

II. Public Comments and EPA Responses

Our proposed action provided a 30-day public comment period. During this period, we received no comments.

III. EPA Action

As authorized in section 107(d)(3)(D), EPA is taking final action to:

(1) revise the boundary of the South Coast Air Basin to incorporate the Banning Pass;

(2) amend the boundary of the Coachella Valley area (Riverside County portion of the Southeast Desert Air Basin for 1-hour ozone) to correspond to the PM-10 boundary for the area; and

(3) approve the State's request to make a typographical correction to the boundary of the South Coast Air Basin with respect to CO.

We are making the first two changes for all pollutants for which the areas are designated in our regulations (40 CFR Part 81). Thus, the boundary changes apply to 1-hour ozone, PM-10, CO, NO₂, SO₂, and TSP. We are amending the descriptions of the areas in 40 CFR 81.305 for TSP, CO, 1-Hour Ozone, and NO₂. No changes are required in the 40 CFR 81.305 designation tables for PM-10 and SO₂, since the tables for these pollutants do not specify boundaries and the area names need not be changed.

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 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 (Pub. L. 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. section 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**. A major rule cannot take effect until 60 days after it

is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. section 804(2).

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 December 8, 2003. Filing a petition for reconsideration by the Administrator of this final rule 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 in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: September 23, 2003.

Deborah Jordan,

Acting Regional Administrator, Region IX.

■ Part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

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

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

■ 2. Section 81.305 is amended as follows:

■ a. In the table for "California-TSP" by revising the entry for Riverside County under "Southeast Desert Air Basin";

■ b. In the table for "California—Carbon Monoxide" by revising the entry for Riverside County (part) under "Los Angeles-South Coast Air Basin Area"; by revising the entry for San Bernardino County (part) under "Los Angeles-South Coast Air Basin Area"; and by revising the entry for Riverside County (part) under the "Southeast Desert Air Basin";

■ c. In the table for "California—Ozone (1-Hour Standard)" by revising the entry for Riverside County (part) under "Los Angeles-South Coast Air Basin Area"; and by revising the entry for Riverside County (part) under the "Southeast Desert modified AQMA area";

■ d. In the table for "California-NO₂" by revising the entry for "Riverside County (portion within S.E. Desert AQMA) County"; and by revising the entry for "Riverside County, non-AQMA portion County."

The revisions read as follows:

§ 81.305 California.