CFR 52.741(a)(3) definition of volatile organic material or VOC compound. States are not obligated to exclude from control as a VOC those compounds that EPA has found to be negligibly reactive. However, after the effective date of this final action, EPA will not enforce measures controlling acetone as part of a federally-approved ozone SIP. In addition, once this proposal is made final, States may not include acetone in their VOC emissions inventories for determining reasonable further progress under the Act (e.g., section 182(b)(1)) and may not take credit for controlling acetone in their ozone control strategies.

This action is effective on the date of publication rather than the more usual date 30 days after publication. There is good cause to choose this earlier effective date; this action relieves a restriction on users of acetone (42 U.S.C. section 553 (d)(1)).

Pursuant to 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities because it relaxes current regulatory requirements rather than imposing new ones. The EPA has determined that this rule is not ''significant'' under the terms of Executive Order 12866 and is, therefore, not subject to Office of Management and Budget (OMB) review. This action does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local and/or tribal government(s) in the aggregate. Since today's action is deregulatory in nature and does not impose any mandate upon any source, the cost of such mandates will not result in estimated annual costs of $100 million or more.

Assuming this rulemaking is subject to section 317 of the Act, the Administrator concludes, weighing the Agency's limited resources and other duties, that it is not practicable to conduct an extensive economic impact assessment of today's action since this rule will relax current regulatory requirements. Accordingly, the Administrator simply notes that any costs of complying with today's action, any inflationary or recessionary effects of the regulation, and any impact on the competitive standing of small businesses, on consumer costs, or on energy use, will be less than or at least not more than the impact that existed before today's action.

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: June 7, 1995.

Carol M. Browner,

Administrator.

For reasons set forth in the preamble, part 51 of chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 7410(a)(2), 7475(e), 7502 (a) and (b), 7503, 7601(a)(1), and 7620.

2. Section 51.100 is amended by revising paragraph (s)(1) introductory text to read as follows:

§ 51.100 Definitions.

* * * * *

(s) * * *

(1) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC–113); trichlorofluoromethane (CFC–11); dichlorodifluoromethane (CFC–12); chlorodifluoromethane (HCFC–22); trifluoromethane (HFC–23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC–114); chloropentafluoroethane (CFC–115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC–123); 1,1,1,2-tetrafluoroethane (HFC–134a); 1,1-dichloro 1-fluoroethane (HCFC–141b); 1-chloro 1,1-difluoroethane (HCFC 142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC–124); pentafluoroethane (HFC–125); 1,1,2,2-tetrafluoroethane (HFC–134); 1,1,1-trifluoroethane (HFC–143a); 1,1-difluoroethane (HFC–152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; and perfluorocarbon compounds which fall into these classes:

* * * * *

[FR Doc. 95–14804 Filed 6–15–95; 8:45 am]

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40 CFR Part 70

[AD–FRL–5221–9]

Clean Air Act Final Interim Approval of Operating Permits Program; Minnesota Pollution Control Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits Program submitted by the Minnesota Pollution Control Agency (MPCA) for purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: July 17, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: EPA Region 5, Air and Radiation Division (AE–17J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Rachel Rineheart, Permits and Grants Section (AE–17J), EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7017.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by

the end of an interim program, the Agency must establish and implement a Federal program.

On September 13, 1994, EPA proposed interim approval of the operating permits program for the MPCA. See 59 FR 46948. The EPA received public comment on the proposal and compiled a Technical Support Document (TSD) which describes the operating permits program in greater detail. In this notice EPA is taking final action to promulgate interim approval of the operating permits program for the MPCA.

II. Final Action and Implications

A. Analysis of State Submission and Response to Public Comments

The EPA received comments on a total of 9 topics from 9 organizations. The EPA's response to these comments is summarized in this section. Comments supporting EPA's proposal are not addressed in this notice; however, EPA's TSD responding to all comments is available in the docket at the address noted in the **ADDRESSES** section above.

1. Criminal Enforcement Authority

EPA proposed as a condition for full approval of the Minnesota permit program the removal of Subdivision 14 of Section 609.671 of the Minnesota Criminal Code (Subdivision 14). Subdivision 14 provides that ''*except for intentional violations*, a person is not guilty of a crime * * * if the person notified the pollution control agency of the violation as soon as the person discovered the violation and took steps to promptly remedy the violation.'' (Emphasis added.) EPA has subsequently determined that the definition of ''intentional'' used by the State of Minnesota in the context of this defense is equivalent to the definition of ''knowledge.'' Therefore, EPA no longer requires that Minnesota remove Subdivision 14 for full approval of the Minnesota permit program.

Specifically, a letter dated April 21, 1995, from Hubert H. Humphrey III, Attorney General for the State of Minnesota, to Valdas Adamkus, Regional Administrator of Region 5, EPA, clarifies the definition of ''intentional'' as follows:

> ''Intentional violations'' do not mean the state must show a violation was committed with specific intent. *See State* v. *Orsello,* 1995 WL 141748 (Minn. Ct. App.) * * *. ''Intentional violations'' require only the same type of intent as is required for a general intent crime in Minnesota; namely, an intent to do the act prohibited by the statute. The phrase ''intentional violations'' in this context is thus used to distinguish criminal conduct from the accidental. *See State* v. *Lindahl,* 309 N.W.2d 763, 767 (Minn. 1981) * * *.

EPA had proposed the removal of Subdivision 14 as a condition for full approval of the Minnesota permit program because 40 CFR 70.11(a)(ii) requires that a state have the authority to seek criminal remedies, including, among other things, fines against ''any person who knowingly violates any applicable requirement * * *.'' With the clarification of the definition of ''intentional'' by Minnesota, it is clear that Minnesota does have the authority to seek criminal remedies for knowing violations. Further, this clarification of the definition of ''intentional'' also satisfies EPA's other concern that Subdivision 14 required the State to meet a higher degree of proof than that required by the Clean Air Act. 40 CFR 70.11(b).

2. Monitoring Reports

EPA received one comment from the MPCA on its proposal to require Minnesota to revise Minnesota Rules 7007.0800, subpart 6, to require submittal of semi-annual monitoring reports from all part 70 sources. EPA based its proposal on 40 CFR 70.6(a)(3)(iii)(A), which requires the ''submittal of reports of required monitoring at least every 6 months.'' MPCA believes that it is reasonable to interpret this provision to only require a report if there is required monitoring during the 6 month period. Furthermore, MPCA asserts that ''it would be pointless and wasteful for a part 70 source to be required to submit a semi-annual report when there is nothing to report.''

While EPA agrees with this comment, a revision to this rule is still necessary for full program approval. Minnesota Rules 7007.0800, subpart 6(B), requires submittal of reports at least every six months for ''any stationary source that is required to monitor * * * *more frequently than every six months.*'' (Emphasis added.) Part 70 requires semi-annual reports from sources required to monitor every 6 months. In addition, it is not clear from this provision that a source required to monitor less frequently than every six months is ever required to submit a monitoring report. Therefore, to receive full program approval, MPCA must revise Minnesota Rules 7007.0800, subpart 6 to require at least a semi-annual monitoring report from sources required to monitor at least every 6 months, and to require annual reports from sources required to monitor less frequently than every 6 months.

3. Administrative Permit Amendment Procedures

EPA received 2 adverse comments regarding EPA's proposal to require MPCA to revise Minnesota Rules 7007.1400. This rule allows the use of the administrative amendment procedures to ''clarify'' a permit term. In the proposal, EPA states this ambiguous provision may result in the implementation of permit modifications through the administrative amendment procedures, rather than through the permit modification procedures, in contravention of 40 CFR 70.7 (d) and (e). Because this provision is inconsistent with the requirements of 40 CFR 70.7(d), Minnesota must revise this rule for full program approval.

The American Forest & Paper Association (American Forest) and the National Environmental Development Association (NEDA) are concerned that the ''removal'' of this provision will require MPCA, as a condition for full approval, ''to disapprove environmentally insignificant permitting modifications that otherwise should be approvable through the administrative amendments.'' These commenters also feel that EPA's concerns are ''unwarranted, since EPA would retain, under its proposed rule changes, an adequate opportunity to object to administrative amendments.'' According to 40 CFR 70.1(c), EPA will approve State programs ''to the extent that they are not inconsistent with the Act and these regulations.'' Section 70.7(d) sets forth those matters that may be corrected through administrative permit amendments. Section 70.7(e) sets forth the criteria for permit modifications. Because a broad interpretation of Minnesota Rules 7007.1400 would allow permit modifications to be implemented as administrative permit amendments, the rule expands the scope of those matters which may be corrected pursuant to 40 CFR 70.7(d), in contravention of the Act and part 70 regulations. Therefore, the ambiguity in the rule must be clarified. With respect to EPA's ability to object to administrative amendments, the current part 70 regulations do not provide for EPA review and objection.

4. Incorporation by Reference

EPA proposed as a condition for full approval of MPCA's program that Minnesota Rules 7007.0800, subpart 16 be revised to require that all conditions required by section 70.6(a) contained in that subpart be expressly stated in the part 70 permits. EPA received one comment from MPCA opposing this change. MPCA argues that the inclusion

of this language is not necessary and would draw attention away from the specific requirements that the source must comply with on a day-to-day basis. MPCA feels that inclusion of this language could lead to ''confusion'' at the source as to what conditions actually apply. Finally, MPCA is concerned that EPA intends to require the State to include provisions of 70.6(a) that would not apply to all part 70 sources, such as the provisions at 70.6(a)(4) which would apply only to acid rain sources, in all part 70 permits.

EPA's September 13, 1994, proposal only requires the State to expressly state in every permit those provisions of section 70.6(a) which are found in Minnesota Rules 7007.0800, subpart 16. Specifically, these are the provisions of sections 70.6(a) (5) and (6), which are found in 7007.0800, subpart 16 (A)–(F) of Minnesota's rules. These general provisions apply to all part 70 sources. Therefore, the State's concern that it would be required to include permit terms that do not apply to certain sources in the sources' part 70 permit is unwarranted. Further, EPA fails to see how the express statement of general requirements applicable to all permittees will result in confusion. In fact, it is EPA's position that the express statement of all applicable permit conditions in the permit assists the source in understanding all permit requirements, assures the enforceability of the permit, and is not burdensome.

The State's plan to incorporate by reference general permit conditions may actually hamper the enforceability of those conditions. Because EPA will not incorporate Minnesota's rules by reference for part 70 program approvals, only the part 70 permit, and not the actual rules, would be federally enforceable. Therefore, EPA would only be able to enforce those conditions that are expressly stated in the permit. Further, EPA is concerned that the failure to clearly state permit conditions precludes ''fair warning'' of the permit requirements, and could be the basis for a dismissal.

5. Fees

In the September 13, 1994, notice, EPA proposed to require the State of Minnesota to ''revise the definition of regulated pollutant at Minnesota Rules 7002.0035 to include 'any regulated pollutant for presumptive fee calculation' as defined at 40 CFR 70.2, or submit a detailed fee demonstration.'' One comment was received from the MPCA. MPCA agrees that the fee rule does not collect the presumptive minimum; however, MPCA pointed out that the presumptive minimum can be met without charging for all ''regulated pollutants'' under the Federal definition. EPA agrees with MPCA. 40 CFR 70.9(b)(2) only requires the collection of an amount equivalent to $25 + consumer price index per ton of ''regulated pollutant for presumptive fee calculation,'' to meet the presumptive minimum. Therefore, this requirement will be revised to reflect this comment.

6. Timelines for Permit Issuance

EPA received one comment from MPCA on the proposal to require MPCA to change its deadline for permit issuance on minor and moderate permit amendments from 180 days to 90 days after receipt of an application. In the proposal EPA stated that both types of permit amendments seemed to fall under the minor modification procedures of part 70, which requires final action within 90 days after receipt of an application. MPCA argues that 40 CFR 70.7(e)(1) allows States to ''develop different procedures for different types of modifications depending on the significance and complexity of the requested modification'' provided that the procedures do not provide for less permitting authority or review by EPA and affected States, and that this is what it has done by creating minor and moderate permit amendment categories. In addition, MPCA argues that by increasing the review time from 90 days to 180 days, the State has increased the likelihood of meaningful State and Federal review of permit applications.

According to 40 CFR 70.7(e)(1), a State must ''provide adequate, streamlined, and reasonable procedures for expeditiously processing permit modifications.'' The State may meet this requirement by adopting the procedures set forth in 40 CFR 70.7(e), or procedures that are ''substantially equivalent.'' EPA does not consider the State's minor permit amendments to be substantially equivalent to the minor modification procedures of part 70 because of the timeline for acting on minor permit amendment applications. Although additional time might allow the State to have a more meaningful review, it would also allow a source that had applied for a minor permit amendment, but did not qualify for a minor permit amendment, an extra 90 days of operation before submitting the proper application. For this reason, EPA is requiring MPCA to take action on minor permit amendments within 90 days of receipt of a complete application.

Part 70 does allow a State to develop additional procedures for different types of modifications as long as the procedures do not provide for less permitting authority, EPA or affected State review, or public participation, than is provided for in part 70. Minnesota has done this with its moderate permit amendment procedures. MPCA has allowed 180 days to take final action on moderate permit amendment applications; however, the source is not allowed to operate under that change until the State has approved the change. Therefore, EPA has decided that this type of change does meet all requirements of part 70, and EPA will not require a change with respect to moderate permit amendments as proposed in the September 13, 1994 notice.

7. Section 112(g) of the Clean Air Act

In its proposed approval of Minnesota's part 70 program, EPA also proposed to approve Minnesota's preconstruction review program for the purpose of implementing section 112(g) during the transition period before a Federal rule had been promulgated implementing that section 112(g). This proposal was based in part on an interpretation of the Act that would require sources to comply with section 112(g) beginning on the date of approval of the title V program, regardless of whether EPA had completed its section 112(g) rulemaking. The EPA has since revised this interpretation of the Act in a **Federal Register** notice published on February 14, 1995. 60 FR 8333. The revised interpretation postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The revised notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow States time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), Minnesota must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations.

For this reason, EPA is finalizing its approval of Minnesota's preconstruction review program. This approval clarifies that the preconstruction review program is available as a mechanism to implement section 112(g) during the transition period between promulgation of the section 112(g) rule and adoption

by Minnesota of rules established to implement section 112(g). However, since the approval is for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval itself will be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted. The EPA is limiting the duration of this proposal to 18 months following promulgation by EPA of the section 112(g) rule.

The EPA believes that, although Minnesota currently lacks a program designed specifically to implement section 112(g), Minnesota's preconstruction review program will serve as an adequate implementation vehicle during a transition period because it will allow Minnesota to select control measures that would meet MACT, as defined in section 112, and incorporate these measures into a federally enforceable preconstruction permit. Minnesota should be able to impose federally enforceable measures reflecting MACT for most if not all changes qualifying as a modification, construction, or reconstruction under section 112(g). This is because most section 112(b) HAPs are also criteria pollutants, and moreover because measures designed to limit criteria pollutant emissions will often have the incidental effect of limiting non-criteria pollutant HAPs.

Another consequence of the fact that Minnesota lacks a program designed specifically to implement section 112(g) is that the applicability criteria found in its preconstruction review program may differ from those in the section 112(g) rule. However, whether a particular source change qualifies as a modification, construction, or reconstruction for section 112(g) purposes during any transition period will be determined according to the final section 112(g) rule. The EPA would expect Minnesota to be able to issue a preconstruction permit containing a case-by-case determination of MACT where necessary for purposes of section 112(g) even if review under its own preconstruction review program would not be triggered.

8. Title I Modifications

For the reasons set forth in EPA's proposed rulemaking to revise the interim approval criteria of 40 CFR part 70 (59 FR 44572, August 29, 1994), the EPA believes the phrase ''modification under any provisions of title I of the Act'' in 40 CFR 70.7(e)(2)(i)(A)(5) is best interpreted to mean literally any change at a source that would trigger permitting authority review under regulations approved or promulgated under title I of the Act. This would include State preconstruction review programs approved by EPA as part of the State Implementation Plan under section 110(a)(2)(C) of the Act. The definition of ''title I modification'' at Minnesota Rules 7007.0100, subpart 26, includes ''any change that constitutes a modification under any provision of title I of the act * * '' In addition, Commissioner Charles Williams states in a letter dated April 19, 1994, that MPCA does consider ''modifications of limits promulgated in the SIP and SIP required permit amendments'' to be title I modifications. Therefore, in the September 13, 1994, proposal, EPA states that in light of the clarification in the April 19, 1994, letter, Minnesota's definition would be consistent with any definition of title I modification that EPA may adopt.

EPA received 3 comments on the definition of title I modifications. American Forest and NEDA asserted that neither MPCA nor EPA has the authority to include changes made pursuant to a preconstruction permitting program approved into the SIP as title I modifications. American Forest also asserted that Minnesota has no legal authority to fund its preconstruction permitting program from title V fees. MPCA commented that it does not consider SIP required permit amendments to be title I modifications, as was stated in the April 19, 1994, letter.

Although MPCA's interpretation of title I modification does not conform with EPA's current interpretation, EPA will take no action on Minnesota's program at this time with respect to the definition of title I modification. EPA is not taking action at this time because the definition of title I modification and the criterion for approving part 70 programs with respect to this issue are still being debated. For further explanation, please refer to the TSD or to the Final Interim Approval of the Operating Permit Program for the State of Washington (59 FR 55813).

9. Section 112(l)

In the September 13, 1994 notice, EPA proposed to grant approval under section 112(l)(5) and 40 CFR 63.91 of Minnesota's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated. In addition, EPA noted that Minnesota intended to accept delegation of section 112 standards through automatic delegation. However, in its comments on the September 13, 1994 notice, MPCA stated that it has not requested delegation to implement section 112 standards, and that it does not intend to request delegation at this time. Therefore, EPA is not approving a mechanism for delegation of section 112 standards at this time. If MPCA does request delegation of section 112 standards in the future, EPA will approve a mechanism for delegation of the 112 standards in a separate rulemaking.

The fact that EPA is not approving a mechanism for delegation of section 112 standards does not affect the approvability of Minnesota's Operating Permits Program. Title V requires a State to be able to incorporate these terms into a permit and to be able to enforce the terms of that permit. Minnesota's program does meet those requirements.

B. Final Action

The EPA is promulgating interim approval of the operating permits program submitted by MPCA on November 15, 1993. The State must make the following changes to receive full approval:

1. Revise Minnesota Rules 7007.0800, subpart 6(B) to require at least semi-annual monitoring reports from any source required to monitor at least every six months, and to require any source required to monitor less frequently than every six months to submit at least an annual monitoring report.

2. Revise Minnesota Rules 7007.1400 to be consistent with the requirements of 40 CFR 70.7(d). Minnesota Rules 7007.1400 provides that the administrative amendment procedure may be used to ''clarify a permit term.'' This ambiguous provision is not consistent with the requirements of 40 CFR 70.7(d) and could be interpreted broadly enough to allow changes to a permit which should be handled through the permit modification procedures.

3. Revise Minnesota Rules 7007.0800, subpart 16, to require that the permit terms included in 40 CFR 70.6(a) that are included in this subpart be expressly stated in part 70 permits. Minnesota Rules 7007.0800, subpart 16, allows permit terms which are required by 40 CFR 70.6(a) to be include in the permit by reference to the State regulation. Failure to have these provisions expressly stated in the permit may create difficulties in enforcing those terms and may make it difficult for citizens to understand what provisions apply to a source.

4. Revise Minnesota Rules 7002 in such a way that the State will collect an amount equivalent to the presumptive minimum, or submit a detailed fee

demonstration containing all required elements under 40 CFR 70.9.

5. Revise Minnesota Rules 7007.0750, subpart 2.C, to require the permitting authority to take action on minor permit amendments within 90 days of receipt of a complete application.

This interim approval, which may not be renewed, extends until July 16, 1997. During this interim approval period, the State is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal operating permits program in the State. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the 3-year time period for processing the initial permit applications.

EPA is granting Source Category-Limited (SCL) interim approval to Minnesota's program. Although the State is required to issue permits within 3 years to all sources subject to the program that obtains interim approval, some sources will not be subject to the requirement to obtain a permit until full approval is granted. Part 70 sources which are not addressed until full approval are also subject to the 3-year time period for processing initial permit applications. The 3-year period for these sources will begin on the date full approval of the State's program is granted. Therefore, initial permitting of all part 70 sources might not be completed until 5 years after interim approval is granted.

If the State fails to submit a complete corrective program for full approval by January 16, 1997, EPA will start an 18-month clock for mandatory sanctions. If the State then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that the State has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of the State, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determined that the State had come into compliance. In any case, if, six months after application of the first sanction, the State still has not submitted a corrective program that EPA has found complete, a second sanction will be required.

If EPA disapproves the State's complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the State has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of the State, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that the State has come into compliance. In all cases, if, six months after EPA applies the first sanction, the State has not submitted a revised program that EPA has determined corrects the deficiencies, a second sanction is required.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if the State has not timely submitted a complete corrective program or EPA has disapproved its submitted corrective program. Moreover, if EPA has not granted full approval to the State program by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for the State upon interim approval expiration.

The EPA is also promulgating approval of Minnesota's preconstruction permitting program found in Minnesota Rules Chapter 7007, under the authority of title V and part 70 solely for the purpose of implementing section 112(g) regulations. The EPA believes this approval is necessary so that Minnesota has a mechanism in place to establish federally enforceable restrictions for section 112(g) purposes during the period between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations. Although section 112(l) generally provides authority for approval of State air programs to implement section 112(g), title V and section 112(g) provide authority for this limited approval because of the direct linkage between the implementation of section 112(g) and title V. The scope of this approval is narrowly limited to section 112(g) and does not confer or imply approval for purposes of any other provision under the Act, for example, section 110. The duration of this approval is limited to 18 months following promulgation by EPA of section 112(g) regulations, to provide Minnesota adequate time for the State to adopt regulations consistent with the Federal requirements.

III. Administrative Requirements

A. Docket

Copies of the State's submittal and other information relied upon for the final interim approval, including 9 public comments received and reviewed by EPA on the proposal, are contained in the docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Dated: June 1, 1995.

Valdas V. Adamkus,

Regional Administrator.

40 CFR part 70 is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding the entry for Minnesota in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Minnesota

(a) Minnesota Pollution Control Agency; submitted on November 15, 1993; effective July 17, 1995; interim approval expires July 16, 1997.

[FR Doc. 95–14684 Filed 6–15–95; 8:45 am]

BILLING CODE 6560–50–P