

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.*).

B. Submission to Congress and the Comptroller General

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

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 November 10, 2003. Filing a petition for reconsideration by the Administrator of this final rule which redesignates the Liberty Borough area to attainment for PM₁₀ and approves a maintenance plan for the Liberty Borough area 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, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements,

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: September 2, 2003.

James W. Newsom,

Acting Regional Administrator, Region III.

■ 40 CFR parts 52 and 81 are 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 NN—Pennsylvania

■ 2. Section 52.2020 is amended by adding paragraph (c)(215) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(215) The PM₁₀ Redesignation and Maintenance Plan for the Liberty Borough area of Allegheny County,

Pennsylvania nonattainment area submitted on October 28, 2002 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of October 28, 2002 from the Pennsylvania Department of Environmental Protection transmitting the redesignation request and maintenance plan for the PM₁₀ nonattainment area in the Liberty Borough area of Allegheny County, Pennsylvania.

(B) Maintenance Plan for the Liberty Borough PM₁₀ nonattainment area consisting of Part IV, "Maintenance Plan—Redesignation Criterion 4"; Part I, "Attainment of the Standard—Redesignation Criterion I," Section B, Figure 3a—"Countywide Network of PM₁₀ Monitors, (Current)"; Section C "Modeled Attainment"; Part VI "Documentation of Administrative Procedures," Section F "Certification of Approval and Adoption"; Appendix B: "Attainment Inventory"; Appendix C: "Mon-Fayette Expressway Alignment"; Appendix D: "Employment Forecasts"; Appendix E: "Census and Population Forecasts," dated October 4, 2002 and effective September 14, 2002.

(ii) Additional material.

(A) Remainder of the October 28, 2002 State submittal(s) pertaining to the revisions listed in paragraph (c)(215)(i) of this section.

(B) Additional material submitted by the State on June 20, 2003 which consisted of minor corrections to the PM₁₀ ambient air quality data included in the redesignation request.

PART 81—[AMENDED]

■ 1. The authority citation for Part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 2. In § 81.339, the table for "Pennsylvania—PM-10" is amended by revising the entry for Allegheny County to read as follows:

§ 81.339 Pennsylvania.

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PENNSYLVANIA—PM-10

Designated area	Designation		Classification	
	Date	Type	Date	Type
Allegheny County:				
The area including Liberty, Lincoln, Port Vue, and Glassport Boroughs and the City of Clairton.	10/14/03	Attainment.		