

U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

### List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 3, 1995.

**Patrick M. Tobin,**

*Acting Regional Administrator.*

Part 52 of chapter I, title 40, *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 S—Kentucky

2. Section 52.920 is amended by adding paragraph (c)(77) to read as follows:

#### § 52.920 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(77) Revisions to the Commonwealth of Kentucky State Implementation Plan (SIP) concerning emission statements were submitted on December 29, 1994, by the Kentucky Natural Resources and Environmental Protection Cabinet.

(i) Incorporation by reference.

(A) Regulation 401 KAR 50:035 Permits. Section 1, Section 2(1) and Section 10. Regulation became effective September 28, 1994.

(ii) None.

[FR Doc. 95-10696 Filed 5-1-95; 8:45 am]

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### 40 CFR Part 52

[MN29-1-6203a; FRL-5174-7]

### Approval and Promulgation of Implementation Plans; Minnesota

**AGENCY:** United States Environmental Protection Agency (USEPA).

**ACTION:** Direct final rule.

**SUMMARY:** USEPA is approving a revision to the Minnesota State Implementation Plan (SIP) to incorporate new permitting regulations. This revision consists of the State Rules in Chapter 7007, entitled "Air Emission Permits," in conjunction with other rule changes relating to the repeal of prior air permitting rules. Although these rules have been submitted previously to

satisfy the requirements of Title V of the Clean Air Act, the purpose of this submittal is (1) to support federally enforceable permit conditions for limiting sources' potential to emit, (2) to allow the use of permits as vehicles for future SIP revisions, and (3) to update the procedural rules governing the issuance of air permits in Minnesota. USEPA concludes that all three purposes are satisfied.

**DATES:** This action will be effective July 3, 1995 unless adverse or critical comments are received by June 1, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be sent to:

William L. MacDowell, Chief,  
Regulation Development Section (AE-17J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the SIP revision request and USEPA's analysis are available for inspection at the following addresses: (It is recommended that you telephone John Summerhays at (312) 886-6067, before visiting the Region 5 Office.)

United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard (AE-17J), Chicago, Illinois 60604; and Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), Room M1500, United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C., 20460.

**FOR FURTHER INFORMATION CONTACT:** John Summerhays, Regulation Development Section, Air Enforcement Branch, U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604.

### SUPPLEMENTARY INFORMATION:

#### I. Summary of State Submittal

On November 23, 1993, the Minnesota Pollution Control Agency (MPCA) submitted revised air permitting rules for approval as part of the State Implementation Plan (SIP). These rules represent Minnesota's consolidated permitting regulations, which include provisions for operating permits for major sources pursuant to Title V of the Clean Air Act, construction permits for major new sources and major source modifications pursuant to Parts C and D of Title I, and operating and construction permits for minor sources and minor modifications pursuant to State law. Thus, this submittal complements Minnesota's submittal dated November 15, 1993, seeking USEPA approval of the same regulations

as satisfying Title V requirements. Separate rulemaking is being conducted with respect to whether these regulations satisfy Title V requirements. (See the **Federal Register** of September 13, 1994, at 59 FR 46948.)

Minnesota's submittal of November 23, 1993, does not seek to satisfy any specific mandate under the Clean Air Act. As noted above, a separate submittal seeks to satisfy the requirements of Title V. A pair of submittals dated August 5, 1992, and August 26, 1993, have been found to satisfy nonattainment area major new source review requirements (see 59 FR 8578, dated February 23, 1994). The State has not sought to provide State regulations to supersede Federal regulations on attainment area new source review (prevention of significant deterioration).

Instead, the State's submittal of November 23, 1993, seeks approval of updated State permitting regulations which have superseded previously approved regulations, including several provisions to help the State implement its Title V and Title I programs. Minnesota intended with this submittal: (1) to provide a mechanism for intermediate size sources to obtain federally enforceable limitations to become "minor sources," (2) to facilitate future SIP revisions, and (3) to update the federally approved regulations to reflect the updated State permitting regulations. Each of these purposes requires evaluation under different criteria. These purposes and the associated United States Environmental Protection Agency (USEPA) criteria for approval are discussed individually in subsequent sections.

#### A. Federally Enforceable Limitations on Potential To Emit

The first purpose of Minnesota's submittal was to provide a mechanism for intermediate size sources to obtain federally enforceable limitations such that the sources' potential to emit would be below the size thresholds at which major source permits are required. This mechanism involves federally enforceable State operating permits (FESOPs) incorporating the relevant limitations. The State intends to write such permits both in the context of new source review and in the context of Title V permitting. As clarified in a letter from Charles Williams to Valdas Adamkus dated November 21, 1994, the State is requesting this authority with respect to hazardous air pollutants (HAPs) as well as for pollutants with air quality standards ("criteria pollutants").

Criteria for USEPA approval of FESOP programs are given in the **Federal**