

(j) Credits the amount of the Redemption proceeds, including both principal and interest, where applicable, to a Funds Account at the Bank, or

(ii) Pays such principal and interest as directed by the Participant.

(d) *What does a Participant need to do in connection with the Redemption of a Book-entry Security?* No action by the Participant is required.

**§ 357.14 What authority does a Federal Reserve Bank have?**

(a) Each Federal Reserve Bank has the authority as fiscal agent of the United States to:

(1) Perform functions with respect to the issuance of Book-entry Securities offered and sold by the Department to which this subpart applies, in accordance with the terms of the applicable offering circular and with procedures established by the Department;

(2) Service and maintain Book-entry Securities in accounts established for such purposes;

(3) Make payments of principal and interest, as directed by the Department;

(4) Effect transfer of Book-entry Securities between Participants' Securities Accounts as directed by the Participants; and

(5) Perform such other duties as fiscal agent that the Department may request.

(b) Each Federal Reserve Bank may issue Operating Circulars that are consistent with this part, governing the details of its handling of Book-entry Securities, Security Entitlements, and the operation of the book-entry system under this part.

**§ 357.15 How can a debtor's interest in a Security Entitlement be reached by creditors?**

(a) The interest of a debtor may be reached by creditors only by legal process upon the Securities Intermediary with whom the debtor's securities account is maintained. Exception: If a Security Entitlement is maintained in the name of a secured party, the debtor's interest may be reached by legal process upon the secured party.

(b) These regulations do not state whether a Federal Reserve Bank is required to honor an order or other notice of attachment in any particular case or class of cases.

**§ 357.44 [Removed]**

4. Section 357.44 is removed.

Dated: February 6, 2002.

**Donald V. Hammond,**

*Fiscal Assistant Secretary.*

[FR Doc. 02-3737 Filed 2-14-02; 8:45 am]

BILLING CODE 4810-39-P

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 117**

[CGD01-02-010]

**Drawbridge Operation Regulations: Saugatuck River, CT**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations for the Metro North Saga Bridge, mile 1.1, across the Saugatuck River in Connecticut. This temporary deviation will allow the bridge to remain in the closed position from 6 a.m. on February 12, 2002, through 7 p.m. on March 11, 2002. This temporary deviation is necessary to facilitate structural repairs at the bridge.

**DATES:** This deviation is effective from February 12, 2002, through March 11, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Schmied, Project Officer, First Coast Guard District, at (212) 668-7195.

**SUPPLEMENTARY INFORMATION:** The Metro North Saga Bridge has a vertical clearance in the closed position of 13 feet at mean high water and 20 feet at mean low water. The existing regulations are listed at 33 CFR 117.221.

The bridge owner, Metro North, requested a temporary deviation from the drawbridge operating regulations to facilitate structural maintenance, replacement of the floor beams, at the bridge. The bridge can not be opened during these structural repairs.

The bridge opening records indicate this bridge has not received any requests to open during the requested closure time during the past four years; therefore, no navigational impacts to the marine transit system are expected.

This deviation from the drawbridge operation regulations will allow the bridge to remain in the closed position from 6 a.m. on February 12, 2002, through 7 p.m. on March 11, 2002.

This deviation from the drawbridge operation regulations is authorized under 33 CFR 117.35, and will be performed with all due speed in order to return the bridge to normal operation as soon as possible.

Dated: February 7, 2002.

**G.N. Naccara,**

*Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.*

[FR Doc. 02-3694 Filed 2-14-02; 8:45 am]

BILLING CODE 4910-15-U

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 81**

[CAO-70-FOA; FRL-7143-2]

**Clean Air Act Attainment Finding; Bullhead City and Payson Nonattainment Areas, AZ; Sacramento and San Bernardino Nonattainment Areas, CA; Particulate Matter of 10 Microns or Less (PM-10)**

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

**ACTION:** Final rule.

**SUMMARY:** EPA has determined that the Bullhead City and Payson moderate PM-10 nonattainment areas in Arizona and the Sacramento and San Bernardino moderate PM-10 nonattainment areas in California have attained the National Ambient Air Quality Standard (NAAQS) for Particulate Matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10) by the applicable December 31, 2000, attainment date. This determination is based upon monitored air quality data for the PM-10 NAAQS during the years 1998-2000. This determination of attainment does not redesignate the Bullhead City, Payson, Sacramento and San Bernardino areas to attainment for PM-10. The Clean Air Act requires that, for an area to be redesignated, five criteria must be satisfied including the submittal of a maintenance plan as a State Implementation Plan (SIP) revision. This action also corrects the effective date listed for the moderate nonattainment classification for Bullhead City.

**EFFECTIVE DATE:** This rule is effective on March 18, 2002.

**ADDRESSES:** Copies of documents relevant to this action are available for public inspection during normal business hours at the Air Planning Office of the Air Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California, 94105-3901.

**FOR FURTHER INFORMATION CONTACT:** Eleanor Kaplan, Air Planning Office (AIR-2), U.S. Environmental Protection Agency, Region 9, (415) 947-4147 or [kaplan.eleanor@epa.gov](mailto:kaplan.eleanor@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, wherever "we", "us", or "our" are used, we mean the Environmental Protection Agency (EPA).

**Background**

On July 25, 2001 (see 66 FR 38603), EPA published a notice of proposed

rulemaking that announced our proposed finding that the moderate nonattainment areas of Bullhead City and Payson in Arizona and the moderate nonattainment areas of San Bernardino and Sacramento in California have attained the National Ambient Air Quality Standards (NAAQS) for particulate matter of nominal aerodynamic diameters smaller than 10 micrometers (PM-10). The rationale for EPA's finding was explained in the proposal and will not be restated here. In the proposed rule, we also indicated that we were correcting the effective date for our classification of Bullhead City as moderate nonattainment for PM-10 in part 81 of title 40 of the Code of Federal Regulations. The proposed rule provided for a 30-day public comment period which ended on August 24, 2001.

**Public Comment and EPA Responses**

During the 30-day comment period, we received two comment letters: one from the California Air Resources Board (CARB) dated August 24, 2001, and one from the Sacramento Metropolitan Air Quality Management District ("District") dated August 21, 2001. These two letters include specific comments that are relevant to this rulemaking. In addition, they contain comments that are not relevant to this particular action but relate instead to the original redesignation of Sacramento County as nonattainment for PM-10. During the 30-day comment period, we received no comments related to the Bullhead City and Payson PM-10 nonattainment areas. Subsequent to the 30-day comment period, however, the Arizona Department of Environmental Quality (ADEQ) notified us of an error

in the data table for the Payson area that was included in the proposed attainment finding, and we have addressed that comment in this final action. We have considered all of the comments received and are providing the following responses.

*Comment:* CARB agrees with EPA's proposed finding that the Sacramento and San Bernardino PM-10 nonattainment areas have attained the standard. The District expresses its support for the proposed finding for Sacramento County.

*Response:* With this action and consistent with section 188(b)(2) of the Act, EPA is finalizing its attainment findings with respect to all four PM-10 nonattainment areas listed in the proposed rule: The Bullhead City and Payson PM-10 nonattainment areas in Arizona and the Sacramento and San Bernardino PM-10 nonattainment areas in California.

*Comment:* Both CARB and the District urge EPA to correct the original redesignation of Sacramento County in 1993 as a PM-10 nonattainment area based on the adverse findings of a data audit conducted by CARB in 1996 on the District's PM-10 data that formed the basis for our nonattainment redesignation. CARB asserts that EPA staff concurred with their findings of invalid data, notes that EPA has used its authority under section 110(k)(6) to correct nonattainment designations in other areas based on information not available at the time of the original nonattainment designation, and notes the drain on resources necessary to develop and approve a maintenance plan. Lastly, both CARB and the District note that EPA has not formally responded to CARB's 1996 letter requesting this corrective action.

*Response:* These comments are not relevant to this rulemaking because they do not raise questions concerning the validity of the PM-10 data (from the 1998-2000 period) that provided us with the basis for our proposed attainment finding. With respect to CARB's request for a correction of our PM-10 nonattainment redesignation of Sacramento County, we note that we recently provided CARB with a written response indicating that such a corrective action by EPA will not be forthcoming. In that written response, we provide responses to the additional comments that CARB and the District raise on the redesignation issue in their comment letters on the proposed attainment finding. EPA is aware of the competing demands on a State's resources particularly when it is in nonattainment status for more than one criteria pollutant, and we remain committed to working cooperatively with CARB and the District in resolving these planning issues.

*Comment:* The District states: "\* \* \* there may be a typo in the data table, Summary of PM-10 Air Quality Sacramento County 1998-2000, on page 38607 of the **Federal Register**. The highest 24-hour PM-10 concentration for the Sacramento-Branch Center monitoring site in 1998 is incorrectly listed as 86 µg/m<sup>3</sup>, while it is correctly recorded as 81 µg/m<sup>3</sup> in the EPA AIRS database and District records."

*Response:* EPA has reviewed the referenced data in the AIRS database and concurs with the District that the proposal for this notice contained a typographical error in citing the 1998 data for the Sacramento Branch Center monitoring site. The corrected table for Sacramento reads as follows:

SUMMARY OF PM-10 AIR QUALITY SACRAMENTO COUNTY 1998-2000

Site	Highest 24 hour concentration (µg/m <sup>3</sup> )			Annual average (µg/m <sup>3</sup> )			3-year annual average (µg/m <sup>3</sup> )
	1998	1999	2000	1998	1999	2000	
North Highlands .....	73	73	82	22	26	23	24
Del Paso .....	104	141	58	22	27	21	23
Sacramento—Health Center .....	79	88	86	23	25	31	26
Sacramento—Branch Center Rd .....	81	86	56	27	33	27	29
Sacramento—T Street	75	99	64	23	29	25	26

*Comment:* ADEQ requested a correction of the number given for the 1999 maximum 24-hour PM-10 concentration in Payson contained in

the proposal to 56 µg/m<sup>3</sup> instead of the number that was given.

*Response:* EPA has reviewed the referenced data and concurs with ADEQ that the proposal for this notice

contained an error in citing the 1999 data for the Payson monitoring site. The corrected table for Payson reads as follows:

SUMMARY OF 24 HOUR AND ANNUAL PM-10 CONCENTRATIONS ( $\mu\text{g}/\text{M}^3$ ) PAYSON 1998-2000

	Year		
	1998 *	1999	2000
Maximum 24 Hour Concentration .....	69	56	88
Annual Average .....	24	29	24
3-Year Annual Average .....	26		

**EPA's Final Action**

After consideration of the relevant comments received, we have decided to finalize our determination under section 188(b)(2) of the Act that the Bullhead City, Payson, Sacramento and San Bernardino nonattainment areas have attained the PM-10 NAAQS by the applicable attainment date. This finding should not be confused with a redesignation to attainment under section 107(d) of the Act. The designation status in 40 CFR part 81 will remain moderate nonattainment for these four PM-10 nonattainment areas until such time as EPA finds that these areas have met the requirements under the Act for redesignation to attainment.

In the proposal for this action EPA stated that the current Code of Federal Regulations (CFR), Part 81.303, gives an incorrect date, namely January 20, 1990, for the classification of Bullhead City as a "moderate" PM-10 nonattainment area. In this action, EPA is correcting the current Code of Federal Regulations (CFR), 40 CFR 81.303, so that the date of Bullhead City's nonattainment classification as moderate appears as January 20, 1994.

EPA is correcting the table contained in the proposal for this action titled "Summary of PM-10 Air Quality Sacramento County 1998-2000" to show that the highest 24-hour PM-10 concentration for the Sacramento-Branch Center Road monitoring site in 1998 is listed as 81  $\mu\text{g}/\text{m}^3$ .

EPA is correcting the table contained in the proposal for this action titled "Summary of 24 hour and Annual PM-10 Concentrations ( $\mu\text{g}/\text{m}^3$ ) Payson 1998-2000" to show that the 1999 maximum 24 hour PM-10 concentration in Payson is listed as 56  $\mu\text{g}/\text{m}^3$ .

**Administrative Requirements****A. General 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 32111, "Actions Concerning Regulations That Significantly Affect Energy Supply,

Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely makes a determination based on air quality data and does not impose any 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 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). This rule also does 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), nor will it 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 makes a determination based on air quality data 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 (62 FR 19885, April 23, 1997), because it is not economically significant.

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, EPA has 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. 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). This rule will be effective March 18, 2002.

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 April 16, 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 81**

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 28, 2002.

**Laura Yoshii,**

*Deputy Regional Administrator, Region 9.*

Part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 81—[AMENDED]**

1. The authority citation for Part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671, *et seq.*

**Subpart D—Arizona**

2. In § 81.303, the table for Arizona–PM–10 is amended by revising the entry

for Mohave County (part) to read as follows:

**§ 81.303 Arizona.**  
\* \* \* \* \*

**ARIZONA–PM–10**

Designation area	Designation		Classification	
	Date	Type	Date	Type
Mohave County (part): Bullhead City: T21N, R20–21W, excluding Lake Mead National Recreation Area: T20N, R20–22W; T19N, R21–22W excluding Fort Mohave Indian Reservation.	1/20/94	Nonattainment .....	1/20/94	Moderate.

\* \* \* \* \*  
[FR Doc. 02–3769 Filed 2–14–02; 8:45 am]  
BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[OPP–301213; FRL–6821–7]

RIN 2070–AB78

**Diflubenzuron; Pesticide Tolerance**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a tolerance for combined residues of diflubenzuron and its metabolites 4-chloroaniline and 4-chlorophenylurea in or on pear. IR-4 requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act (FQPA) of 1996.

**DATES:** This regulation is effective February 15, 2002. Objections and requests for hearings, identified by docket control number OPP–301213, must be received by EPA on or before April 16, 2002.

**ADDRESSES:** Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301213 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Shaja R. Brothers, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW.,

Washington, DC 20460; telephone number: (703) 308–3194; and e-mail address: brothers.shaja@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS Codes	Examples of Potentially Affected Entities
Industry	111 112 311  32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

*B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?*

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this

document, on the Home Page select “Laws and Regulations,” “Regulations and Proposed Rules,” and then look up the entry for this document under the “**Federal Register—Environmental Documents.**” You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html), a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–301213. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

**II. Background and Statutory Findings**

In the **Federal Register** of December 14, 2001 (66 FR 64823) (FRL–6813–2), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a as