

management of the Federal Government and are not intended to create any right, privilege, or benefit, substantive or procedural, to any person or enforceable at law by any party against the United States, its agencies, its officers, or any person.

Appendix A to Part 152—Guidance to the Joint Service Committee (JSCA)

(a) Review the Manual for Courts-Martial.

(1) The Joint Service Committee (JSC) shall conduct an annual review of the Manual for Courts-Martial (MCM), in light of judicial and legislative developments in military and civilian practice, to ensure:

(i) The MCM implements the Uniform Code of Military Justice (UCMJ) and reflects current military practice and judicial precedent.

(ii) The rules and procedures of the MCM are uniform insofar as practicable.

(iii) The MCM applies, to the extent practicable, the principles of law and the rules of evidence generally recognized in the trial of criminal cases in United States district courts, but which are not contrary to or inconsistent with the UCMJ.

(iv) The MCM is workable throughout the worldwide jurisdiction of the UCMJ; and,

(v) The MCM is workable across the spectrum of circumstances in which courts-martial are conducted, including combat conditions.

(2) During this review, any JSC voting member may propose for the Voting Group's consideration an amendment to the MCM. Proposed amendments to the MCM shall ordinarily be referred to the JSC Working Group (WG) for study. The WG assists the JSC in staffing various proposals, conducting studies of proposals and other military justice related topics at the JSC's direction, and making reports to the JSC. Any proposed amendment to the MCM, if approved by a majority of the JSC voting members, becomes a part of the annual review.

(3) The JSC shall prepare a draft of the annual review of the MCM and forward it to the General Counsel of the Department of Defense, on or about December 31st. The General Counsel of the Department of Defense may submit the draft of the annual review to the Code Committee established by Article 146 of the UCMJ, with an invitation to submit comments.

(4) The draft of the annual review shall set forth any specific recommendations for changes to the MCM, including, if not adequately addressed in the accompanying discussion or analysis, a concise statement of the basis and purpose of any proposed change. If no changes are recommended, the draft review shall so state. If the JSC recommends changes to the MCM, the draft review shall so state. If the JSC recommends changes to the MCM, the public notice procedures of paragraph (d)(3) of this appendix are applicable.

(b) *Changes to the Manual for Courts-Martial.* (1) By January 1st of each year, the JSC voting members shall ensure that a solicitation for proposed changes to the MCM is sent to appropriate agencies within their respective Services that includes, but is not

limited to, the judiciary, the trial counsel and defense counsel organizations, and the judge advocate general schools.

(2) The **Federal Register** announcement of each year's annual review of proposed changes to the MCM shall also invite members of the public to submit any new proposals for JSC consideration during subsequent JSC annual reviews.

(3) When the JSC receives proposed changes to the MCM either by solicitation or **Federal Register** notice, the JSC shall determine whether the proposal should be considered under paragraph (a)(2) of this appendix by determining if one or more of the JSC voting member(s) intends to sponsor the proposed change. The JSC shall determine when such sponsored proposals should be considered under the annual review process, taking into account any other proposals under consideration and any other reviews or studies directed by the General Counsel of the Department of Defense.

(4) Changes to the MCM shall be proposed as part of the annual review conducted under paragraph (a) of this appendix. When earlier implementation is required, the JSC may send proposed changes to the General Counsel of the Department of Defense, for coordination under DoD Directive 5500.1.³

(c) *Proposals to Amend the Uniform Code of Military Justice.* The JSC may determine that the efficient administration of military justice within the Armed Services requires amendments to the UCMJ, or that a desired amendment to the MCM makes necessary an amendment to the UCMJ. In such cases, the JSC shall forward to the General Counsel of the Department of Defense, a legislative proposal to change the UCMJ. The General Counsel of the Department of Defense may direct that the JSC forward any such legislative proposal to the Code Committee for its consideration under Article 146, UCMJ.

(d) *Public Notice and Meeting.* (1) Proposals to amend the UCMJ are not governed by the procedures set out in this paragraph. (See DoD Directive 5105. 18. This paragraph applies only to the JSC recommendations to amend the MCM.)

(2) It is DoD policy to encourage public participation in the JSC's review of the MCM. Notice that the Department of Defense, through the JSC, intends to propose changes to the MCM normally shall be published in the **Federal Register** before submission of such changes to the President. This notice is not required when the Secretary of Defense in his sole and unreviewable discretion proposes that the President issue the change without such notice on the basis that public notice procedures, as set forth in this part, are unnecessary or contrary to the sound administration of military justice, or a MCM change corresponding to legislation is expeditiously required to keep the MCM current and consistent with changes in applicable law.

(3) The Office of General Counsel of the Department of Defense shall facilitate publishing the **Federal Register** notice required under this paragraph.

(4) The notice under this paragraph shall consist of the publication of the full text of

the proposed changes, including discussion and analysis, unless the General Counsel of the Department of Defense determines that such publication in full would unduly burden the Federal Register, the time and place where a copy of the proposed change may be examined, and the procedure for obtaining access to or a copy of the proposed change.

(5) A period of not fewer than 60 days after publication of notice normally shall be allowed for public comment, but a shorter period may be authorized when the General Counsel of the Department of Defense determines that a 60-day period is unnecessary or is contrary to the sound administration of military justice. The **Federal Register** notice shall normally indicate that public comments shall be submitted to the Executive Secretary of the JSC.

(6) The JSC shall provide notice in the **Federal Register** and hold a public meeting during the public comments period, where interested persons shall be given a reasonable opportunity to submit views on any of the proposed changes contained in the annual review. Public proposals and comments to the JSC should include a reference to the specific provision to be changed, a rationale for the proposed change, and specific and detailed proposed language to replace the current language. Incomplete submissions might be insufficient to receive the consideration desired. The JSC shall seek to consider all views presented at the public meeting as well as any written comments submitted during the 60-day period when determining the final form of any proposed amendments to the MCM.

(E) *Internal Rules and Record-Keeping.* (1) In furthering DoD policy, studying issues, or performing other duties relating to the administration of military justice, the JSC may establish internal rules governing its operation.

(2) The JSC shall create a file system and maintain appropriate JSC records.

Dated: June 6, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03-15574 Filed 6-19-03; 8:45 am]

BILLING CODE 5001-08-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[W1116-01-7346a; FRL-7515-5]

Approval and Promulgation of Implementation Plans; Wisconsin; Revised Motor Vehicle Emissions Inventories and Motor Vehicle Emissions Budgets Using MOBILE6

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a revision to the Wisconsin State Implementation

³ Available at <http://www.dtic.mil/whs/directives>.

Plan (SIP) for the attainment and maintenance of the 1-hour national ambient air quality standard (NAAQS) for ozone. Specifically, EPA is approving Wisconsin's revised 2007 motor vehicle emission inventories and 2007 Motor Vehicle Emissions Budgets (MVEB) recalculated using MOBILE6 for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area. EPA is also approving a new 2012 projected MVEB for the Sheboygan ozone maintenance area.

DATES: This rule is effective on August 19, 2003, unless EPA receives relevant adverse written comments by July 21, 2003. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You should send written comments to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the State submittal and EPA's analysis of it at: Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Michael Leslie at (312) 353-6680 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Michael Leslie, Environmental Engineer, Regulation Development Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-6680, leslie.michael@epa.gov.

SUPPLEMENTARY INFORMATION: This section is organized as follows:

- I. Background.
- II. What is MOBILE6?
- III. What is the purpose and content of Wisconsin's submittal?
- IV. What are the revised MOBILE6 inventories?
- V. Are the revised MOBILE6 inventories consistent with Wisconsin's One-Hour Attainment Demonstration?
- VI. Are Wisconsin's Motor Vehicle Emissions Budgets approvable?
- VII. EPA Action.
- VIII. Statutory and Executive Order Reviews.

I. Background

In November of 1999, EPA issued two memoranda¹ to articulate its policy

¹ Memoranda, "Guidance on Motor Vehicle Emissions Budgets in 1-Hour Ozone Attainment

regarding states that incorporated MOBILE5-based interim Tier 2 standard² benefits into their SIPs and MVEBs. Although these memoranda primarily targeted certain serious and severe ozone nonattainment areas, EPA has implemented this policy in all other areas that have made use of federal Tier 2 benefits in air quality plans from EPA's April 2000 MOBILE5 guidance, "MOBILE5 Information Sheet #8: Tier 2 Benefits Using MOBILE5." All states whose attainment demonstrations or maintenance plans include interim MOBILE5-based estimates of the Tier 2 standards were required to make a commitment to revise and resubmit their MVEBs within either one or two years of the final release of MOBILE6 in order to gain SIP approval.

On December 22, 2000, Wisconsin submitted a revision to the One-Hour Ozone Attainment Demonstration SIP for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area. This SIP revision included, among other things, revised MVEBs using interim MOBILE5-based estimates of the Tier 2 standards and an enforceable commitment to revise the attainment demonstration using the MOBILE6 model, including MVEBs, within one year of the release of the model. Additional information on EPA's final approval of Wisconsin's December 22, 2000, submittal is in the November 13, 2001, **Federal Register** (66 FR 56931).

EPA officially released the MOBILE6 motor vehicle emissions factor model on January 29, 2002 (67 FR 4254). Thus, the effective date of that **Federal Register** notice constituted the start of the one year time period in which Wisconsin was required to revise its One-Hour Ozone Attainment Demonstration SIP using the MOBILE6 model. Wisconsin was required to submit this SIP revision to EPA by January 29, 2003.

II. What Is MOBILE6?

MOBILE is an EPA emissions factor model for estimating pollution from on-road motor vehicles in states outside of California. MOBILE calculates emissions of volatile organic compounds (VOCs), nitrogen oxides (NO_x) and carbon monoxide (CO) from passenger cars, motorcycles, buses, and light-duty and heavy-duty trucks. The model accounts for the emission

Demonstrations," issued November 3, 1999, and "1-Hour Ozone Attainment Demonstrations and Tier 2/ Sulfur Rulemaking," issued November 8, 1999. Copies of these memoranda are on EPA's Web site at <http://www.epa.gov/otaq/transp/traqconf.htm>.

² The final rule on Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements ("Tier 2 standards") for passenger cars, light trucks, and larger passenger vehicles was published on February 10, 2000 (65 FR 6698).

impacts of factors such as changes in vehicle emission standards, changes in vehicle populations and activity, and variation in local conditions such as temperature, humidity, fuel quality, and air quality programs.

MOBILE is used to calculate current and future inventories of motor vehicle emissions at the national and local level. These inventories are used to make decisions about air pollution policies and programs at the local, state and national level. Inventories based on MOBILE are also used to meet the federal Clean Air Act's SIP and transportation conformity requirements.

MOBILE6 is the first major update of the MOBILE model since 1993. The MOBILE model was first developed in 1978. It has been updated many times to reflect changes in the vehicle fleet and fuels, to incorporate EPA's growing understanding of vehicle emissions, and to cover new emissions regulations and modeling needs. Although some minor updates were made in 1996 with the release of MOBILE5b, MOBILE6 is the first major revision to MOBILE since MOBILE5a was released in 1993.

III. What Is the Purpose and Content of Wisconsin's Submittal?

To address its enforceable commitment made in the December 22, 2000, Attainment Demonstration SIP revision, the State submitted a proposed SIP revision on January 31, 2003, which revises the 2007 motor vehicle emissions inventories and the 2007 MVEBs using the MOBILE6 model. The January 31, 2003, submittal demonstrates that the new levels of motor vehicle emissions calculated using MOBILE6 continue to support achievement of the projected attainment of the one-hour ozone NAAQS for the Milwaukee area and maintenance of the ozone NAAQS for Sheboygan area.

IV. What Are the Revised MOBILE6 Inventories?

Table 1 below summarizes the revised motor vehicle emissions inventories in tons per summer day (tpd). The State developed these revised inventories using the latest planning assumptions, including updated vehicle registration data from 1999 through 2001, vehicle miles traveled (VMT), speeds, fleet mix, and SIP control measures. EPA is proposing to approve these revised 2007 motor vehicle emissions inventories.

TABLE 1.—MILWAUKEE'S REVISED MOTOR VEHICLE EMISSIONS INVENTORIES

Area	2007	
	VOC (tpd)	NO _x (tpd)
Milwaukee Severe Area:		
MOBILE6 Emissions	30.34	69.32
Safety Margin	1.86	2.08
Inventory Value	32.20	71.40
Sheboygan Maintenance Area:		
MOBILE6 Emissions	2.86	5.62
Safety Margin	0.43	0.78
Inventory Value	3.24	6.40

V. Are the Revised MOBILE6 Inventories Consistent With Wisconsin's One-Hour Attainment Demonstration?

Wisconsin's attainment demonstration used photochemical grid modeling in the absolute sense. Absolute modeling refers to uses the output from a model to compare directly against a standard. For one-hour ozone, this means that the daily peak one-hour concentration predicted in every grid cell by the model would be compared to a ozone standard concentration of 124 parts per billion (ppb). This is best represented by the deterministic approach described in the 1996 Guidance on Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS, EPA, June 1996. That guidance also describes a statistical approach which allows a specific number of exceedances of the standard. However, final attainment is still determined in an

absolute sense by comparing a predicted concentration with the one-hour standard value of 124 ppb. EPA has articulated its policy regarding the use of MOBILE6 in SIP development in its "Policy Guidance on the Use of MOBILE6 for SIP Development and Transportation Conformity"³ and "Clarification of Policy Guidance for MOBILE6 in Mid-course Review Areas."⁴ This policy requires that new MOBILE6 MVEBs in areas that demonstrated attainment with absolute modeling meet two conditions. First, the new MOBILE6 based mobile source inventories are compared to the MOBILE5 based inventories for the attainment year. If the MOBILE6 mobile emissions are less than or equal to the MOBILE5 emissions, then the SIP continues to demonstrate attainment. Second, EPA's policy guidance requires the State to consider whether growth and control strategy assumptions for non-motor vehicle sources (*i.e.*, point, area, and non-road mobile sources) are still accurate at the time the State developed submittal.

Consistent with this policy guidance, Wisconsin's updated MOBILE6 inventories were equal to the MOBILE5 attainment demonstration inventories for the Milwaukee and Sheboygan areas. It should be noted that Wisconsin used the latest planning assumptions in developing of the updated inventories. Wisconsin reviewed the growth and control strategy assumptions for non-motor vehicle sources, and concluded that these assumptions continue to be valid and support the one-hour Ozone Attainment Demonstration.

In summary, Wisconsin's January 31, 2003, submittal satisfies the conditions outlined in EPA's MOBILE6 Policy guidance, and demonstrates that the new levels of motor vehicle emissions calculated using MOBILE6 continue to support achievement of the projected attainment of the one-Hour Ozone NAAQS by the attainment date of 2007.

VI. Are Wisconsin's Motor Vehicle Emissions Budgets Applicable?

Table 2 below summarizes Wisconsin's revised 2007 MVEBs contained in the January 31, 2003, submittal. The State developed MVEBs using the latest planning assumptions, including updated vehicle registration data, VMT, speeds, fleet mix, and SIP control measures. The Wisconsin submittal met all applicable requirements and EPA is proposing to approve all of these budgets.

TABLE 2.—2007 MOTOR VEHICLE EMISSIONS BUDGETS

Area	2007	
	VOC (tpd)	NO _x (tpd)
Milwaukee Severe Area ...	32.20	71.40
Sheboygan Maintenance Area	3.24	6.40

Table 3 below summarizes the Sheboygan maintenance area's 2007 and new 2012 emissions inventory contained in the January 31, 2003, submittal:

TABLE 3.—SHEBOYGAN MAINTENANCE AREA'S EMISSIONS INVENTORY

Source	2007		2012	
	VOC (tpd)	NO _x (tpd)	VOC (tpd)	NO _x (tpd)
Point	3.4	25.0	3.7	26.9
Area	7.2	2.2	7.4	2.2
Non-Road	2.7	6.0	2.5	6.0
Mobile	3.2	6.4	2.0	4.0
Total	16.5	39.5	15.6	39.1

³Memorandum, "Policy Guidance on the Use of MOBILE6 for SIP development and Transportation Conformity," issued January 18, 2002. A copy of

this memorandum can be found on EPA's Web site at <http://www.epa.gov/otaq/trans/traqconf.htm>.

⁴Memorandum, "Clarification of Policy Guidance for MOBILE6 SIPs in Mid-course Review Areas,"

issued February 12, 2003. A copy of this memorandum can be found on EPA's Web site at <http://www.epa.gov/otaq/trans/traqconf.htm>.

The above demonstrates the 2012 emissions will still maintain the total emissions for the area at or below the maintenance level. For this reason, EPA is approving the new projected MVEB for 2012.

Table 4 below summarizes Wisconsin's new 2012 MVEB contained in the January 31, 2003, submittal:

TABLE 4.—SHEBOYGAN 2012 MOTOR VEHICLE EMISSIONS BUDGET

Area	2012	
	VOC (tpd)	NO _x (tpd)
Sheboygan Maintenance Area	1.99	3.97

VII. EPA Action

EPA is approving the Wisconsin SIP revision submitted on January 31, 2003. This submittal revises Wisconsin's 2007 motor vehicle emission inventories and 2007 MVEBs using MOBILE6 for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area. EPA is also approving a new 2012 projected MVEB for the Sheboygan ozone maintenance area.

EPA is publishing this action without prior proposal, because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comments by July 21, 2003. Should the Agency receive such comment, we will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If we do not receive comments, this action will be effective on August 19, 2003.

VIII. Statutory and Executive Order Reviews

Executive Order 12866: Regulatory Planning and Review

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.

Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

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).

Regulatory Flexibility Act

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.*).

Unfunded Mandates Reform Act

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).

Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

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).

Executive Order 13132: Federalism

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.

Executive Order 13045: Protection of Children from Environmental Health and Safety Risks

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.

National Technology Transfer Advancement Act

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.

Paperwork Reduction Act

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.*).

Congressional Review Act

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 August 19, 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, Ozone, Volatile

organic compound, Oxides of nitrogen, Transportation conformity.

Dated: June 9, 2003.

Bharat Mathur,

Acting Regional Administrator, Region 5.

■ 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 YY—Wisconsin

■ 2. Section 52.2585 is amended by adding paragraph (s) to read as follows:

§ 52.2585 Control strategy: Ozone.

* * * * *

(s) Approval—On January 31, 2003, Wisconsin submitted a revision to the ozone attainment plan for the Milwaukee severe ozone area and

maintenance plan for Sheboygan County. These plans revised 2007 motor vehicle emission inventories and 2007 Motor Vehicle Emissions Budgets (MVEB) recalculated using the emissions factor model MOBILE6. The plan also included a new 2012 projected MVEB for the Sheboygan County. The following table outlines the MVEB for transportation conformity purposes for the Milwaukee severe ozone area and the Sheboygan ozone maintenance area:

2007 AND 2012 MOTOR VEHICLE EMISSIONS BUDGETS

Area	2007		2012	
	VOC (tpd)	NO _x (tpd)	VOC (tpd)	NO _x (tpd)
Milwaukee Severe Area	32.20	71.40	na	na
Sheboygan Maintenance	3.24	6.40	1.99	3.97

na means not applicable

* * * * *

[FR Doc. 03-15520 Filed 6-19-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R1-7218d; A-1-FRL-7513-2]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Massachusetts and Rhode Island; Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving and promulgating State Implementation Plan (SIP) revisions submitted by the States of Connecticut, Massachusetts and Rhode Island. These SIP revisions make minor technical corrections to the nitrogen oxides (NO_x) budget and trading programs in these states. Specifically, the SIP revision for each of the States adjusts the baseline and emissions budgets for highway mobile and non-electric generating unit (non-EGU) point sources such that they are consistent with those in EPA's March 2, 2000 (65 FR 11222) final rulemaking notice entitled "Technical Amendment to the Finding of Significant Contribution and Rulemaking for Certain States for Purposes of Reducing Regional Transport of Ozone." The technical revisions do not affect the regulatory programs in these states.

However, the changes are needed to fully approve the programs as meeting Phase I and II of the EPA's October 27, 1998 (63 FR 57356) regulation "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone," otherwise known as the "NO_x SIP Call." The intended effect of this action is to approve the SIP revisions for the Connecticut, Massachusetts and Rhode Island NO_x budget trading programs as meeting Phase I and II of the EPA's NO_x SIP Call. This action is being taken in accordance with section 110 of the Clean Air Act (CAA).

DATES: This direct final rule will be effective August 19, 2003, unless EPA receives adverse comments by July 21, 2003. 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 David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ). Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA—New England, One Congress Street, 11th floor, Boston, MA. Copies of the documents specific to the SIP approval for Connecticut are available at the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT

06106-1630. Copies of the documents specific to the SIP approval for Massachusetts are available at the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108. Copies of the documents specific to the SIP approval for Rhode Island are available at the Office of Air Resources, Department of Environmental Management, 235 Promenade Street, Providence, RI 02908-5767.

FOR FURTHER INFORMATION CONTACT: Dan Brown at (617) 918-1532 or via E-mail at *brown.dan@epa.gov*.

SUPPLEMENTARY INFORMATION: This document is organized according to the following Table of Contents.

- I. What Action Is EPA Taking Today?
- II. Why Is EPA Taking This Action?
- III. What is Phase 2 of the NO_x SIP Call and how Does it Relate to Today's Action?
- IV. What Did the States Submit?
- V. Why Are We Approving The NO_x SIP Call Submittals from Connecticut, Massachusetts and Rhode Island Together?
- VI. What Are The Applicable Statutory and Executive Order Reviews?

I. What Action Is EPA Taking Today?

We are taking final action to fully approve revisions to the Connecticut, Massachusetts and Rhode Island SIP's as meeting Phase I and Phase II of the EPA's NO_x SIP Call. Specifically, we are approving revisions to the SIP narratives for each of the state's NO_x SIP Call programs. The narrative material was originally submitted by Connecticut, Massachusetts and Rhode Island as a SIP revision on September 30, 1999, November 19, 1999 and October 1, 1999,