

N. Data Analysis and Reporting

The original submittal did not fully satisfy 40 CFR 51.366, because the State had not submitted its final, signed contract detailing procedures for the analysis and reporting of data for the testing program, quality assurance program, quality control program, and the enforcement program. In addition, the State had not committed to submitting annual and biennial reports to the EPA in accordance with the I/M rule. In its supplemental submittal, the State commits to submit its final, signed contract addressing these requirements to the EPA within 1 year of the EPA's final conditional approval. The State has submitted commitments to submit annual and biennial reports to the EPA, as well as descriptions of the methodologies and procedures used to develop these reports.

O. Inspector Training and Licensing or Certification

The original submittal did not fully satisfy 40 CFR 51.367, because the State had not submitted its final, signed contract detailing its training and licensing program. In its supplemental submittal, the State has committed to submit its final, signed contract addressing these requirements to the EPA within 1 year of the EPA's final conditional approval.

P. Public Information and Consumer Protection

The original submittal did not fully satisfy 40 CFR 51.368, because the State had not submitted its final, signed contract detailing its public information and consumer protection program. In its supplemental submittal, the State has committed to submit its final, signed contract addressing these requirements to the EPA within 1 year of the EPA's final conditional approval.

Q. Improving Repair Effectiveness

The original submittal did not fully satisfy 40 CFR 51.369 because the State had not submitted its final, signed contract detailing specific procedures for the implementation of a technical assistance program and a repair facility monitoring program. In its supplemental submittal, the State commits to submit its final, signed contract addressing these requirements to the EPA within 1 year of the EPA's final conditional approval. The contract will include a description of the technical assistance, performance monitoring, and repair technician training programs to be implemented. The State's RFP contains provision for a repair technician hotline that will be available for repair technicians.

R. Compliance With Recall Notices

The State's original submittal did not fully satisfy 40 CFR 51.370 because the State had not completed revisions to its TRANS 131 rule to establish procedures for its recall compliance program. In its supplemental submittal, the State commits to submit its amended rule addressing these requirements to the EPA within 1 year of the EPA's final conditional approval. The SIP also commits to comply with additional EPA guidance when available.

S. On-road Testing

The original submittal did not fully satisfy 40 CFR 51.371, because it did not include a detailed description of the program including test limits and criteria, resource allocations, and methods of collecting, analyzing and reporting the results of the testing. These requirements will be addressed by the State's final I/M contract, as well as amendments to the State's TRANS 131 rule. In its supplemental submittal, the State commits to submit its final, signed contract and its final, amended TRANS 131 rule addressing these requirements to the EPA within 1 year of the EPA's final conditional approval. The legal authority for this program is contained in the Wisconsin legislation.

T. Concluding Statement

Wisconsin's original submittal along with the supplemental submittal of its I/M SIP revision represent an acceptable approach to the I/M requirements and meet all the criteria required for approval and conditional approval.

A more detailed analysis of the State's supplemental submittal and how it meets Federal requirements is contained in the EPA's Technical Support Document (TSD), dated September 2, 1994, which is available at the Region 5 Office, listed above.

V. Response to Comments

On July 14, 1994 (59 FR 35883), the EPA published an NPRM for the State of Wisconsin. The NPRM proposed approval on portions of the State's submittal, and conditional approval or disapproval on other portions of the State's submittal depending upon the materials submitted by the State 2 weeks prior to close of the comment period. On July 28, 1994, the State of Wisconsin submitted these materials. No adverse public comments were received on the NPRM.

Final Action

By this action, the EPA is approving portions and conditionally approving other portions of the State's submittal. The EPA has reviewed the State

submittal against the statutory requirements and for consistency with the EPA regulations and finds it to be acceptable. The rationale for the EPA's action is explained in the NPRM and will not be restated here.

The EPA believes conditional approval is appropriate in this case because the State has developed final, fully adopted rules for the enhanced I/M program and needs only to amend these rules to address a number of enhanced I/M program requirements. In addition, the State has developed a final RFP for the program and needs only to sign the final contract for program operation in order to establish final practices and procedures for program operation. The State has committed to finalize and submit the relevant rule amendments and final contract no later than 1 year after the EPA's final conditional approval.

As a result of this conditional approval on the above portions of the State's SIP, the State must meet its commitments to adopt and submit the final rule amendments and final, signed contract to the EPA within one year of the conditional approval. Once the EPA has conditionally approved this committal, if the State fails to adopt or submit the required rules to the EPA, final approval will become a disapproval. The EPA will notify the State by letter to this effect. Once the SIP has been disapproved, this commitment will no longer be a part of the approved nonattainment area SIP. The EPA subsequently will publish a notice to this effect in the notice section of the **Federal Register** indicating that the commitment has been disapproved and removed from the SIP. If the State adopts and submits the final rule amendments to the EPA within the applicable time frame, the conditionally approved commitment will remain part of the SIP until the EPA takes final action approving or disapproving the new submittal. If the EPA approves the subsequent submittal, those newly approved rules will become a part of the SIP.

If the conditional approval portions are converted to a disapproval, the sanctions clock under section 179(a) will begin. This clock will begin on the effective date of the final disapproval or at the time the EPA notifies the State by letter that a conditional approval has been converted to a disapproval. If the State does not correct the deficiency and the EPA does not approve the rule on which the disapproval was based within 18 months of the disapproval, the EPA must impose one of the sanctions under section 179(b)—highway funding restrictions or the offset sanction. In