provision does not apply to any new source or modification considered to be major based on the emissions of a single pollutant. In the case of a new major source or major modification, the nonattainment NSR provisions for major sources of UACR R307–1–3, including the general offset requirements in R307–1–3.3.3.A., and the nonattainment NSR requirements under the Clean Air Act would apply to such source or modification in accordance with UACR R307–1–3.1.8.B.

Because the State has adequately addressed all of the other general NSR requirements, EPA finds that the State's NSR program meets all of the requirements for all of its PM-10 nonattainment areas.

4. Sulfur Dioxide Nonattainment Areas

The State of Utah has two SO_2 nonattainment areas, which are defined as Salt Lake County and portions of Tooele County. (See 40 CFR 81.345 for Utah's SO_2 nonattainment area designations.) For SO_2 nonattainment areas, States must submit the following NSR provisions, in addition to provisions meeting the general NSR requirements in sections 172 and 173 of the Act discussed above:

A definition of the term "major stationary source" that reflects the section 302(j) 100 tpy SO₂ threshold, and a 40 tpy significance level for defining major modifications of SO₂, consistent with the significance level in 40 CFR 51.165(a)(1)(x).

In the definition of "major source" in UACR R307–1–1, the State has established a 100 tpy threshold for SO_2 . In addition, the State has established a 40 tpy significance threshold for SO_2 in the definition of "significant" in R307–1–1. Therefore, EPA finds that the State's NSR rules meets the requirements for all of its SO_2 nonattainment areas.

For further information on these requirements and the State's provisions which meet these requirements, please see the Technical Support Document (TSD) accompanying this notice.

C. Review of VOC Definition Submittal

EPA has reviewed the State's definition of VOC in UACR R307-1-1 and finds that it is consistent with the federal definition in 40 CFR 51.100(s). For further information, see the TSD.

Final Action

EPA is approving the revisions to Utah's nonattainment NSR rules in UACR R307–1–1 and R307–1–3, which were submitted by the Governor on November 12, 1993 and May 20, 1994 for approval in the SIP. The State of

Utah has submitted an approvable plan to implement the NSR provisions of part D of the Act. Each of the NSR program elements discussed above have been adequately addressed in the State's regulations for all of the State's nonattainment areas.

EPA's approval includes the following sections of the Utah Air Conservation Regulations: (1) The forward of R307-1-1 and the following definitions in R307-1-1 that have been revised since EPA's last approval of R307-1-1 (July 8, 1994, 59 FR 35036) and which apply to the State's NSR permitting program in R307-1-3: "air contaminant," "air contaminant source," "air pollution," "allowable emissions," "ambient air," "best available control technology (BACT)," "board," "department, 'dispersion technique,'' "emission limitation," "executive director," "executive secretary," "major modification," "major source," "PM-10 precursor," "person," "temporary," and 'volatile organic compound (VOC);" (2) R307-1-3.1.8; 3) R307-1-3.1.10; and 4) R307-1-3.3.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. Under the procedures established in the May 10, 1994 **Federal Register** (59 FR 24054), this action will be effective on July 5, 1995 unless, by June 5, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on July 5, 1995.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Office of Management and Budget (OMB) has exempted this regulatory

action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-forprofit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. Union Electric Co. v. U.S. E.P.A., 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(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 July 5, 1995. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 24, 1995.

Robert L. Duprey,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows: