOR/DME or GPS Rwy 15, Amdt 1A.
12/10/01	AL	Dothan	Dothan Rgnl	1/3120	RNAV (GPS) Rwy 18, Orig.
12/11/01	RI	Providence	Theodore Francis Green State	1/3146	ILS/DME Rwy 34, Amdt 9B.
12/12/01	TX	Galveston	Scholes Int at Galveston	1/3174	VOR Rwy 13, Amdt 3.
12/13/01	IA	Dubuque	Dubuque Rgnl	1/3183	ILS Rwy 36, Orig-A.
12/13/01	IA	Dubuque	Dubuque Rgnl	1/3184	VOR or GPS Rwy 36, Amdt 5D.
12/13/01	WI	Green Bay	Austin Straubel Intl	1/3200	Radar-1. Amdt 9A.
12/13/01	AR	Bentonville	Bentonville Muni/Louise M. Thaden Field.	1/3202	VOR-A, Amdt 11.
12/13/01	MN	St Paul	St Paul Downtown Holman Field	1/3210	ILS Rwy 14, Orig.

[FR Doc. 02-50 Filed 1-2-02; 8:45 am]  
 BILLING CODE 4910-13-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 173**

[Docket No. 00F-1482]

**Secondary Direct Food Additives Permitted in Food for Human Consumption; Correction**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a final rule that appeared in the **Federal Register** of June 26, 2001 (66 FR 33829). The document amended the food additive regulations to provide for the safe use of ozone in gaseous and aqueous phases as an antimicrobial agent on food, including meat and poultry. A reference to 9 CFR part 381, subpart P was inadvertently omitted. This document corrects that error.

**DATES:** The rule was effective on June 26, 2001.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, Washington, DC 20204-0001, 202-418-3074.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of June 26, 2001 (66 FR 33829), FDA added a food additive regulation at § 173.368 (21 CFR 173.368) to provide for the safe use of ozone in gaseous and aqueous phases as an antimicrobial agent on food, including meat and poultry (unless precluded by standards of identity in 9 CFR part 319). A reference to 9 CFR part 381, subpart P was inadvertently omitted. Therefore, the agency is amending § 173.368(d) to correct this omission. After publication of the final rule, the agency received an objection within the 30-day comment period. The agency is currently evaluating that objection.

In FR Doc. 01-15963, appearing on pages 33829 to 33830 in the **Federal Register** of Wednesday, June 26, 2001, the following correction is made:

**§ 173.368 [Corrected]**

1. On page 33830, in the second column, under § 173.368 *Ozone*, in paragraph (d), in the fourth line, after “9

CFR part 319” add the phrase “or 9 CFR part 381, subpart P”.

Dated: December 18, 2001.

**L. Robert Lake,**

*Director of Regulations and Policy, Center for Food Safety and Applied Nutrition.*

[FR Doc. 02-44 Filed 1-2-02; 8:45 am]

BILLING CODE 4160-02-S

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 62**

[R4-200212(a), FRL-7124-7]

**Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Alabama, Georgia, Kentucky, and South Carolina**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving the small Municipal Waste Combustion (MWC) units section 111(d) negative declarations submitted by the states of Alabama, Georgia, Kentucky, and South Carolina. These negative declarations certify that small MWC units subject to the requirements of sections 111(d) and

129 of the Clean Air Act (CAA) do not exist in these states.

**DATES:** This direct final rule will be effective March 4, 2002 unless EPA receives adverse comments by February 4, 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 Scott Davis, EPA Region 4, Air Planning 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 persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Scott Davis at (404) 562-9127 or Sean Lakeman at (404) 562-9043.

**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(b) for new sources of the same type, and EPA has established emission 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.

Emission 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 BBBB.

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 the designated pollutant. However, 40 CFR 62.06 provides that if there are no existing sources of the designated pollutant 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 states of Alabama, Georgia, Kentucky, and South Carolina have determined there are no existing sources in their states subject to the small MWC units emission guidelines. Consequently, each state has submitted a letter of negative declaration certifying this fact. We are taking final action to approve these negative declarations.

#### 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 negative declarations as meeting Federal requirements and imposes no additional requirements. 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 state negative declarations and does not impose any additional enforceable duty, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will 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), because it merely approves state negative declarations relating to a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing state plan submissions, our role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), we have no authority to disapprove state submissions for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews state submissions, to use VCS in place of state submissions that otherwise satisfy 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, we have taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. 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. We will submit a report containing this rule and other required information to the United States Senate, the United States 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 March 4, 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 62

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

Dated: December 21, 2001.

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 *et seq.*

#### **Subpart B—Alabama**

2. Subpart B is amended by adding an undesignated center heading and § 62.106 to read as follows:

Air Emissions From Small Existing Municipal Waste Combustion Units

##### **§ 62.106 Identification of plan—negative declaration.**

Letter from the Alabama Department of Environmental Management submitted January 11, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

#### **Subpart L—Georgia**

3. Subpart L is amended by adding an undesignated center heading and § 62.2609 to read as follows:

Air Emissions From Small Existing Municipal Waste Combustion Units

##### **§ 62.2609 Identification of plan—negative declaration.**

Letter from the Georgia Department of Natural Resources submitted December 13, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

#### **Subpart S—Kentucky**

4. Subpart S is amended by adding an undesignated center heading and § 62.4371 to read as follows:

Air Emissions From Small Existing Municipal Waste Combustion Units

##### **§ 62.4371 Identification of plan—negative declaration.**

Letter from the Kentucky Department for Environmental Protection submitted March 5, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

#### **Subpart PP—South Carolina**

5. Subpart PP is amended by adding an undesignated center heading and § 62.10180 to read as follows:

Air Emissions From Small Existing Municipal Waste Combustion Units

##### **§ 62.10180 Identification of plan—negative declaration.**

Letter from the South Carolina Department of Health and Environmental Control submitted November 6, 2001, certifying that there are no small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB.

[FR Doc. 02–104 Filed 1–2–02; 8:45 am]

BILLING CODE 6560–50–P