

oxygenate content (*see* 62 FR 10690, March 10, 1997 and 64 FR 46279, August 25, 1999). When an area is redesignated to attainment, the oxygenated fuels program may be further shortened or eliminated entirely as long as the State is able to show the program is not needed to demonstrate maintenance of the CO NAAQS (*see* 65 FR 80779, December 22, 2000).

In developing the Fort Collins CO maintenance plan, the State evaluated options for revising the current oxygenated gasoline program. A description of the State's process for the evaluation of potential options for Regulation No. 13 is found in Part I, Chapter 2, section B of the Governor's August 9, 2002, submittal. We note that Part I, Chapter 2 is only for informational purposes and was not submitted as a revision to the SIP. Part II, Chapter 2, is the maintenance plan that we are approving and it reflects the AQCC-adopted revisions, as an amendment to the SIP, to Regulation No. 13. These revisions to Regulation No. 13 were submitted, as a separate revision to the SIP, for our approval in conjunction with the redesignation request and maintenance plan.

The current EPA-approved oxygenated gasoline program for the Fort Collins area has the following three requirements: (1) The control period is from November 1st through February 7th of each winter season, (2) an oxygen content of at least 2.0% by weight is required from November 1st through November 7th, (3) and an oxygen content of at least 2.7% by weight is required from November 8th through February 7th.

In conjunction with the submittal of the Fort Collins CO maintenance plan, the State of Colorado is seeking EPA's approval of revisions to Regulation No. 13 that would eliminate the oxygenated fuels program for the Fort Collins area beginning on January 1, 2004.

As we discussed above, and as presented in Part II, Chapter 2, Table 2 of the maintenance plan, the removal of the CO emission reductions associated with the implementation of Regulation No. 13 were incorporated by the State into the emission projections, using our Mobile6 emissions model, beginning in 2004 and were projected through the final maintenance year of 2015. Even with the elimination of both Regulation No. 11 and Regulation No. 13 for the Fort Collins area starting in 2004, maintenance of the CO NAAQS was successfully demonstrated.

In addition to the revision noted above for the Fort Collins area, the State made several other minor changes to Regulation No. 13 that were also

adopted by the AQCC at the July 18, 2002, public hearing. These changes involved: (1) Section I.D.—the deletion of several out-dated definitions and the addition of necessary definitions for the newly-created Broomfield County, (2) section II. A.—Greeley changes and the addition of Broomfield County, (3) sections II. B and II. C.—the deletion of the previous Denver area's maximum blending requirement, (4) section II. D.—, the removal of the obsolete "Pre-Program Registration Requirements" (dating from 1995) for the Denver area, and (5) section III. G.—changes to the State's "Statement of Basis and Purpose". We note, though, EPA does not Federally approve the State's "Statement of Basis and Purpose."

We have reviewed these changes to Regulation No. 13, that the State adopted on July 18, 2002, and the Governor submitted on August 9, 2002. We are approving these revisions as they are consistent with maintenance of the CO NAAQS for the Fort Collins area and meet the requirements of section 211(m) of the CAA.

VII. Consideration of Section 110(l) of the CAA

Section 110(l) of the CAA states that a SIP revision cannot be approved if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress towards attainment of a NAAQS or any other applicable requirement of the CAA. As stated above, the Fort Collins area has shown continuous attainment of the CO NAAQS since 1992 and has met the applicable Federal requirements for redesignation to attainment. The maintenance plan and associated SIP revisions to Colorado's Regulation No. 11 and Regulation No. 13 will not interfere with attainment, reasonable further progress, or any other applicable requirement of the CAA.

VIII. Final Action

In this action, EPA is approving the Fort Collins carbon monoxide redesignation request, maintenance plan, and the revisions to Regulation No. 11 and Regulation No. 13.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective September 22, 2003 without further notice unless the

Agency receives adverse comments by August 21, 2003.

If EPA receives such comments, then we will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on September 22, 2003 and no further action will be taken on the proposed rule.

Statutory and Executive Order Reviews

(a) Executive Order 12866, Regulatory Planning and Review

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

(b) Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, OMB must approve all "collections of information" by EPA. The act defines collection of information" as a requirement for "answers to identical reporting or recordkeeping requirements imposed on ten or more persons" 44 U.S.C. 3502(3)(A). The Paperwork Reduction Act does not apply as 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.*)

(c) Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the SIP final approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.