(4) Revision of Permit Content

The regulations at OAC 252:100–8– 6(a) must be revised to remove the phrase "To the extent practicable. . ." Until this revision is made, the permits issued by the State shall meet the requirements of 40 CFR 70.6 and include all applicable requirements.

(5) Revision to Provide Standing

As discussed in section A.2.c above, the State must revise OAC 252:100–8– 7(i)(1)(E) and OAC 252:100–8–7(j)(2)(A) to delete the word "written" so that oral comments have standing with judicial review of the permitting process. Also, the State must clarify OAC 252:100–8– 7(j) so that judicial review is available to all affected parties for all final permit actions including minor modifications and administrative amendments.

(6) Administrative Amendment Procedure

As discussed in section A.2.d above, the State must revise OAC 252:100-8-7(d)(1)(C) to delete the words, ". . . or less . . .". Further, the provisions at OAC 252:100-8-7(d)(1)(E) must be clarified to require enhanced NSR procedures that are substantially equivalent to the requirements of 40 CFR 70.7 and 40 CFR 70.8 for a change subject to review as a permit modification and compliance requirements substantially equivalent to those contained in 40 CFR 70.6. The State must submit a SIP revision for Subchapter 7 that incorporates enhanced NSR procedures that meet the requirements listed at 40 CFR 70.7 and 40 CFR 70.8 for a change subject to review as a permit modification, and has compliance requirements substantially equivalent to those contained in 40 CFR 70.6.

(7) Review of the Fee

As discussed in section A.3 above, the EPA has reviewed the workload analysis and fee demonstration submitted November 7, 1994, and is recommending approval of the proposed fee of \$15.19 per ton. The EPA will consider comments made during the comment period for this approval action and will reserve final action on the fee for the final interim approval notice.

(8) Acid Rain Incorporation by Reference

As discussed in section A.4 above, the State must revise OAC 252:100–8 to incorporate the acid rain requirements and submit this revision to the EPA before final action on this proposal is taken.

Evidence of these regulatory revisions and their procedurally correct adoption

must be submitted to the EPA within 18 months of the EPA's approval of the Oklahoma part 70 program. This interim approval, which may not be renewed, extends for a period of up to two years. During the interim approval period, the State is protected from sanctions for failure to have a program, and the EPA is not obligated to promulgate a Federal permits program in the State. Permits issued under a program with interim approval have full standing with respect to 40 CFR part 70, and the State will permit sources based on the transition schedule submitted with the source category-limited approval request. This schedule may extend for no more than five years beyond the interim approval date.

If the interim approval is converted to a disapproval, it will not affect any existing State requirements applicable to small entities. Federal disapproval of the State submittal does not affect its State-enforceability. Moreover, the EPA's disapproval of the submittal does not impose a new Federal requirement.

The scope of Oklahoma's part 70 program that the EPA proposes to approve in this notice would apply to all part 70 sources (as defined in the approved program) within the State of Oklahoma, except any sources of air pollution over which an Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815–18 (November 9, 1994). The term "Indian Tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." See section 302(r) of the Act; see also 59 FR 43956, 43962 (August 25, 1994); 58 FR 54364 (October 21, 1993).

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) approval requirements for delegation of section 112 standards as promulgated by the EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under Part 70. Therefore, the EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR part 63.

III. Proposed Rulemaking Action

In this action, the EPA is proposing source category-limited interim approval of the part 70 program submitted by the State of Oklahoma. The program was submitted by the State to the EPA for the purpose of complying with Federal requirements found at the 1990 Amendments, title V and at part 70, which mandates that States develop, and submit to the EPA, programs for issuing operating permits to all major stationary sources and certain other sources, with the exception of Indian country. Therefore, the EPA is also promulgating approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

The EPA has reviewed this submittal of the Oklahoma part 70 program and is proposing source category-limited interim approval. Certain defects in the State's regulations preclude the EPA from granting full approval of the State's part 70 program at this time. The EPA is proposing to grant interim approval, subject to the State obtaining the needed regulatory revisions within 18 months after the Administrator's approval of the Oklahoma title V program pursuant to 40 CFR 70.4.

IV. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed rule. Copies of the State's submittal and other information relied upon for the proposed interim approval are contained in a 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, the EPA in the development of this proposed rulemaking. The principal purposes of the docket are:

(1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and

(2) To serve as the record in case of judicial review. The EPA will consider any comments received by April 10, 1995.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

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 impact on a substantial