

recorded an average of more than 1 exceedance of the 1-hour ozone standard per year during the 1999–2001 and 2000–2002 periods.

Because the area's design value is below the 1-hour ozone standard of 0.12 ppm and the area has averaged less than 1 exceedance per year at each monitor for the 1999–2001 and 2001–2002 periods, we propose to conclude that the Santa Barbara area has met this prerequisite to redesignation because the area has attained and continues to attain the 1-hour ozone standard.

2. Fully Approved Implementation Plan Under CAA Section 110(k)

Following adoption of the CAA of 1970, California has adopted and submitted and we have fully approved at various times provisions addressing the various SIP elements applicable in Santa Barbara County. No Santa Barbara SIP provisions are currently disapproved, conditionally approved, or partially approved.

3. Improvement in Air Quality Due to Permanent and Enforceable Measures

Section 7.4 of the Final 2001 CAP includes analyses demonstrating that the reductions in ozone concentrations cannot be attributed to reduced activity levels or favorable meteorology, but are rather due to permanent and enforceable measures, such as those discussed in Chapters 4 and 5 of the Final 2001 CAP. The plan shows a steady increase in vehicle miles traveled from 1995 through 1999, reflective of continued activity growth in the area. The plan also lists mean temperature during April to October for each year from 1990 through 2000, and compares these values with the 74-year April to October average. There were a variety of weather conditions during the period when the County had attained the NAAQS, suggesting that anomalous weather does not account for attainment.

4. Fully Approved Maintenance Plan

In section II.A., above, we are proposing to approve fully the Final 2001 CAP as meeting the CAA section 175A provisions for maintenance plans, assuming that we find that the EMFAC2002 emission factor element is adequate.

5. CAA Section 110 and Part D Provisions Satisfied

We approved Santa Barbara's 1994 ozone SIP on January 8, 1997 (62 FR 1187) with respect to CAA section 110 and Part D provisions applicable to a moderate nonattainment area, with the exception of the attainment demonstration, which the State had

withdrawn. Following our reclassification of Santa Barbara to serious, Santa Barbara adopted and the State submitted a plan addressing CAA section 110 and Part D provisions applicable to a serious nonattainment area, including the demonstration of attainment. We fully approved this plan on August 14, 2000 (65 FR 49499).

III. EPA Action

We are proposing to approve the Santa Barbara Final 2001 CAP under CAA sections 175A and 110(k)(3). As discussed above in section I.A., we have previously approved the contingency measures under CAA section 110(k)(3); we are now proposing to approve them as meeting the requirements of CAA section 175A(d). We are proposing to approve the 2005 and 2015 VOC and NO_x motor vehicle emissions budgets in Table 5–5 under CAA sections 176(c) as adequate for maintenance of the 1-hour ozone NAAQS and for transportation conformity purposes. Finally, we are proposing to redesignate Santa Barbara to attainment for the 1-hour ozone standard under CAA section 107(d)(3)(E). As we have discussed, however, we would not finalize these actions if we fail to conclude that the emission factor element of EMFAC2002 is acceptable.

IV. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 (Pub. L. 104–4).

This proposed 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 proposes to approve 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 proposed 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 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 proposed 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.*).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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