

and new control measures as needed to attain by 2006; and (4) to submit the SIP revision to EPA by April 15, 2004. Finally, we are proposing to approve under section 110(k)(3) as strengthening the SIP the commitment to study specified measures to determine whether significant additional emission reductions can be achieved and whether implementation is feasible.<sup>20</sup>

Elsewhere in this **Federal Register** we are making an interim final determination that the 2001 Plan corrects the deficiencies in the 1999 Plan. As a result of this determination, the offset sanction is stayed while EPA considers whether to issue a final full approval. A final full approval action on these elements would terminate the sanctions clock that was started as a result of the earlier disapproval; if we disapprove the 2001 Plan on the basis that one or more of the disapproved components is still insufficient, the offset sanction will apply on the effective date of the disapproval.

#### V. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed 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 proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed 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 proposes to approve 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 proposed 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 proposes to approve 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 proposed 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 proposed 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, Hydrocarbons, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: July 7, 2003.

**Wayne Nastri,**

*Regional Administrator, Region IX.*

[FR Doc. 03-17972 Filed 7-15-03; 8:45 am]

**BILLING CODE 6560-50-U**

<sup>20</sup> EPA is aware of the pending lawsuit regarding the 2001 Plan in California Superior Court in San Francisco, *Communities for a Better Environment et al. v. Bay Area Air Quality Management District et al.*, Case No. 323849. Prior to taking final action on the plan, we will evaluate any decision of the Court in that case to determine what effect, if any, it has on our rulemaking.