plans and of section 172(c)(9) regarding contingency measures to be implemented in the event an area fails to make reasonable further progress or attain the standard by the attainment date can and should be interpreted not to apply for so long as the area continues to attain the standard. Whether the Salt Lake and Davis Counties nonattainment area may be redesignated to attainment pursuant to section 107(d)(3)(E) is a matter still pending before EPA and is not the subject of this rulemaking action.

EPA also disagrees with the commentors' contentions regarding sanctions. The basis for the initiation of a sanctions clock in this instance was a finding that plan revisions required by the CAA were not submitted (*see* section 179(a)). If EPA determines that the requirement that led to that finding no longer applies, then the basis for the initiation of the sanctions clock no longer exists and mandatory sanctions under section 179 should not apply 18 months after the finding as they would if the deficiency (the failure to make a required SIP submission) that led to the finding still existed.

Comment 2: The Sierra Club and Wasatch Coalition commented that EPA's procedure violates an important policy goal of the CAA—the assurance that standards will be maintained in the future. According to the commentors the four criteria, other than having attained the standard, that must be satisfied for an area to be redesignated to attainment are intended to assure continued attainment of the standard. The commentors stated that if EPA exempts Salt Lake and Davis Counties from the RFP and contingency plan requirements there may be little incentive for the State to proceed with redesignation of the area and the additional requirements would not be met. In addition, the commentors contend that the State is having difficulty demonstrating that the NAAQS will be maintained over the next 15 years due to anticipated growth and that some current emission reductions are not due to permanent and enforceable requirements. According to the commentors, EPA's proposed action regarding the section 182(b)(1) and section 172(c)(9) requirements and sanctions would circumvent the preventive approach of the CAA. The commentors assert that the nonconservative approach of having the excused requirements being retriggered in the event of a violation is inappropriate and inconsistent with congressional intent since it does not assure that adequate controls are in place to prevent violations; it relies on correcting inadequate programs only after harm occurs, which will result in residents being required to breathe unhealthy air that should have been prevented.

Response to Comment 2: As discussed above, this proceeding is not a redesignation and EPA is not required to apply the criteria of section 107(d)(3)(E) in determining whether the Salt Lake and Davis Counties nonattainment area has attained the standard for purposes of determining whether the area is presently required to submit SIP revisions pursuant to sections 182(b)(1) and 172(c)(9). That does not mean that EPA is not concerned with the area's ability to continue to maintain the NAAQS in the future.

First, as discussed above, EPA's action applies only to certain requirements. It does not relax any existing SIP control measures, e.g., VOC RACT requirements. Those requirements will continue to apply, as well as federal requirements such as the federal motor vehicle control program, which will produce additional emission reductions in the future due to fleet turnover, and Reid Vapor Pressure (RVP) requirements. These measures have produced permanent and enforceable emission reductions in the period leading to the area's attainment of the standard and will continue to produce such emission reductions.

Second, EPA's action is contingent upon the area continuing to attain the NAAQS. Unless the area is redesignated, it will remain an ozone nonattainment area, subject to the risk that if a violation occurs it will have to adopt and implement a 15% VOC emission reduction plan and a plan that demonstrates attainment pursuant to section 182(b)(1), as well as the section 172(c)(9) contingency measures. Thus, if it turns out that the existing SIP control measures and other requirements are not adequate to prevent a violation, additional control measures will be required.

EPA acknowledges the concern of the commentors that EPA's approach may mean that those control measures would not be adopted and implemented as quickly as they would be if EPA continued to require the section 182(b)(1) and 172(c)(9) SIP submissions at this time. EPA believes, however, that a countervailing policy objective is to reduce the burden on states and sources of adopting and implementing additional control measures that are not necessary to attain the standard. The Salt Lake and Davis Counties nonattainment area has been in attainment of the standard since the 1991–93 period and continues to be in attainment. Indeed, no exceedances of the standard have been monitored since 1991 and only one exceedance was monitored in 1991. (For a violation to occur, the expected exceedances must amount to four over a three-year period at the same monitoring location.) In such a case, where an area has attained the standard, EPA believes it appropriate and justifiable to adopt an approach that alleviates the burdens of adopting and implementing additional control measures that do not appear necessary to achieve the objective of attaining the standard.

As noted previously, the Salt Lake and Davis Counties nonattainment area will be at risk of having to adopt a 15% reasonable further progress plan, attainment demonstration, and section 172(c)(9) contingency measures unless it is redesignated to attainment. In order to be redesignated to attainment, however, the area will have to satisfy all of the criteria of section 107(d)(3)(E), including the requirement that EPA fully approve a maintenance plan satisfying the requirements of section 175A, which requires a plan to maintain the standard for a period of 10 years after an area is redesignated. As the sufficiency of the State's maintenance plan is an issue for the proceeding that evaluates the merits of the State's pending redesignation request, and not this rulemaking, the comments regarding the adequacy of that plan will be considered in the redesignation proceeding.

EPA believes that, contrary to the suggestion of the commentors, that the State will have adequate incentives to continue to seek the redesignation of the Salt Lake and Davis Counties area to attainment. Those incentives include being able to eliminate the risk of being subject to the 15% plan requirement, rather than have to address a requirement to achieve 15% VOC emission reductions in the event of a violation. Furthermore, if the area violates the standard prior to redesignation, it will be subject to the ''bump-up'' provisions of section 181(b)(2), which require the area to be ''bumped up'' to the next higher classification (serious) and subject to additional requirements above and beyond the requirements applicable to moderate ozone nonattainment areas. This provides an additional substantial incentive for the State to satisfy the requirements for redesignation to attainment. In addition, unless an area is redesignated, part D new source review, rather than part C prevention of significant deterioration requirements, must continue to apply.

Comment 3: The Sierra Club and Wasatch Coalition disagree that the