

concern an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children.

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(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Section 12(d) of Public Law 104-113, directs us to use voluntary consensus standards in our regulatory activities unless it would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) developed or adopted by voluntary consensus standards bodies. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use

available and applicable voluntary consensus standards.

This rule references technical standards adopted by us through previous rulemakings. No new technical standards are established in today's rule.

J. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended 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 Congress and the comptroller General of the United States. We 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 August 18, 2003.

Statutory and Legal Authority

Statutory authority for today's final rule comes from the Clean Air Act, 42 U.S.C. 7401 *et seq.*, in particular, section 202(m) of the Act (42 U.S.C. 7521(m)).

List of Subjects in 40 CFR Part 86

Environmental protection, Administrative practice and procedure, Incorporation by reference, Motor vehicle pollution, On-board diagnostics

Dated: April 25, 2003.

Christine Todd Whitman,
Administrator.

■ For the reasons set out in the preamble, part 86 of title 40 chapter I of the Code of Federal Regulations is amended as follows:

PART 86—CONTROL OF EMISSIONS FROM NEW AND IN-USE HIGHWAY VEHICLES AND ENGINES

■ 1. The authority citation for part 86 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

■ 2. Section 86.1 is amended as follows:

■ a. In the table to paragraph (b)(2) by adding the following entries to the end of the table.

■ b. In paragraph (b)(5) by revising the table.

The revisions and additions read as follows:

§ 86.1 Reference materials.

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(b)	*	*	*	
(2)	*	*	*	

Document No. and name	40 CFR part 86 reference
* * * * *	* * * * *
SAE J1850, Class B Data Communication Network Interface. (Revised, May 2001)	86.005–17; 86.1806–04; 86.1806–05
SAE J1930, Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms—Equivalent to ISO/TR 15031–2: April 30, 2002. (Revised, April 2002).	86.005–17; 86.1806–04; 86.1806–05
SAE J1939–11, Physical Layer—250K bits/s, Shielded Twisted Pair. (Revised, October 1999) ..	86.005–17; 86.1806–04; 86.1806–05
SAE J1939–13, Off-Board Diagnostic Connector. (July 1999)	86.005–17; 86.1806–04; 86.1806–05
SAE J1939–21, Data Link Layer. (Revised, April 2001)	86.005–17; 86.1806–04; 86.1806–05
SAE J1939–31, Network Layer. (Revised, December 1997)	86.005–17; 86.1806–04; 86.1806–05
SAE J1939–71, Vehicle Application Layer—J1939–71 (through 1999). (Revised, August 2002)	86.005–17; 86.1806–04; 86.1806–05
SAE J1939–73, Application Layer-Diagnostics. (Revised, June 2001)	86.005–17; 86.1806–04; 86.1806–05
SAE J1939–81, Recommended Practice for Serial Control and Communications Vehicle Network Part 81—Network Management. (July 1997).	86.005–17; 86.1806–04; —86.1806–05
SAE J1962, Diagnostic Connector—Equivalent to ISO/DIS 15031–3: December 14, 2001. (Revised, April 2002).	86.005–17; 86.1806–04; 86.1806–05
SAE J1978, OBD II Scan Tool—Equivalent to ISO/DIS 15031–4: December 14, 2001. (Revised, April 2002).	86.005–17; 86.1806–04; 86.1806–05
SAE J1979, E/E Diagnostic Test Modes—Equivalent to ISO/DIS 15031–5: April 30, 2002. (Revised, April 2002).	86.099–17; 86.005–17; 86.1806–01; 86.1806–04; 86.1806–05
SAE J2012, Diagnostic Trouble Code Definitions—Equivalent to ISO/DIS 15031–6: April 30, 2002. (Revised, April 2002.).	86.005–17; 86.1806–04; 86.1806–05

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Document No. and name	40 CFR part 86 reference
ISO 9141–2, February 1, 1994, Road vehicles—Diagnostic systems—Part 2: CARB requirements for interchange of digital information.	86.099–17; 86.1806–01; 86.1806–04; 86.005–17; 86.1806–05
ISO 14230–4:2000(E) "Road vehicles—Diagnostic systems—KWP 2000 requirements for Emission-related systems", (June 1, 2000).	86.099–17; 86.1806–01; 86.1806–04; 86.005–17; 86.1806–05