opinion, to clarify that the State will ensure that all applicable requirements are identified for any insignificant activities; (6) Section 30(i)(ii) regarding general permits must be revised, or the State must provide an Attorney General's Opinion, to clarify the public notice and comment requirements for general permits; (7) In the Federal Register notice proposing interim approval of the Wyoming PROGRAM, EPA stated that, prior to full PROGRAM approval, the State must clarify that Section 30(h)(i)(J) provides the State with authority to implement emissions trading under a permit cap, which is required by 40 CFR 70.4(b)(12)(iii), or revise Section 30 to provide such authority. In a letter dated November 16, 1994, the State of Wyoming clarified that it has the authority to implement the emissions trading under permit caps provision of 40 CFR 70.4(b)(12)(iii). EPA concurs with the State's authority to implement this provision; however, we are currently reevaluating the State's regulations to determine if a regulatory revision is also needed, prior to full PROGRAM approval, to assure consistency with the provisions of 40 CFR 70.4(b)(12)(iii); (8) The State must provide a definition of "Indian lands."

Refer to the technical support document accompanying this rulemaking for a detailed explanation of

each PROGRAM deficiency.

This interim approval, which may not be renewed, extends until February 19, 1997. During this interim approval period, the State of Wyoming is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal operating permits program in the State of Wyoming. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the 3-year time period for processing the initial permit applications.

If the State of Wyoming fails to submit a complete corrective program for full approval by August 19, 1996, EPA will start an 18-month clock for mandatory sanctions. If the State of Wyoming then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that the State of Wyoming has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of

the State of Wyoming, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determined that the State of Wyoming had come into compliance. In any case, if, six months after application of the first sanction, the State of Wyoming still has not submitted a corrective program that EPA has found complete, a second sanction

will be required.

If EPA disapproves the State of Wyoming's complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the State of Wyoming has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of the State of Wyoming, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that the State of Wyoming has come into compliance. In all cases, if, six months after EPA applies the first sanction, the State of Wyoming has not submitted a revised program that EPA has determined corrects the deficiencies, a second sanction is required.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if the State of Wyoming has not timely submitted a complete corrective program or EPA has disapproved its submitted corrective program. Moreover, if EPA has not granted full approval to the State of Wyoming program by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for the State of Wyoming upon interim

approval expiration.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by 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 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.

III. Administrative Requirements

A. Docket

Copies of the State's submittal and other information relied upon for the final interim approval, including public comments received and reviewed by EPA on the proposal, are maintained in a docket at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: December 27, 1994. Kerrigan G. Clough, Acting Regional Administrator.

Part 70, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding the entry for Wyoming in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating **Permits Programs**

Wyoming

(a) Department of Environmental Quality: submitted on November 19, 1993; effective on February 21, 1995;