

received two comments. An analysis of the comments follows.

Comments: Of the two comments receive one supported and one disagreed with the change proposed in the NPRM. The commenter supporting the proposed change noted that special circumstances exist in migrant education that make identification of a comparison group inappropriate and indicated that the proposed change would improve program operations. The commenter who disagreed with the proposed change stated that reverting to a less stringent evaluation standard for migratory children was discriminatory and would have adverse future economic consequences for these children.

Discussion: The Secretary continues to believe that the requirement for evaluations to use non-project comparison groups, if possible, is unnecessary and that program accountability can be maintained adequately under the remaining evaluation requirements. The Secretary believes that this regulatory change is purely technical and will not have any discriminatory or otherwise adverse impact on migratory children.

Changes: None.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Executive Order 12606

The Secretary certifies that these regulations have been reviewed in accordance with Executive Order 12606 and that they do not have a significant negative impact on family formation, maintenance, and general well-being.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities because the regulations primarily affect States and State agencies, which are not defined as "small entities" under the Regulatory Flexibility Act.

The small entities that would be affected are small LEAs receiving Federal funds under this program. The regulations will remove a difficult and unnecessary requirement without imposing a significant economic impact on these small LEAs.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372

and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

List of Subjects in 34 CFR Part 201

Children, Education, Evaluation, Grant programs-education, Local educational agencies, Migratory children, Migratory workers, Reporting and recordkeeping requirements, State educational agencies.

(Catalog of Federal Domestic Assistance Number 84.011 Migrant Education Basic State Formula Grant Program)

Dated: May 8, 1992.

Lamar Alexander,
Secretary of Education.

The Secretary amends part 201 of title 34 of the Code of Federal Regulations as follows:

PART 201—CHAPTER 1—MIGRANT EDUCATION PROGRAM

1. The authority citation for part 201 continues to read as follows:

Authority: 20 U.S.C. 2781-2782, unless otherwise noted.

2. Section 201.52 is amended by revising paragraphs (b)(1), (c), and (d) to read as follows:

§ 201.52 Evaluation information to be collected.

* * * * *

(b) * * *

(1) Objective measures of the educational progress of project participants (including educational achievement in basic skills) as measured, if possible, over a 12-month testing interval through the use of appropriate forms and levels of national or State normed achievement tests. If this is not possible, the SEA or operating agency may use other acceptable measures of educational progress of migratory children, such as changes in attendance patterns, dropout rates, and other objectively applied indicators of student achievement; and

* * * * *

(c) The evaluation design for the summer school instructional project must include objective measures of the educational progress of project participants (including educational

achievement in basic skills) over the project performance period.

(d) During either the regular or summer terms, the evaluation design for any support-service components must include measures of the effects of the project on participants that are consistent with the defined support services objectives. (For example, changes in student attendance rates may be an appropriate measure of the effect of guidance and counseling services.)

* * * * *

§ 201.54 [Removed]

3. Section 201.54 is removed and reserved.

[FR Doc. 92-13709 Filed 6-10-92; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[M19-1-5287; FRL-4112-S]

Approval and Promulgation of Implementation Plan; Michigan

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Notice of final rulemaking.

SUMMARY: USEPA is approving a majority of the provisions, while disapproving certain provisions of the State of Michigan's submittal of revised particulate matter regulations. On May 17, 1985, the State submitted rules for the control of particulate matter from iron and steel sources and from other sources in the State. These rules were submitted to fulfill conditions of USEPA's May 22, 1981, approval (46 FR 27923) of the State's Part D total suspended particulates (TSP) State Implementation Plan (SIP). USEPA reviewed this submittal also for conformance with the provisions of the Clean Air Act Amendments enacted on November 15, 1990. USEPA has determined that today's action conforms with those requirements even though that submittal preceded the date of enactment.

EFFECTIVE DATE: This final rulemaking becomes effective on July 13, 1992.

ADDRESSES: Copies of the SIP revisions, public comments on the notice of rulemaking, and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Christos Panos at (312) 353-8328, before visiting the Region V office.)

U.S. Environmental Protection Agency,
Region V, Air Toxics and Radiation
Branch, 77 West Jackson Boulevard,
Chicago, Illinois 60604-3590.

U.S. Environmental Protection Agency, Public
Information Reference Unit, 401
M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Christos Panos, Air and Toxics
Radiation Branch (5AT-18J), U.S.
Environmental Protection Agency,
Region V, 77 West Jackson Boulevard,
Chicago, Illinois, 60604-3590 (312) 353-
8328.

SUPPLEMENTARY INFORMATION:

I. Background

On September 9, 1980, (45 FR 59329), USEPA published a notice of proposed rulemaking that identified deficiencies in Michigan's regulation for particulate matter and requested a schedule from Michigan for correcting the noted deficiencies. On May 22, 1981, (46 FR 27923), USEPA published a notice of final rulemaking which conditionally approved portions of Michigan's Part D TSP SIP. The conditional approval was based, in part, on a commitment by Michigan to adopt and submit additional or revised rules that reflect Reasonably Available Control Technology (RACT) for certain iron and steel sources (40 CFR 52.1173(b)). RACT-level emission limit and, in some cases, enforceability revisions or clarifications, were required for full USEPA approval.

On May 10, 1984, and May 24, 1984, the State of Michigan submitted draft regulations to USEPA containing proposed revisions to the particulate matter (PM) regulations. The submittal of May 10, 1984, contained initial proposed revisions for parts 1, 3, and 10 of Michigan's Administrative Rules governing air pollution control (Act 348 of 1967, as amended) applicable to PM, especially from iron and steel sources.

On May 17, 1985, the State submitted its final rules revising the regulations for particulate matter. These revised rules were effective at the State level on February 22, 1985. The majority of the revisions in the May 17, 1985, submittal were in response to USEPA's conditional approval based on the State's commitment to correct the deficiencies and adopt emission limits that represents RACT for iron and steel sources in particulate nonattainment areas.

USEPA revised the particulate matter standard on January 1, 1987 (52 FR 24634) and eliminated the TSP ambient air quality standard. The revised standard is expressed in terms of particulate matter with a nominal diameter of 10 micrometers or less (PM₁₀). Despite the new standard, at the

State's request, USEPA may continue to process TSP SIP revisions which were in process at the time the PM₁₀ standard was promulgated. USEPA stated that it would regard existing TSP SIPs as necessary interim plans until the approval of the State's new plans to attain the PM₁₀ standard. Thus, USEPA would continue to approve revisions to the TSP plans if they contribute toward attainment of the PM₁₀ standard, i.e., do not relax the TSP SIP.

On February 28, 1989 (54 FR 8354), USEPA published a notice of proposed rulemaking that proposed to approve certain sections and to disapprove other sections of the State's May 17, 1985 submittal. In response to USEPA's proposed rulemaking action, the Michigan Department of Natural Resources (MDNR), and National Steel, Great Lakes Division (Great Lakes) submitted comments. MDNR's comments focused on R336.1301, their general opacity rule. Great Lakes offered similar comments on R336.1301 and provided specific commentary on R336.1331 (Table 31, section C), R336.1352, R336.2031, and R336.2013.

On August 15, 1990, USEPA prepared a technical support document (TSD) to support a final rulemaking action. This document provides a review of comments on USEPA's proposed action, the criteria to be used in judging Michigan's rules, and a reevaluation of Michigan's rules and recommendations for final action. Copies of this TSD are available from the contact person identified above.

On November 15, 1990, the Clean Air Act Amendments of 1990 (Public Law Number 101-549) were signed into law. These Amendments designated certain areas, including a portion of Wayne County, Michigan, nonattainment by operation of law.

On February 20, 1991, an addendum to the August 1990 TSD reviewed the impact of the Clean Air Act Amendments on this rulemaking action. The addendum concluded that these amendments did not affect the criteria used to review Michigan's 1985 submittal. The rationale for this conclusion is explained in the following discussion of the general criteria used in reviewing Michigan's submittal.

II. General Criteria

The principal criterion USEPA used in the February 1989 proposed rulemaking was whether each emission limitation constituted RACT as required under section 172(b)(2) of part D of the August 1977 Clean Air Act. USEPA reviewed for RACT because this requirement was still applicable at the time Michigan submitted its revised rules on May 17,

1985. On July 1, 1987, USEPA replaced the TSP national ambient air quality standards (NAAQS) with a PM₁₀ NAAQS. The promulgation replacing PM₁₀ NAAQS for TSP NAAQS concluded that part D requirements no longer applied to particulate matter SIPs (52 FR 24677). Thus, the RACT requirement under part D no longer applied. However, the Clean Air Act Amendments of November 1990 amended part D to reinstate the requirement for RACT in certain designated nonattainment areas (e.g., a portion of Wayne County, Michigan). The Amendments provided further that States are required to submit implementation plans satisfying the amended part D requirements (including RACT) for these statutorily designated nonattainment areas by November 15, 1991. Michigan must submit a new plan for the Wayne County nonattainment area to satisfy amended part D requirements. Upon receipt of the plan, USEPA will then evaluate and act (approve, disapprove, or conditionally approve) upon that submittal based on the requirements of the November 1990 part D Amendments.

In this rulemaking action, USEPA concludes that Michigan's 1985 submittal as an interim plan intended to strengthen control of particulate matter in the State. USEPA is evaluating Michigan's submittal on the basis of whether it is more or less stringent than the existing SIP. This evaluation is accomplished by comparing the revised rules submitted on May 17, 1985, with the rules which were approved or conditionally approved on May 22, 1981. Thus, USEPA today is approving those revisions which would make the existing SIP more stringent and is disapproving those revisions which would make the existing SIP less stringent.

III. Discussion

The following sections discuss each of the rules in Michigan's submittal. Each section discusses the nature of the rule, the proposed action, response to comments (if any), and final evaluation of the rule underlying today's rulemaking.

A. Definitions

A variety of definition rules were included in Michigan's submittal. USEPA proposed to approve the following rules as they apply exclusively to iron and steel sources:

- R 336.1101 (Definition A)
- R 336.1103 (Definition C)
- R 336.1106 (Definition F)
- R 336.1116 (Definition P)
- R 336.1119 (Definition S)

R 336.1122 (Definition V)

No adverse comments were received on these rules. Thus, in this rulemaking, USEPA is fully approving these rules as they apply to iron and steel sources.

B. Rule 336.1301 and the Associated Test Method Rules 336.1303 and 336.2004

Michigan's revision to rule 336.1301 revised the opacity limitations for sources not subject to category specific opacity limitations. Under the existing SIP, a violation is any single reading exceeding 40% opacity or more than 12 readings per hour exceeding 20% opacity. Under the revised State rule, a violation is any six-minute average opacity exceeding 27% or more than one six-minute average opacity exceeding 20%. The provision for six-minute averaging is the approach used in USEPA's opacity reading method known as Method 9, codified at title 40 of the Code of Federal Regulations, part 60 (40 CFR 60), appendix A. In its February 28, 1989, rulemaking, USEPA proposed to disapprove the revised rule on the basis that it would relax the SIP for intermittent and short-term non-stack emission sources.

The comments from both MDNR and Great Lakes Steel recommended approval of these rules. These comments include statements that (1) the rules should be approved for stack sources; (2) the opacity reading method is the same method used for new source performance standards for many similar source types; (3) separate rules exist for services warranting separate types of opacity limits; (4) a statistical analysis shows the new rule to be no less stringent than the existing rule; and (5) monitored trends of air quality improvements demonstrate that the rule does not represent a relaxation. The TSD contains a discussion of the two sets of comments and USEPA's evaluation of these comments.

A rule which provides more authority to the State to make discretionary decisions must be considered less stringent. The technical support document compares the extent of director's discretion in the revised rules as compared to the existing SIP. Most significantly, the existing SIP authorizes the State to fully exempt any source from the opacity limit, whereas the revised rule permits "exemptions" only for sources also subject to mass emissions limits and further requires that an alternate opacity limit be set. Thus, in these respects, the revised rule is clearly more stringent than the existing SIP. Therefore, USEPA is approving rule 336.1301, which provides

opacity standards, and rules 336.1303 and 336.2004, which provide test methods to measure compliance with these standards.

C. Rules 336.1320 and 336.1330

No comments were received on rule 336.1320, which provides for written descriptions of compliance programs, and on rule 336.1330, which covers electrostatic precipitator equipment. Today, USEPA is taking final action to approve these rules into the Michigan SIP.

D. Rule 336.1331 (Mass Emissions Limits) and the Associated Rules on Test Methods (Part 10, Intermittent Testing and Sampling, of the May 1985 Submittal)

The May 1985 submittal modified the mass emissions limitations and source testing methods for a variety of operations listed under Table 31. USEPA previously proposed to approve some limits and to disapprove others based on whether these limits represent RACT. RACT, however, is no longer a criterion in this rulemaking action.

The test methods required to enforce rule 336.1331 are described in part 10 of Michigan's submittal, and specified in rule 336.2004, rules 336.2010 through 336.2014, and rule 336.2033. Rule 336.2004 provides a general specification of test methods for source testing, including referencing other rules in part 10. This rule adopts Methods 1 to 4, Methods 6 to 10, and Methods 24 and 25 as codified by USEPA in 40 CFR 60, appendix A. A final paragraph in rule 336.2004 states that "particulate matter emission rates for stationary sources shall be [tested with] 1 or more of" Methods 5A, 5B, 5C, 5D, 5E, and 208C, provided respectively in Rules 336.2010, 336.2011, 336.2012, 336.2013, 336.2014, and 336.2033. USEPA proposed to approve all of these rules except rule 336.2013.

Comments—USEPA proposed to disapprove rule 336.2013 because its provisions for testing pushing emissions define a testing period that includes time before the commencement of the actual pushing of coke. Great Lakes objected to this proposed disapproval. Great Lakes stated that "because the mass emissions [limit being tested against] is expressed in pounds of particulate matter per ton of coke, the measured emission rate will be accurate regardless of whether the testing begins when the coke guide and snorkels are engaged [prior to actual pushing] or when the first movement of coke occurs."

Final Evaluation—Again, the key criterion in evaluating these rules is whether they are at least as stringent as

the previous rules as incorporated in the existing SIP. This evaluation compares the numerical limit (provided in rule 336.1331) and the test method (provided in part 10) with the emissions limits in the existing SIP as tested with existing SIP test methods.

Upon consideration of Great Lakes' comments and further review of Michigan's rules, USEPA concurs with Great Lakes' comments. Rule 336.2013 is enforcing a limit expressed in total pounds of emissions per ton of coke. Therefore, "dilution" of the test sample with clean air prior to actual pushing does not affect the calculated mass emissions rate used to determine compliance. Thus, USEPA is approving rule 336.2013 into the Michigan SIP in this rulemaking action.

A few limits in the revised rules are less stringent than the existing SIP. Quench towers are given a choice of limits in Table 31 of rule 336.1331. This table shows a limit of 1500 milligrams of total dissolved solids per liter (mg TDS/1) of quench water or 1500 mg TDS/1 in the makeup water. That is, Table 31 provides that the 1500 mg TDS/1 limit must be met in either the quench water or the makeup water, but need not be met both places. Rule 336.2033, which provides the test methods for enforcing this rule, suggests that the limit has to be met in the quench water but is ambiguous.

Makeup water is commonly much cleaner than quench water. Therefore, the choice of meeting the limits in the makeup water allows substantially more emissions than if the limit had to be met in the quench water. The result is a limitation which is less stringent than the process weight rate limitation in the existing SIP. USEPA disapproves rule 336.1331, Table 31, as it applies to emission limits for quench towers.

Michigan's 1985 submittal deletes limits for three source types subject to the State's 1980 rules. Two of these three deleted limits, specifically the limits for open hearth furnaces and for heating and reheating furnaces, were not approved as part of the existing SIP. Thus, approval of deleting these State limits clearly would not make the existing SIP any less stringent. However, the deletion of the limit for coke oven coal preheater equipment constitutes a relaxation. A specific emissions limitation for this type of facility was conditionally approved as part of the existing SIP. Thus, USEPA is disapproving the deletion of the limit for coke oven coal preheater equipment.

Table 31 of rule 336.1331 provides mass emissions limits for new sinter plants. These limits will generally be

superfluous, since new source review requirements will generally impose stricter limits. Nevertheless, since these limits make the SIP more stringent, and since these limits do not conflict with other requirements, USEPA approves these limits.

USEPA also compared the revised test methods against the prior test methods. Methods 5A, 5B, and 5C, now incorporated in rules 336.2010 through 336.2012, were also included in the existing SIPs and had essentially identical provisions. Methods 5D, 5E and 208C, incorporated respectively in rule 336.2013, rule 336.2014, and rule 336.2033, are new rules with new provisions.

Methods 5A, 5B, and 5C as found in the existing SIP contain a variety of provisions for State discretionary alternatives. Some of the alternatives authorized are questionable and make the test methods less effective. However, Michigan's 1985 submittal does not add any new provisions for such State discretion. Thus, these methods are not less stringent than the existing SIP and are therefore approvable.

Method 5D (rule 336.2013) provides a variety of specific instructions for testing emissions at each of several steelmaking operations. These instructions assure that the testing periods conform to the periods of actual emissions and that the testing effectively evaluates emissions from the affected facilities. The rule serves to authorize filter temperatures similar to the existing SIP. This rule clarifies test procedures for these operations and averts tests that reflect inappropriate combinations of emitting and non-emitting periods. After reviewing the comments, USEPA concurs with Great Lakes Steel that inclusion of time prior to actual pushing does not reduce the stringency of the pushing limit. Overall, this rule adds to the stringency of the existing SIP. Thus, USEPA approves rule 336.2013 in this rulemaking action.

Method 5E (rule 336.2014) describes a procedure for determining emissions from positive pressure fabric filters. This rule authorizes Michigan to approve various alternatives at its discretion. However, these provisions of State discretion are the same provisions present in the existing SIP. Consequently, Method 5E does not result in a relaxation of the SIP. Thus, USEPA approves rule 336.2014 in this rulemaking action.

In summary, USEPA is approving most of rule 336.1331 and its associated testing rules. USEPA is disapproving the limit for coke oven quench towers (item C.8 of Table 31) and the deletion of the

limit for coke oven coal preheater equipment, because these are relaxations of existing limits. For the rest of rule 336.1331, USEPA approves the numerical emissions limits which, in combination with the appropriate testing methods, are at least as stringent as the existing SIP. Thus, USEPA is also approving rule 336.2004, rules 336.2010 through 336.2014, rule 336.2021, and rule 336.2033 because they provide the necessary test methods to measure the limits approved in rule 336.1331.

E. Rules 336.1350 Through 336.1367—Visible Emissions Limits

Rules 336.1350 through 336.1367 provide visible emissions limits for a variety of iron and steel facilities. The first eight of these rules concern coke oven emissions points. Rule 336.1350 limits the duration of visible emissions from larry-car charging of coke ovens to 100 seconds per four charges. Rule 336.1351 prohibits emissions from more than 4% of charging holes. Rule 336.1352 limits visible emissions from pushing and from travel of the coke-receiving car to 25% opacity, except that 1 in 8 pushes and 1 in 8 trips of the coke-receiving car may exceed that limit. Rule 336.1353 prohibits visible emissions during coking from more than 4% of the emission points in standpipe assemblies. Rule 336.1354 requires that standpipe lids be closed during decarbonization on ovens more than three ovens ahead of the oven being pushed. Rule 336.1355 generally prohibits visible emissions from the gas collector main. Rule 336.1356 provides that for coke oven doors of 5 meters or less, visible emissions are limited to 10% of the pushside doors, cokeside doors, or leveling doors. Rule 336.1357 provides that for coke oven doors of more than 5 meters, visible emissions are not permitted from more than 12% of the pushside doors or cokeside doors or 10% of the leveling doors.

Rules 336.1358 through 336.1367 provide opacity limits at other iron and steel making facilities. The rules subject facilities, and opacity limits are:

	<i>Percent</i>
Rule 336.1358—Roof monitors for electric arc furnaces and blast furnaces.....	20
Rule 336.1359—Scarfer operation stacks.....	25
Rule 336.1360—Coke oven push stacks.....	20
Rule 336.1361—Blast furnace casthouses....	10
Rule 336.1362—Electric arc furnace stacks..	10
Rule 336.1363—Argon-oxygen decarburization stacks.....	10
Rule 336.1364—Basic oxygen furnaces.....	20
Rule 336.1365—Hot metal transfer.....	20
Rule 336.1366—Hot metal desulphurization.....	20
Rule 336.1367—Sintering.....	20

The test methods used in enforcing rules 336.1350 to 336.1367 are provided in rule 336.2004(1)(h) and rules 336.2030 through 336.2032. Rule 336.2004(1)(h) is Method 9, with no authorization for Commission-approved alternatives. Rule 336.2030 provides Method 9A, which states that opacity measurements at scarfer operations shall reflect an average of six observations (90 second averaging). Rule 336.2031 provides Method 9B, which specifies procedures for reading opacity at coke ovens for charging, door leaks, charging port leaks, standpipe leaks, and pushing. Rule 336.2032 provides Method 9C, which specifies 12 observations (3 minute averaging) for opacity measurements at basic oxygen furnaces, hot metal transfer, and hot metal desulphurization.

In its February 1989 rulemaking, USEPA proposed to approve rule 336.1350, rule 336.1351, rules 336.1353 through rule 336.1357, and the associated test methods described in rules 336.2030 and 336.2032. USEPA also proposed to approve rule 336.1349 which provided compliance dates. USEPA proposed to disapprove rule 336.1352 in combination with rule 336.2031. Rule 336.1352 prescribed the visible emission limit while rule 336.2031 prescribed the test method to measure such limit.

Comments—USEPA proposed to disapprove rules 336.1352 and 336.2031 because the limit and the test method did not clarify whether opacity observations for pushing include observations during travel i.e., transit of the coke receiving car toward the quench tower. MDNR and Great Lakes commented that these rules have adequate clarity and urged their approval.

Final Evaluation—USEPA reviewed rules 336.1352 and 336.2031 again for clarity. Within rule 336.2031, section (e)(v) provides the method for evaluating "fugitive visible emissions during the pushing of coke into the coke receiving car," and section (e)(vi) provides the method for evaluating "fugitive visible emissions during transit of the coke." Rule 336.2031(e)(v)(B) explicitly states: "[T]he reading shall commence when the coke begins to fall into the coke receiving car and shall end with the sixth reading." Given the typical duration of pushing, the sixth reading and perhaps the fifth and fourth readings will commonly occur during travel of the coke car, i.e., the explicit language of the rule for "pushing" commonly provides for a few readings during transit of the coke car as well as during actual pushing.

Michigan has opacity limits for travel that are separate from, but equal to, the opacity limits for pushing. A question may be raised whether some opacity observations are to be used for both activities. Section (e)(vi)(A) of rule 336.2031 states that opacity measurements for travel "shall be based on as many consecutive readings as are possible during transit." Section (e)(vi)(B) limits relevant readings to those "after the car leaves the hood until the car enters the quench tower." Collectively, these sections indicate that readings during compliance evaluation for travel could include readings during compliance evaluation for pushing. Accordingly, USEPA finds these provisions to be sufficiently clear as they relate to both rules, 336.1352 and 336.2031.

Thus, USEPA is approving rule 336.2031 and rule 336.1352 (both as submitted in May 1985) in today's rulemaking action.

The technical support document describes a concern with rule 336.1553. In particular, this rule appears less stringent than the rule in the SIP because of an ambiguous limit that is expressed as a percentage of emissions points rather than as an absolute number of emissions points. However, this ambiguity is also present in the existing SIP. Thus, rule 336.1153 is not less stringent than the existing SIP.

For rule 336.1355, which regulates coke oven gas collector mains, USEPA is concerned about the addition of exemptions relative to the existing SIP. Of particular concern is the unlimited authorization of emissions from emergency relief valves. Although limited emissions from these valves are acceptable, similar to the limited emissions which are tolerated from malfunctions, Rule 336.1355 would allow these emissions to be unlimited. Therefore, USEPA is disapproving rule 336.1355 in today's rulemaking action.

After comparing their provisions to the existing SIP, USEPA finds that Rules 336.1349 through 336.1354, rules 336.1356 through 336.1367, and rules 336.2030 through 336.2032 provide acceptable emissions limits, represent limits that are as stringent or more stringent than Michigan's prior limits, and do not allow the State less stringent alternative test methods or alternative limits. For these reasons, USEPA is approving these rules in today's rulemaking.

IV. Summary of USEPA's Final Rulemaking Action

Based upon the comments received, and USEPA's final evaluation of Michigan's 1985 submittal, USEPA is disapproving the following rules: (1) The

quench tower limit in rule 336.1331, Table 31, section C.8, because allowing water quality limits to apply only to make up water yields a relaxation; (2) the deletion of the limit in rule 336.1331 for coke oven coal preheater equipment, because it represents a relaxation, and (3) rule 336.1355, because it provides an unlimited exemption for emissions from emergency relief valves in coke oven gas collector mains.

The USEPA is approving all the other rules included in the State's May 17, 1985, submittal, as identified below:

336.1101	336.1103	336.1106	336.1116	336.1119
336.1122	336.1301	336.1303	336.1320	336.1330
336.1331 ¹	336.1349	336.1350	336.1351	336.1352
336.1353	336.1354	336.1356	336.1357	336.1358
336.1359	336.1360	336.1361	336.1362	336.1363
336.1364	336.1365	336.1366	336.1367	336.2004
336.2010	336.2011	336.2012	336.2013	336.2014
336.2021	336.2030	336.2031	336.2032	336.2033

The final approval of these rules also means that USEPA is lifting the conditions on the proposed approval of Michigan's Part D SIP for particulate matter (46 FR 27923).

V. Administrative Requirements

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table Two action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). The Office of Management and Budget also has exempted this action from the requirements of Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 10, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

Under 5 U.S.C. 605(b), the Administrator has certified that the disapproval in this action will not have

¹ Except for those items identified in the previous paragraph as being disapproved.

a significant economic impact on small entities because it imposes no new requirements on any entity.

List of Subjects in 40 CFR Part 52

Air pollution control, Ambient standard, Environmental protection, Incorporation by Reference, Intergovernmental relations, Iron and steel, Particulate matter.

Note: Incorporation by reference of the State Implementation Plan for State of Michigan was approved by the Director of the Federal Register on July 1, 1982.

Note: This document was received at the Office of the Federal Register on June 8, 1992.

Dated: December 31, 1991.

Valdas V. Adamkus,
Regional Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401-7642.

Subpart X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(91) to read as follows:

§ 52.1170 Identification of plan.

(c) * * *

(91) On May 17, 1985, the State submitted revised rules for the control of particulate matter from iron and steel sources and from other sources in Michigan. These rules were submitted to fulfill conditions of USEPA's May 22, 1981, approval (46 FR 27923) of the State's part D total suspended particulates (TSP) State Implementation Plan (SIP). USEPA is approving these revised rules in the Michigan submittal except for the following provisions: The quench tower limit in rule 336.1331, Table 31, Section C.8, because allowing water quality limits to apply only to makeup water is a relaxation; the deletion of the limit in rule 336.1331 for coke oven coal preheater equipment, because it is a relaxation, and rule 336.1355, because it provides an unlimited exemption for emissions from emergency relief valves in coke oven gas collector mains.

(i) Incorporation by reference.

(A) Revision to parts 1, 3, and 10 of Michigan's administrative rules for air pollution control (Act 348 of 1967, as amended) as adopted by the Michigan Air Pollution Control Commission on

December 18, 1984. These rules became effective in Michigan on February 22, 1985.

[FR Doc. 92-13796 Filed 6-10-92; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 272

[FRL-4141-8]

Idaho; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Idaho has applied for final authorization of its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Idaho's application and has made a decision, subject to public review and comment, that Idaho's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Idaho's hazardous waste program revision. Idaho's application for program revision is available for public review and comment.

DATES: Final authorization for Idaho's program revision shall be effective August 10, 1992 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. The incorporation by reference of certain publications listed in the regulations are approved by the Director of the Federal Register as of August 10, 1992. All comments on Idaho's program revision application must be received by the close of business July 13, 1992.

ADDRESSES: Copies of Idaho's program revision application are available Monday through Friday, 8 a.m. to 5 p.m., at the following locations for inspection and copying: Idaho Department of Health and Welfare, Division of Environmental Quality, Planning and Evaluation Division, 1410 N. Hilton, Boise, Idaho 83706, phone, (208) 334-5879 and the U.S. EPA, Region 10, Library, 1200 6th Avenue, Seattle, WA, 98101, phone, (206) 553-1289. Written comments should be sent to Nina Kocourek, U.S. EPA, Region 10, 1200 Sixth Avenue, Mail Stop HW-107, Seattle, WA 98101; phone, (206) 553-6502.

FOR FURTHER INFORMATION CONTACT: Nina Kocourek, U.S. EPA, Region 10, 1200 Sixth Avenue, Mail Stop HW-107, Seattle, WA 98101.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allow States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to the State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124 and 270.

B. Idaho

Effective on April 9, 1990, Idaho received final authorization for the base, non-HSWA and HSWA requirements promulgated as of July 1, 1987 and interim authorization for those HSWA corrective action provisions of Section 3004(u), promulgated as of July 7, 1987 (see 55 FR 11015 dated March 26, 1990). Effective on June 5, 1992, Idaho received final authorization for those HSWA corrective action provisions of Section 3004(u) promulgated as of July 7, 1987 (see 57 FR 11580 dated April 6, 1992). On March 10, 1992, Idaho submitted its program revision application for those HSWA and non-HSWA federal provisions promulgated during the period July 1, 1990. Today, Idaho is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Idaho's application and has made an immediate final decision that Idaho's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Idaho. The public may submit written comments on EPA's immediate final decision up until July 13, 1992. Copies of Idaho's application for this program

revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Idaho's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If a relevant adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Idaho's revision application includes all those HSWA and non-HSWA federal provisions promulgated during the period July 1, 1987 to July 1, 1990. To insure state consistency with federal regulations, the Idaho Board of Health and Welfare's regulatory rule-making incorporated by reference those delegable Federal Regulations in 40 CFR parts 124, 260-266, 268, and 270 that were promulgated and codified in the Code of Federal Register, as of July 1, 1990. Thus, at this time, the State is not seeking authorization for any changes made to the Federal program after July 1, 1990. Therefore, the scope, structure, coverage and processes of the Idaho hazardous waste management program is virtually identical to the federal provisions through July 1, 1990.

The more substantive changes included in this revision application are: the Toxicity Characteristic Leaching Procedures (TCLP) Rule, Mining Waste Rule, Land Disposal Restriction (LDR) Rule, Permit Modification Rule and Subpart X Rule. These regulatory changes were advertised through statewide media prior State law adoption. The regulatory changes in this program revision became State regulations effective on March 6, 1991.

As part of the requirements for a State to have an authorized hazardous waste program, a State must meet the RCRA section 3006(f) availability of information requirements in "substantially the same manner, and to the same degree" as EPA. Included as part of Idaho's initial base authorization approval EPA determined that the State of Idaho's hazardous waste public availability information regulation (IDAPA 16.01.5759) was equivalent to RCRA section 3006(f). On July 1, 1990 the State of Idaho Public Records Act (House Bill 860) and repealed IDAPA 16.01.5750. EPA has determined that the Idaho Public Records Act (Idaho Code Sections 9-337 *et seq.*) meets the requirements of RCRA Section 3006(f). Pursuant the Idaho Public Records Act the Idaho Department of Health and Welfare, Legal Services Division, has