

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 February 27, 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 in 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: November 26, 2003.

**A. Stanley Meiburg,**

*Acting, Regional Administrator, Region 4.*

■ Chapter I, title 40, Code of Federal Regulations, is amended as follows:

#### PART 52—[AMENDED]

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

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

#### Subpart RR—Tennessee

■ 2. Section 52.2220 is amended:

■ a. By revising paragraph (b) and

■ b. By revising the heading of the existing table in paragraph (c) to read "Table-1 EPA APPROVED TENNESSEE REGULATIONS" and adding a new table "Table-2 EPA APPROVED MEMPHIS-SHELBY COUNTY REGULATIONS" to the end of paragraph (c) to read as follows:

#### § 52.2220 Identification of plan.

\* \* \* \* \*

(b) *Incorporation by reference.* (1) Material listed in paragraph (c) of this section with an EPA approval date prior to December 1, 1998, was approved for Tennessee (Table 1 of the Tennessee State Implementation Plan) and January 1, 2003 for Memphis-Shelby County (Table 2 of the Tennessee State Implementation Plan) and paragraph (d)

of this section with an EPA approval date prior to December 1, 1998, was approved for Tennessee (Source-Specific Requirements) 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 Table 2 of paragraph (c) of this section with EPA approval dates after January 1, 2003, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 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 State and Local Implementation Plans listed in paragraph (b)(1) of this section.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC; or at the EPA, Office of Air and Radiation Docket and Information Center, Room B-108, 1301 Constitution Avenue, (Mail Code 6102T) NW., Washington, DC 20460.

(c) \* \* \*

TABLE 2.—EPA APPROVED MEMPHIS-SHELBY COUNTY REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
<b>Division I Generally</b>				
Section 16-46 .....	Definitions .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-47 .....	Abbreviations, Acronyms & Symbols .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-48 .....	Words, Phrases Substituted in State Regulations Adopted by Reference.	8/14/89	6/15/89, 54 FR 25456	
Section 16-49 .....	Ambient Air Quality Standards .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-50 .....	Open Burning .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-51 .....	Severability of Parts of Articles .....	8/14/89	6/15/89, 54 FR 25456	
<b>Division II Enforcement</b>				
Section 16-56 .....	Violations of Chapter—Notice; Citation; Injunctive Relief .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-57 .....	Penalties, Misdemeanor, Civil, Noncompliance .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-58 .....	Variances .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-59 .....	Emergency Powers of Health Officer .....	8/14/89	6/15/89, 54 FR 25456	
<b>Division III Air Pollution Control Board</b>				
Section 16-71 .....	Created; Membership; Term of Office; Jurisdiction; Hearings; Appeals.	8/14/89	6/15/89, 54 FR 25456	
<b>Division IV Source Emissions Standards</b>				
Section 16-77 .....	Construction and Operating Permits .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-78 .....	Process Emissions Standards .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-79 .....	Nonprocess Emission Standards .....	8/14/89	6/15/89, 54 FR 25456	
Section 16-80 .....	Volatile Organic Compounds .....	8/14/89	6/15/89, 54 FR 25456	