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 standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added 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 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. section 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 July 15, 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).)

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 July 15, 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, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 29, 2003.

Stanley L. 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(c) is amended by adding in numerical order a new chapter heading No. ''1200–3–34 Conformity'', and an entry for ''1200–3–34–.01'' to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED TENNESSEE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Chapter 1200–3–34 Conformity				
Section 1200–3–34–.01.	Conformity of Transportation Plans, Programs, and Projects.	November 14, 2001.	May 16, 2003. [Insert citation of publication].	Except for the incorporation by reference of 40 CFR 93.104(e) of the Transportation Confirmity Rule.

* * * * *

[FR Doc. 03–12178 Filed 5–15–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC052–7007, MD143–3102, VA129–5065; FRL–7499–9]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans and One-Hour Ozone Attainment Demonstrations; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects an error and clarifies the preamble language of EPA's conditional approval of the severe ozone nonattainment area State Implementation Plan (SIP) revisions for the Metropolitan Washington severe ozone nonattainment area. This document also corrects several typographical errors in the preamble language of this conditional approval.

EFFECTIVE DATE: May 19, 2003.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 814–2179, or by e-mail at *cripps.christopher.@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' or ''our'' are used we mean EPA.

Date Conditional Approval Might Convert to Disapproval

On April 17, 2003, (68 FR 19106), we published a final rulemaking action announcing our conditional approval of severe ozone nonattainment area State Implementation Plan (SIP) revision for the Metropolitan Washington severe ozone nonattainment area. In the final rule language which is found on page 19131 of the April 17, 2003, final rule, EPA conditionally approved each Washington area jurisdiction's severe area SIP revisions contingent on that jurisdiction submitting SIP revisions by April 17, 2004 that satisfy certain conditions enumerated in the final rule text. In the second sentence of the Final Action section of the preamble on page 19130 in the first column of this April 17, 2003, final rule, EPA inadvertently stated that ''[s]hould the Washington area jurisdictions fail to fulfill these conditions by May 19, 2003, this conditional approval will convert to a disapproval pursuant to Clean Air Act (CAA) section 110(k).'' EPA intended that if a Washington area jurisdiction should fail to meet any condition for approval within one-year from the publication date of the final rule, *i.e.*, by April 17, 2004, the conditional approval would convert to a disapproval pursuant to CAA section 110(k). EPA did not intend that the date triggering disapproval pursuant to 110(k) of the CAA would be the May 19, 2003, effective date of the April 17, 2003 final action, which is nearly eleven months before the due date set forth in the text of the April 17, 2003, final rule. As stated above, EPA intended that should the Washington area jurisdictions fail to fulfill these conditions by April 17, 2004, the conditional approval will convert to a disapproval pursuant to CAA section 110(k).

In the preamble to the final rule published on April 17, 2003, on page 19130, in the first column, the second sentence of the Final Action section is corrected to read: ''Should the Washington area jurisdictions fail to fulfill these conditions by April 17, 2004, this conditional approval will convert to a disapproval pursuant to CAA section 110(k).''

Typographical Errors

In the preamble to the final rule published in the **Federal Register** on April 17, 2003, on page 19120 in the second column, and on page 19122 in the first column, EPA incorrectly cited as 68 FR 3210 the volume and page numbers for the January 24, 2003, final action that reclassified the Washington area to severe nonattainment. The correct citation is 68 FR 3410, January 24, 2003.

In the preamble to the final rule published in the **Federal Register** on April 17, 2003, on page 19109 in the first column, and on page 19129 in the third column, EPA incorrectly stated the proposed rule for the April 17, 2003, final rule was published on February 4, 2003. The correct date is February 3, 2003 (68 FR 5246).

In the preamble to the final rule published in the **Federal Register** on April 17, 2003, on page 19126 in the third column, EPA incorrectly stated the publication date for 67 FR 21867 as May 1, 2000. The correct date is May 1, 2002 (67 FR 21867).

In the preamble to the final rule published in the **Federal Register** on April 17, 2003, on page 19117 in the first column, we presented a summary of air quality data to date. On page 19117 in the first column, EPA stated that ''[a]nother one of these seven has data for the last 123 days of the ozone season (July 1, 2003, through October 31, 2003 inclusive)''. EPA was referring to monitoring data for July 1, 2002 through October 31, 2002 not for July 1, 2003, through October 31, 2003.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore 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)). Because the agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does 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), nor will it 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 governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

The Congressional Review Act (5 U.S.C. 801 et seq.), as added 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 each House of the

Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of May 19, 2003. 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**. This correction to the April 17, 2003, final rule (68 FR 19106) for the District of Columbia, Maryland, and Virginia is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Dated: May 9, 2003.

Donald S. Welsh,

Regional, Administrator, Region III.

[FR Doc. 03–12473 Filed 5–15–03; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03–1482, MB Docket No. 02–116, RM–10233]

Digital Television Broadcast Service; Billings, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of KTVQ Communications, Inc., substitutes DTV channel 10 for DTV channel 17 at Billings, Montana. *See* 67 FR 38056, May 13, 2002. DTV channel 10 can be allotted to Billings, Montana, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 45–46–00 N. and 108–27–27 W. with a power of 160, HAAT of 165 meters and with a DTV service population of 139 thousand. Since the community of Billings is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment. With this action, this proceeding is terminated.

DATES: Effective June 23, 2003.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 02–116, adopted April 30, 2003, and released May 9, 2003. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

■ 1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

■ 2. Section 73.622(b), the Table of Digital Television Allotments under Montana, is amended by removing DTV channel 17 and adding DTV channel 10 at Billings.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 03–12202 Filed 5–15–03; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03–1440, MB Docket No. 02–82, RM–10408]

Digital Television Broadcast Service; Burlington, VT

AGENCY: Federal Communications Commission (FCC).

ACTION: Final rule.

SUMMARY: The Commission, at the request of C–22 FCC Licensee Subsidiary, LLC, substitutes DTV channel 13 for DTV channel 16 at Burlington, Vermont. *See* 67 FR 20940, April 29, 2002. DTV channel13 can be allotted to Burlington in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 44–31–40 N. and 72–48–58 W. with a power of 4.5, HAAT of 835 meters and with a DTV service population of 514 thousand. Since the community of Burlington is located within 400 kilometers of the U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment. With this action, this proceeding is terminated.

DATES: Effective June 23, 2003.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 02–82, adopted April 28, 2003, and released May 8, 2003. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

■ Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

■ 1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334 and 336.

§ 73.622 [Amended]

■ 2. Section 73.622(b), the Table of Digital Television Allotments under Vermont, is amended by removing DTV channel 16 and adding DTV channel 13 at Burlington.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 03–12203 Filed 5–15–03; 8:45 am]

BILLING CODE 6712–01–P