

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. 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. 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 September 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 52**

Environmental protection, Air pollution control, Carbon monoxide,

Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 26, 2003.

**A. Stanley Meiburg,**  
*Acting Regional Administrator, Region 4.*

■ Part 52 of chapter I, title 40, *Code of Federal Regulations*, 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 L—Georgia**

■ 2. In § 52.570(c), the table is amended by revising entries for: "391-3-1.01"; "391-3-1.02(a)"; "391-3-1-02(g)"; "391-3-1-02(jjj)"; "391-3-20" to read as follows:

**§ 52.570 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA APPROVED GEORGIA REGULATIONS**

State citation	Title/subject	State effective date	EPA approval date	Explanation
391-3-1-.01	Definitions	12/30/02	July 9, 2003	[insert FR citation]
391-3-1-.02(2)(a).	General Provisions	07/17/02	July 9, 2003	[insert FR citation]
391-3-1-.02(2)(g).	Sulfur Dioxide	07/17/02	July 9, 2003	[insert FR citation]
391-3-1-.02(2)(jjj).	NO <sub>x</sub> Emissions from Electric steam Generating Units.	07/17/02	July 9, 2003	[insert FR citation]
391-3-20	Enhanced Inspection and Maintenance	12/30/02	July 9, 2003	[insert FR citation]

\* \* \* \* \*  
[FR Doc. 03-17204 Filed 7-8-03; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[CA-282-0392; FRL-7515-3]

**Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; 1-Hour Ozone Standard for Santa Barbara, CA**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is taking final action to redesignate the Santa Barbara County area to attainment for the 1-hour ozone National Ambient Air Quality Standard (NAAQS). EPA is also approving a 1-hour ozone maintenance plan and motor vehicle emissions budgets as revisions to the Santa Barbara portion of the California State Implementation Plan (SIP).

**EFFECTIVE DATE:** This action is effective August 8, 2003.

**ADDRESSES:** You can inspect copies of the docket for this action during normal business hours at EPA's Region IX office. Please contact Dave Jesson if you

wish to schedule a visit. You can inspect copies of the SIP materials at the following locations:

U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

California Air Resources Board, 1001 I Street, Sacramento, California, 95812.

Santa Barbara County Air Pollution Control District 26 Castilian Drive, Suite B-23, Goleta, CA 93117.

The plan is also electronically available at: <http://www.sbcapcd.org/sbc/download01.htm>.

**FOR FURTHER INFORMATION CONTACT:**

Dave Jesson, EPA Region IX, (415) 972-3957, or [jesson.david@epa.gov](mailto:jesson.david@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, “we,” “us,” and “our” refer to EPA.

**I. Background**

On March 25, 2003 (68 FR 14382-14388), we proposed to approve the 1-hour ozone maintenance plan for Santa Barbara County nonattainment area (“Santa Barbara”), including the motor vehicle emissions budgets, and to grant the State’s request that we redesignate the area to attainment, in accordance with Clean Air Act (“CAA”) section 107(d)(3)(E). The maintenance plan and budgets are contained in the Final 2001 Clean Air Plan (“CAP”), which was adopted by the Santa Barbara County Air Pollution Control District (“SBCAPCD”) on December 19, 2002, and submitted by the California Air Resources Board on February 21, 2003. The proposal contains detailed information on the SIP submittal and our evaluation of the submittal against applicable CAA provisions and EPA policies relating to 1-hour ozone maintenance SIPs and budgets.

In the proposal, we stated that final approval would be contingent upon our affirmative finding that the latest update to California’s motor vehicle emissions model, known as EMFAC2002, is acceptable for purposes of SIP development and transportation conformity. On April 1, 2003 (68 FR 15720-15723), we published a **Federal Register** notice stating our conclusion that the EMFAC2002 emission factor model is acceptable for use in SIP development and transportation conformity.

**II. Public Comments**

We received no public comment on our proposed action.

**III. EPA Action**

In this document, we are finalizing our proposed approval of the Final 2001 CAP for Santa Barbara as meeting

applicable provisions for 1-hour ozone maintenance plans, under CAA sections 175A and 110(k)(3). As part of this action, we are finalizing approval of the following specific plan elements. We indicate on which page of our proposal the element is discussed.

(1) Approval of the emission inventories for 1999, 2005, 2010, and 2015, including a growth conformity allowance for the Vandenberg Air Force Base, under CAA section 172(c)(3) and 175A—68 FR 14384.

(2) Approval of the maintenance demonstration through 2015, under CAA section 175A—68 FR 14384-5.

(3) Approval of the SBCAPCD commitment to continue ambient monitoring of the 1-hour ozone NAAQS, under CAA section 175A—68 FR 14385.

(4) Approval of the SBCAPCD commitment to track progress through triennial updates to verify maintenance of the 1-hour ozone NAAQS, under CAA section 175A—68 FR 14385.

(5) Approval of the contingency measures, under CAA section 175A(d)—68 FR 14385 (Table 2).<sup>1</sup>

(6) Approval of the 2005 and 2015 motor vehicle emissions budgets for volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>), under CAA sections 176(c)(2) as adequate for maintenance of the 1-hour ozone NAAQS and for transportation conformity purposes—68 FR 14385-14386.

Finally, we are redesignating Santa Barbara County to attainment for the 1-hour ozone standard under CAA section 107(d)(3)(E).

As discussed, we finalize these actions because, in a separate action, we have found that the EMFAC2002 emission factor model is acceptable.

**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 (Public Law 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. 801 *et seq.*, as added by the Small Business Regulatory Enforcement

<sup>1</sup> On August 27, 2002 (67 FR 54963), we approved these same contingency measures under CAA section 110(K)(3) as strengthening the existing SIP. We are now approving them as meeting the maintenance plan provisions of CAA 175A(d).

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. 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 September 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**

*40 CFR Part 52*

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

*40 CFR Part 81*

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

Dated: June 6, 2003.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

■ Chapter I, title 40 of the Code of Federal Regulations 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 F—California**

■ 2. Section 52.220 is amended by adding paragraph (c)(314) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(314) New and amended plan for the following agency was submitted on February 21, 2003, by the Governor's designee.

(i) Incorporation by reference.

(A) Santa Barbara County Air Pollution Control District.

(1) Emission Inventories, 1-hour ozone maintenance demonstration, commitments to continue ambient monitoring and to track progress, and contingency measures, as contained in the Final 2001 Clean Air Plan adopted on December 19, 2002.

\* \* \* \* \*

**PART 81—[AMENDED]**

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

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

■ 2. In § 81.305, the California Ozone (1-Hour Standard) table is amended by revising the entry for the Santa Barbara-Santa Maria-Lompoc Area: to read as follows:

**§ 81.305 California.**

\* \* \* \* \*

**CALIFORNIA—OZONE (1-HOUR STANDARD)**

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Santa Barbara-Santa Maria-Lompoc Area: .....	.....	Attainment.	.....	.....
Santa Barbara County .....	August 8, 2003.			

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

\* \* \* \* \*  
[FR Doc. 03-17210 Filed 7-8-03; 8:45 am]  
BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 180**

[OPP-2003-0220; FRL-7316-6]

**Emamectin; Pesticide Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a tolerance for combined residues of emamectin and its metabolites in or on

*Brassica* leafy vegetables (crop group 5); turnip greens; cotton, undelinted seed; cotton gin byproduct; leafy vegetables (except *Brassica*) (crop group 4); fruiting vegetables (crop group 8); and tomato paste. In addition, tolerances are established for indirect or inadvertent combined residues of emamectin and the associated 8,9-Z isomers in or on milk and fat of cattle, goats, hogs, horses, and sheep; meat byproducts, except liver, of cattle, goats, hogs, horses, and sheep; liver of cattle, goats, hogs, horses, and sheep; and meat of cattle, goat, hogs, horses, and sheep. Syngenta Crop Protection, Inc. requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA), as

amended by the Food Quality Protection Act of 1996 (FQPA).

**DATES:** This regulation is effective July 9, 2003. Objections and requests for hearings, identified by docket ID number OPP-2003-0220, must be received on or before September 8, 2003.

**ADDRESSES:** Written objections and hearing requests may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Thomas C. Harris, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington,