

notice of intent to submit adverse comments within 45 days, then this direct final rule will become effective 60 days from today. In that case, we will publish a document in the **Federal Register**, before the effective date of this direct final rule, confirming the effective date and withdrawing the related proposed rule.

#### Required Determinations

Regulatory Planning and Review (E.O. 12866), Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)).

An economic analysis is not necessary for this rule as it will not have an economic impact on any entities, large or small. This rule is not a significant rule under E.O. 12866 and, therefore, was not reviewed by the Office of Management and Budget.

#### Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*)

In accordance with the Unfunded Mandates Reform Act:

(a) This rule will not “significantly or uniquely” affect small governments. A Small Government Agency Plan is not required.

(b) This rule will not produce a Federal mandate of \$100 million or greater in any year, that is, it is not a “significant regulatory action” under the Unfunded Mandates Reform Act.

#### Takings

In accordance with Executive Order 12630, this rule does not have significant takings implications. A takings implication assessment is not required.

#### Federalism

In accordance with Executive Order 13132, the rule does not have significant federalism effects. A federalism assessment is not required.

#### Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

#### Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

This rule does not contain any new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995.

#### National Environmental Policy Act

We have determined that an Environmental Assessment and/or an

Environmental Impact Statement as defined by the National Environmental Policy Act of 1969 need not be prepared for this rule. This rule does not constitute a major Federal action significantly affecting the quality of the human environment.

#### List of Subjects

#### 36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

#### 50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, the Departments amend title 36, part 242, and title 50, part 100, of the Code of Federal Regulations, as set forth below.

#### PART \_\_\_\_—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

**Authority:** 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

2. In § \_\_\_\_ .6, paragraph (b) is revised to read as follows:

#### § \_\_\_\_ .6 Licenses, permits, harvest tickets, tags, and reports.

\* \* \* \* \*

(b) In order to receive a Federal Subsistence Registration Permit or Federal Designated Harvester Permit or designate someone to harvest fish or wildlife for you under a Federal Designated Harvester Permit, you must be old enough to reasonably harvest that species yourself (or under the guidance of an adult).

\* \* \* \* \*

3. In § \_\_\_\_ .11, paragraph (b)(1), the first sentence is revised to read as follows:

#### § \_\_\_\_ .11 Regional advisory councils.

\* \* \* \* \*

(b) \* \* \*

(1) The number of members for each Regional Council shall be established by the Board.

\* \* \* \* \*

Dated: January 31, 2003.

**Gale A. Norton,**

*Secretary of the Interior.*

Dated: November 14, 2002.

**Steven A. Brink,**

*Acting Regional Forester, USDA-Forest Service.*

[FR Doc. 03-3741 Filed 2-14-03; 8:45 am]

BILLING CODE 3410-11 and 4310-55-P

## ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[Region II Docket No. NJ55-248, FRL-7441-4]

#### Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Enhanced Inspection and Maintenance Program

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by New Jersey, including revisions to the State's enhanced motor vehicle inspection and maintenance (I/M) program. This revision updates New Jersey's enhanced I/M performance standard modeling to reflect the State's plan to extend the current new vehicle inspection exemption from one inspection cycle (2 years) to two inspection cycles (4 years). The State's evaluation demonstrates that the proposed changes to the enhanced I/M program will not impact the State's ability to continue to meet its enhanced I/M emission reduction goals for current and future years. The intended effect of this action is to approve New Jersey's plan to extend the new vehicle emission inspection exemption, and the State's supporting revised performance standard modeling, which demonstrates that the enhanced I/M program continues to meet EPA's low enhanced performance standard.

**EFFECTIVE DATE:** This rule will be effective March 20, 2003.

**ADDRESSES:** Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,

Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007-1866.

Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC 20460.

New Jersey Department of Environmental Protection, Bureau of Air Quality Planning, 401 East State Street, CN027, Trenton, New Jersey 08625

**FOR FURTHER INFORMATION CONTACT:**  
Kenneth M. Champagne, Air Programs Branch, 290 Broadway, 25th Floor, New York, NY 10007-1866, (212) 637-4249.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 5, 2002 (67 FR 67345), EPA published a notice of proposed rulemaking regarding a SIP revision submitted by the State of New Jersey. The notice proposed to approve New Jersey's plan to extend the new vehicle emission inspection exemption from two to four years, and the State's supporting revised performance standard modeling. This new vehicle emission inspection exemption was enacted by New Jersey on July 1, 2002 as Public Law 2002, Chapter 34, and supercedes the current emission inspection test frequency set forth in New Jersey's I/M rules. The new legislation requires any new vehicle of model year 2000 and newer to be exempt from the emission inspection for 4 years, and thereafter inspected every 2 years, however, implementation of this new legislation is contingent upon approval by EPA. New Jersey's goal is to begin implementation of the new vehicle emission inspection exemption on January 1, 2003.

Also included as part of the modeling assumptions for New Jersey's revised performance standard modeling demonstration were other proposed program changes contained in the State's April 24, 2002 proposed SIP revision. For more detailed information on these proposed design changes, please see the November 5, 2002 notice of proposed rulemaking. Although the State appropriately included these proposed changes in its revised modeling since they will, if adopted, impact the overall emission reduction potential of the I/M program, EPA is not taking action on these changes in this final rulemaking. However, EPA will take formal rulemaking action on these other changes after they are adopted and formally submitted by the State.

The SIP revision was proposed under a procedure called parallel processing, whereby EPA proposes a rulemaking action concurrently with a state's procedures for amending its regulations. The proposed SIP revision was initially submitted to EPA on August 20, 2002, and the final SIP revision was formally submitted on December 3, 2002. It should be noted that EPA did not

receive any comments associated with the November 5, 2002 proposed approval of revisions to New Jersey's enhanced I/M program. A detailed description of New Jersey's submittals and EPA's rational for the proposed action were presented in the proposal referenced above and will not be restated here.

**Conclusion**

EPA is taking final action to approve New Jersey's December 3, 2002 SIP revision, which updates New Jersey's enhanced I/M performance standard modeling to reflect the State's plan to extend the current new vehicle inspection exemption from one inspection cycle (2 years) to two inspection cycles (4 years). In accordance with the parallel processing procedures, EPA has evaluated New Jersey's final SIP revision submitted on December 3, 2002, and finds that no substantial changes were made from the proposed SIP revision submitted on August 20, 2002. Also in the final SIP revision, New Jersey addressed the four minor issues identified by EPA during technical review of the proposed SIP revision. EPA agrees with New Jersey's responses to those comments it received which are related to the enhanced I/M program as an element of the State's SIP.

EPA is approving New Jersey's I/M SIP revision submitted on December 3, 2002. New Jersey has demonstrated through performance standard modeling that its enhanced I/M program with the new vehicle emission inspection exemption, including other proposed program design changes, continues to meet EPA's low enhanced performance standard.

**Administrative 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 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. 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. 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 April 21, 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: January 9, 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)(72) to read as follows:

#### § 52.1570 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(72) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on December 3, 2002 by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:  
(A) New Jersey Revised Statutes.  
(1) Public Law 2002, Chapter 34, paragraph 15 amending N.J.S.A. 39:8-2.c, enacted on July 1, 2002.

[FR Doc. 03-3697 Filed 2-14-03; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 63

[OAR-2002-0045; AD-FRL-7446-6]

**RIN 2060-AK53**

#### National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicomical Pulp Mills

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

**ACTION:** Direct final rule; amendments.

**SUMMARY:** The EPA is taking direct final action on amendments to the national emission standards for hazardous air pollutants (NESHAP) for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semicomical pulp mills, which were issued on January 12, 2001 under section 112 of the Clean Air Act (CAA). The amendments clarify and consolidate the monitoring and testing requirements and add a site-specific alternative standard for one pulp mill. We are issuing these amendments as a direct final rule, without prior proposal, because we view the revisions as noncontroversial and anticipate no significant adverse comments. However, in the Proposed Rules section of this **Federal Register**, we are publishing a separate document that will serve as the

proposal to amend the national emission standards for chemical recovery combustion sources at kraft, soda, sulfite, and stand-alone semicomical pulp mills if significant adverse comments are filed.

**DATES:** The direct final rule is effective on May 19, 2003, without further notice, unless EPA receives significant adverse comments by March 20, 2003. If significant adverse comments are received, EPA will publish a timely withdrawal in the **Federal Register** to notify the public that the rule will not take effect. The incorporation by reference of certain publications in the rule is approved by the Director of the Office of the Federal Register as of May 19, 2003.

**ADDRESSES:** Comments may be submitted by mail (in duplicate, if possible) to EPA Docket Center (Air Docket), U.S. EPA West (MD-6102T), Room B-108, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Attention Docket ID No. OAR-2002-0045. By hand delivery/courier, comments may be submitted (in duplicate, if possible) to EPA Docket Center, Room B-108, U.S. EPA West, 1301 Constitution Avenue, NW, Washington, DC 20460, Attention Docket ID No. OAR-2002-0045.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeff Telander, Minerals and Inorganic Chemicals Group, Emission Standards Division (MD-C504-05), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541-5427, facsimile number (919) 541-5600, electronic mail (e-mail) address [telander.jeff@epa.gov](mailto:telander.jeff@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulated Entities.* Categories and entities potentially regulated by this action are those kraft, soda, sulfite, and stand-alone semicomical pulp mills with chemical recovery processes that involve the combustion of spent pulping liquor. Categories and entities potentially regulated by this action include:

Category	NAICS code*	Examples of regulated entities
Industry .....	32211 32212 32213	Kraft, soda, sulfite, and stand-alone semicomical pulp mills.
Federal government .....	.....	Not affected.
State/local/tribal government .....	.....	Not affected.

\* North American Industrial Classification System.