

setting opacity standards for vehicle emissions, requiring that pollution control equipment is not removed and prohibiting unnecessary idling of vehicles. New Hampshire air pollution control regulations apply statewide. New Hampshire submitted this rule to EPA on August 31, 2000 for inclusion in the SIP.

II. What Are the Requirements of Chapter 1100, Part Env-A 1101?

The New Hampshire rule, Part Env-A 1101 includes sections Env-A 1101.01 through 1101.10. New Hampshire has also submitted Env-A 101.63 and Env-A 101.109, which are the definitions of "Emergency motor vehicle" and "Motor vehicle," respectively. Specifically, sections being proposed for approval establish opacity standards for diesel engines built on or before 1990 to be no higher than 55 percent opacity, those diesel engines built after 1990 to have no higher than 40 percent opacity, and for gasoline engines to have no visible emissions other than water vapor, except at start up. The rule also prohibits the owner or operator of a diesel or gasoline powered vehicle from altering or removing any emission control equipment or system, and requires that equipment to be maintained and operational. Finally, with limited exceptions as provided for in the rule, such as for emergency vehicles or when the vehicle is stuck in traffic, no diesel or gasoline powered engine may be allowed to idle for more than 5 consecutive minutes if the temperature is above 32 degrees Fahrenheit, nor for more than 15 consecutive minutes if the temperature is between 32 degrees and minus 10 degrees Fahrenheit. This rule will result in emissions reductions of volatile organic compounds, nitrogen oxides, carbon monoxide, and fine particulate.

III. Proposed Action

EPA is proposing to approve a SIP revision at the request of the New Hampshire DES. This version of the rule was adopted on September 25, 1996 and submitted to EPA for approval on August 31, 2000. We are proposing to approve the September 25, 1996 version of Chapter Env-A 1100, Part Env-A 1101 entitled "Diesel and Gasoline Powered Motor Vehicles." EPA is proposing to approve these New Hampshire requirements into the SIP because EPA has found that the requirements will help prevent emissions of volatile organic compounds, nitrogen oxides, carbon monoxide and fine particles and will strengthen the New Hampshire SIP.

EPA is soliciting public comments on the issues discussed in this notice or on

other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA New England Regional Office listed in the ADDRESSES section of this document.

IV. What Are the Administrative 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 (Public Law 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), because it 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.*)

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.

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

Dated: June 13, 2003.

Robert W. Varney,
Regional Administrator, EPA New England.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 030612150-3150-01; I.D. 051503B]

RIN 0648-AQ94

Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Regulatory Amendment

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a regulatory amendment to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). This amendment was submitted