other versions of the Denver PM–10 SIP element. EPA is still evaluating this submittal. However, the March 30, 1995 SIP purports to demonstrate attainment of the NAAQS by December 31, 1994, and if this is the case, the State would have met its RACM/RACT requirements.

EPA has evaluated the milestone report submitted by the State on March 31, 1995, to determine the State's progress in implementing the Denver PM-10 SIP. As indicated earlier, the majority of the SIP was submitted in June 1993. The milestone report indicates that the State has implemented 100% of its originally adopted control measures. Therefore, EPA believes that the State has substantially implemented its RACM/ RACT requirements and has made emission reductions amounting to reasonable further progress (RFP) toward attainment of the PM-10 NAAQS as defined in section 171(1) of the Act.

III. Final Action

EPA is granting a 1-year attainment date extension for the Denver, Colorado PM–10 nonattainment area. This action is based on monitored air quality data for the national ambient air quality standard for PM–10 during the years 1992–94 and EPA's evaluation of the applicable SIP. Therefore, the attainment date for the Denver, Colorado PM–10 nonattainment area is now December 31, 1995. If necessary, the State may request one more 1-year attainment date extension.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be submitted. Under the procedures established in the May 10, 1994 Federal Register (59 FR 24054), this action will be effective December 5, 1995 unless, by November 6, 1995, adverse or critical comments are received.

If such comments are received, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action.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. 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 December 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 a SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Executive Order (EO) 12866

Under E.O. 12866, 58 FR 51735 (October 4, 1993), EPA is required to determine whether regulatory actions are significant and therefore should be subject to OMB review, economic analysis, and the requirements of the Executive Order. The Executive Order defines a "significant regulatory action" as one that is likely to result in a rule that may meet at least one of the four criteria identified in section 3(f). including, under paragraph (1), that the rule may "have an annual effect on the economy of \$100 million or more or adversely affect, in a material way, the economy, a sector of the economy. productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.'

The Agency has determined that the granting of attainment date extensions would result in none of the effects identified in section 3(f). Attainment date extensions under section 188(d) of the CAA do not impose any new requirements on any sectors of the economy; nor do they result in a materially adverse impact on State, local, or tribal governments or communities.

V. Regulatory Flexibility

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 impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50.000.

Extension of nonattainment area attainment dates under section 188(b)(2) of the CAA do not create any new requirements. Therefore, because this federal approval does not impose any new requirements, I certify that it does not have a significant impact on small entities.

VI. Unfunded Mandates

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must assess whether various actions undertaken in association with proposed or final regulations include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local or tribal governments in the aggregate.

EPA has determined, as discussed earlier in section IV. of this action, that this final action of granting a one-year extension to the Denver, Colorado PM-10 nonattainment area does not impose any federal intergovernment mandate, as defined in section 101 of the Unfunded Mandates Act. A finding that an area should be granted a one-year extension of the attainment date consists of factual determinations based upon air quality considerations and the area's compliance with certain prior requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector result from this action. This action also will not impose a mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

VII. Petition Language

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 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 must 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, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: September 25, 1995. Jack W. McGraw, Acting Regional Administrator.

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