

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.*).

#### *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 January 26, 2004. 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 approving revisions to Delaware Regulations 26 and 31 pertaining to vehicle inspection and maintenance programs may not be challenged later in

proceedings to enforce its requirements. (See section 307(b)(2).)

#### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 13, 2003.

**Maria Parisi Vickers,**

*Acting Regional Administrator, Region III.*

■ 40 CFR part 52 is 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 I—Delaware**

■ 2. In Section 52.420, the table in paragraph (c) is amended:

■ a. Under Regulation 26 by revising the entries for Section 1, Section 2, Section 4, Section 6, Section 9, and Technical Memorandum #1.

■ b. Under Regulation 31 by revising the entries for Section 1, Section 2, Section 3, Section 5, Section 6, Section 7, Section 8, Section 9, Section 13, Appendix 5(f), Appendix 6(a), Appendix 6(a)(8), and Appendix 9(a); and by adding an entry for Appendix 6(a)(9) after the existing entry for Appendix 6(a)(8).

The revisions and additions read as follows:

#### **§ 52.420 Identification of plan.**

\* \* \* \* \*

(c) EPA approved regulations.

#### **EPA-APPROVED REGULATIONS IN THE DELAWARE SIP**

State Citation	Title/Subject	State effective date	EPA approval date	Additional explanation
* * * * *				
<b>Regulation 26 Motor Vehicle Emissions Inspection Program</b>				
Section 1 .....	Applicability and General Provisions .....	2/12/01	[11/26/03, Federal Register page citation]	
Section 2 .....	Definitions .....	2/12/01	[11/26/03, Federal Register page citation]	
* * * * *				
Section 4 .....	Exemptions .....	2/12/01	[11/26/03, Federal Register page citation]	
* * * * *				
Section 6 .....	Compliance, Waivers and Extensions of Time .....	2/12/01	[11/26/03, Federal Register page citation]	