

(c) *Acknowledging the notice of hearing.* The notice of hearing will ask you to return a form to let us know that you received the notice. If you or your representative do not acknowledge receipt of the notice of hearing, we will attempt to contact you for an explanation. If you tell us that you did not receive the notice of hearing, an amended notice will be sent to you by certified mail. See § 416.1436 for the procedures we will follow in deciding whether the time or place of your scheduled hearing will be changed if you do not respond to the notice of hearing.

10. In § 416.1450, paragraphs (a) and (e) are revised to read as follows:

§ 416.1450 Presenting evidence at a hearing before an administrative law judge.

(a) *The right to appear and present evidence.* Any party to a hearing has a right to appear before the administrative law judge, either in person or, when the conditions in § 416.1436(c) exist, by video teleconferencing, to present evidence and to state his or her position. A party may also make his or her appearance by means of a designated representative, who may make the appearance in person or by video teleconferencing.

* * * * *

(e) *Witnesses at a hearing.* Witnesses may appear at a hearing in person or, when the conditions in § 416.1436(c) exist, video teleconferencing. They shall testify under oath or affirmation, unless the administrative law judge finds an important reason to excuse them from taking an oath or affirmation. The administrative law judge may ask the witnesses any questions material to the issues and shall allow the parties or their designated representatives to do so.

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[FR Doc. 03-2402 Filed 1-31-03; 8:45 am]

BILLING CODE 4191-02-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL-200311; FRL-7444-7]

Approval and Promulgation of Air Quality Implementation Plans; Alabama Update to Materials Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: EPA is updating the materials submitted by Alabama that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this update have been previously submitted by the State agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the Office of the Federal Register (OFR), Office of Air and Radiation Docket and Information Center, and the Regional Office.

EFFECTIVE DATE: This action is effective February 3, 2003.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303; Office of Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, (Mail Code 6102T) NW., Washington, DC 20460, and Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Lakeman at the above Region 4 address or at (404) 562-9043.

SUPPLEMENTARY INFORMATION: The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and OFR. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document. On December 22, 1998, EPA published a document in the **Federal Register** (63 FR 70669) beginning the new IBR procedure for Alabama. In this document EPA is doing the update to the material being IBRed.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved

State programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by updating citations.

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. 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 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, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 16, 2003.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority for citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart B—Alabama

2. Section 52.50 paragraph (b), (c), (d) and (e) are revised to read as follows:

§ 52.50 Identification of plan.

* * * * *

(b) Incorporation by reference.

(1) Material listed in paragraph (c) and (d) of this section with an EPA approval date prior to January 1, 2003, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after January 1, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of January 1, 2003.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC; or at the EPA, Office of Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, (Mail Code 6102T) NW., Washington, DC 20460.

(c) EPA approved Alabama regulations.

EPA APPROVED ALABAMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
Chapter No. 335–3–1 General Provision				
Section 335–3–1–.01	Purpose	06/22/89	03/19/90 55 FR 10062	
Section 335–3–1–.02	Definitions	08/10/00	12/08/00 65 FR 76940	
Section 335–3–1–.03	Ambient Air Quality Standards	10/13/98	03/01/99 64 FR 9918	
Section 335–3–1–.04	Monitoring, Records, and Reporting	10/15/96	06/06/97 62 FR 30991	
Section 335–3–1–.05	Sampling and Test Methods	06/22/89	03/19/90 55 FR 10062	
Section 335–3–1–.06	Compliance Schedule	10/15/96	06/06/97 62 FR 30991	
Section 335–3–1–.07	Maintenance and Malfunctioning of Equipment; Reporting	10/15/89	03/19/90 55 FR 10062	
Section 335–3–1–.08	Prohibition of Air Pollution	08/10/00	12/08/00 65 FR 76940	
Section 335–3–1–.09	Variances	10/15/96	06/06/97 62 FR 30991	

EPA APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335-3-1-.10	Circumvention	06/22/89	03/19/90 55 FR 10062	
Section 335-3-1-.11	Severability	10/15/96	06/06/97 62 FR 30991	
Section 335-3-1-.12	Bubble Provision	06/22/89	03/19/90 55 FR 10062	
Section 335-3-1-.13	Credible Evidence	04/13/99	11/03/99 64 FR 59633	
Section 335-3-1-.14	Emissions Reporting Requirements Relating to Budgets for NO _x Emissions.	04/06/01	07/16/01 66 FR 36921	
Chapter No. 335-3-2 Air Pollution Emergency				
Section 335-3-2-.01	Air Pollution Emergency	06/22/89	03/19/90 55 FR 10062	
Section 335-3-2-.02	Episode Criteria	08/10/00	12/08/00 65 FR 76940	
Section 335-3-2-.03	Special Episode Criteria	06/22/89	03/19/90 55 FR 10062	
Section 335-3-2-.04	Emission Reduction Plans	06/22/89	03/19/90 55 FR 10062	
Section 335-3-2-.05	Two Contaminant Episode	06/22/89	03/19/90 55 FR 10062	
Section 335-3-2-.06	General Episodes	06/22/89	03/19/90 55 FR 10062	
Section 335-3-2-.07	Local Episodes	06/22/89	03/19/90 55 FR 10062	
Section 335-3-2-.08	Other Sources	10/15/96	06/06/97 62 FR 30991	
Section 335-3-2-.09	Other Authority Not Affected	06/22/89	03/19/90 55 FR 10062	
Chapter No. 335-3-3 Control of Open Burning and Incineration				
Section 335-3-3-.01	Open Burning	08/10/00	12/08/00 65 FR 76940	
Section 335-3-3-.02	Incinerators	06/22/89	03/19/90 55 FR 10062	
Section 335-3-3-.03	Incineration of Wood, Peanut, and Cotton Ginning Waste	08/10/00	12/08/00 65 FR 76940	
Chapter No. 335-3-4 Control of Particulate Emissions				
Section 335-3-4-.01	Visible Emissions	10/15/96	06/06/97 62 FR 30991	
Section 335-3-4-.02	Fugitive Dust and Fugitive Emissions	10/15/96	06/06/97 62 FR 30991	
Section 335-3-4-.03	Fuel Burning Equipment	10/15/96	06/06/97 62 FR 30991	
Section 335-3-4-.04	Process Industries—General	10/15/96	06/06/97 62 FR 30991	
Section 335-3-4-.05	Small Foundry Cupola	06/22/89	03/19/90 55 FR 10062	
Section 335-3-4-.06	Cotton Gins	06/22/89	03/19/90 55 FR 10062	
Section 335-3-4-.07	Kraft Pulp Mills	10/15/96	06/06/97 62 FR 30991	
Section 335-3-4-.08	Wood Waste Boilers	08/10/00	12/08/00 65 FR 76940	
Section 335-3-4-.09	Coke Ovens	08/10/00	12/08/00 65 FR 76940	
Section 335-3-4-.10	Primary Aluminum Plants	06/22/89	03/19/90 55 FR 10062	
Section 335-3-4-.11	Cement Plants	10/15/96	06/06/97 62 FR 30991	
Section 335-3-4-.12	Xylene Oxidation Process	06/22/89	03/19/90 55 FR 10062	
Section 335-3-4-.13	Sintering Plants	06/22/89	03/19/90 55 FR 10062	

EPA APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335-3-4-.14	Grain Elevators	10/15/96	06/06/97 62 FR 30991	
Section 335-3-4-.15	Secondary Lead Smelters	10/15/96	06/06/97 62 FR 30991	
Section 335-3-4-.17	Steel Mills Located in Etowah County	10/15/96	06/06/97 62 FR 30991	
Chapter No. 335-3-5 Control of Sulfur Compound Emissions				
Section 335-3-5-.01	Fuel Combustions	10/15/96	06/06/97 62 FR 30991	
Section 335-3-5-.02	Sulfuric Acid Plants	10/15/96	06/06/97 62 FR 30991	
Section 335-3-5-.03	Petroleum Production	08/10/00	12/08/00 65 FR 76940	
Section 335-3-5-.04	Kraft Pulp Mills	08/10/00	12/08/00 65 FR 76940	
Section 335-3-5-.05	Process Industries—General	06/22/89	03/19/90 55 FR 10062	
Chapter No. 335-3-6 Control of Organic Emissions				
Section 335-3-6-.01	Applicability	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.02	VOC Water Separation	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.03	Loading and Storage of VOC	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.04	Fixed-Roof Petroleum Liquid Storage Vessels	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.05	Bulk Gasoline Plants	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.06	Bulk Gasoline Terminals	08/10/00	12/08/00 65 FR 76940	
Section 335-3-6-.07	Gasoline Dispensing Facilities—Stage I	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.08	Petroleum Refinery Sources	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.09	Pumps and Compressors	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.10	Ethylene Producing Plants	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.11	Surface Coating	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.12	Solvent Metal Cleaning	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.13	Cutback Asphalt	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.14	Petition for Alternative Controls	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.15	Compliance Schedules	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.16	Test Methods and Procedures	08/10/00	12/08/00 65 FR 76940	
Section 335-3-6-.17	Manufacture of Pneumatic Tires	10/15/95	06/06/97 62 FR 30991	
Section 335-3-6-.18	Manufacture of Synthesized Pharmaceutical Products	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.19	Reserved			
Section 335-3-6-.20	Leaks from Gasoline Tank Trucks and Vapor Collection Systems.	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.21	Leaks from Petroleum Refinery Equipment	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.22	Graphic Arts	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.23	Petroleum Liquid Storage in External Floating Roof Tanks	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.24	Applicability	10/15/96	06/06/97 62 FR 30991	

EPA APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335-3-6-.25	VOC Water Separation	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.26	Loading and Storage of VOC	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.27	Fixed-Roof Petroleum Liquid Storage Vessels	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.28	Bulk Gasoline Plants	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.29	Gasoline Terminals	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.30	Gasoline Dispensing Facilities Stage I	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.31	Petroleum Refinery Sources	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.32	Surface Coating	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.33	Solvent Metal Cleaning	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.34	Cutback Asphalt	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.35	Petition for Alternative Controls	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.36	Compliance Schedules	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.37	Test Methods and Procedures	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.38	Manufacture of Pneumatic Tires	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.39	Manufacture of Synthesized Pharmaceutical Products	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.40	Reserved			
Section 335-3-6-.41	Leaks from Gasoline Tank Trucks and Vapor Collection Systems.	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.42	Leaks from Petroleum Refinery Equipment	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.43	Graphic Arts	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.44	Petroleum Liquid Storage in External Floating Roof Tanks	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.45	Large Petroleum Dry Cleaners	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.46	Aerospace Assembly and Component and Component Coatings Operation.	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.47	Leaks from Coke by-Product Recovery Plant Equipment	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.48	Emissions from Coke by-Product Recovery Plant Coke Oven Gas Bleeder.	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.49	Manufacture of Laminated Countertops	06/22/89	03/19/90 55 FR 10062	
Section 335-3-6-.50	Paint Manufacture	10/15/96	06/06/97 62 FR 30991	
Section 335-3-6-.53	List of EPA Approved and Equivalent Test Methods and Procedures for the Purpose of Determining VOC Emissions.	06/26/91	09/27/91 58 FR 50262	

Chapter No. 335-3-7 Carbon Monoxide Emissions

Section 335-3-7-.01	Metals Productions	06/22/89	03/19/90 55 FR 10062	
Section 335-3-7-.02	Petroleum Processes	06/22/89	03/19/90 55 FR 10062	

Chapter No. 335-3-8 Nitrogen Oxides Emissions

Section 335-3-8-.01	Standards for Portland Cement Kilns	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.02	Nitric Acid Manufacturing	10/15/96	06/06/97 62 FR 30991	
Section 335-3-8-.03	NO _x Emissions from Electric Utility Generating Units	10/24/00	11/07/01 66 FR 56223	

EPA APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Section 335-3-8-.04	Standards for Stationary Reciprocating Internal Combustion Engines (Reserved).	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.05	NO _x Budget Trading Program	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.06	Authorized Account Representative for NO _x Budget Sources	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.07	Permits	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.08	Compliance Certification	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.09	NO _x Allowance Allocations	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.10	NO _x Allowance Tracking System	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.11	NO _x Allowance Transfers	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.12	Monitoring and Reporting	04/06/01	07/17/01 66 FR 36921	
Section 335-3-8-.13	Individual Unit Opt-ins	05/07/02	07/17/01 66 FR 36921	
Section 335-3-8-.14	New Combustion Sources	04/06/01	07/17/01 66 FR 36921	
Chapter No. 335-3-9 Control Emissions From Motor Vehicles				
Section 335-3-9-.01	Visible Emission Restriction for Motor Vehicles	10/15/96	06/06/97 62 FR 30991	
Section 335-3-9-.02	Ignition System and Engine Speed	08/10/00	12/08/00 65 FR 76940	
Section 335-3-9-.03	Crankcase Ventilation Systems	08/10/00	12/08/00 65 FR 76940	
Section 335-3-9-.04	Exhaust Emission Control Systems	06/22/89	03/19/90 55 FR 10062	
Section 335-3-9-.05	Evaporative Loss Control Systems	06/22/89	03/19/90 55 FR 10062	
Section 335-3-9-.06	Other Prohibited Acts	08/10/00	12/08/00 65 FR 76940	
Section 335-3-9-.07	Effective Date	10/15/96	06/06/97 62 FR 30991	
Chapter No. 335-3-12 Continuous Monitoring Requirements for Existing Sources				
Section 335-3-12-.01	General	06/22/89	03/19/90 55 FR 10062	
Section 335-3-12-.02	Emission Monitoring and Reporting Requirements	02/17/98	09/14/98 63 FR 49005	
Section 335-3-12-.03	Monitoring System Malfunction	06/22/89	03/19/90 55 FR 10062	
Section 335-3-12-.04	Alternate Monitoring and Reporting Requirements	06/22/89	03/19/90 55 FR 10062	
Section 335-3-12-.05	Exemptions and Extensions	06/22/89	03/19/90 55 FR 10062	
Chapter No. 335-3-13 Control of Fluoride Emissions				
Section 335-3-13-.01	General	10/15/96	06/06/97 62 FR 30991	
Section 335-3-13-.02	Superphosphoric Acid Plants	10/15/96	06/06/97 62 FR 30991	
Section 335-3-13-.03	Diammonium Phosphate Plants	10/15/96	06/06/97 62 FR 30991	
Section 335-3-13-.04	Triple Superphosphoric Plants	10/15/96	06/06/97 62 FR 30991	
Section 335-3-13-.05	Granular Triple Superphosphoric Storage Facilities	10/15/96	06/06/97 62 FR 30991	
Section 335-3-13-.06	Wet Process Phosphoric Acid Plants	10/15/96	06/06/97 62 FR 30991	

EPA APPROVED ALABAMA REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanation
Chapter No. 335-3-14 Air Permits				
Section 335-3-14-.01	General Provisions	02/17/98	09/14/98 63 FR 49008	
Section 335-3-14-.02	Permit Procedures	10/15/96	06/06/97 62 FR 30991	
Section 335-3-14-.03	Standards for Granting Permits	08/10/96	12/02/00 65 FR 76940	
Section 335-3-14-.04	Air Permits Authorizing Construction in Clean Air Areas (prevention of Significant Deterioration (PSD)).	02/05/02	04/20/02 67 FR 17288	
Section 335-3-14-.05	Air Permits Authorizing Construction in or Near Nonattainment Areas.	08/10/00	12/02/00 65 FR 76940	
Chapter No. 335-3-15 Synthetic Minor Operating Permits				
Section 335-3-15-.01	Definitions	10/15/96	06/06/97 62 FR 30991	
Section 335-3-15-.02	General Provisions	08/10/00	12/02/00 65 FR 76940	
Section 335-3-15-.03	Applicability	11/23/93	10/20/94 59 FR 52916	
Section 335-3-15-.04	Synthetic Minor Operating Permit Requirements	10/15/96	06/06/97 62 FR 30991	
Section 335-3-15-.05	Public Participation	10/15/96	06/06/97 62 FR 30991	
Chapter No. 335-3-17 Conformity of Federal Actions to State Implementation Plans				
Section 335-3-17-.01	Transportation Conformity	03/27/98	05/11/00 65 FR 30361	
Section 335-3-17-.02	General Conformity	03/27/98	05/11/00 65 FR 30361	
Chapter No. 335-3-20 Control of Fuels				
Section 335-3-20-.01	Definitions	10/24/00	11/07/01 66 FR 56219	
Section 335-3-20-.02	Control of Fuels	10/24/00	11/07/01 66 FR 56219	
Section 335-3-20-.03	Recordkeeping, Reporting, and Testing	10/24/00	11/07/01 66 FR 56219	

(d) EPA approved Alabama source specific requirements.

EPA APPROVED ALABAMA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
None.				

(e) EPA approved Alabama non-regulatory provisions.

EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
Birmingham 1990 Baseline Emissions Inventory	Birmingham Ozone Nonattainment Area.	11/13/92	06/04/99 64 FR 29961	
Alabama Interagency Transportation Conformity Memorandum of Agreement.	01/20/00	05/11/00 65 FR 30362	
Alabama Fuel Waiver Request-Appendix II of Attainment Demonstration of the 1-hour NAAQS for Ozone for the Birmingham Nonattainment Area.	Birmingham Ozone Nonattainment Area.	12/01/00	11/07/01 66 FR 56220	

EPA APPROVED ALABAMA NON-REGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
Attainment Demonstration of the 1-hour NAAQS for Ozone for the Birmingham Nonattainment Area.	Birmingham Ozone Nonattainment Area 1.	2/01/00	11/07/01 66 FR 56224	

[FR Doc. 03-2172 Filed 1-31-03; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD129/130-3089a; FRL-7437-7]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Amendments to Volatile Organic Compound Requirements From Specific Processes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Maryland State Implementation Plan (SIP). The revisions consist of two (2) amendments to Maryland's air pollution control regulations governing specific processes on volatile organic compound (VOC) requirements. The revisions pertain to alternative method of compliance and good operating practices. EPA is fully approving these revisions in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on April 4, 2003 without further notice, unless EPA receives adverse written comments by March 5, 2003. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Walter K. Wilkie, Acting Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Washington, DC 20460;

and Maryland Department of the Environment, 1800 Washington Blvd., Suite 730, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT:

Betty Harris at (215) 814-2168, or by e-mail at harris.betty@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

On November 20, 2001 and December 6, 2001, the State of Maryland submitted a formal revision to its State Implementation Plan (SIP). The SIP revision submitted by the Maryland Department of the Environment (MDE) consists of amended volatile organic compound (VOC) requirements to specific processes in the Code of Maryland Administrative Regulations (COMAR 26.11.19).

II. Summary of SIP Revision

A. On November 20, 2001, MDE submitted an amendment to COMAR 26.11.19.02B(2)(d). This amendment provides an alternative method for a source to achieve compliance with VOC requirements. The amendment allows sources that are subject to VOC limits in coatings or inks or other similar products, to reduce emissions by using water-based coatings, resins, inks, or similar products that contain less than twenty-five percent VOC by volume of the volatile portion of the product. This amendment was published in the MDE Register on January 30, 1998, and a public hearing was held on March 4, 1998. The amendment was adopted on April 9, 1998, and became effective on May 4, 1998.

B. On December 6, 2001, MDE submitted COMAR 26.11.19.02I. MDE expanded this rule to include good operating practices, equipment cleanup procedures and VOC storage tank vapor control requirements to reduce VOC emissions from any source presently subject to any VOC emission standard, limitation or requirement. The expanded rule was published in MDE Register on September 21, 2001, and a public hearing was held on October 23, 2001. The rule was adopted on

November 6, 2001 and became effective on December 10, 2001.

III. Final Action

EPA is approving SIP revisions submitted by MDE on November 20, 2001 and December 6, 2001, respectively, the amendments to the VOC requirements [COMAR 26.11.19.02B(2)(d), COMAR 26.11.19.02I] concerning an alternative method of compliance for specific VOC processes; good operating practices, equipment cleanup, and VOC storage. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on April 4, 2003 without further notice unless EPA receives adverse comment by March 5, 2003. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this 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.

IV. Regulatory Assessment

A. General 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