

### Administrative Procedure Act

Because this final rule concerns agency organization, procedure, or practice, pursuant to 5 U.S.C. 553(b), it is exempt from notice and comment requirements. Further, we have concluded that, because this final rule only brings 38 CFR 19.14 and 20.102 into conformity with existing regulations in Parts 19 and 20 of title 38, there is good cause for dispensing with a delayed effective date as unnecessary.

### Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This final rule would have no such effect on State, local, or tribal governments, or the private sector.

### Paperwork Reduction Act

This document contains no provisions constituting a new collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3521).

### Regulatory Flexibility Act

Because this final rule is not a “rule” as defined in 5 U.S.C. 601(2), it is not subject to the Regulatory Flexibility Act, 5 U.S.C. 601–612. Nevertheless, the Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The changes made by this rule will not have a significant economic impact on any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

### List of Subjects in 38 CFR Parts 19 and 20

Administrative practice and procedure, Claims, Veterans.

Approved: January 26, 2005.

**Anthony J. Principi,**  
Secretary of Veterans Affairs.

■ For the reasons set forth in the preamble, 38 CFR parts 19 and 20 are amended as follows:

#### **PART 19—BOARD OF VETERANS’ APPEALS: APPEALS REGULATIONS**

■ 1. The authority citation for part 19 continues to read as follows:

**Authority:** 38 U.S.C. 501(a), unless otherwise noted.

#### **§ 19.14 [Amended]**

- 2. Section 19.14 is amended by:
  - a. Removing “, 19.3(c),” from paragraph (a); and
  - b. Removing “§ 19.3(d) and” from paragraph (b).

#### **PART 20—BOARD OF VETERANS’ APPEALS: RULES OF PRACTICE**

■ 3. The authority citation for part 20 continues to read as follows:

**Authority:** 38 U.S.C. 501(a) and as noted in specific sections.

#### **§ 20.102 [Amended]**

- 4. Section 20.102 is amended by:
  - a. Removing paragraph (a);
  - b. Redesignating paragraphs (b) and (c) as paragraphs (a) and (b), respectively;
  - c. Removing “608(b),” “20.608(b),” and the commas after “717(d)” and “20.717(d)” from newly designated paragraph (a);
  - d. Removing “606(e)” and “20.606(e)” from newly designated paragraph (b) and adding, in their places, “606(d)” and “20.606(d)”, respectively.

[FR Doc. 05–3498 Filed 2–23–05; 8:45 am]

**BILLING CODE 8320–01–U**

### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

[MN–86–1; FRL–7867–5]

#### **Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; Notice of administrative change.

**SUMMARY:** EPA is revising the format of 40 CFR part 52 for materials submitted by the state of Minnesota that are incorporated by reference (IBR) into its State Implementation Plan (SIP). The regulations affected by this format change have all been previously submitted by Minnesota and approved by EPA.

This format revision will primarily affect the “Identification of plan” section of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the National Archives and Records Administration (NARA), the Air and Radiation Docket and Information Center located at EPA Headquarters in Washington, DC, and the EPA Region 5

Office. EPA is also adding a table in the “Identification of plan” section which summarizes the approval actions that EPA has taken on the non-regulatory and quasi-regulatory portions of the Minnesota SIP. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or state-submitted materials not subject to IBR review remain unchanged.

**DATES:** *Effective Date:* This final rule is effective on February 24, 2005.

**ADDRESSES:** SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 5, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue NW., Room B108, Washington, DC 20460; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

#### **FOR FURTHER INFORMATION CONTACT:**

Christos Panos, Environmental Engineer, (312) 353–8328, at the above Region 5 address or by e-mail at [panos.christos@epa.gov](mailto:panos.christos@epa.gov).

**SUPPLEMENTARY INFORMATION:** The supplementary information is organized in the following order:

- I. Background
  - Description of a SIP
  - How EPA Enforces SIPs
  - How the State and EPA Update the SIP
  - How EPA Compiles the SIP
  - How EPA Organizes the SIP Compilation
  - Where You Can Find a Copy of the SIP Compilation
  - The Format of the New Identification of Plan Section
  - When a SIP Revision Becomes Federally Enforceable
  - The Historical Record of SIP Revision Approvals
- II. What EPA Is Doing in This Action
- III. Statutory and Executive Order Reviews

#### **I. Background**

*Description of a SIP*—Each state has a SIP containing the control measures and strategies used to attain and maintain the National Ambient Air Quality Standards (NAAQS). The SIP is extensive, containing elements covering a variety of subjects, such as air pollution control regulations, emission inventories, monitoring networks, attainment demonstrations, and enforcement mechanisms.

*How EPA Enforces SIPs*—Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

Once these control measures and strategies are approved by EPA, after notice and comment rulemaking, they are incorporated into the federally approved SIP and are identified in Title 40 of the Code of Federal Regulations part 52 (Approval and Promulgation of Implementation Plans), (40 CFR part 52). The actual state regulations approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are “incorporated by reference,” which means that EPA has approved a given state regulation with a specific effective date. This format allows both EPA and the public to know which measures are contained in a given SIP and ensures that the state is enforcing the regulations. It also allows EPA and the public to take enforcement action, should a state not enforce its SIP-approved regulations.

*How the State and EPA Update the SIP*—The SIP is a living document which can be revised as necessary to address the unique air pollution problems in the state. Therefore, EPA must, from time to time, take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference federally approved SIPs, as a result of consultations between EPA and the Office of the Federal Register (OFR).

EPA began the process of developing: (1) A revised SIP document for each state that would be incorporated by reference under the provisions of title 1 CFR part 51; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR; and (3) a revised format of the “Identification of plan” sections for each applicable subpart to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures, and “Identification of plan” format are discussed in further detail in the May 22, 1997, **Federal Register** document.

*How EPA Compiles the SIP*—The federally approved regulations, source-specific requirements, and nonregulatory provisions (entirely or portions of) submitted by each state agency have been organized by EPA into a “SIP compilation.” The SIP compilation contains the updated regulations, source-specific

requirements, and nonregulatory provisions approved by EPA through previous rulemaking actions in the **Federal Register**. The compilation is contained in three-ring binders and will be updated, primarily on an annual basis. The nonregulatory provisions are available by contacting Christos Panos at the Regional Office.

*How EPA Organizes the SIP Compilation*—Each compilation contains three parts. Part one contains the regulations, part two contains the source-specific requirements that have been approved as part of the SIP, and part three contains nonregulatory provisions that have been approved by EPA. Each part consists of a table of identifying information for each SIP-approved regulation, each SIP-approved source-specific requirement, and each nonregulatory SIP provision. In this action, EPA is publishing the tables summarizing the applicable SIP requirements for Minnesota. The effective dates in the tables indicate the date of the most recent revision of each regulation. The EPA Regional Offices have the primary responsibility for updating the compilation and ensuring its accuracy.

*Where You Can Find a Copy of the SIP Compilation*—EPA’s Region 5 Office developed and will maintain the compilation for Minnesota. A copy of the full text of Minnesota’s regulatory and source-specific compilation will also be maintained at NARA and EPA’s Air Docket and Information Center.

*The Format of the New Identification of Plan Section*—In order to better serve the public, EPA revised the organization of the “Identification of plan” section and included additional information to clarify the enforceable elements of the SIP.

The revised Identification of plan section contains five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA approved regulations, (d) EPA approved source specific permits, and (e) EPA approved nonregulatory and quasi-regulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

*When a SIP Revision Becomes Federally Enforceable*—All revisions to the applicable SIP become federally enforceable as of the effective date of the revisions to paragraphs (c), (d), or (e) of the applicable Identification of plan section found in each subpart of 40 CFR part 52.

*The Historical Record of SIP Revision Approvals*—To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new

SIP processing system, EPA retains the original Identification of plan section, previously appearing in the CFR as the first or second section of part 52 for each state subpart. After an initial two-year period, EPA will review its experience with the new system and enforceability of previously approved SIP measures and will decide whether or not to retain the Identification of plan appendices for some further period.

## II. What EPA Is Doing in This Action

Today’s rule constitutes a “housekeeping” exercise to ensure that all revisions to the state programs that have occurred are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

EPA has determined that today’s rule falls under the “good cause” exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding “good cause,” authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today’s rule simply codifies provisions which are already in effect as a matter of law in Federal and approved state programs.

Under section 553 of the APA, an agency may find good cause where procedures are “impractical, unnecessary, or contrary to the public interest.” Public comment is “unnecessary” and “contrary to the public interest” since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations.

## III. Statutory and Executive Order Reviews

### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. This rule is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative

Procedure Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This rule does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rules are discussed in previous actions taken on the State's rules.

### *B. Submission to Congress and the Comptroller General*

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. Today's action simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of February 24, 2005. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

### *C. Petitions for Judicial Review*

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Minnesota SIP compilation had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for these "Identification of plan" reorganization actions for Minnesota.

### **List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 13, 2005.

**Norman Niedergang,**

*Acting Regional Administrator, Region 5.*

■ Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

### **PART 52—[AMENDED]**

■ 1. The authority for citation for part 52 continues to read as follows:

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

### **Subpart Y—Minnesota**

#### **§ 52.1220 [Redesignated as § 52.1222]**

■ 2. Section 52.1220 is redesignated as § 52.1222 and the section heading and paragraph (a) are revised to read as follows:

#### **§ 52.1222 Original Identification of plan section.**

(a) This section identifies the original "Air Implementation Plan for the State of Minnesota" and all revisions submitted by Minnesota that were federally approved prior to December 1, 2004.

\* \* \* \* \*

■ 3. A new § 52.1220 is added to read as follows:

#### **§ 52.1220 Identification of plan.**

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Minnesota under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet National Ambient Air Quality Standards.

(b) *Incorporation by reference.*

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 1, 2004, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with the EPA approval dates after December 1, 2004, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 5 certifies that the rules/regulations provided by the EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of December 1, 2004.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 5, Air

Programs Branch, 77 West Jackson Boulevard, Chicago, IL 60604; the EPA, Air and Radiation Docket and Information Center, 1301 Constitution Avenue NW., Room B108, Washington,

DC 20460; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/>

*federal\_register/code\_of\_federal\_regulations/ibr\_locations.html*.  
(c) EPA approved regulations.

EPA—APPROVED MINNESOTA REGULATIONS

Minnesota citation	Title/subject	State effective date	EPA approval date	Comments
<b>CHAPTER 7001 PERMITS AND CERTIFICATIONS</b>				
7001.0020 .....	Scope .....	08/10/93	05/02/95, 60 FR 21447 ..	Only items I and J.
7001.0050 .....	Written application .....	08/10/93	05/02/95, 60 FR 21447 ..	Only item I.
7001.0140 .....	Final determination .....	08/10/93	05/02/95, 60 FR 21447 ..	Only Subp. 2F.
7001.0180 .....	Justification to commence revocation without reissuance of permit.	08/10/93	05/02/95, 60 FR 21447 ..	Only item D.
7001.0550 .....	Contents of part a of application .....	08/10/93	05/02/95, 60 FR 21447 ..	Only items E and J(3).
7001.3050 .....	Permit requirements .....	08/10/93	05/02/95, 60 FR 21447 ..	Only Subp. 3E.
<b>CHAPTER 7002 PERMIT FEES</b>				
7002.0005 .....	Scope .....	08/10/93	05/02/95, 60 FR 21447 ..	Only Subp. 1 and 2.
7002.0015 .....	Definitions .....	08/10/93	05/02/95, 60 FR 21447 ..	
<b>CHAPTER 7005 DEFINITIONS AND ABBREVIATIONS</b>				
7005.0100 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411 ..	All except 25(a), NESHAP definition.
7005.0110 .....	Abbreviations .....	10/18/93	05/24/95, 60 FR 27411 ..	
<b>CHAPTER 7007 AIR EMISSION PERMITS</b>				
7007.0050 .....	Scope .....	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 9a, 12a, 12b, 17, 18a, and 28.
7007.0100 .....	Definitions .....	08/10/93	05/02/95, 60 FR 21447 ..	
		12/27/94	05/18/99, 64 FR 26880 ..	
7007.0150 .....	Permit required .....	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 2 and 4.
		12/27/94	05/18/99, 64 FR 26880 ..	
7007.0200 .....	Sources required or allowed to obtain a part 70 permit.	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 1.
		12/27/94	05/18/99, 64 FR 26880 ..	
7007.0250 .....	Sources required to obtain a state permit .....	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 1 and 7.
		12/27/94	05/18/99, 64 FR 26880 ..	
7007.0300 .....	Sources not required to obtain a permit .....	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 1.
		12/27/94	05/18/99, 64 FR 26880 ..	
7007.0350 .....	Existing source application deadlines and source operation during transition.	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 1A.
		12/27/94	05/18/99, 64 FR 26880 ..	
7007.0400 .....	Permit reissuance applications after transition; new source and permit amendment applications; applications for sources newly subject to a Part 70 or State permit requirement.	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 1 and 4.
		12/27/94	05/18/99, 64 FR 26880 ..	
7007.0450 .....	Permit reissuance applications and continuation of expiring permits.	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 2C.
		12/27/94	05/18/99, 64 FR 26880 ..	
7007.0500 .....	Content of permit application .....	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 5.
7007.0550 .....	Confidential information .....	08/10/93	05/02/95, 60 FR 21447 ..	
7007.0600 .....	Complete application and supplemental information requirements.	08/10/93	05/02/95, 60 FR 21447 ..	
7007.0650 .....	Who receives an application .....	08/10/93	05/02/95, 60 FR 21447 ..	
7007.0700 .....	Completeness review .....	08/10/93	05/02/95, 60 FR 21447 ..	
7007.0750 .....	Application priority and issuance timelines .....	08/10/93	05/02/95, 60 FR 21447 ..	
7007.0800 .....	Permit content .....	08/10/93	05/02/95, 60 FR 21447 ..	
		02/28/95	10/14/97, 62 FR 53239 ..	Revised Subp. 6.C(5).
7007.0850 .....	Permit application notice and comment .....	08/10/93	05/02/95, 60 FR 21447 ..	Revised Subp. 3a.
7007.0900 .....	Review of part 70 permits by affected states .....	08/10/93	05/02/95, 60 FR 21447 ..	
7007.0950 .....	EPA review and objection .....	08/10/93	05/02/95, 60 FR 21447 ..	
7007.1000 .....	Permit issuance and denial .....	08/10/93	05/02/95, 60 FR 21447 ..	
7007.1050 .....	Duration of permits .....	08/10/93	05/02/95, 60 FR 21447 ..	
		12/27/94	05/18/99, 64 FR 26880 ..	
		08/10/93	05/02/95, 60 FR 21447 ..	
7007.1100 .....	General permits .....	08/10/93	05/02/95, 60 FR 21447 ..	
7007.1110 .....	Registration permit general requirements .....	12/27/94	05/18/99, 64 FR 26880 ..	
7007.1115 .....	Registration permit option a .....	12/27/94	05/18/99, 64 FR 26880 ..	

## EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7007.1120 .....	Registration permit option b .....	12/27/94	05/18/99, 64 FR 26880 ..	
7007.1130 .....	Registration permit option d .....	12/27/94	05/18/99, 64 FR 26880 ..	
7007.1150 .....	When a permit amendment is required .....	08/10/93	05/02/95, 60 FR 21447.	
7007.1200 .....	Calculating emission changes for permit amendments .....	12/27/94	05/18/99, 64 FR 26880 ..	Revised Subp. (C).
7007.1250 .....	Insignificant modifications .....	12/27/94	05/18/99, 64 FR 26880 ..	
7007.1251 .....	Hazardous air pollutant thresholds .....	12/27/94	05/18/99, 64 FR 26880 ..	Revised Subp. 1.
7007.1300 .....	Insignificant activities list .....	08/10/93	05/02/95, 60 FR 21447.	
7007.1350 .....	Changes which contravene certain permit terms .....	12/27/94	05/18/99, 64 FR 26880 ..	Revised Subp. 2, 3, and 4.
7007.1400 .....	Administrative permit amendments .....	08/10/93	05/02/95, 60 FR 21447.	
7007.1450 .....	Minor and moderate permit amendments .....	08/10/93	05/02/95, 60 FR 21447.	
7007.1500 .....	Major permit amendments .....	12/27/94	05/18/99, 64 FR 26880 ..	Revised Subp. 2.
7007.1600 .....	Permit reopening and amendment by agency .....	08/10/93	05/02/95, 60 FR 21447.	
7007.1650 .....	Reopenings for cause by EPA .....	08/10/93	05/02/95, 60 FR 21447.	
7007.1700 .....	Permit revocation by agency .....	08/10/93	05/02/95, 60 FR 21447.	
7007.1750 .....	Federal enforceability .....	08/10/93	05/02/95, 60 FR 21447.	
7007.1800 .....	Permit shield .....	08/10/93	05/02/95, 60 FR 21447.	
7007.1850 .....	Emergency provision .....	08/10/93	05/02/95, 60 FR 21447.	

## Offsets

7007.4000 .....	Scope .....	10/18/93	05/24/95, 60 FR 27411.	
7007.4010 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7007.4020 .....	Conditions for permit .....	10/18/93	05/24/95, 60 FR 27411.	
7007.4030 .....	Limitation on use of offsets .....	10/18/93	05/24/95, 60 FR 27411.	

## CHAPTER 7009 AMBIENT AIR QUALITY STANDARDS

7009.0010 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7009.0020 .....	Prohibited emissions .....	10/18/93	05/24/95, 60 FR 27411.	
7009.0050 .....	Measurement methodology, except for hydrogen sulfide.	10/18/93	05/24/95, 60 FR 27411.	
7009.0060 .....	Measurement methodology for hydrogen sulfide .....	10/18/93	05/24/95, 60 FR 27411.	
7009.0070 .....	Time of compliance .....	10/18/93	05/24/95, 60 FR 27411.	
7009.0080 .....	State ambient air quality standards .....	10/18/93	05/24/95, 60 FR 27411.	
7009.1000 .....	Air pollution episodes .....	10/18/93	05/24/95, 60 FR 27411.	
7009.1010 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7009.1020 .....	Episode levels .....	10/18/93	05/24/95, 60 FR 27411.	
7009.1030 .....	Episode declaration .....	10/18/93	05/24/95, 60 FR 27411.	
7009.1040 .....	Control actions .....	10/18/93	05/24/95, 60 FR 27411.	
7009.1050 .....	Emergency powers .....	10/18/93	05/24/95, 60 FR 27411.	
7009.1060 .....	Table 1 .....	10/18/93	05/24/95, 60 FR 27411.	
7009.1070 .....	Table 2: emission reduction objectives for particulate matter.	10/18/93	05/24/95, 60 FR 27411.	
7009.1080 .....	Table 3: emission objectives for sulfur oxides .....	10/18/93	05/24/95, 60 FR 27411.	
7009.1090 .....	Table 4: emission reduction objectives for nitrogen oxides.	10/18/93	05/24/95, 60 FR 27411.	
7009.1100 .....	Table 5: emission reduction objectives for hydrocarbons.	10/18/93	05/24/95, 60 FR 27411.	
7009.1110 .....	Table 6: emission reduction objectives for carbon monoxide.	10/18/93	05/24/95, 60 FR 27411.	

## General Conformity Rule

7009.9000 .....	Determining conformity of general federal actions to state or federal implementation plans.	11/20/95	04/23/97, 62 FR 19674.	
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## CHAPTER 7011 STANDARDS FOR STATIONARY SOURCES

7011.0010 .....	Applicability of standards of performance .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0020 .....	Circumvention .....	07/13/98	05/13/02, 67 FR 31963 ..	Revised Subp. 4 and 5
7011.0060 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0061 .....	Incorporation by reference .....	12/27/94	05/18/99, 64 FR 26880.	
7011.0065 .....	Applicability .....	12/27/94	05/18/99, 64 FR 26880.	
7011.0070 .....	Listed control equipment and control equipment efficiencies.	12/27/94	05/18/99, 64 FR 26880.	
7011.0075 .....	Listed control equipment general requirements .....	12/27/94	05/18/99, 64 FR 26880.	

## EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7011.0080 .....	Monitoring and record keeping for listed control equipment.	12/27/94	05/18/99, 64 FR 26880.	
<b>Opacity</b>				
7011.0100 .....	Scope .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0105 .....	Visible emission restrictions for existing facilities .....	07/13/98	05/13/02, 67 FR 31963.	
7011.0110 .....	Visible emission restrictions for new facilities .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0115 .....	Performance tests .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0150 .....	Preventing particulate matter from becoming airborne	10/18/93	05/24/95, 60 FR 27411.	
<b>Indirect Heating Equipment</b>				
7011.0500 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0505 .....	Determination of applicable standards of performance	10/18/93	05/24/95, 60 FR 27411.	
7011.0510 .....	Standards of performance for existing indirect heating equipment.	10/18/93	05/24/95, 60 FR 27411.	
7011.0515 .....	Standards of performance for new indirect heating equipment.	07/13/98 10/18/93	05/13/02, 67 FR 31963 .. 05/24/95, 60 FR 27411.	Revised Subp. 2.
7011.0520 .....	Allowance for stack height for indirect heating equipment.	07/13/98 10/18/93	05/13/02, 67 FR 31963 .. 05/24/95, 60 FR 27411.	Revised Subp. 2.
7011.0525 .....	High heating value .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0530 .....	Performance test methods .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0535 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0540 .....	Derate .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0545 .....	Table I: Existing indirect heating equipment .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0550 .....	Table II: New indirect heating equipment .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Direct Heating Equipment</b>				
7011.0600 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0605 .....	Determination of applicable standards of performance	10/18/93	05/24/95, 60 FR 27411.	
7011.0610 .....	Standards of performance for fossil-fuel-burning direct heating equipment.	10/18/93	05/24/95, 60 FR 27411.	
7011.0615 .....	Performance test methods .....	07/13/98 10/18/93	05/13/02, 67 FR 31963 .. 05/24/95, 60 FR 27411.	Revised Subp. 1(A).
7011.0620 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0625 .....	Record keeping and reporting for direct heating units combusting solid waste.	04/03/98	08/12/98, 63 FR 43080.	
<b>Industrial Process Equipment</b>				
7011.0700 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0705 .....	Scope .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0710 .....	Standards of performance for pre-1969 industrial process equipment.	10/18/93	05/24/95, 60 FR 27411.	
7011.0715 .....	Standards of performance for post-1969 industrial process equipment.	07/13/98 10/18/93	05/13/02, 67 FR 31963 .. 05/24/95, 60 FR 27411.	Revised Subp. 1(B).
7011.0720 .....	Performance test methods .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0725 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0730 .....	Table 1 .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0735 .....	Table 2 .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Portland Cement Plants</b>				
7011.0800 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0805 .....	Standards of performance for existing portland cement plants.	07/13/98	05/13/02, 67 FR 31963.	
7011.0815 .....	Monitoring of operations .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0820 .....	Performance test methods .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0825 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Asphalt Concrete Plants</b>				
7011.0900 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0903 .....	Compliance with ambient air quality standards .....	10/18/93	05/24/95, 60 FR 27411.	
7011.0905 .....	Standards of performance for existing asphalt concrete plants.	10/18/93	05/24/95, 60 FR 27411.	

## EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7011.0909 .....	Standards of performance for new hot mix asphalt plants.	10/18/93	05/24/95, 60 FR 27411.	
7011.0915 .....	Test methods. ....	10/18/93	05/24/95, 60 FR 27411.	
7011.0920 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Grain Elevators</b>				
7011.1000 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	Entire rule except Subp. 2.
7011.1005 .....	Standards of performance for dry for bulk agricultural commodity facilities.	10/18/93	05/24/95, 60 FR 27411 ..	
7011.1010 .....	Nuisance .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1015 .....	Control requirements schedule .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Coal Handling Facilities</b>				
7011.1100 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1105 .....	Standards of performance for certain coal handling facilities.	10/18/93	05/24/95, 60 FR 27411.	
7011.1110 .....	Standards of performance for existing outstate coal handling facilities.	10/18/93	05/24/95, 60 FR 27411.	
7011.1115 .....	Standards of performance for pneumatic coal-cleaning equipment and thermal dryers at any coal handling facility.	10/18/93	05/24/95, 60 FR 27411.	
7011.1120 .....	Exemption .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1125 .....	Cessation of operations .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1135 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1140 .....	Dust suppressant agents .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Incinerators</b>				
7011.1201 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1202 .....	Standards of performance for existing incinerators .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1203 .....	Standards of performance for new incinerators. ....	10/18/93	05/24/95, 60 FR 27411.	
7011.1204 .....	Monitoring of operations .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1205 .....	Incorporations by reference .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1206 .....	Performance test methods .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1207 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Sewage Sludge Incinerators</b>				
7011.1300 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	Revised Subp. (C)
7011.1305 .....	Standards of performance for existing sewage sludge incinerators.	10/18/93	05/24/95, 60 FR 27411.	
7011.1310 .....	Standards of performance for new sewage sludge incinerators.	07/13/98 10/18/93	05/13/02, 67 FR 31963 .. 05/24/95, 60 FR 27411.	
7011.1315 .....	Monitoring of operations .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1320 .....	Performance test methods .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1325 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Petroleum Refineries</b>				
7011.1400 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1405 .....	Standards of performance for existing affected facilities at petroleum refineries.	10/18/93	05/24/95, 60 FR 27411.	
7011.1410 .....	Standards of performance for new affected facilities at petroleum refineries.	07/13/98 10/18/93	05/13/02, 67 FR 31963 .. 05/24/95, 60 FR 27411.	Revised Subp. 1 and 3.
7011.1415 .....	Exemptions .....	07/13/98	05/13/02, 67 FR 31963 ..	Revised Subp. 1, 3(B), 3(C)(2)
7011.1420 .....	Emission monitoring .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1425 .....	Performance test methods .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1430 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Liquid Petroleum and VOC Storage Vessels</b>				
7011.1500 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1505 .....	Standards of performance for storage vessels .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1510 .....	Monitoring of operations .....	10/18/93	05/24/95, 60 FR 27411.	

## EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7011.1515 .....	Exception .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Sulfuric Acid Plants</b>				
7011.1600 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1605 .....	Standards of performance of existing sulfuric acid production units.	10/18/93	05/24/95, 60 FR 27411.	
7011.1615 .....	Continuous emission monitoring .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1620 .....	Performance test methods .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1625 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1630 .....	Exceptions .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Nitric Acid Plants</b>				
7011.1700 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1705 .....	Standards of performance for existing nitric acid production units.	10/18/93	05/24/95, 60 FR 27411.	
7011.1715 .....	Emission monitoring .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1720 .....	Performance test methods .....	10/18/93	05/24/95, 60 FR 27411.	
7011.1725 .....	Performance test procedures .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Inorganic Fibrous Materials</b>				
7011.2100 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7011.2105 .....	Spraying of inorganic fibrous materials .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Stationary Internal Combustion Engines</b>				
7011.2300 .....	Standards of performance for stationary internal combustion engines.	10/18/93	05/24/95, 60 FR 27411.	
<b>CHAPTER 7017 MONITORING AND TESTING REQUIREMENTS</b>				
7017.0100 .....	Establishing violations .....	02/28/95	10/14/97, 62 FR 53239.	
<b>CEMS</b>				
7017.1000 .....	Continuous monitoring .....	10/18/93	05/24/95, 60 FR 27411.	
<b>Performance Tests</b>				
7017.2001 .....	Applicability .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2005 .....	Definitions .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2010 .....	Incorporation of test methods by reference .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2015 .....	Incorporation of federal testing requirements by reference.	07/13/98	05/13/02, 67 FR 31963.	
7017.2018 .....	Submittals .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2020 .....	Performance tests general requirements .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2025 .....	Operational requirements and limitations .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2030 .....	Performance test pretest requirements .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2035 .....	Performance test reporting requirements .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2040 .....	Certification of performance test results .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2045 .....	Quality assurance requirements .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2050 .....	Performance test methods .....	07/13/98	05/13/02, 67 FR 31963.	
7017.2060 .....	Performance test procedures .....	07/13/98	05/13/02, 67 FR 31963.	
<b>CHAPTER 7019 EMISSION INVENTORY REQUIREMENTS</b>				
7019.1000 .....	Shutdowns and breakdowns .....	10/18/93	05/24/95, 60 FR 27411.	
7019.2000 .....	Reports .....	10/18/93	05/24/95, 60 FR 27411.	
7019.3000 .....	Emission inventory .....	10/18/93	05/24/95, 60 FR 27411.	
7019.3010 .....	Calculation of actual emissions for emission inventory	10/18/93	05/24/95, 60 FR 27411.	
<b>CHAPTER 7023 MOBILE AND INDIRECT SOURCES</b>				
7023.0100 .....	Definitions .....	10/18/93	05/24/95, 60 FR 27411.	
7023.0105 .....	Standards of performance for motor vehicles .....	10/18/93	05/24/95, 60 FR 27411.	
7023.0110 .....	Standards of performance for trains, boats, and construction equipment.	10/18/93	05/24/95, 60 FR 27411.	
7023.0115 .....	Exemption .....	10/18/93	05/24/95, 60 FR 27411.	
7023.0120 .....	Air pollution control systems restrictions .....	10/18/93	05/24/95, 60 FR 27411.	



EPA—APPROVED MINNESOTA REGULATIONS—Continued

Minnesota citation	Title / subject	State effective date	EPA approval date	Comments
7023.1010 .....	Definitions .....	01/08/94	10/29/99, 64 FR 58344 ..	Entire rule except for Subp. 35(B)
7023.1015 .....	Inspection Requirement .....	01/08/94	10/29/99, 64 FR 58344.	
7023.1020 .....	Description of Inspection and Documents Required ....	01/08/94	10/29/99, 64 FR 58344.	Entire rule except for Subp. 11(B, C)
7023.1025 .....	Tampering Inspection .....	01/08/94	10/29/99, 64 FR 58344.	
7023.1030 .....	Exhaust Emission Test .....	01/08/94	10/29/99, 64 FR 58344 ..	
7023.1035 .....	Reinspections .....	01/08/94	10/29/99, 64 FR 58344.	
7023.1040 .....	Vehicle Inspection Report .....	01/08/94	10/29/99, 64 FR 58344.	Entire rule except for Subp. 1 (E)(2).
7023.1045 .....	Certificate of Compliance .....	01/08/94	10/29/99, 64 FR 58344.	
7023.1050 .....	Vehicle Noncompliance and Repair .....	01/08/94	10/29/99, 64 FR 58344.	
7023.1055 .....	Certificate of Waiver .....	01/08/94	10/29/99, 64 FR 58344 ..	
7023.1060 .....	Emission Control Equipment Inspection as a Condition of Waiver.	01/08/94	10/29/99, 64 FR 58344.	
7023.1065 .....	Repair Cost Limit and Low Emission Adjustment .....	01/08/94	10/29/99, 64 FR 58344.	Entire rule except for Subp. 1 (E)(2).
7023.1070 .....	Certificate of Temporary Extension, Certificate of Annual Exemption, and Certificate of Exemption.	01/08/94	10/29/99, 64 FR 58344.	
7023.1075 .....	Evidence of Meeting State Inspection Requirements ..	01/08/94	10/29/99, 64 FR 58344.	Entire rule except for Subp. 1 (E)(2).
7023.1080 .....	Fleet Inspection Station Permits, Procedures, and Inspection.	01/08/94	10/29/99, 64 FR 58344.	
7023.1085 .....	Inspection Stations Testing Fleet Vehicles .....	01/08/94	10/29/99, 64 FR 58344.	Entire rule except for Subp. 1 (E)(2).
7023.1090 .....	Exhaust Gas Analyzer Specifications; Calibration and Quality Control.	01/08/94	10/29/99, 64 FR 58344.	
7023.1095 .....	[repealed, 18 sr 1593] .....	01/08/94	10/29/99, 64 FR 58344.	
7023.1100 .....	Public Notification .....	01/08/94	10/29/99, 64 FR 58344.	
7023.1105 .....	Inspection Fees .....	01/08/94	10/29/99, 64 FR 58344 ..	

Minnesota Statutes

17.135 .....	Farm Disposal of Solid Waste .....	1993	05/24/95, 60 FR 27411 ..	Only item (a). Only Subd. 1, 2, 3, 4, 6, 14, 20, 23, 24, 25, and 26.
88.01 .....	Definitions .....	1993	05/24/95, 60 FR 27411 ..	
88.02 .....	Citation, Wildfire Act .....	1993	05/24/95, 60 FR 27411.	Only Subd. 1 and 2
88.03 .....	Codification .....	1993	05/24/95, 60 FR 27411.	
88.16 .....	Starting Fires; Burners; Failure to Report a Fire .....	1993	05/24/95, 60 FR 27411 ..	
88.17 .....	Permission to Start Fires; Prosecution for Unlawfully Starting Fires.	1993	05/24/95, 60 FR 27411.	
88.171 .....	Open Burning Prohibitions .....	1993	05/24/95, 60 FR 27411 ..	

Twin Cities Nonattainment Area for Carbon Monoxide

116.60 .....	.....	1999	10/29/99, 64 FR 58344 ..	Only Subd. 12.
116.61 .....	.....	1999	10/29/99, 64 FR 58344 ..	Only Subd. 1 and 3.
116.62 .....	.....	1999	10/29/99, 64 FR 58344 ..	Only Subd. 2, 3, 5, and 10.
116.63 .....	.....	1999	10/29/99, 64 FR 58344 ..	Only Subd. 4.

(d) EPA approved state source-specific requirements.

EPA—APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS

Name of source	Permit No.	State effective date	EPA approval date	Comments
Associated Milk Producers, Inc .....	10900010–001	05/05/97	03/09/01, 66 FR 14087 ..	Title I conditions only.
Commercial Asphalt CO, Plant 905 .....	12300347–002	09/10/99	07/12/00, 65 FR 42861 ..	Title I conditions only.
Continental Nitrogen and Resources Corp.	.....	07/28/92	09/09/94, 59 FR 46553 ..	Findings and Order.
Federal Hoffman, Incorporated .....	.....	02/25/94	09/09/94, 59 FR 46553 ..	Amendment One to Findings and Order.
		05/27/92	04/14/94, 59 FR 17703 ..	Findings and Order.
Flint Hills Resources, L.P. (formerly Koch Petroleum).	.....	03/23/95	04/03/98, 63 FR 16435 ..	Amendment Two to Findings and Order.
		03/11/03	06/05/03, 68 FR 33631 ..	Amendment Six to Findings and Order.

## EPA—APPROVED MINNESOTA SOURCE-SPECIFIC PERMITS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Comments
Franklin Heating Station .....	1148-83-OT-1 [10900019]	06/19/98	03/09/01, 66 FR 14087 ..	Title I conditions only.
GAF Building Materials .....		05/27/92 09/18/97	04/14/94, 59 FR 17703 .. 02/08/99, 64 FR 5936 ....	Findings and Order. Amendment Two to Findings and Order.
Gopher Smelting & Refining Co .....		06/22/93	10/18/94, 59 FR 52431 ..	Findings and Order.
Great Lakes Coal & Dock Co. ....		08/25/92 12/21/94	02/15/94, 59 FR 7218 .... 06/13/95, 60 FR 31088 ..	Amended Findings and Order. Amendment One to Amended Findings and Order.
Harvest States Cooperatives .....		01/26/93 12/21/94	02/15/94, 59 FR 7218 .... 06/13/95, 60 FR 31088 ..	Findings and Order. Amendment One to Findings and Order.
International Business Machine Corp., IBM—Rochester.	10900006-001	06/03/98	03/09/01, 66 FR 14087 ..	Title I conditions only.
J.L. Shiely Co. ....		08/25/92 12/21/94	02/15/94, 59 FR 7218 .... 06/13/95, 60 FR 31088 ..	Amended Findings and Order. Amendment Two to Amended Findings and Order.
		02/21/95	04/03/98, 63 FR 16435 ..	Amendment Three to Amended Findings and Order.
Lafarge Corp., Childs Road facility .....		11/30/92 12/21/94	02/15/94, 59 FR 7218 .... 06/13/95, 60 FR 31088 ..	Second Amended Findings and Order. Amendment One to Second Amended Findings and Order.
		09/23/97	02/08/99, 64 FR 5936 ....	Amendment Two to Second Amended Findings and Order.
Lafarge Corp., Red Rock Terminal .....	12300353-002	05/07/02	08/19/04, 68 FR 51371 ..	Title I conditions only.
Marathon Ashland Petroleum, LLC .....	16300003-003	10/26/99	05/20/02, 67 FR 35437 ..	Title I conditions only.
Metropolitan Council Environmental Service, Metropolitan Wastewater Treatment Plant.	12300053-001	03/13/01	09/11/02, 67 FR 57517 ..	Title I conditions only.
Minneapolis Energy Center Inc .....		05/27/92	04/14/94, 59 FR 17706 ..	Findings and Order for Main Plant, Baker Boiler Plant, and the Soo Line Boiler Plant.
North Star Steel Co. ....		04/22/93 12/21/94	02/15/94, 59 FR 7218 .... 06/13/95, 60 FR 31088 ..	Third Amended Findings and Order. Amendment One to Third Amended Findings and Order.
		09/23/97	02/08/99, 64 FR 5936 ....	Amendment Two to Third Amended Findings and Order.
Northern States Power Co., Riverside Plant.	05300015-001	05/11/99	02/26/02, 67 FR 8727 ....	Title I conditions only.
Olmstead County, Olmstead Waste-to- Energy Facility.	10900005-001	06/05/97	03/09/01, 66 FR 14087 ..	Title I conditions only.
Rochester Public Utilities, Cascade Creek Combustion.	00000610-001	01/10/97	03/09/01, 66 FR 14087 ..	Title I conditions only.
Rochester Public Utilities, Silver Lake Plant.	10900011-001	07/22/97	03/09/01, 66 FR 14087 ..	Title I conditions only.
St. Mary's Hospital .....	10900008-007	02/28/97	03/09/01, 66 FR 14087 ..	Title I conditions only.
St. Paul Terminals .....		02/02/96	07/22/97, 62 FR 39120 ..	Findings and Order.
United Defense, LP (formerly FMC/U.S. Navy).	00300020-001	11/25/02	08/18/04, 69 FR 51181 ..	Title I conditions only.
Xcel Energy (formerly Northern States Power) Inver Hills Generating Plant.	03700015-001	07/25/00	06/08/04, 68 FR 31891 ..	Title I conditions only.

(e) EPA approved nonregulatory provisions.

## EPA—APPROVED MINNESOTA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date	Comments
Air Quality Surveillance Plan Carbon Monoxide 1993 periodic Emission Inven- tory.	Statewide .....	05/08/80, 06/02/80 .....	03/04/81, 46 FR 15138. 10/23/97, 62 FR 55170.	
	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties.	09/28/95 .....		
Deletion of TSP Designa- tions.	Statewide .....		07/10/02, 67 FR 45637.	

EPA—APPROVED MINNESOTA NONREGULATORY PROVISIONS—Continued

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date	Comments
Duluth Carbon Monoxide Redesignation and Maintenance Plan.	St. Louis County (part) .....	10/30/92 .....	04/14/94, 59 FR 17708.	
Duluth Carbon Monoxide Transportation Control Plan.	St. Louis County .....	07/3/79 and 07/27/79 .....	06/16/80, 45 FR 40579.	
Lead Maintenance Plan .....	Dakota County .....	10/30/92 .....	04/14/94, 59 FR 17706 ..	Removal of transportation control measure.
Lead Monitoring Plan .....	Statewide .....	06/22/93 .....	10/18/94, 59 FR 52431 ..	Corrected codification information on 05/31/95 at 60 FR 28339.
Oxygenated Fuels Program—Carbon Monoxide Contingency Measure.	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties.	04/26/83, 02/15/84, and 02/21/84.	07/05/84, 49 FR 27502 ..	Entire Lead Plan except for the New Source Review portion.
Rochester Carbon Monoxide Transportation Control Plan.	Olmstead County .....	04/29/92 .....	02/21/96, 61 FR6547 .....	Laws of Minnesota for 1992 Chapter 575, section 29(b).
Rochester PM-10 Redesignation and Maintenance Plan.	Olmstead County .....	07/3/79 and 07/27/79 .....	06/16/80, 45 FR 40579.	
Rochester Sulfur Dioxide Redesignation and Maintenance Plan.	Olmstead County .....	09/07/94 .....	05/31/95, 60 FR 28339.	
Small Business Stationary Source Technical and Environmental Compliance Assistance Plan.	Statewide .....	110/4/98 .....	03/09/01, 66 FR 14087.	
St. Cloud Carbon Monoxide Redesignation.	Benton, Sherburne, and Stearns Counties.	04/29/92 .....	03/16/94, 59 FR 12165 ..	MN Laws Ch 546 sections 5 through 9.
St. Cloud Carbon Monoxide Transportation Control Plan.	Benton, Sherburne, and Stearns Counties.	08/31/89 .....	06/28/93, 58 FR 34532.	
St. Paul PM-10 Redesignation and Maintenance Plan.	Ramsey County .....	05/17/79 .....	12/13/79, 44 FR 72116.	
Twin Cities Carbon Monoxide Redesignation and Maintenance Plan.	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, Washington, and Wright Counties.	08/31/89 .....	06/28/93, 58 FR 34529.	
Twin Cities Carbon Monoxide Transportation Control Plan.	Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties.	06/20/02 .....	07/26/02, 67 FR 48787.	
Twin Cities / Pine Bend Sulfur Dioxide Redesignation and Maintenance Plan.	Anoka, Carver, Dakota, Hennepin, Ramsey, and Washington Counties.	03/23/98 .....	10/29/99, 64 FR 58347.	
		07/3/79 and 07/27/79 .....	06/16/80, 45 FR 40579 ..	
		07/21/81 .....	12/08/81, 46 FR 59972 ..	
		05/20/85 and 04/17/86 ..	12/31/86, 51 FR 47237.	
		09/07/94 .....	05/31/95, 60 FR 28339 ..	Except for St. Paul Park area.
		10/03/95 .....	05/13/97, 62 FR 26230 ..	St. Paul Park area.

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 51**

[WC Docket No. 04-313, CC Docket No. 01-338; FCC 04-290]

**Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) adopts rules concerning the unbundling obligations of incumbent local exchange carriers (LECs), with respect to the dedicated transport, high-capacity loop, and mass market circuit switching elements of their networks. This document also adopts appropriate transition periods to allow competitive LECs sufficient time to migrate their services to alternative facilities, or to negotiate alternative commercial arrangements, where unbundled network elements (UNEs)