

constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, as stated below.

List of Subjects in 32 CFR Part 1636

Armed Forces—draft.

Dated: March 7, 1995.

Gil Coronado,

Director of Selective Service.

For the reasons set out in the preamble, 32 CFR Part 1636 is amended as follows:

PART 1636—CLASSIFICATION OF CONSCIENTIOUS OBJECTORS

1. The authority citation for part 1636 continues to read as follows:

Authority: Military Selective Service Act (50 App. U.S.C. 451 et seq.); E.O. 11623.

2. In § 1636.8, paragraph (b) is revised to read as follows:

§ 1636.8 Considerations relevant to granting or denying a claim for classification as a conscientious objector.

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(b) The registrant's stated convictions should be a matter of conscience.

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[FR Doc. 95-6288 Filed 3-14-95; 8:45 am]

BILLING CODE 8015-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1230

[3095-AA22]

Micrographic Records Management

AGENCY: National Archives and Records Administration.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations which were published Wednesday, September 22, 1993 (58 FR 49195). The regulations related to micrographic records management including standards for microfilming records in 36 CFR 1230.12(d)(1)(i).

EFFECTIVE DATE: March 15, 1995.

FOR FURTHER INFORMATION CONTACT: Mary Ann Hadyka or Nancy Allard on 301-713-6730.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections established Federal agency micrographic program responsibilities, revised micrographic standards, modified coverage of

temporary records, and clarified inspection provisions. The regulations affected Federal agencies.

Need for Corrections

The final regulation intended to revise the title of the Part from "Micrographics" to "Micrographic Records Management" to better reflect the subject matter; due to a technical drafting error, the change in title was not made although the final rule displayed the revised title. In § 1230.12(d)(1)(i), a typographical error was made in the ANSI/AIIM standard referenced of aperture card formats.

List of Subjects in 36 CFR Part 1230

Archives and records, Incorporation by reference, Micrographics.

PART 1230—MICROGRAPHICS

Accordingly, 36 CFR 1230 is corrected by making the following correcting amendments:

1. The authority citation for part 1230 continues to read:

Authority: 44 U.S.C. 2907, 3302, and 3312.

2. The title of Part 1230 is revised to read:

PART 1230—MICROGRAPHIC RECORDS MANAGEMENT

§ 1230.12 [Corrected]

3. In § 1230.12(d)(1)(i), in the fourth sentence, the phrase "ANSI/AIIM MS19-1987" is revised to read "ANSI/AIIM MS32-1987".

Dated: March 9, 1995.

Mary Ann Hadyka,

Federal Register Liaison.

[FR Doc. 95-6360 Filed 3-14-95; 8:45 am]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA-10-1-5937a; FRL-5172-2]

Approval and Promulgation of Implementation Plan: Louisiana 1990 Base Year Ozone Emissions Inventories

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA today fully approves the 1990 base year ozone emission inventories submitted by Louisiana for the purpose of bringing about the attainment of the national ambient air quality standard (NAAQS) for ozone. The inventories were submitted by the

State to satisfy certain Federal requirements for an approvable nonattainment area (NAA) ozone State Implementation Plan (SIP) for the Baton Rouge and Calcasieu Parish areas of Louisiana.

DATES: This action will become effective on May 15, 1995, unless adverse or critical comments are received by April 14, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, suite 700, Dallas, Texas 75202-2733.

U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center, 401 M Street, SW., Washington, DC 20460.

Louisiana Department of Environmental Quality, Air Quality Division, 7290 Bluebonnet, Baton Rouge, Louisiana 70810.

FOR FURTHER INFORMATION CONTACT:

Herbert R. Sherrow, Jr., Planning Section (6T-AP), Air Programs Branch, USEPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7237.

SUPPLEMENTARY INFORMATION:

Background

Under the 1990 Clean Air Act Amendments (CAAA), States have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas towards attainment. The CAAA require ozone nonattainment areas designated as moderate, serious, severe, and extreme to submit a plan within three years of 1990 to reduce volatile organic compounds (VOC) emissions by 15 percent within six years after 1990. The baseline level of emissions, from which the 15 percent reduction is calculated, is determined by adjusting the base year inventory to exclude biogenic emissions and to exclude certain emission reductions not creditable towards the 15 percent. The 1990 base year emissions inventory is the primary inventory from which the periodic inventory, the Reasonable Further Progress projection inventory, and the modeling inventory

are derived. Further information on these inventories and their purpose can be found in the "Emission Inventory Requirements for Ozone State Implementation Plans," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, March 1991. The base year inventory plays an important role in modeling demonstrations for areas classified as moderate and above outside transport regions.

The air quality planning requirements for marginal to extreme ozone nonattainment areas are set out in section 182(a)-(e) of title I of the CAAA. The EPA has issued a General Preamble describing the EPA's preliminary views on how the EPA intends to review SIP revisions submitted under title I, including requirements for the preparation of the 1990 base year inventory (see 57 FR 13502; April 16, 1992, and 57 FR 18070; April 28, 1992). Because the EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble (57 FR 18070, Appendix B, April 28, 1992) for a more detailed discussion of the interpretations of title I advanced in today's action and the supporting rationale.

Those States containing ozone nonattainment areas classified as marginal to extreme are required under section 182(a)(1) of the 1990 CAAA to submit a final, comprehensive, accurate, and current inventory of actual ozone season, weekday emissions from all sources by November 15, 1992. This inventory is for calendar year 1990 and is denoted as the base year inventory. It includes both anthropogenic and biogenic sources of VOC, nitrogen oxides (NO_x), and carbon monoxide (CO). The inventory is to address actual VOC, NO_x, and CO emissions for the area during a peak ozone season, which is generally comprised of the summer months. All stationary point and area sources, as well as highway mobile sources within the nonattainment area, are to be included in the compilation. Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498, April 16, 1992).

Emission inventories are first reviewed under the completeness criteria established under section 110(k)(1) of the CAAA (56 FR 42216, August 26, 1991). According to section 110(k)(1)(C), if a submittal does not meet the completeness criteria, "the State shall be treated as not having made the submission." Under sections 179(a)(1) and 110(c)(1), a finding by the EPA that a submittal is incomplete is

one of the actions that initiates the sanctions and Federal Implementation Plan processes (see David Mobley memorandum, November 12, 1992).¹

Analysis of State Submission

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing emission inventory submissions to the EPA. Section 110(a)(2) of the Act provides that each emission inventory submitted by a State must be adopted after reasonable notice and public hearing.² Final approval of the inventory will not occur until the State revises the inventory to address public comments. Changes to the inventory that impact the 15 percent reduction calculation and require a revised control strategy will constitute a SIP revision. The EPA created a "de minimis" exception to the public hearing requirement for minor changes. The EPA defines "de minimis" for such purposes to be those in which the 15 percent reduction calculation and the associated control strategy or the maintenance plan showing do not change. States will aggregate all such "de minimis" changes together when making the determination as to whether the change constitutes a SIP revision. The State will need to make the change through a formal SIP revision process, in conjunction with the change to the control measure or other SIP programs.³ Section 110(a)(2) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

The State of Louisiana submitted the 1990 base year inventories for Baton Rouge (BTR) and Calcasieu Parish (CAL) on November 16, 1992, as a SIP revision by cover letter from the Governor. The inventories were reviewed by the EPA to determine completeness shortly after their submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The

¹ Memorandum from J. David Mobley, Chief, Emission Inventory Branch, to Air Branch Chiefs, Region I-X, "Guidance on States' Failure to Submit Ozone and CO SIP Inventories," November 12, 1992.

² Also section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

³ Memorandum from John Calcagni, Director, Air Quality Management Division, and William G. Laxton, Director, Technical Support Division, to Regional Air Division Directors, Region I-X, "Public Hearing Requirements for 1990 Base-Year Emission Inventories for Ozone and Carbon Monoxide Nonattainment Areas," September 29, 1992.

inventories were complete except for public hearings. The EPA determined that for inventories that were lacking only public hearings a finding of completeness would be made, contingent upon the State fulfilling the public hearing requirement.⁴ The submittal was found to be complete contingent upon the State fulfilling the public hearing requirement, and a letter dated January 15, 1993, was forwarded to the Governor indicating the completeness of the submittal and the next steps to be taken in the review process.

The State of Louisiana subsequently held public hearings on October 22, 1993, to entertain public comment on the 1990 base year emission inventories. The State provided evidence to EPA Region 6 that the public hearings were held and that the State responded to comments.

EPA Region 6, EPA's Office of Air Quality Planning and Standards (OAQPS) Emissions Inventory Branch (EIB), EPA's Office of Mobile Sources (OMS), and Midwest Research Institute, contractor to EIB, reviewed the inventories. Comments were sent to Louisiana, and the State responded with a resubmittal. The resubmittal underwent a second review. The Level III review comments were sent to Louisiana on December 21, 1993.

The State addressed the final Level III comments and submitted responses to Region 6 on January 28, 1994. The State submitted the final revised inventory to Region 6 on September 27, 1994. In addition, the State of Louisiana held additional public hearings on the final revised inventory on October 28, 1994, to accept public comments. The State provided evidence to EPA Region 6 that the public hearings were held and that the State responded to comments.

Region 6 compared the Louisiana responses with the deficiencies noted in the final Level III review and concluded that Louisiana had adequately addressed the remaining deficiencies so that Region 6 was satisfied that Louisiana had completed the Level III criteria for the BTR and CAL ozone nonattainment areas.

2. Emission Inventory Review

Section 110(k) of the Act sets out provisions governing the EPA's review of base year emission inventory submittals in order to determine approval or disapproval under section

⁴ Memorandum from John Calcagni, Director, Air Quality Management Division, to Regional Air Division Directors, Regions I-X, "State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (ACT) Deadlines," October 28, 1992.

182(a)(1) (see 57 FR 13565–13566, April 16, 1992). The EPA is proposing to grant approval of the Louisiana ozone base year emissions inventories based on the Level I, II, and III review findings. This section outlines the review procedures performed to determine if the base year emission inventory is acceptable or is disapproved.

Today's action describes the review procedures associated with determining the acceptability of a 1990 base year emission inventory, and discusses the levels of acceptance that can result from the findings of the review process.

A. The Following Discussion Reviews the State Base Year SIP Inventory Approval Requirements

The Level I and II review process is used to determine that all components of the base year inventory are present. The review also evaluates the level of supporting documentation provided by the State, and assesses whether the emissions were developed according to current EPA guidance.

The Level III review process outlined below consists of 10 points that the inventory must include. For a base year emission inventory to be acceptable, it must pass all of the following acceptance criteria:

1. An approved Inventory Preparation Plan (IPP) was provided, and the Quality Assurance (QA) program contained in the IPP was performed and its implementation documented.
2. Adequate documentation was provided that enabled the reviewer to determine the emission estimation procedures and the data sources used to develop the inventory.
3. The point source inventory must be complete.
4. Point source emissions must have been prepared or calculated according to the current EPA guidance.

5. The area source inventory must be complete.
6. The area source emissions must have been prepared or calculated according to the current EPA guidance.
7. Biogenic emissions must have been prepared according to current EPA guidance or another approved technique.
8. The method (e.g., Highway Performance Monitoring System or a network transportation planning model) used to develop vehicle miles travelled (VMT) estimates must follow EPA guidance, which is detailed in the document, "Procedures for Emission Inventory Preparation, Volume IV: Mobile Sources", U.S. Environmental Protection Agency, Office of Mobile Sources and Office of Air Quality Planning and Standards, Ann Arbor, Michigan, and Research Triangle Park, North Carolina, December 1992.
9. The MOBILE model (or EMFAC model for California only) was correctly used to produce emission factors for each of the vehicle classes.
10. Nonroad mobile emissions were prepared according to current EPA guidance for all of the source categories.

The base year emission inventory will be approved if it passes Levels I, II, and III of the review process. Detailed Level I and II review procedures can be found in the following document: "Quality Review Guidelines for 1990 Base Year Emission Inventories", U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, July 27, 1992. Level III review procedures are specified in a memorandum from David Mobley and G.T. Helms to the Regions, "1990 O₃/CO SIP Emission Inventory Level III Acceptance Criteria", October 7, 1992,⁵ and revised in a memorandum from John Seitz to the Regional Air Directors dated June 24, 1993.⁶

B. The following Is a Summary of the Level III Review of the Louisiana 1990 Base Year Submittal

1. The IPP and QA plan were submitted and approved. The QA plan was implemented and documented in the submission.
2. The documentation was adequate for the reviewer to determine the estimation procedures and data sources used to develop the inventory for all emission types.
3. The point source inventory was found to be complete.
4. The point source emissions were estimated according to EPA guidance.
5. The area source inventory was found to be complete.
6. The area source emissions were estimated according to EPA guidance.
7. The biogenic emissions were developed from a consultant's site-specific study of the BTR area and the emissions were calculated using the EPA PC-BEIS model for the CAL area.
8. The method used to develop VMT estimates was adequately described and documented.
9. The MOBILE model was used correctly.
10. The nonroad mobile emission estimates were correctly prepared according to current EPA guidance or acceptable alternatives.

Documentation of the Region 6 evaluation, including details of the review procedure, is contained in a memorandum (Attachment A) in the Technical Support Document (TSD). A general summary of the inventories is contained in Attachment B of the TSD.

Final Action

Louisiana has submitted complete inventories containing point, area, biogenic, on-road mobile, and non-road mobile source data, and accompanying documentation. Emissions from these sources are presented in the following table:

VOC

[Ozone Seasonal Emissions in Tons Per Day]

NAA	Point source emissions	Area source emissions	On-road mobile emissions	Non-road mobile emissions	Biogenic	Total emissions
BTR	115.20	26.25	55.50	23.46	120.91	341.32
CAL	57.90	7.20	14.64	13.30	16.47	109.51

⁵Memorandum from J. David Mobley, Chief, Emissions Inventory Branch, to Air Branch Chiefs, Region I-X, "Final Emission Inventory Level III Acceptance Criteria," October 7, 1992.

⁶Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, to Regional Air Division Directors, Region I-X, "Emission Inventory Issues," June 24, 1993.

NOX

[Ozone Seasonal Emissions in Tons Per Day]

NAA	Point source emissions	Area source emissions	On-road mobile emissions	Non-road mobile emissions	Biogenic	Total emissions
BTR	234.68	0.78	71.70	38.40	NA	345.56
CAL	119.20	0.25	20.31	40.86	NA	180.62

CO

[Ozone Seasonal Emissions in Tons Per Day]

NAA	Point source emissions	Area source emissions	On-road mobile emissions	Non-road mobile emissions	Biogenic	Total emissions
BTR	282.91	2.30	434.50	193.02	NA	912.73
CAL	42.10	0.50	117.35	75.03	NA	234.98

Based on Region 6's review of the inventories, Louisiana has satisfied all of the EPA's requirements for providing a comprehensive, accurate, and current inventory of actual emissions in the ozone nonattainment areas. These inventories are complete and approvable according to the criteria set out in the November 12, 1992, memorandum from J. David Mobley, Chief Emission Inventory Branch, TSD and G.T. Helms, Chief Ozone/Carbon Monoxide Programs Branch, Air Quality Management Division.

In today's final action, the EPA is fully approving the SIP 1990 base year ozone emission inventories submitted by Louisiana to the EPA on September 27, 1994, for the Baton Rouge and Calcasieu Parish nonattainment areas as meeting the requirements of section 182(a)(1) of the Act.

The 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 FR publication, the EPA is proposing to approve the SIP revision should adverse comments be received. Thus, this action will be effective on May 15, 1995 unless, by April 14, 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 notice which will withdraw the final action. All public comments will then be addressed in a subsequent final rule 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 comments are received, the public is advised that this action will be effective May 15, 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 the SIP shall be considered separately in light of specific technical, economic, and environmental factors, in relation to relevant statutory and regulatory requirements.

Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the 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, the 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-for-profit 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 Clean Air 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 small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids the 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 15, 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)).

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

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

Dated: March 3, 1995.

Jane N. Saginaw,
Regional Administrator.

Part 52, 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. 7401-7671q.

Subpart T—Louisiana

2. Section 52.993 is added to read as follows:

§ 52.993 Emissions inventories.

(a) The Governor of the State of Louisiana submitted the 1990 base year emission inventories for the Baton Rouge (BTR) and Calcasieu Parish (CAL) ozone nonattainment areas on November 16, 1992 as a revision to the State Implementation Plan (SIP). The 1990 base year emission inventory requirement of section 182(a)(1) of the Clean Air Act, as amended in 1990, has been satisfied for each of these areas.

(b) The inventories are for the ozone precursors which are volatile organic compounds, nitrogen oxides, and carbon monoxide. The inventories cover point, area, non-road mobile, on-road mobile, and biogenic sources.

(c) The BTR nonattainment area is classified as Serious and includes Ascension, East Baton Rouge, Iberville, Livingston, Point Coupee, and West Baton Rouge Parishes; the CAL nonattainment area is classified as Marginal and includes Calcasieu Parish.

[FR Doc. 95-6299 Filed 3-14-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 61

[FRL-5169-9]

Approval of Delegation of Authority; National Emission Standards for Hazardous Air Pollutants; Radionuclides; Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is granting delegation of authority to the State of Utah to implement and enforce five National Emission Standards for Hazardous Air Pollutants (NESHAP) for radionuclides. The Governor of Utah requested delegation from EPA Region VIII in a letter dated June 4, 1993. EPA has reviewed the application and has reached a decision that the State of Utah has satisfied all of the requirements necessary to qualify for approval of delegation. The effect of this action allows the State of Utah to implement and enforce specific radionuclide NESHAP.

DATES: This action is effective May 15, 1995 unless adverse comments are received by April 14, 1995. If the effective date is delayed due to comments, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be submitted to Patricia D. Hull, Director, Air, Radiation & Toxics Division, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466 and concurrently to Russell A. Roberts, Director, Division of Air Quality, Department of Environmental Quality, 1950 West North Temple, Salt Lake City, Utah 84114-4820. A docket containing the State of Utah's submittals are available for public inspection during normal business hours at the above locations.

FOR FURTHER INFORMATION CONTACT: T. Scott Whitmore at (303) 293-1758.

SUPPLEMENTARY INFORMATION:

Background

Due to the unique nature of radionuclide materials, delegation of authority to states to implement and enforce a NESHAP program for radionuclides has not been automatic. EPA's regional offices have traditionally assumed the lead responsibility for administering the radionuclides NESHAP. Because of the EPA Administrator's commitment to enable state and local governments, as partners, to implement and enforce the requirements of the Clean Air Act as amended in 1990 (CAA), EPA wishes to extend delegated authority for the radionuclides program to the states.

The State of Utah received financial assistance from EPA to develop the radiation expertise and experience in implementing and enforcing an effective radionuclides NESHAP program. Under a radionuclides NESHAP grant workplan, the Department of Environmental Quality, State of Utah, has developed an approvable program which includes the following regulatory elements: emission limits, test methods, reporting and monitoring requirements, enforcement authority, surveillance and public notification procedures. Accordingly, the Governor of Utah submitted a letter, dated June 4, 1993, requesting delegation of authority to implement and enforce the radionuclides NESHAP, 40 CFR part 61, subparts B, Q, R, T, and W.

As required by 40 CFR 63.91(a)(2), the EPA is seeking public comments for 30 days. The comments shall be submitted concurrently to the State of Utah and to EPA. The State of Utah can then submit a response to the comments to EPA.

EPA is approving the State of Utah's request for delegation as a direct final rule without prior proposal because EPA views this as a noncontroversial action and anticipates no adverse comments. If no adverse comments are received in response to this rule, this **Federal Register** document will serve as the final notice of the approval to delegate the implementation and enforcement of this program. The effective date will be 60 days from the date of this publication and no further activity will be contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the accompanying proposed rule which appears in the Proposed Rule Section of this **Federal Register**. However, 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.

Final Action

EPA has reviewed the pertinent statutes and regulations of the State of Utah and the grant workplan accomplishments and has determined that the State of Utah meets all of the statutory and regulatory requirements established by Section 112 of the Clean Air Act as amended in 1990 for the implementation and enforcement of the radionuclides NESHAP. Therefore pursuant to section 112(l) of the Clean Air Act as amended in 1990, 42 U.S.C. 7412(l), and 40 CFR 63.91, EPA hereby delegates its authority for the implementation and enforcement of the following National Emission Standards for Radionuclides for all sources located, or to be located in the State of Utah:

(1) National Emission Standards for Radon Emissions from Underground Uranium Mines (40 CFR part 61, subpart B),

(2) National Emission Standards for Radon Emissions from Department of Energy Facilities (40 CFR part 61, subpart Q),

(3) National Emission Standards for Radon Emissions from Phosphogypsum Stacks (40 CFR part 61, subpart R),

(4) National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings (40 CFR part 61, subpart T). Note that subpart T was amended on July 15, 1994 (59 FR 36283) and now only applies to unlicensed disposal sites that are under the control of the Department of Energy.

(5) National Emission Standards for Radon emissions from Operating Mill Tailings (40 CFR part 61, subpart W).

Not all authorities for the NESHAP can be delegated to the state. The EPA Administrator retains authority to implement those sections of the NESHAP that require approval of equivalency determinations and alternative test methods, decision-making to ensure national consistency, and EPA rulemaking to implement including but not limited to the following provisions of 40 CFR part 61:

(1) 40 CFR 61.04(b), which pertains to permitting the submission of reports to the state only, instead of EPA and the state,

(2) 40 CFR 61.12(d)(1), which pertains to permitting an alternative means of emission limitation,

(3) 40 CFR 61.13(h)(1)(ii), which pertains to approval of the use of an alternative method of emission tests.

As the radionuclides NESHAP are updated, Utah should revise its rules