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U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

California Air Resources Board, 1001 I Street, Sacramento, California, 95812.

Santa Barbara County Air Pollution Control District 26 Castilian Drive, Suite B–23, Goleta, CA 93117.

The plan is also electronically available at: <http://www.sbcapcd.org/sbc/download01.htm>.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Throughout this document, “we,” “us,” and “our” refer to EPA.

I. Background

On March 25, 2003 (68 FR 14382–14388), we proposed to approve the 1-hour ozone maintenance plan for Santa Barbara County nonattainment area (“Santa Barbara”), including the motor vehicle emissions budgets, and to grant the State’s request that we redesignate the area to attainment, in accordance with Clean Air Act (“CAA”) section 107(d)(3)(E). The maintenance plan and budgets are contained in the Final 2001 Clean Air Plan (“CAP”), which was adopted by the Santa Barbara County Air Pollution Control District (“SBCAPCD”) on December 19, 2002, and submitted by the California Air Resources Board on February 21, 2003. The proposal contains detailed information on the SIP submittal and our evaluation of the submittal against applicable CAA provisions and EPA policies relating to 1-hour ozone maintenance SIPs and budgets.

In the proposal, we stated that final approval would be contingent upon our affirmative finding that the latest update to California’s motor vehicle emissions model, known as EMFAC2002, is acceptable for purposes of SIP development and transportation conformity. On April 1, 2003 (68 FR 15720–15723), we published a **Federal Register** notice stating our conclusion that the EMFAC2002 emission factor model is acceptable for use in SIP development and transportation conformity.

II. Public Comments

We received no public comment on our proposed action.

III. EPA Action

In this document, we are finalizing our proposed approval of the Final 2001 CAP for Santa Barbara as meeting

applicable provisions for 1-hour ozone maintenance plans, under CAA sections 175A and 110(k)(3). As part of this action, we are finalizing approval of the following specific plan elements. We indicate on which page of our proposal the element is discussed.

(1) Approval of the emission inventories for 1999, 2005, 2010, and 2015, including a growth conformity allowance for the Vandenberg Air Force Base, under CAA section 172(c)(3) and 175A—68 FR 14384.

(2) Approval of the maintenance demonstration through 2015, under CAA section 175A—68 FR 14384–5.

(3) Approval of the SBCAPCD commitment to continue ambient monitoring of the 1-hour ozone NAAQS, under CAA section 175A—68 FR 14385.

(4) Approval of the SBCAPCD commitment to track progress through triennial updates to verify maintenance of the 1-hour ozone NAAQS, under CAA section 175A—68 FR 14385.

(5) Approval of the contingency measures, under CAA section 175A(d)—68 FR 14385 (Table 2).¹

(6) Approval of the 2005 and 2015 motor vehicle emissions budgets for volatile organic compounds (VOC) and nitrogen oxides (NO_x), under CAA sections 176(c)(2) as adequate for maintenance of the 1-hour ozone NAAQS and for transportation conformity purposes—68 FR 14385–14386.

Finally, we are redesignating Santa Barbara County to attainment for the 1-hour ozone standard under CAA section 107(d)(3)(E).

As discussed, we finalize these actions because, in a separate action, we have found that the EMFAC2002 emission factor model is acceptable.

IV. Statutory and Executive Order Reviews

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

¹ On August 27, 2002 (67 FR 54963), we approved these same contingency measures under CAA section 110(K)(3) as strengthening the existing SIP. We are now approving them as meeting the maintenance plan provisions of CAA 175A(d).

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). 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