standards (VCS), EPA has no authority to disapprove a SIP submission for 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 Clean Air Act. 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.*).

Submission to Congress and the Comptroller General

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. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. section 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

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 October 10, 2003. 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, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 1, 2003.

Jane M. Kenny,

Regional Administrator, Region 2.

■ Part 52, 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 FF—New Jersey

■ 2. Section 52.1570 is amended by adding new paragraph (c)(73) to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

(73) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on January 21, 1998, June 12, 1998 and April 26, 1999; and a letter which notified EPA of a revised permit limit submitted by the New Jersey Department of Environmental Protection on February 21, 2001.

(i) Incorporation by reference.

(A) Conditions of Approval Documents (COAD) or modified prevention of significant deterioration (PSD) permit:

The following facilities have been issued COADs or modified PSD permit by New Jersey:

(*1*) American Ref-Fuel Company/ Essex County Resource Recovery Facility, Newark, Essex County, NJ PSD permit modification dated July 29, 1997. Incorporation by reference includes only the NO_X emission limits in section A.6 of the July 29, 1997 PSD permit.

(*2*) Co-Steel Corporation's (formerly New Jersey Steel Corporation) electric arc furnace/melt shop and billet reheat furnace, Sayreville, Middlesex County, NJ COAD approval dated September 3, 1997.

(*3*) Co-Steel Raritan Corporation's electric arc furnace/ladle metallurgy system and billet reheat furnace, Perth Amboy, Middlesex County, NJ COAD approval dated June 22, 1998.

(*4*) Homasote Company's natural gas dryer (wet fibreboard mat dryer), West Trenton, Mercer County, NJ COAD approval dated October 19, 1998.

(*5*) Milford Power Limited Partnership's combined cycle cogeneration facility, Milford, Hunterdon County, NJ COAD approval dated August 21, 1997.

(*6*) University of Medicine and Dentistry of New Jersey cogeneration units and Cleaver Brooks non-utility boilers, Newark, Essex County, NJ COAD dated June 26, 1997.

(*7*) Roche Vitamins Inc's cogeneration facility and Boiler No. 1, Belvidere, Warren County, NJ COAD dated June 10, 1998. The cogeneration facility consists of one reciprocal engine (21.5 MW) and one heat recovery steam generator (HRSG) equipped with a duct burner (Boiler No. 6).

(*8*) Township of Wayne, Mountain View Water Pollution Control Facility's sewage sludge incinerators, Passaic County, NJ permit revision dated December 21, 2000.

(ii) Additional information—Documentation and information to support NO_X RACT facility-specific emission limits, alternative emission limits, or repowering plan in three SIP revisions addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. and one letter addressed to Acting Regional Administrator William J. Muszynski from Dr. Iclal Atay, Chief Bureau of Air Quality Engineering dated:

(A) January 21, 1998 SIP revision for two sources;

(B) June 12, 1998 SIP revision for one source;

(C) April 26, 1999 SIP revision for four sources; and

(D) February 21, 2001 for a revised permit limit for one source.

[FR Doc. 03–20424 Filed 8–8–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 172–0276a; FRL–7524–7]

Revisions to the California State Implementation Plan, Great Basin Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), we are approving local rules that concern permitting of sources that have the potential to emit above major source thresholds but do not actually emit pollutants at those levels.

DATES: These revisions are effective on October 10, 2003 without further notice, unless EPA receives adverse comments by September 10, 2003. If EPA receives

such comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Mail comments to Gerardo Rios, Permits Office Chief (AIR–3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; *rios.gerardo@epa.gov.*

You can inspect copies of the submitted rule 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 rule revisions at the following locations:

Permits Office (AIR–3), Air Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

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

Great Basin Unified Air Pollution Control District, 157 Short Street, Bishop, CA 93514.

A copy of the rules may also be available via the Internet at *http://www.arb.ca.gov/drdb/drdbltxt.htm.* Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

FOR FURTHER INFORMATION CONTACT: David Wampler, Permits Office, (Air-3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105; (415) 972–3975.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What Rules Did the State Submit?

Table 1 lists the rules we are approving with the dates that they were adopted by the local air agencies and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULES

Local agency	Rule No.	Rule title	Adopted	Submitted
GBUAPCD	218	Limiting Potential to Emit	12/04/95	05/10/96
GBUAPCD	219	Request for Synthetic Minor Status	12/04/95	05/10/96

On July 19, 1996, the submittal of Rules 218 and 219 were found to meet the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are There Other Versions of These Rules?

There are no previous versions of Rules 218 and 219 in the SIP.

C. What Are the Provisions in the Submitted Rules?

Rule 218 includes the following significant provisions:

- The owner or operator of a specified stationary source, that would otherwise be designated a major source because the potential to emit exceeds the major-source threshold for regulated pollutants, would be allowed under Rule 218 to avoid being subject to Title V, federal permitting requirements, if the actual annual emissions do not exceed any of the following emission limitations: (1) 50 percent of the major-source thresholds for regulated air pollutants excluding hazardous air pollutants (HAPs), or (2) 5 tons per year of a single HAP, or (3) 12.5 tons per year of any combination of HAPs, or (4) 50 percent of any lesser threshold for a single HAP as the EPA may establish as a rule.
- There are also alternate operational limitations for specific stationary sources that may be used provided that at least 90 percent of the source's total emissions in every 12-month period are associated with the sources with the operational limitations.
- There are detailed recordkeeping and reporting requirements to assure compliance with the emission limitations and operational limitations.

Rule 219 includes the following significant provisions:

- The owner or operator of a specified stationary source, that would otherwise be a major source, would be allowed to request and accept federally-enforceable limits such that the annual potential to emit would be below major-source thresholds in order to allow the source to be considered a ''synthetic minor source.''
- The limits to the potential to emit must be approved by EPA and must be permanent, quantifiable, and practically enforceable.
- A synthetic minor source would not be subject to the permitting requirements of Rule 217, Title V-Federal Operating Permits or of Title V of the CAA. The TSDs have more information about these rules.

II. EPA's Evaluation and Action

A. How Is EPA Evaluating the Rules?

In combination with the other requirements, the rules in today's action must be enforceable (see section 110(a) of the CAA) and must not relax existing requirements (see sections 110(l) and 193). These rules were also evaluated using EPA policy describing options sources have for limiting their potential to emit under section 112 and Title V of the CAA. This policy is generally described in a January 25, 1995 policy memorandum entitled, *Options for Limiting the Potential to Emit of a Stationary Source Under Section 112 and Title V of the Clean Air Act* from John Seitz, Director of EPA's Office of Air Quality Planning and Standards, to EPA's Regional Air Division Directors. Rule 218 was compared to a model California prohibitory rule contained in the January 25, 1995 policy memorandum.

Rule 219 was also compared to EPA guidance on establishing a synthetic-minor operating-permits program published on June 28, 1989 (54 FR 27247). Permits issued pursuant to this voluntary program that meet the June 28, 1989 criteria are considered federally enforceable for criteria pollutants. The synthetic minor mechanism may also be used to create emission limits for emission of hazardous air pollutants (HAPs), if it is approved pursuant to section 112(l) of the CAA. In short, a program to create federally-enforceable limits on a source's potential to emit should:

- Be approved by EPA into the SIP.

• Impose legal obligations for operating permit holders to adhere to permit limitations.

• Provide for limits that are enforceable as a practical matter.

• Have permits issued in a process that provides the opportunity for review and comment by the public and EPA.

• Ensure that there is no relaxation of otherwise applicable Federal requirements.

B. Do the Rules Meet the Evaluation Criteria?

We believe that these rules are generally consistent with the relevant policy and guidance regarding enforceability and SIP relaxations and with EPA policy describing options sources have for limiting their potential to emit under section 112 and Title V of the CAA. Rule 219 is consistent with EPA criteria published on June 28, 1989 (54 FR 27247) for approving and incorporating into the SIP synthetic-minor federally-enforceable state operating permits. The TSDs have more information on our evaluation.

C. EPA Recommendations to Further Improve the Rules

The TSDs describes additional rule revisions that do not affect EPA's current action but are recommended for the next time the local agency modifies the rules.

D. Public Comment and Final Action

As authorized in section 110(k)(3) of the CAA, EPA is fully approving the submitted rules because we believe they fulfill all relevant requirements. We do not think anyone will object to this, so we are finalizing the approval without proposing it in advance. However, in the Proposed rule section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rules. If we receive adverse comments by September 10, 2003, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on October 10, 2003. This will incorporate these rules into or rescind rules from the federally enforceable SIP.

Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this direct final 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.

III. Background Information

Why Were These Rules Submitted?

Sections 172 and 173 of the CAA require that Title V permits be obtained for affected sources, major sources, and any sources required by parts C and D of the CAA. If certain sources could limit their potential to emit to below major-source thresholds or satisfy synthetic minor-source requirements, they would not be required to obtain a Title V permit. CARB submitted administrative rules to support these actions for qualified sources.

IV. Statutory and Executive Order Reviews

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 law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. 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 pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will 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). This action also does not have Federalism implications because it does 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). This action merely approves a state rule implementing a Federal standard, 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 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for 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 Clean Air Act. 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. 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).

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 October 10, 2003. 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, Incorporation by reference, Intergovernmental relations, Permitting, Reporting and recordkeeping requirements.

Dated: June 12, 2003.

Alexis Strauss,

Acting Regional Administrator, Region IX.

■ Part 52, 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 F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(231)(i)(E) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(231) * * *

(i) * * *

(E) Great Basin Unified Air Pollution Control District.

(*1*) Rules 218 and 219, adopted on December 4, 1995.

* * * * *

[FR Doc. 03–20426 Filed 8–8–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 03–15277]

RIN 2127–AH16

Federal Motor Vehicle Safety Standards: Heavy Vehicle Antilock Brake System (ABS) Performance Requirement

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: In March 1995, NHTSA published a final rule amending the hydraulic and air brake standards to require medium and heavy vehicles (*e.g.*, truck tractors, trailers, single unit trucks, and buses) to be equipped with antilock brake systems (ABS) to improve the directional stability and control of these vehicles during braking. We supplemented the ABS requirements for truck tractors with a braking-in-a-curve performance test. The braking-in-a-curve test was not applied to single-unit trucks or buses or to air-braked trailers because we had performed only limited testing of ABS-equipped single-unit vehicles. We stated that we would continue research on dynamic performance tests for single-unit trucks, buses, and trailers, and would consider applying performance test requirements to these vehicles in the future.

After issuing the final rule, we tested several ABS-equipped single-unit trucks and buses equipped with both hydraulic and air brakes. Our testing and research indicated that the braking-in-a-curve performance test requirement is practicable for those vehicles. Accordingly, in December 1999, we proposed applying the braking-in-a-curve requirements to them to complement both the ABS equipment requirements and stopping distance requirements. This final rule extends application of the braking-in-a-curve dynamic performance test requirement to single-unit trucks and buses that are required to be equipped with ABS.

DATES: The amendments made in this rule are effective October 10, 2003. If you wish to petition for reconsideration of this rule, your petition must be received by September 25, 2003.

ADDRESSES: Any petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For non-legal issues, you may call Mr. Jeff Woods, Safety Standards Engineer, Office of Crash Avoidance Standards, Vehicle Dynamics Division at (202) 366–2720, and fax him at (202) 493–2739.

For legal issues, you may call: Mr. Otto Matheke, Attorney-Advisor, Office of the Chief Counsel at (202) 366–2992, and fax him at (202) 366–3820.

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., SW., Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

I. Background
II. Single-Unit Truck & Bus ABS Performance Testing
III. Notice of Proposed Rulemaking
IV. Public Comments
V. Final Rule
VI. Pre-selection of Compliance Option
VII. Effective Date
VIII. Rulemaking Analyses and Notices

I. Background

On December 18, 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA or Act), Public Law 102–240 was signed by President George H. Bush and became law. Section 4012 of the Act directed the Secretary of Transportation to initiate rulemaking for improving the braking performance of new commercial motor vehicles—defined by ISTEA as those with a GVWR of over 26,000 pounds (lbs.)—including truck tractors, trailers, and dollies. The Act directed that in that rulemaking, the agency examine antilock brake systems (ABS), means of improving brake compatibility, and methods of ensuring the effectiveness of brake timing. In response to that congressional mandate, we published a final rule requiring ABS to be installed on hydraulic and air-braked medium and heavy vehicles on March 10, 1995 (60 FR 13216) (hereinafter referred to as the stability and control final rule). For truck tractors only, the ABS requirements included a braking-in-a-curve performance test on a low-coefficient of friction surface. The test includes a full brake application in both the lightly loaded (bobtail) configuration and with the tractor loaded to its GVWR, the latter using an unbraked control trailer.

Due to limited data and concerns regarding the braking-in-a-curve test, the March 1995 Final Rule did not apply the test to single-unit trucks, buses, or air-braked trailers. We stated, however, that we would continue research on dynamic performance tests for single-unit vehicles and would consider proposing to apply performance test requirements to those vehicles at a future time.[1]

II. Single-Unit Truck and Bus ABS Performance Testing

We conducted ABS testing of single-unit trucks and buses in 1996 and 1997 at our Vehicle Research and Test Center (VRTC) in East Liberty, OH.[2] Five air-

[1] The agency published two companion final rules on the same day, one to reinstate stopping distance requirements for air-braked medium and heavy vehicles (60 FR 13286) and another to implement stopping distance requirements for hydraulic-braked medium and heavy vehicles (60 FR 13297). The cost/benefit information used for the three final rules was based on NHTSA's Final Assessment, *Final Rules, FMVSS Nos. 105 & 121, Stability and Control During Braking Requirements and Reinstatement of Stopping Distance Requirements for Medium and Heavy Vehicles,* published in February, 1995.

[2] DOT HS 808941, *Single Unit Truck and Bus ABS Braking-In-A-Curve Performance Testing,* February 1999.