

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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 14, 2001. 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 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur.

Dated: October 1, 2001.

**William Rice,**

*Acting Regional Administrator, Region 7.*

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 AA—Missouri

2. In § 52.1320(c) the table is amended under Chapter 6 by revising the entry for "10-6.040" to read as follows:

#### § 52.1320 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

#### EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
<b>Missouri Department of Natural Resources</b>				
* * *	* * *	* * *	* * *	* * *
<b>Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri</b>				
* * *	* * *	* * *	* * *	* * *
10-6.040 .....	Reference .....	07/30/01	October 15, 2001, 66 FR 52361.	
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[FR Doc. 01-25726 Filed 10-12-01; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 63

[FRL-7083-6]

RIN 2050-AE89

#### NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors

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

**ACTION:** Partial withdrawal of direct final rule.

**SUMMARY:** On July 3, 2001, EPA promulgated amendments to the regulations for hazardous waste burning cement kilns, lightweight aggregate kilns, and incinerators promulgated on September 30, 1999 (NESHAP: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors). 66 FR 35087. EPA promulgated these amendments as direct final rules, with

an accompanying proposed rule to supplant these rules in the event EPA received any adverse comment on the amendments. 66 FR 35124. Because we received adverse comments on some of the provisions, we are withdrawing the corresponding parts of that direct final rule.

**DATES:** As of October 15, 2001, EPA withdraws the amendments to § 63.1206(b)(6)(i), § 63.1206(b)(7)(i)(B), § 63.1206(b)(7)(ii)(B), § 63.1206(b)(13)(i), § 63.1206(c)(7)(ii), § 63.1207(c)(2)(i), § 63.1207(f)(1)(ii), and to add the definition of "Preheater tower combustion gas monitoring location" to § 63.1201(a) published at 66 FR 35087 on July 3, 2001.

**FOR FURTHER INFORMATION CONTACT:** For general information, call the RCRA Call Center at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). The RCRA Call Center is open Monday-Friday, 9 am to 4 pm, Eastern Standard Time. For more information on specific aspects of this withdrawal notice, contact Mr. Frank Behan at 703-308-8476,

or write him at the Office of Solid Waste, 5302W, U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

**SUPPLEMENTARY INFORMATION:** On July 3, 2001, EPA published a direct final rule (66 FR 35087) and a notice of proposed rulemaking (66 FR 35124) promulgating and proposing amendments to provisions dealing largely with rules affecting implementation of the National Emission Standards for Hazardous Waste Combustors (subpart EEE of Part 63). EPA indicated that it was promulgating these amendments as direct final rules because it believed the amendments to be non-controversial. See 66 FR at 35088. However, the Agency further stated that if we received adverse comment by August 17, 2001 on one or more distinct provisions of the direct final rule, we would publish a timely withdrawal of those distinct provisions in the **Federal Register**, and deal with those provisions as proposed rules. We subsequently received adverse comment on four of the provisions: the

amendments to § 63.1201(a) and § 63.1206(b)(13)(i) (alternative hydrocarbon monitoring location for short cement kilns burning hazardous waste at locations other than the "hot" end of the kiln); the amendments to § 63.1206(b)(6)(i), § 63.1206(b)(7)(i)(B), § 63.1206(b)(7)(ii)(B), and § 63.1207(c)(2)(i) (use of destruction and removal efficiency data in lieu of testing); the amendments to § 63.1206(c)(7)(ii) (deletion of baghouse inspection requirements); and amendments to § 63.1207(f)(1)(ii) (feedstream analysis for organic hazardous air pollutants). We will address these comments in the future in a final action based on the proposed rule for these four provisions. We will not institute a second comment period on this action. The nine provisions for which we did not receive adverse comment will become effective on October 16, 2001 as provided in the July 3, 2001 direct final rule.

#### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: October 9, 2001.

Christine Todd Whitman,  
Administrator.

#### PART 63—[AMENDED]

##### §§ 63.1201, 63.1206, and 63.1207 [Amended]

Accordingly, the amendments to § 63.1206(b)(6)(i), § 63.1206(b)(7)(i)(B), § 63.1206(b)(7)(ii)(B), § 63.1206(b)(13)(i), § 63.1206(c)(7)(ii), § 63.1207(c)(2)(i), § 63.1207(f)(1)(ii), and to add the definition of "Preheater tower

combustion gas monitoring location" to § 63.1201(a) are withdrawn as of October 15, 2001.

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 223

[I.D. 061896A]

RIN 0648-AK34

##### Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements; Correction

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Correcting amendments.

**SUMMARY:** NMFS is making a correction to a final rule published on March 23, 1999.

**DATES:** Effective on October 15, 2001.

**FOR FURTHER INFORMATION CONTACT:** Therese A. Conant, NMFS Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910; (ph. 301-713-1401, fax 301-713-0376, e-mail Therese.Conant@noaa.gov).

##### SUPPLEMENTARY INFORMATION:

##### Need for Correction

On March, 23, 1999 (64 FR 14052), NMFS published a final rule which consolidated and reorganized the Endangered Species Act regulations as part of the President's Regulatory

Reinvention Initiative. With that publication, NMFS inadvertently added an 'and' between 50 CFR 223.206 (d)(2)(ii)(A)(3) and (4). This addition inappropriately links the conditions of both paragraphs when, in fact, they were separate prior to the publication of the March 23, 1999, final rule.

##### List of Subjects in 50 CFR Part 223

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements.

Dated: October 9, 2001.

William T. Hogarth,

Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

Accordingly, 50 CFR part 223 is corrected by making the following correcting amendments:

#### PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

**Authority:** 16 U.S.C. 1531 *et seq.*

2. In § 223.206 (d)(2)(ii)(A)(3) is revised to read as follows:

##### § 223.206 Exceptions to prohibitions relating to sea turtles.

\* \* \* \* \*

(d) \* \* \*

(2) \* \* \*

(ii) \* \* \*

(A) \* \* \*

(3) Has only a pusher-head trawl, skimmer trawl, or wing net rigged for fishing;

\* \* \* \* \*

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