

1904.12 effective dates until January 1, 2004, including any reasons for supporting or opposing the delayed effective dates.

*Issue 2.* Is an MSD column needed on the OSHA 300 Log? Should the column be reinstated in § 1904.12 or should § 1904.12 be deleted? Would the statistics generated by an additional column be superior to the statistics now generated by the BLS? Are there other ways to produce statistics on MSDs that do not require revision of the forms? If the column is retained, should it include both injuries and illnesses, or should it be limited to MSD illnesses? Are there other problems associated with an MSD column on the 300 Log? Are there other advantages to the column?

*Issue 3.* If OSHA decides to include a separate column for MSD injuries and illnesses, what definition of MSD should be used? Should the definition include a broad class of disorders, or be limited by the type of injury (such as by excluding back cases)? Should the definition exclude injuries caused by one-time events? Should the definition exclude disorders caused by infrequently performed activities? In particular, what are the relative merits of the current § 1904.12 definition and an MSD definition that would focus on disorders associated with work-related repetitive motion and/or stress.

#### State Plans

26 States and territories operate their own OSHA-approved occupational safety and health plans. These states and territories are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, and Wyoming. Connecticut, New Jersey, and New York have OSHA approved State Plans that apply to state and local government employees only. For requirements that determine which occupational injuries and illnesses are recorded and how they are recorded, the States must have the same requirements as Federal OSHA to ensure the uniformity of the collected information (See § 1904.37 and § 1952.4). Therefore, these States and territories will be required to adopt a regulation that is substantially identical to any final federal regulation issued pursuant to this proposal. A final regulation could include a delay of effective dates for specific provisions of §§ 1904.10 and 1904.12, the adoption of substantive requirements within §§ 1904.10 and 1904.12, or both.

#### Paperwork Reduction Act

The proposed rule will continue OSHA's current policies regarding the recording of soft tissue disorders and will not impose any new paperwork requirements.

#### Regulatory Flexibility Certification

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601), the Assistant Secretary certifies that the proposed rule will not have a significant adverse impact on a substantial number of small entities. The rule does not add any new requirements, but merely delays the effective date of Section 1904.12. The delay will not impose any additional costs on the regulated public.

#### Executive Order

This document has been deemed significant under Executive Order 12866 and has been reviewed by OMB.

#### Authority

This document was prepared under the direction of John L. Henshaw, Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued pursuant to section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657).

Signed at Washington, DC, this 25th day of June, 2002.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

For the reasons stated in the preamble, OSHA proposes to amend 29 CFR part 1904 as set forth below:

#### PART 1904—[AMENDED]

1. The authority citation for part 1904 continues to read as follows:

**Authority:** 29 U.S.C. 657, 658, 660, 666, 669, 673, Secretary of Labor's Order No. 3–2000 (65 FR 50017), and 5 U.S.C. 533.

2. Revise § 1904.10(b)(7) to read as follows:

#### § 1904.10 Recording criteria for cases involving occupational hearing loss.

\* \* \* \* \*

(b) \* \* \*  
(7) *How do I complete the 300 Log for a hearing loss case?* When you enter a recordable hearing loss case on the OSHA 300 Log, you must check the 300 Log column for hearing loss.

**Note:** § 1904.10(b)(7) is effective beginning January 1, 2004.

3. Revise the note to § 1904.12 to read as follows:

#### § 1904.12 Recording criteria for cases involving work-related musculoskeletal disorders.

This section is effective January 1, 2004. From January 1, 2002 until December 31, 2003, you are required to record work-related injuries and illnesses involving muscles, nerves, tendons, ligaments, joints, cartilage and spinal discs in accordance with the requirements applicable to any injury or illness under §§ 1904.5, 1904.6, 1904.7, and 1904.29. For entry (M) on the OSHA 300 Log, you must check either the entry for "injury" or "all other illnesses."

4. Revise § 1904.29(b)(7)(vi) to read as follows:

#### § 1904.29 Forms.

\* \* \* \* \*

(b) \* \* \*

(7) \* \* \*

(vi) Other illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the log. Musculoskeletal disorders (MSDs) are not considered privacy concern cases.

**Note:** The first sentence of this § 1904.29(b)(7)(vi) is effective on January 1, 2002. The second sentence is effective beginning on January 1, 2004.

\* \* \* \* \*

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BILLING CODE 4510–26–P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[CA 243–0357b; FRL–7232–7]

#### Revisions to the California State Implementation Plan; Bay Area Air Quality Management District; South Coast Air Quality Management District

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the portions of the California State Implementation Plan (SIP) that are associated with the Bay Area Air Quality Management District (BAAQMD) and South Coast Air Quality Management District (SCAQMD). These revisions concern volatile organic compound emissions from solid waste disposal sites. We are proposing to approve local rules to regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act).

**DATES:** Any comments on this proposal must arrive by July 31, 2002.

**ADDRESSES:** Mail comments to Andy Steckel, Rulemaking Office Chief (AIR–

4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

You can inspect copies of the submitted SIP revisions and EPA's technical support documents (TSDs) at our Region IX office during normal business hours. You may also see copies of the submitted SIP revisions at the following locations:

California Air Resources Board,  
Stationary Source Division, Rule  
Evaluation Section, 1001 "I" Street,  
Sacramento, CA 95814.

Bay Area Air Quality Management  
District, 939 Ellis Street, San  
Francisco, CA 94109-7799.

South Coast Air Quality Management  
District, 21865 E. Copley Drive,  
Diamond Bar, CA 91765-4182.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Office (AIR-4), U.S. Environmental Protection Agency, Region IX, (415) 947-4124.

**SUPPLEMENTARY INFORMATION:** This proposal addresses the following local rules: BAAQMD Rule 8-34 and SCAQMD Rule 1150.1. In the Rules and Regulations section of this **Federal Register**, we are approving these local rules in a direct final action without prior proposal because we believe these SIP revisions are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in subsequent action based on this 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.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: June 6, 2002.

**Laura Yoshii,**

*Acting Regional Administrator, Region 9.*  
[FR Doc. 02-16362 Filed 6-28-02; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[CA 268-0360; FRL-7239-9]

### Approval and Promulgation of Implementation Plans and Determination of Attainment of the 1-Hour Ozone Standard for the Santa Barbara County Area, California

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to determine that the Santa Barbara County area has attained the 1-hour ozone air quality standard by the deadline required by the Clean Air Act. EPA is also proposing to approve 1-hour ozone contingency measures as revisions to the Santa Barbara portion of the California State Implementation Plan (SIP).

**DATES:** Comments on this proposal must be received by July 31, 2002.

**ADDRESSES:** Please address your comments to: Dave Jesson, Air Planning Office (AIR-2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the SIP materials are available for public inspection during normal business hours at EPA's Region 9 office and at the following locations: California Air Resources Board, 1001 I Street, Sacramento, CA 95814; Santa Barbara County Air Pollution Control District, 26 Castilian Drive, Suite B-23, Goleta, CA 93117.

The SIP materials are also electronically available at: <http://www.sbcapcd.org/capes.htm>

**FOR FURTHER INFORMATION CONTACT:** Dave Jesson, US EPA Region 9, at (415) 972-3957, or [Jesson.David@epa.gov](mailto:Jesson.David@epa.gov)

#### SUPPLEMENTARY INFORMATION:

#### I. Attainment Finding

##### A. Santa Barbara's Current Ozone Classification

The Santa Barbara County nonattainment area ("Santa Barbara area") is currently classified as serious for the 1-hour ozone national ambient air quality standard (NAAQS).<sup>1</sup>

When the Clean Air Act (CAA) Amendments were enacted in 1990, each area of the country that was designated nonattainment for the 1-hour ozone standard, including the Santa

Barbara area, was classified by operation of law as marginal, moderate, serious, severe, or extreme depending on the severity of the area's air quality problem. CAA sections 107(d)(1)(C) and 181(a). The Santa Barbara area was initially classified as moderate. See 40 CFR 81.305 and 56 FR 56694 (November 6, 1991).

Upon the Santa Barbara area's classification as moderate, the CAA required submittal of a state implementation plan (SIP) demonstrating attainment of the 1-hour ozone standard as expeditiously as practicable but no later than November 15, 1996. CAA sections 181(a)(1) and 182(b)(1)(A)(i). The SIP had to meet several other CAA requirements for moderate areas. See generally CAA section 182(b). The Santa Barbara County Air Pollution Control District (SBCAPCD) prepared a moderate area plan, which was timely submitted by the California Air Resources Board (CARB). CARB later withdrew the attainment demonstration, since the area continued to violate the 1-hour standard in 1996. We approved the remaining portions of the SIP on January 8, 1997 (62 FR 1187).

On December 10, 1997 (62 FR 65025), we determined that the area had not attained the 1-hour ozone standard by the November 15, 1996 attainment date. As a result of that finding, the Santa Barbara area was reclassified to serious, by operation of law under CAA section 181(b)(1)(A).

Upon the area's reclassification to serious, the CAA required California to submit a revised SIP demonstrating attainment of the 1-hour ozone standard in the Santa Barbara area as expeditiously as practicable but no later than November 15, 1999. CAA sections 181(a)(1) and 182(c)(2)(A). In response, SBCAPCD adopted and CARB submitted a plan addressing the serious area requirements. EPA fully approved this plan on August 14, 2000 (65 FR 49499).

##### B. Clean Air Act Provisions for Attainment Findings

Under CAA section 181(b)(2)(A), we must determine within six months of the applicable attainment date whether an ozone nonattainment area has attained the standard. If we find that a serious area has not attained the standard and does not qualify for an extension, it is reclassified by operation of law to severe.<sup>2</sup> Under CAA section

<sup>1</sup> The 1-hour ozone nonattainment area is the "Santa Barbara-Santa Maria-Lompoc Area," which comprises the entire County of Santa Barbara. See 40 CFR 81.305.

<sup>2</sup> If a states does not have the clean data necessary to show attainment of the 1-hour standard but does have clean air in the year immediately preceding the attainment date and has fully implemented its applicable SIP, it may apply to EPA, under CAA