by Congress for such actions in section 107(d)(3)(C). This is because each Act requirement coming due during the pendency of the USEPA's review of a redesignation request carries with it a necessary implication that the USEPA must also fully approve the SIP submission made to satisfy that requirements in order for the area to be redesignated. Otherwise, the area would fail to satisfy the redesignation requirement of section 107(d)(3)(E)(ii) to have a fully-approved SIP. As Congress limited the USEPA to an 18-month period to take final action on complete redesignation requests, Congress could not have intended that, for those requests to be approved, States make additional SIP submissions that would require the USEPA to undertake action that would necessarily delay action on the redesignation request beyond the 18month time frame. (The delay would occur due to the time needed for the USEPA to take action regarding the determinations as to whether to find those SIP submissions complete and to approve or disapprove them. Congress accorded the USEPA up to 18 months from the submission of a SIP revision to take such action. See section 110(k).)

Another reason that the USEPA's interpretation is reasonable is that the fundamental premise for a request to redesignate a nonattainment area to attainment is that the area has attained the relevant NAAQS. Thus, an area for which a redesignation request has been submitted should have already attained the NAAQS as a result of the satisfaction of Act requirements that came due prior to the submission of the request, and it is reasonable to view the only requirements applicable for purposes of evaluating the redesignation request as those that had already come due since those requirements were the ones that presumably led to attainment of the NAAQS-which is the primary purpose of title I of the Act. To require that a State continue to satisfy requirements coming due during the pendency of the USEPA's review of a complete redesignation request in order to have the redesignation approved would require the State to do more than was needed to attain the NAAQS.

The USEPA's interpretation by no means eliminates the obligation of States to comply with requirements coming due after the submission of a redesignation request. Rather, it simply means that areas may be redesignated even though the State may not have complied with those requirements. As the USEPA's policy makes clear, in accordance with the requirements of section 175A(c), the statutory obligation of the States to fulfill those requirements remains in effect until the USEPA takes final action to redesignate an area to attainment. Thus, the USEPA's policy is to issue findings of failure to submit if a State fails to submit a SIP revision to fulfill such a requirement, thereby triggering a clock that will result in the imposition of mandatory sanctions, under section 179 of the Act, 18 months after the issuance of the finding unless the USEPA approves the redesignation request prior to the expiration of the sanctions clock.

Thus, if a State chooses not to submit a complete and approvable SIP revision to comply with a requirement that comes due after the submission of a redesignation request, it runs the risk it will be sanctioned in the event that the USEPA does not approve the redesignation request. For example, in the case of the Detroit-Ann Arbor area, on January 21, 1994, the USEPA started the 18-month sanctions clock for the 15 percent reduction plan required by section 182(b)(1) to be submitted by November 15, 1993 after the State had submitted its complete redesignation request for the Detroit-Ann Arbor area, by finding the area's 15 percent plan incomplete. If the USEPA were not now approving the redesignation request, the sanctions clock would continue to run and the State would continue to be subject to the risk that sanctions would be imposed. Notably, a State seeking redesignation for an area is in the same position as to the initiation of sanctions clocks for the failure to make a submittal as any other State. Thus, if Michigan had not submitted a redesignation request for the Detroit-Ann Arbor area and nevertheless had failed to submit a complete 15 percent plan by November 15, 1993, it would also have been subject to a finding of failure to submit and the consequent commencement of a sanctions clock.

For this reason, the USEPA disagrees with the comment's contention that the USEPA's interpretation regarding the requirements applicable for purposes of evaluating redesignation requests encourages States to delay implementation of the Act. States seeking redesignation for areas are subject to sanctions for failure to submit SIP revisions in accordance with the Act's requirements in the same way that States not seeking redesignation are. To the extent that the USEPA's interpretation results in States not adopting measures they might otherwise have had to, such a result is a consequence of the only workable interpretation of the provisions of section 107 concerning applicable requirements and that result does not justify rejecting that interpretation. This

is particularly so since the only areas that benefit from this interpretation are those that have attained the ambient air quality standards and have demonstrated that they will continue to maintain them in the future.

Thus, the USEPA believes it may approve the Detroit-Ann Arbor redesignation request notwithstanding the lack of a fully approved 15 percent plan. Such action is consistent with the USEPA's national policy and is permissible under the Act. (The commentor's contentions regarding the basic I/M plans and NSR review program are dealt with as part of the responses to other comments on those programs elsewhere in this document.)

Comment

One commentor stated that the requirement of both general and transportation conformity is an important element of Michigan's attainment SIP and that the USEPA's notice has not addressed conformity in the context of the redesignation. Adverse consequences will stem from failure to continue to require conformity analyses and measures. Another commentor states that redesignation does not excuse the State from submitting a conformity SIP revision for the Detroit-Ann Arbor area or from including a motor vehicle emission budget for NO_X in the area's maintenance plan. The commentor further states that the NO_X waiver available under section 182(f), has no connection with the conformity requirements for transportation plans and programs contained in section 176(c)(2)(A) and 176(c)(1)(B).

USEPA Response

The July 21, 1994 proposal (59 FR 37190) did state that the November 24. 1993 (59 FR 62188) transportation and November 30, 1993 (59 FR 63214) general conformity rules require States to adopt transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under section 175A of the Act. The proposal further explained that, although conformity is applicable in these areas, since the deadline for submittal had not come due for these rules at the time Michigan submitted a redesignation request, the approval of the redesignation is not contingent on these submittals to comply with section 107(d)(3)(E)(v). The Detroit-Ann Arbor area must comply with the section 176 conformity regulations as required by the conformity rules and the Conformity General Preamble (June 17, 1994, 59 FR