

1995, except the expiration date of the operating permit.

(6) Crawford Furniture Manufacturing Corp.—OP 16-021, effective March 27, 1995.

(7) Schuylkill Energy Resources—OP 54-0003, effective May 19, 1995, except the expiration date of the operating permit.

(8) Panther Creek Partners—OP 13-0003, effective May 19, 1995, except the expiration date of the operating permit, the non-VOC emission requirements in condition (7), and conditions (8) and (9).

(9) Columbia Gas Transmission Company—Milford—OP 52-0001, effective May 19, 1995, except the expiration date of the operating permit.

(10) Texas Eastern Transmission Corp.—OP 31-2003, effective May 16, 1995, except the expiration date of the operating permit.

(11) Columbia Gas Transmission Corp.—Greencastle—OP 28-2003, effective April 21, 1995, except the expiration date of the operating permit.

(12) Lord Corporation—OP 25-095, effective March 30, 1995.

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40 CFR Part 70

[AR-FRL-5293-1]

Clean Air Act Final Interim Approval of Operating Permits Program; the State of Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Interim Approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits program submitted by the Arkansas Department of Pollution Control and Ecology (ADPCE) for the State of Arkansas for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: October 10, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location:

U. S. Environmental Protection Agency, Region 6, Air Programs Branch (6PD-R), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72219-8913.

FOR FURTHER INFORMATION CONTACT: Wm. Nicholas Stone, Air Permits Section (6PD-R), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665-7226.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the 1990 Clean Air Act Amendments, sections 501-507 of the Clean Air Act ("the Act"), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that States develop and submit Operating Permits programs to the EPA by November 15, 1993, and that the EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, the EPA may grant the program interim approval for a period of up to two years. If the EPA has not fully approved a program by two years after the date of November 15, 1993, or by the end of an interim program, it must establish and implement a Federal program.

On September 19, 1994, the EPA proposed interim approval of the Operating Permits program for the State of Arkansas. See 59 FR 47828 (September 19, 1994). The EPA received public comment on the proposal and compiled a Technical Support Document which describes the Operating Permits program in greater detail. In this document, the EPA is taking final action to promulgate interim approval of the Operating Permits program for the State of Arkansas.

II. Final Action and Implications

A. Analysis of State Submission

The State of Arkansas submitted to the EPA, under a cover letter from the Governor dated October 29, 1993, the State's Operating Permits program. The submittal has adequately addressed all 16 elements required for full approval as discussed in part 70, with the exception of five interim issues listed in the proposal: (1) Reference of Prevention of Significant Deterioration (PSD) applicability for new construction and modification, (2) incorporation by reference of the part 70 provisions regarding complete application requirements and permit content requirements, (3) revision of the minor modification procedure, (4) providing a

definition of the term "prompt", and (5) submission of a State Implementation Plan (SIP) revision for Regulation 19 consistent with Regulation 26. The State of Arkansas appropriately addressed all requirements necessary to receive interim approval of the State Operating Permits program pursuant to title V of the Act and 40 CFR part 70.

B. Response to Comments

Comments were received from three groups during the comment period that ran from September 19, 1994, until October 19, 1994. Listed below are the responses to comments received on the proposed interim approval for the Arkansas Operating Permits program.

1. Section 112(g) Implementation

Comments were made that the EPA should not allow Arkansas to implement section 112(g) until Federal rulemaking is complete. Also, objections were made to the State's use of its preconstruction permit process to implement section 112(g) requirements.

The EPA does not agree with the comment. In its proposed interim approval of Arkansas' part 70 program, the EPA proposed to approve the State's preconstruction review program for the purpose of implementing section 112(g) during the transition period before promulgation of a Federal rule implementing section 112(g). This proposal was based in part on an interpretation of the Act that would require sources to comply with section 112(g) beginning on the date of approval of the title V program, regardless of whether the EPA had completed its section 112(g) rulemaking. The EPA has since revised this interpretation of the Act in a **Federal Register** notice published on February 14, 1995, 60 FR 8333. The revised interpretation postpones the effective date of section 112(g) until after the EPA has promulgated a rule addressing that provision. The revised notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that the EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow States time to adopt rules implementing the Federal rule, and that the EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until the EPA provides for such an additional postponement of section 112(g), Arkansas must be able to implement section 112(g) during the transition period between promulgation of the Federal section 112(g) rule and