conditionally approve other portions of the Wisconsin State Implementation Plan (SIP) for attainment of the National Ambient Air Quality Standards for ozone. On November 15, 1993, Wisconsin submitted a SIP revision request to the EPA to satisfy the requirements of section 182(a)(2) of the Clean Air Act (Act), and the Federal motor vehicle inspection and maintenance (I/M) rule at 40 CFR part 51, subpart S. This revision establishes and requires the implementation of an enhanced I/M program in the Milwaukee-Racine, and the Sheboygan ozone nonattainment areas. On July 14, 1994, the EPA published a Notice of Proposed Rulemaking (NPRM) for the State of Wisconsin. The NPRM proposed approval of portions of the Wisconsin I/M SIP and conditional approval of other portions on the condition that the State submit additional materials to the EPA during the public comment period on the EPA's proposed rulemaking. On July 28, 1994, the State of Wisconsin supplied the EPA with a supplementary SIP submittal. The EPA received no comments on the NPRM. Therefore the EPA is publishing this final action.

EFFECTIVE DATE: This rule will become effective on February 13, 1995. **ADDRESSES:** Copies of the State's submittals and the EPA's technical support document (TSD) are available for public review at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, Air Toxics and Radiation Branch, Regulation Development Section, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day. FOR FURTHER INFORMATION CONTACT: John

M. Mooney, (312) 886-6043.

SUPPLEMENTARY INFORMATION:

I. Introduction

The CAA requires States to make changes to improve existing I/M programs or implement new ones. Section 182 requires any ozone nonattainment area, which has been classified as "marginal" (pursuant to section 181(a) of the CAA) or worse, with an existing I/M program that was part of a SIP, or any area that was required by the 1977 Amendments to the CAA to have an I/M program, to immediately submit a SIP revision to bring the program up to the level required in past EPA guidance or to what had been committed to previously in the SIP, whichever is more stringent. In addition, all ozone nonattainment

areas classified as moderate or worse must implement a "basic" or an "enhanced" I/M program depending upon their classifications, regardless of previous requirements.

In addition, Congress directed the EPA in section 182(a)(2)(B) to publish updated guidance for State I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. The States were to incorporate this guidance into the SIP for all areas required by the CAA to have an I/M program.

II. Background

The State of Wisconsin currently contains 2 ozone nonattainment areas that are required to implement I/M programs in accordance with the Act. The Milwaukee-Racine ozone nonattainment area is classified as severe-17 and contains the following 6 counties: Kenosha, Racine, Milwaukee, Ozaukee, Waukesha, and Washington Counties. The Sheboygan ozone nonattainment area is classified as moderate and contains 1 county: Sheboygan County. These designations for ozone were published in the Federal Register at 56 FR 56694 (November 6, 1991) and 57 FR 56762 (November 30, 1992), and codified at 40 CFR 81.300-81.437.

On November 15, 1993, the Wisconsin Department of Natural Resources (WDNR) submitted a SIP revision to the EPA that provided for an I/M program in the Milwaukee-Racine and Sheboygan nonattainment areas. Under the requirements of the EPA completeness review procedures, 40 CFR part 51, Appendix V, and the requirements of section 110(k) of the CAA, the submittal was deemed complete by the EPA on January 4, 1994.

In its original review of the State's submittal, the EPA found several areas that did not meet the requirements of the I/M rule. Since the EPA's July 14, 1994, Notice of Proposed Rulemaking, the State has submitted additional materials to meet many of these requirements and provided commitments to adopt and submit additional materials, as necessary, to receive conditional approval on other requirements. These areas are summarized below.

On July 14, 1994, the EPA published a notice proposing approval for portions of the State's submittal, and proposing conditional approval or disapproval on the other sections of the original submittal, despite several deficiencies in the original submittal. This proposed action was made contingent on the State

submitting the missing materials 2 weeks prior to the close of the public comment period.

III. State's Supplemental Submittal

On July 28, 1994, the WDNR submitted supplementary materials to the EPA related to the I/M program in the Milwaukee-Racine and Sheboygan areas in order to remedy the deficiencies in the State's original submittal.

IV. The EPA's Analysis of the State's Supplemental Submittal

The following summary of the State's supplemental submittal is limited to the sections of the State's original submittal that were identified as deficient in the EPA's NPRM. For a discussion of the rest of the State's submittal, see the July 15, 1994 NPRM (59 FR 36123).

A. Enhanced and Basic I/M Performance Standard

While the original submittal addressed some of the requirements of 40 CFR 51.351, the State had not formally submitted the required modeling demonstration. In its supplementary submittal, the State formally submitted a modeling demonstration using the EPA computer model MOBILE5a, which showed that the enhanced performance standard is met in the Milwaukee-Racine and the Sheboygan areas. This modeling demonstration included an estimate of the impact that exempt vehicles will have on emissions reductions achieved by the I/M program. The program still meets the enhanced I/M performance standard after accounting for exempt vehicles. As a result, this section is approvable.

B. Network Type and Program Evaluation

The original submittal did not fully satisfy 40 CFR section 51.353, because it did not include requirements for schedules and methodologies for program evaluation. The State's supplemental submittal institutes a continuous ongoing evaluation program consistent with the Federal I/M rule. The results of the evaluation program will be reported to the EPA on a biennial basis. The supplemental submittal together with the original submittal satisfies 40 CFR 51.353.

C. Adequate Tools and Resources

The original submittal did not fully satisfy 40 CFR 51.354, because it did not include a demonstration that sufficient funds, equipment and personnel are available to meet the program operation requirements of the I/M rule. The State's supplemental submittal included a