

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. 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 February 4, 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 26, 2002.

**Robert W. Varney,**

*Regional Administrator, EPA-New England.*

1. Part 52 of 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 W—Massachusetts**

2. Section 52.1127 is amended by revising the table to read as follows:

**§ 52.1127 Attainment dates for national standards.**

Air quality control region	Pollutant					
	SO <sub>2</sub>		PM <sub>10</sub>	NO <sub>2</sub>	CO	O <sub>3</sub>
	Primary	Secondary				
AQCR 42: Hartford-New Haven-Springfield Interstate Area (See 40 CFR 81.26) .....	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 117: Berkshire Intrastat Area (See 40 CFR 81.141) .....	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 118: Central Mass Intrastate Area (See 40 CFR 81.142) .....	(a)	(b)	(a)	(a)	(a)	(d)
AQCR 119: Metropolitan Boston Intrastate Area (See 40 CFR 81.19) ..	(a)	(b)	(a)	(a)	(a)	(d)
AQCR 120: Metropolitan Providence Interstate Area (See 40 CFR 81.31) .....	(a)	(b)	(a)	(a)	(a)	(d)
AQCR 121: Merrimack Valley-Southern NH Interstate Area (See 40 CFR 81.81) .....	(a)	(b)	(a)	(a)	(a)	(d)

- a. Air quality presently below primary standards or area is unclassifiable.
- b. Air quality levels presently secondary standards or area is unclassifiable.
- c. December 31, 2003.
- d. November 15, 2007.

3. Section 52.1129 of subpart W is amended by adding paragraph (d) to read as follows:

**§ 52.1129 Control strategy: Ozone.**

\* \* \* \* \*

(d) Approval—Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental protection on July 27, 1998, and September 6, 2002. The revisions are for the purpose of satisfying the one-hour ozone attainment demonstration requirements of section 182(c)(92)(A) of the Clean Air Act, for the Boston-Lawrence-Worcester, MA–NH serious ozone nonattainment area. The revision establishes a one-hour attainment date of November 15, 2007, for the Boston-Lawrence-Worcester, MA–NH serious ozone nonattainment area. This revision establishes motor vehicle emissions budgets for 2007 of 86.7 tons per day of volatile organic compounds and 226.363 tons per day of nitrogen oxides to be used in transportation conformity in the Massachusetts portion of the Boston-

Lawrence-Worcester, MA–NH serious ozone nonattainment area.  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 61**

[ND–001–0005a & 0007a; FRL–7419–1]

**Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Withdrawal of Direct Final Rule**

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

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** EPA has received adverse comments on our October 7, 2002 direct final rule (see 67 FR 62395) to approve revisions to various air pollution control rules in the North Dakota State Implementation Plan (SIP), which were submitted by the Governor of North

Dakota with a letter dated June 21, 2001. In the October 7, 2002 direct final rule (67 FR 62395), we stated that if we received adverse comments by November 6, 2002, the direct final rule would be withdrawn and would not take effect. EPA has received adverse comments from the Dakota Resource Council, submitted with a letter dated November 6, 2002. The comments are specific to the North Dakota air pollution control rule regarding prevention of significant deterioration. Therefore, the sections of the direct final rule regarding the revisions to the North Dakota air pollution control rules are being withdrawn and all public comments received will be addressed in a subsequent final rule based on EPA's October 7, 2002 proposed rule (see 67 FR 62432). EPA will not institute a second comment period on this action.

Please note that this withdrawal does not withdraw or impact the sections of EPA's October 7, 2002 direct final rule regarding notice of delegation of authority for New Source Performance Standards nor the change to the

approved plan to remove the State's part 61 National Emission Standards for Hazardous Air Pollutants regulations from the federally-approved SIP (and related update to the part 61 table).

**EFFECTIVE DATE:** The additions of 40 CFR 52.1820(c)(32) is withdrawn as of December 6, 2002.

**FOR FURTHER INFORMATION CONTACT:** Amy Platt, Environmental Protection Agency, Region VIII, (303) 312-6449.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule located in the Rules and Regulations section of the October 7, 2002 *Federal Register* (67 FR 62432).

**List of Subjects**

*40 CFR Part 52*

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

*40 CFR Part 61*

Environmental protection, Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Mercury, and Vinyl chloride.

Accordingly, the addition of 40 CFR 52.1820(c)(32) is withdrawn as of December 6, 2002.

Dated: November 26, 2002.

**Robert E. Roberts,**  
Regional Administrator, Region VIII.  
[FR Doc. 02-30941 Filed 12-5-02; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[FRL-7416-9]

RIN 2060-AJ57

**National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry**

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

**ACTION:** Final rule; amendments.

**SUMMARY:** The EPA is taking final action today on certain amendments to the national emission standards for the portland cement manufacturing industry, which were originally promulgated on June 14, 1999 under the authority of section 112 of the Clean Air Act (CAA). The amendments make improvements to the implementation of the emission standards, primarily in the areas of applicability, testing, and monitoring where issues and questions were raised since promulgation of the rule.

On April 5, 2002, the EPA promulgated amendments to the national emission standards for the portland cement manufacturing industry as a direct final rule with a parallel proposal. On July 2, 2002, we withdrew certain provisions in the direct final rule in order to assess adverse comments. This action promulgates the amendments previously withdrawn based on the parallel proposal published on April 5, 2002.

**EFFECTIVE DATE:** December 6, 2002.

**ADDRESSES:** Docket A-92-53, containing supporting information used in developing these amendments, is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) at the following address: U.S. EPA, Air and Radiation Docket and Information Center (6102T), 1301 Constitution Avenue, NW., Washington, DC 20460 in room B-108, or by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Mr. Joseph Wood, P.E., Minerals and Inorganic Chemicals Group, Emission Standards Division (C504-05), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5446, facsimile number (919) 541-5600, electronic mail address: [wood.joe@epa.gov](mailto:wood.joe@epa.gov).

**SUPPLEMENTARY INFORMATION:**  
*Docket.* The docket is an organized and complete file of all of the

information considered by EPA in the development of these final rule amendments. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so they can effectively participate in the rulemaking process. Along with the proposed and promulgated rules and their preambles, the contents of the docket will serve as the record in the case of judicial review. The docket number for this rulemaking is A-92-53.

*Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of this action will also be available through the WWW. Following signature, a copy of this action will be posted on EPA's Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules: <http://www.epa.gov/ttn/oarpg>. The TTN at EPA's web site provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

*Judicial Review.* Under section 307(b)(1) of the CAA, judicial review of these final rule amendments is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by February 4, 2003. Under section 307(d)(7)(B) of the CAA, only an objection to these final rule amendments that was raised with reasonable specificity during the period for public comment can be raised during judicial review. Moreover, under section 307(b)(2) of the CAA, the requirements established by these final rule amendments may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce these requirements.

*Regulated Entities.* Entities potentially regulated by this action are those that manufacture portland cement. Regulated categories and entities include:

Category	NAICS	SIC	Examples of regulated entities
Industry .....	32731	3241	Owners or operators of portland cement manufacturing plants.
Tribal associations .....	32731	3241	Owners or operators of portland cement associations manufacturing plants.
Federal agencies .....	(1)	(1)	(1)

<sup>1</sup> None.