

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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 1, 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, Sulfur oxides, Reporting and recordkeeping requirements.

Dated: August 15, 2003.

**Debbie Jordan,**

*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)(302)(i)(B)(4) to read as follows:

##### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(302) \* \* \*  
(i) \* \* \*  
(B) \* \* \*

(4) Rules 412 and 413, adopted on September 1, 1974 and revised on August 21, 2002.

\* \* \* \* \*

[FR Doc. 03-24555 Filed 9-29-03; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TX-155-1-7591a; FRL-7564-5]

### Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Control of Air Pollution by Permits for New Construction or Modification

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is taking direct final action to approve revisions to the Texas State Implementation Plan (SIP). This includes revisions that the Texas Commission on Environmental Quality (TCEQ) submitted to EPA on January 3, 2003, to require that equipment associated with a new or relocated concrete crushing facility be located or operated at least 440 yards from any building used as a single or multi-family residence, school, or place of worship. This action is being taken under section 110 of the Federal Clean Air Act (the Act, or CAA).

**DATES:** This direct final rule will be effective December 1, 2003 without further notice, unless EPA receives adverse comments by October 30, 2003. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Guy Donaldson, Acting Chief, Air Permits Section (6PD-R), at the EPA Region 6 Office listed below. Electronic comments should be sent to either [spruiell.stanley@epa.gov](mailto:spruiell.stanley@epa.gov) or at <http://www.regulations.gov>, which is an alternate method for submitting electronic comments to EPA. To submit comments, please follow the detailed instructions described in the General Information part of this document. Copies of the Technical Support Document (TSD) and other documents relevant to this action are available for public inspection during official business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency,  
1445 Ross Avenue, Dallas, Texas 75202-2733.

Texas Commission on Environmental Quality, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stanley M. Spruiell, Air Permits Section, Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733, at (214) 665-7212, or [spruiell.stanley@epa.gov](mailto:spruiell.stanley@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document "we," "us," or "our" means EPA.

#### Table of Contents

- I. What Is Being Addressed in this Document?
- II. Have the Requirements for Approval of a SIP Revision Been Met?
- III. What Final Action is EPA Taking?
- IV. General Information
- V. Statutory and Executive Order Reviews

#### I. What Is Being Addressed in This Document?

In today's action we are taking direct final action to approve revisions to Title 30 of the Texas Administrative Code (30 TAC) Section 116.112—Distance Limitations into the Texas SIP. The TCEQ adopted these revisions on December 18, 2002, and submitted the revisions to us for approval as a revision to the SIP on January 3, 2003.

Section 116.112 currently establishes distance limitations for lead smelters in Section 116.112(1) and distance limitations for hazardous waste permits in Section 116.112(2). The existing distance limitations were approved September 18, 2002 (67 FR 58607).

On December 18, 2002, TCEQ added a new paragraph (3) to Section 116.112, to implement House Bill (HB) 2912, Section 5.07, 77th Texas State Legislature, 2001. HB 2912, Section 5.07 amended the Texas Health and Safety Code to add a new Section 382.065, which requires the TCEQ, by rule, to restrict the location or operation of new and relocated concrete crushing facilities. Paragraph (3) requires all equipment associated with a concrete crushing facility to be located or operated at least 440 yards from any building used as a single or multi-family residence, school, or place of worship. The distance limitation does not apply to existing concrete crushing facilities which are authorized and actually located or operating at the site as of September 1, 2001. An existing facility does not include a concrete crushing facility authorized but not actually located or operating at the site as of September 1, 2001.

#### II. Have the Requirements for Approval of a SIP Revision Been Met?

The restriction on location and operation of new or relocated concrete crushing plants provides additional protection for persons occupying any building used as a single or multi-family