

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 January 13, 2004. 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 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: October 21, 2003.

William Rice,

Acting Regional Administrator, Region 7.

■ Chapter I, title 40, 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 R—Kansas

■ 2. In § 52.870 paragraphs (b), (c), (d) and (e) are revised to read as follows:

§ 52.870 Identification of plan.

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(b) *Incorporation by reference.* (1) Material listed in paragraphs (c), (d) and (e) of this section with an EPA approval date prior to October 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), (d) and (e) of this section with EPA approval dates after October 1, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region VII 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 SIP as of October 1, 2003.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region VII, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.

(c) EPA-approved regulations.

EPA—APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Explanation
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control				
General Regulations				
K.A.R. 28–19–6	Statement of Policy	1/1/72	5/31/72, 37 FR 10867	Kansas revoked this rule 5/1/82.
K.A.R. 28–19–8	Reporting Required	1/23/95	7/17/95, 60 FR 36361.	
K.A.R. 28–19–9	Time Schedule for Compliance	5/1/84	12/21/87, 52 FR 48265.	
K.A.R. 28–19–10	Circumvention of Control Regulations	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–11	Exceptions Due to Breakdowns or Scheduled Maintenance.	1/1/74	11/8/73, 38 FR 30867.	
K.A.R. 28–19–12	Measurement of Emissions.	1/1/71	5/31/72, 37 FR 10867.	
K.A.R. 28–19–13	Interference with Enjoyment of Life and Property.	1/1/74	11/8/73, 38 FR 30876.	
K.A.R. 28–19–14	Permits Required	1/24/94	7/17/95, 60 FR 36361.	
K.A.R. 28–19–15	Severability	1/1/71	5/31/72, 37 FR 10867.	
Nonattainment Area Requirements				
K.A.R. 28–19–16	New Source Permit Requirements for Designated Nonattainment Areas.	10/16/89	1/16/90, 55 FR 1422.	The EPA deferred action on the state's current definition of the terms "building, structure, facility, or installation"; "installation"; and "reconstruction."
K.A.R. 28–19–16a	Definitions	10/10/97	1/11/00, 65 FR 1548.	
K.A.R. 28–19–16b	Permit Required	10/16/89	1/16/90, 55 FR 1422.	
K.A.R. 28–19–16c	Creditable Emissions Reductions	10/16/89	1/16/90, 55 FR 1422	
K.A.R. 28–19–16d	Fugitive Emission Exemption	10/16/89	1/16/90, 55 FR 1422.	