

EPA-APPROVED GEORGIA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
Georgia Power Plant Bowen	EPD-AQC-180	11/17/80	08/17/81, 46 FR 41498.	
Georgia Power Plant Harlee Branch.	4911-117-6716-0	04/23/80	05/05/81, 46 FR 25092.	
ITT Rayonier, Inc.	2631-151-7686-C	11/04/80	08/14/81, 46 FR 41050.	
Georgia Power Plant Bowen Union Camp	EPD-AQC-163	05/16/79	01/03/80, 45 FR 781.	
Blue Bird Body Company	2631-025-7379-0	12/18/81	04/13/82, 47 FR 15794.	
Plant McDonough	3713-111-8601	01/27/84	01/07/85, 50 FR 765.	
	4911-033-5037-0 conditions 10 through 22.	12/27/95	03/18/99, 64 FR 13348.	
Plant Yates	4911-038-4838-0 conditions 19 through 32.	12/27/95	03/18/99, 64 FR 13348.	
Plant Yates	4911-038-4839-0 conditions 16 through 29.	12/27/95	03/18/99, 64 FR 13348.	
Plant Yates	4911-038-4840-0 conditions 16 through 29.	12/27/95	03/18/99, 64 FR 13348.	
Plant Yates	4911-038-4841-0 conditions 16 through 29.	12/27/95	03/18/99, 64 FR 13348.	
Plant Atkinson	4911-033-1321-0 conditions 8 through 13.	11/15/94	03/18/99, 64 FR 13348.	
Plant Atkinson	4911-033-1322-0 conditions 8 through 13.	11/15/94	03/18/99, 64 FR 13348.	
Plant Atkinson	4911-033-6949 conditions 5 through 10.	11/15/94	03/18/99, 64 FR 13348.	
Plant Atkinson	4911-033-1320-0 conditions 8 through 13.	11/15/94	03/18/99, 64 FR 13348.	
Plant Atkinson	4911-033-1319-0 conditions 8 through 13.	11/15/94	03/18/99, 64 FR 13348.	
Plant McDonough	4911-033-6951 conditions 5 through 10.	11/15/94	03/18/99, 64 FR 13348.	
Atlanta Gas Light Company	4922-028-10902 conditions 20 and 21.	11/15/94	03/18/99, 64 FR 13348.	
Atlanta Gas Light Company	4922-031-10912 conditions 27 and 28.	11/15/94	03/18/99, 64 FR 13348.	
Austell Box Board Corporation	2631-033-11436 conditions 1 through 5.	11/15/94	03/18/99, 64 FR 13348.	
Emory University	8922-044-10094 conditions 19 through 26.	11/15/94	03/18/99, 64 FR 13348.	
General Motors Corporation	3711-044-11453 conditions 1 through 6 and Attachment A.	11/15/94	03/18/99, 64 FR 13348.	
Georgia Proteins Company	2077-058-11226 conditions 16 through 23 and Attachment A.	11/15/94	03/18/99, 64 FR 13348.	
Owens-Brockway Glass Container, Inc.	3221-060-10576 conditions 26 through 28 and Attachment A.	11/15/94	03/18/99, 64 FR 13348.	
Owens-Corning Fiberglass Corporation.	3296-060-10079 conditions 25 through 29.	11/15/94	03/18/99, 64 FR 13348.	

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[FR Doc. 03-13713 Filed 6-2-03; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA 264-0398; FRL-7505-5]

**Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing approval of a revision to the Ventura County Air Pollution Control District (VCAPCD) portion of the California State Implementation Plan (SIP). This action was proposed in the **Federal Register** on February 26, 2003 and concerns oxides of nitrogen (NO<sub>x</sub>) emissions from stationary gas turbines. Under authority of the Clean Air Act as amended in 1990 (CAA or the Act), this action will approve VCAPCD Rule 74.23.

**EFFECTIVE DATE:** This rule is effective on July 3, 2003.

**ADDRESSES:** You can inspect copies of the administrative record for this action at EPA's Region IX office during normal business hours. You can inspect copies

of the submitted SIP revisions at the following locations:

- Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.
- Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B-102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.
- California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.
- Ventura County Air Pollution Control District, 669 County Square Dr., 2nd Fl., Ventura, CA 93003-5417

A copy of the rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdb.txt.htm>. Please be advised that

this is not an EPA Web site and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:**

Cynthia G. Allen, EPA Region IX, (415) 947-4120.

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us” and “our” refer to EPA.

**I. Proposed Action**

On February 26, 2003 (68 FR 8869), EPA proposed to approve the following rule into the California SIP.

Local agency	Rule No.	Rule title	Adopted	Submitted
VCAPCD .....	74.23	Stationary Gas Turbines .....	01/08/02	03/15/02

We proposed to approve this rule because we determined that it complied with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

**II. Public Comments and EPA Responses**

EPA’s proposed action provided a 30-day public comment period. During this period, we received one comment from the following party:

1. Manuel Ceja, Site Environmental Leader, The Procter & Gamble Paper Products Company, 8000 North Rice Avenue, Oxnard, California 93030, letter dated March 27, 2003.

The commenter fully supports the approval of VCAPCD Rule 74.23 which allows NO<sub>x</sub> emission limit changes for LM-2500 and LM-5000 turbines. The commenter is affected by this change and encourages the EPA to proceed with this approval as expeditiously as possible.

**III. EPA Action**

No comments were submitted that change our assessment that the submitted rule complies with the relevant CAA requirements. Therefore, as authorized in section 110(k)(3) of the Act, EPA is fully approving this rule into the California SIP.

**IV. Statutory and Executive Order Reviews**

*A. Executive Order 12866, Regulatory Planning and Review*

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled “Regulatory Planning and Review.”

*B. 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.*)

*C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment

rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

*D. Unfunded Mandates Reform Act*

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more

to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

*E. Executive Order 13132, Federalism*

*Federalism* (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (*Federalism*) and 12875 (*Enhancing the Intergovernmental Partnership*). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that 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.” Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule will 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, because it 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. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

*F. Executive Order 13175, Coordination With Indian Tribal Governments*

Executive Order 13175, entitled "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." This final rule does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, 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. Thus, Executive Order 13175 does not apply to this rule.

*G. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks*

*Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

*H. Executive Order 13211, Actions That Significantly Affect Energy Supply, Distribution, or Use*

This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act*

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

*J. Congressional Review Act*

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). This rule will be effective July 3, 2003.

*K. Petitions for Judicial Review*

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 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 28, 2003.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart F—California**

■ 2. Section 52.220 is amended by adding paragraph (c)(297) (i)(A)(4) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(297) \* \* \*  
(i) \* \* \*  
(A) \* \* \*

(4) Rule 74.23, adopted on January 8, 2002.

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[FR Doc. 03-13714 Filed 6-2-03; 8:45 am]

**BILLING CODE 6560-50-P**

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Parts 2 and 97**

[ET Docket No. 02-98; FCC 03-105]

**Amateur Radio Service**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document provides access to channels in or near the 5250-5400 kHz band on a secondary basis for the amateur service, and upgrade the existing secondary amateur service allocation to primary status in the 2400-2402 MHz band. The rule changes will enhance the ability of amateur operators to communicate at 5000 kHz when propagation conditions do not permit communication at 3500 or 7000 kHz, and provide additional protection for the amateur operators now using the 2400-2402 MHz band. We are declining to make an allocation to the amateur service in the 135.7-137.8 kHz or the 160-190 kHz bands, due to potential interference to other operations. We are also declining to add a primary allocation to the amateur satellite service in the 2400-2402 MHz band, due to possible spectrum use conflicts.

**DATES:** Effective July 3, 2003.

**FOR FURTHER INFORMATION CONTACT:** Thomas Derenge, Office of Engineering