

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**. 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 March 17, 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

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.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Particulate matter, Reporting and recordkeeping requirements, Wilderness areas.

Dated: December 4, 2002.

Ronald A. Kreizenbeck,

Acting Regional Administrator, Region 10.

Part 52, subpart N, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart N—Idaho

2. Section 52.670 is amended by adding paragraph (c)(37) to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

(37) On May 17, 1994, May 11, 1995, November 21, 1996, February 28, 1997, December 18, 1997, April 9, 1998, May 5, 1999, December 5, 2000, and May 30, 2002, the Idaho Department of Environmental Quality submitted amendments to State of Idaho Rules for Control of Air Pollution in Idaho (IDAPA 58.01.01) as revisions to the Idaho State implementation plan.

(i) Incorporation by Reference.

(A) IDAPA 58.01.01 as in effect on March 30, 2001 except for the following provisions: section 000; section 002; section 003; section 008; section 009; section 010; subsections 107.03; section 128; sections 140 through 149; section 161; subsection 203.03; section 209; section 210; section 214; subsection 222.03; section 223; sections 300 through 387; subsection 401.01.a. and 401.04; sections 440 and 441; sections 525 through 538; sections 552, 553, 556,

558, and 561; subsection 577.06; sections 585, 586, 587, 590 and 591; section 700; section 710; sections 750 and 751; sections 775 and 776; section 818; section 819; section 820; subsection 824.01; sections 835 through 839; and sections 855 through 862.

(B) IDAPA 58.01.01 sections 209 and 700 as in effect on April 5, 2000.

(C) IDAPA 58.01.01 sections 552, 553, 556, 558, and 561 as in effect on March 15, 2002.

§ 52.674 [Removed and Reserved]

3. Section 52.674 Legal Authority is removed and reserved.

4. Section 52.679 is revised to read as follows:

§ 52.679 Contents of Idaho State Implementation Plan.

Implementation Plan for the Control of Air Pollution in the State of Idaho

Chapter I—Introduction (submitted 1–15–80)

Chapter II—Administration (submitted 1–15–80)

Chapter III—Emission Inventory (submitted 1–15–80)

Chapter IV—Air Quality Monitoring (submitted 1–15–80, and 2–14–80)

Chapter V—Source Surveillance (submitted 1–15–80)

Chapter VI—Emergency Episode Plan (submitted 1–15–80)

Chapter VIII—Nonattainment Area Plans
VIII-a—Silver Valley TSP Nonattainment Area Plan (submitted 1–15–80); EPA effective 7–28–82.

VIII-b—Lewiston TSP Nonattainment Plan (submitted 1–15–80, 12–4–80, and 2–5–81); EPA effective 7–28–82.

VIII-c—Transportation Control Plan for carbon monoxide, Ada County (submitted 5–24–84, 1–3–85, 3–25–85, and 6–29–94); EPA effective 7–28–82, 8–5–85, and 1–30–95.

VIII-d—Pocatello TSP Nonattainment Plan (submitted 3–7–80, and 2–5–81); EPA effective 7–28–82.

VIII-e—Soda Springs TSP Nonattainment Plan (submitted 1–15–80); EPA effective 7–28–82.

VIII-f—Pinehurst PM-10 Nonattainment Plan (4–14–92); EPA effective 10–24–94.

VIII-g—North Ada County PM10 Nonattainment Area Plan (submitted 11–14–91, 12–30–94, and 7–13–95); EPA effective 7–29–96.

VIII-h—Fort Hall PM-10 Nonattainment Area Plan (FIP); EPA effective 9–22–00.

VIII-i—Sandpoint PM10 Nonattainment Area Plan (submitted 8–16–96); EPA effective 8–26–02.

VIII-j—North Ada County CO Limited Maintenance Plan (submitted 1–17–02); EPA effective 11–27–02.

Chapter IX—Reserved

Chapter X—Plan for Maintenance of National Ambient Air Quality Standards for Lead (submitted 2–3–84); EPA effective 6–4–84.

Small Business Assistance Program (submitted 1–3–94); EPA effective 11–18–94.