

one-hour ozone standard that occurs after redesignation of the area to attainment. The existing contingency plans for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans Consolidated Metropolitan Statistical Area (CMSA) include measures to be adopted prior to a recorded violation of the one-hour ozone standard. This approach identified VOC offsets and applicable Reasonably Available Control Technology (RACT) regulations to be adopted, based on two and three recorded ozone exceedances, respectively.

The existing contingency plan requires a review of the exceedance to determine whether the cause is due to local emissions. If the source of the exceedance is local, then appropriate measures are identified for implementation.

The LDEQ has revised its existing contingency plan to base the triggering event on a localized violation of the one-hour ozone standard (four exceedances in a consecutive three-year period). Additionally, the revised contingency plan identifies a menu of one or more contingency measures to be adopted if a future violation is recorded and determined to be due to local conditions. The menu includes:

1. Limiting VOC emissions from the filling of gasoline storage vessels;
2. Limiting VOC emissions from graphic arts for rotogravure and flexographic processes;
3. Limiting VOC emissions from synthetic organic chemical manufacturing industry reactor processes and distillation operations;
4. Limiting VOC emissions from batch processing;
5. Limiting VOC emission from cleanup solvent processing;
6. Limiting VOC emissions from industrial wastewater; and/or,
7. Implementing a 1.1 to 1 offset ratio for permits.

If, within 120 days after the recorded violation, it is determined that the recorded violation is due to local conditions, the Secretary of the LDEQ then has six months to select an appropriate measure, and an additional 20 months for implementation of that contingency measure to be completed. The selected contingency measure, therefore, will be implemented within 30 months of the recorded violation.

#### IV. What Is the Rulemaking Action?

The EPA has reviewed the SIP submittal for consistency with the Act, applicable EPA regulations and EPA policy. The contingency measures and the schedule for implementation

described above satisfy the requirements of section 175A(d) of the Act, and EPA is approving this December 4, 2000, SIP submittal to revise the ozone maintenance plan for Beauregard, St. Mary, Lafayette, and Grant Parishes and the New Orleans CMSA under sections 110(k)(3), 301(a), and part D of the Act.

#### V. Why Is This a "Final Action?"

We are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the revisions to the contingency plans if adverse comments are received. This rule will be effective on June 20, 2003 without further notice unless we receive adverse comment by May 21, 2003. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

#### VI. What Regulatory Assessment Requirements Apply for This Action?

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.*).

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. 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**.