

imposed by PADEP in an operating permit. On December 9, 2002, PADEP submitted operating permit No. OP 25–025A to EPA as a SIP revision. This operating permit includes three coal fired boilers: Boiler Nos. 1, 5 and 9. The facility shall perform annual tune-ups, and operate and maintain the three boilers in accordance with the manufacturer's recommendations. Based on a 30-day rolling average, this operating permit contains NO_x emission limit rates for each of the three boilers of 0.59 lb/MMBtu. This operating permit also contains NO_x emission limits for the three boilers based on a 12-month consecutive period. The permit specifies the following limits: 400 tons per year (tpy) for Boiler No. 1, 324 tpy for Boiler No. 5, and 520 tpy for Boiler No. 9. NO_x emission reports for each boiler shall be submitted to PADEP within 30 days of the end of each calendar quarter. Coal consumption for each boiler shall be submitted on a quarterly basis. The coal consumption report shall be submitted to PADEP within 30 days of the end of each calendar quarter. A NO_x continuous emission monitoring system (CEMS) is required for the combined stack from the three boilers which shall be operated and maintained in accordance with 25 Pa. Code Chapter 139 and PADEP's latest "Continuous Source Monitoring Manual." The CEM system shall be approved by PADEP. CEMS reports shall be submitted to PADEP within 30 days after each calendar quarter, but no later than the time frame established in PADEP's latest "Continuous Source Monitoring Manual." The operating permit requires GETS to maintain records as follows: (a) the facility shall maintain records to demonstrate compliance with 25 Pa. Code Sections 129.91–129.94; (b) the records shall provide sufficient data and calculations to clearly demonstrate that the requirements of 25 Pa. Code Sections 129.91–129.94 are met; and (c) records shall be retained for at least two years and shall be made available to PADEP upon request.

III. EPA's Evaluation of the SIP Revisions

EPA is approving this SIP submittal because the Commonwealth established and imposed requirements in accordance with the criteria set forth in SIP-approved regulations for imposing RACT or for limiting a source's potential to emit. The Commonwealth has also imposed recordkeeping, monitoring, and testing requirements on these sources sufficient to determine compliance with these requirements.

IV. Final Action

EPA is approving a revision to the Commonwealth of Pennsylvania's SIP which establishes and requires RACT for GETS (OP 25–025A) located in Erie County, Pennsylvania. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on June 6, 2003 without further notice unless EPA receives adverse comment by May 7, 2003. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this 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 action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this 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 approves 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 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 approves 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 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 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.*).

B. Submission to Congress and the Comptroller General

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 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report