Consequently, providing for an additional step of EPA review and opportunity to object would unnecessarily slow down this expedited revision track and would also delay access of interested parties to administrative and judicial review.

Moreover, in cases of objections to minor permit modifications filed by affected States, only where EPA had delegated part 71 administration to a State or eligible Tribe would the part 71 permitting authority have to forward to EPA a written response to any of these objections that were not accepted.

Another difference under the part 71 program would be that if the permitting authority failed to act on a public objection, the commenter could file suit in Federal court, rather than State court, to force the permitting authority to take action on the written comment. In addition, commenters would be able to bring suit in Federal court to seek an injunction against the source implementing or continuing to implement requested changes before they are approved. Injunctive relief would be available in accordance with applicable standards for obtaining such relief under Federal law.

Also, only where EPA had delegated a part 71 program to a State or eligible Tribe, would the part 71 permitting authority be required to wait until the date after EPA's 45-day review period had expired, provided EPA had not objected, before issuing the final minor permit revision. The delegate agency would be required to take final action by day 60, or 15 days after the close of EPA's review period, whichever is later. In addition, under part 71 programs, commenters may not petition EPA to object to minor permit revisions for the reasons discussed above with respect to de minimis permit revisions.

 d. Significant Permit Revisions. Following the proposed revisions to part 70, under proposed part 71 the significant permit revision process would essentially follow that of the significant permit modification track in existing part 70. See the description of this process in the Agency's proposed revisions to part 70 (59 FR 44460, Aug. 29, 1994) for the rationale for this approach, which EPA incorporates by reference for purposes of part 71. See also the more detailed description of the part 71 significant permit revision process contained in section 3–F–2d of the Supplementary Information Document.

Proposed part 71 would require the permitting authority to take final action on applications for significant permit revisions within 18 months of receipt of the application. However, because

prompt action on permit revisions is of critical importance to industry, the EPA intends to complete such revisions within 12 months and expects that only the most complex revisions would require more than a year to complete.

e. Alternative Option for Monitoring Changes. Following the proposed revisions to part 70, EPA also proposes as an option in part 71 alternative provisions governing changes involving monitoring requirements. While this option essentially adheres to the 4-track system discussed above, certain provisions of the system would need to be modified to incorporate the alternative option for monitoring changes. The rationale for this alternative option is discussed in detail in the preamble to the proposed revisions to part 70 (see 59 FR 44460, Aug. 29, 1994), and this notice incorporates that rationale by reference, to the extent it is applicable to part 71. As appropriate, EPA intends to match in the final part 71 rule the final part 70 provisions regarding this option. For a more detailed discussion of this option under part 71, see section 3-F-2-e of the Supplementary Information Document.

Under part 71, the source, rather than the permitting authority, would have the responsibility to provide monthly batch public notice of monitoring changes processed under this option's de minimis permit revision track. Moreover, for monitoring changes processed under this option's significant permit revision track, part 71 permitting authorities would be required to send demonstrations and their evaluations to EPA only where EPA has delegated part 71 program administration. Again, EPA believes that expeditious process of de minimis permit revisions is better served by sources providing notice, and that the non-permitting authority EPA review and veto role adds value to the permitting process only where there is a separate entity such as a delegated State functioning as the part 71 permitting authority.

## 3. Incorporation of New Standards

The process by which EPA proposes to incorporate into permits new MACT standards promulgated under section 112 would follow that contained and discussed in detail in the proposed revisions to part 70 (see 59 FR 44460, Aug. 29, 1994). This notice incorporates by reference the rationale for this process contained in the preamble to the proposed revisions to part 70. To the extent appropriate, EPA intends the final part 71 rule to be consistent with the part 70 rule as it is finally promulgated. For a more detailed

discussion of this process for purposes of part 71, see section 3–F–3 of the Supplementary Information Document.

Note that under a delegated part 71 program, if EPA receives the initial notification because the MACT standard has not yet been delegated to the State, local or Tribal agency, EPA will send this notice to the delegate part 71 permitting authority, and upon receipt of this notice the permitting authority could begin processing the administrative amendment. Also, under delegated part 71 programs, where the NSR programs have been enhanced to meet part 71 requirements, minor and major NSR actions would be acceptable for addressing and establishing part 71 permit conditions needed to assure compliance with MACT standards. Thus, the merged preconstruction review process applying to NSR permits could also be used to revise the part 71 permit to incorporate the MACT requirements applicable to the source. If the NSR action were not merged (as would be the case if EPA had not delegated part 71 administration to a State or eligible Tribe), the part 71 revision would be eligible under the minor permit revision track, or, if it met the criteria, the de minimis permit revision track.

## 4. Permit Reopenings

Under proposed § 71.7(i), part 71 would follow the currently promulgated part 70 in providing when and how permits would be reopened. For a more detailed discussion of the part 71 permit reopening procedures, see section 3-F-4 of the Supplementary Information Document. Where EPA has delegated a part 71 program to a State or eligible Tribe, special provisions for EPA notification to the delegate agency that cause exists to reopen would apply. These procedures follow those in existing part 70 for notification to approved part 70 permitting authorities. Briefly, if EPA finds that cause exists to reopen a permit, it would notify the delegate agency and the source. The delegate agency would have 90 days after receipt of this notice to forward to EPA a proposed determination of termination, revision, or revocation and reissuance of the permit. The EPA could extend the 90-day period for an additional 90 days if a new application or additional information is necessary. The EPA could then review the proposed determination for 90 days. If the delegate agency fails to submit a determination or if EPA objects to the determination, EPA may terminate, revise, or revoke and reissue the permit after providing the source at least 30 days written notice and an opportunity