

technically complete. For each source discussed in this rulemaking, EPA determined that the New Jersey letter of approval identifies NO<sub>x</sub> requirements which represent RACT for the source. The conditions contained in the Conditions Of Approval Documents (COADs) or revised permits include, for example, emission limits, work practice standards, and testing, monitoring, and record keeping/reporting requirements. These conditions are consistent with the NO<sub>x</sub> RACT requirements specified in Subchapter 19 and conform to EPA NO<sub>x</sub> RACT guidance. Please note there may be other requirements, such as adequate monitoring, which States and sources will need to provide for, through the Title V permitting process. Therefore, EPA is approving New Jersey's three source-specific SIP revision submittals, which include seven source-specific RACT determinations, dated January 21, 1998, June 12, 1998 and April 26, 1999.

In addition, for an eighth source-specific RACT determination, New Jersey has revised a NO<sub>x</sub> RACT permit emission limit that EPA previously approved and EPA is incorporating the revised stricter limit into the State's SIP. As explained previously in this rulemaking notice, in a February 21, 2001 letter, the State notified EPA that it lowered the limit in accordance with the approved SIP.

EPA's evaluation of each RACT submittal is detailed in a document entitled "Technical Support Document-NO<sub>x</sub> RACT Source-Specific SIP Revisions-State of New Jersey." A copy of that document is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. EPA's summary of findings for each facility is found in Section II of this Notice.

#### VI. What Is the Procedural History of State Submittals?

Prior to adoption of the seven source-specific RACT revisions discussed in this rulemaking, New Jersey published proposed limitations for each source specific RACT determination in local newspapers and provided thirty (30) days for public comment and an opportunity to request a public hearing. New Jersey reviewed and responded to all comments. The State then determined that the proposed NO<sub>x</sub> control plans, alternative maximum allowable emission rates and repowering plan conform with the provisions of sections 19.13 or 19.21 of New Jersey's regulation. These RACT determinations were made during 1996, 1997 and 1998.

After New Jersey made each determination it issued letters of

approval to each owner. These letters included and incorporated a COAD or a revised permit. Each COAD or revised permit contains conditions consistent with Subchapter 19. These conditions are considered approved permit conditions which are fully enforceable by the State. Each COAD and revised permit is identified in the "Incorporation by reference" section at the end of this Notice.

New Jersey submitted the seven source-specific SIP revisions to EPA on January 21, 1998, June 12, 1998 and April 26, 1999.

#### VII. What Is EPA's Conclusion?

The EPA is approving the source-specific SIP revisions described above as RACT for the control of NO<sub>x</sub> emissions from the seven sources identified in the three source-specific SIP revisions and for an eighth source, is approving the stricter limit revised by the State in accordance with a SIP revision which EPA previously approved. Please note that if EPA receives an adverse comment on an amendment, paragraph, or a specific source addressed in this direct final rule and if the provision that relates to the adverse comment may be severed from the remainder of the rule, EPA may sever the provision and adopt as final those provisions of the rule that are not the subject of the adverse comment.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve these same seven source-specific SIP revisions should adverse comments be filed. This final rule will be effective October 10, 2003 without further notice unless the Agency receive relevant adverse comments by September 10, 2003.

If the EPA receives adverse comments, then EPA will publish a notice withdrawing the final rule or sever that portion of the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 10, 2003 and no further action will be taken on the proposed rule.

#### VIII. 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 (Public Law 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