

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light Annex I, sec. 3(a)	Percentage horizontal separation attained
USS STOUT	DDG 55	X	X	X	13.0

Dated: January 14, 1994.

Approved:

J.E. Dombroski,

CAPT, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc. 94-3496 Filed 2-14-94; 8:45 am]

BILLING CODE 3810-AE-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN26-1-6056; FRL-4820-7]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On November 26, 1991, and August 31, 1992, and November 13, 1992, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for particulate matter. These SIP revisions were submitted by the State of Minnesota for the purpose of bringing about the attainment of the national ambient air quality standards (NAAQS) for particulate matter for the Saint Paul and Rochester nonattainment areas, and for the purpose of satisfying certain Federal requirements for SIPs for such areas. USEPA proposed to approve these SIP revisions on June 25, 1993. One commenter commented on this proposal, and Minnesota provided further submittals on February 3, 1993, April 30, 1993, and October 15, 1993. USEPA is granting full approval of the particulate matter SIP revisions for both areas.

EFFECTIVE DATE: This action is effective March 17, 1994.

ADDRESSES: Copies of the State's submittals, the public comment letter, and USEPA's technical support document of September 28, 1993, are available for inspection at the following address: (It is recommended that you telephone John Summerhays at (312) 886-6067, before visiting the Region 5 Office.)

U.S. Environmental Protection Agency, Region 5, Air and Radiation Division (AE-17J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of this revision to the Minnesota SIP is available for inspection at:

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

FOR FURTHER INFORMATION CONTACT: John Summerhays, Regulation Development Section, Air Enforcement Branch (AE-17J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6067.

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 1987, USEPA promulgated revised air quality standards for particulate matter, replacing the former standard based on a broad range of particle size (known as total suspended particulate matter) with a standard based on finer particles. Specifically, the revised standard is based on particles having a nominal aerodynamic diameter of 10 microns or less. Upon enactment of the Clean Air Act Amendments of 1990, certain areas were designated nonattainment for particulate matter and classified as moderate under sections 107(d)(4)(B) and 188(a) of the amended Clean Air Act (Act). See 56 FR 56694 (November 6, 1991) and 57 FR 13498, 13537 (April 16, 1992). The amended Act required that States submit SIP revisions by November 15, 1991, for such areas satisfying specified planning requirements which are delineated below. In Minnesota, portions of the Saint Paul and Rochester areas were designated nonattainment and were thus the subject of planning requirements pursuant to the amended Act.

The State submitted SIP revisions intended to meet these planning requirements on November 26, 1991, August 31, 1992, and November 13, 1992. Technical support documents reviewing the adequacy of these submittals were completed November 16, 1992, and April 8, 1993. Based on these reviews, a notice of proposed rulemaking was published on June 25, 1993, at 58 FR 34397, proposing to approve the State's submittal as satisfying applicable requirements, provided suitable limitations for one

company were adopted and submitted. The State provided further submittals on February 3, 1993, April 30, 1993, and October 15, 1993. A technical support document in support of this notice of final rulemaking was completed September 28, 1993.

Pursuant to section 189 of the amended Clean Air Act ("Plan provisions and schedules for plan submissions"), those States containing initial moderate particulate matter nonattainment areas were required to submit by November 15, 1991, an implementation plan that includes:

1. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994, or a demonstration that attainment by that date is impracticable (section 189(a)(1)(B));
2. Provisions to assure that reasonably available control measures (RACM) (including such reductions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) shall be implemented no later than December 10, 1993 (section 189(a)(1)(C));
3. Control requirements applicable to major stationary sources of particulate matter precursors except where the Administrator determines that such sources do not contribute significantly to particulate matter levels which exceed the NAAQS in the area (section 189(e)); and
4. Miscellaneous related provisions of section 172(c); for example, quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994.

Some submissions are due at a later date. By November 15, 1993, States must supplement their particulate matter nonattainment area SIPs by submitting contingency measures which become effective without further action by the State or USEPA, upon a determination by USEPA that the area has failed to achieve RFP or to attain the particulate matter NAAQS by the applicable statutory deadline (section 172(c)(9) and 57 FR 13543-44). Nevertheless, Minnesota submitted contingency measures with its August 31, 1992, submittal. Therefore, the contingency measure requirement is addressed in this rulemaking. States with initial moderate particulate matter nonattainment areas were also required

to submit a permit program for the construction and operation of new and modified stationary sources of particulate matter by June 30, 1992 (section 189(a)(1)(A)). Minnesota addressed this requirement in a separate submittal. USEPA is conducting separate rulemaking with respect to this requirement.

Additional discussion of these requirements is provided in prior notices published in the *Federal Register*. An extensive discussion is provided in a "General Preamble," published on April 16, 1992 (57 FR 13498), that describes USEPA's preliminary positions on how USEPA would review SIP revisions submitted under Title I of the Act. The notice of proposed rulemaking on Minnesota's submittals discusses these requirements further, with a focus on the application of USEPA's interpretations of Act requirements to the specific factual situation presented in Minnesota. Today's action merely summarizes these other more extensive discussions.

II. Summary of Proposed Rulemaking

The June 25, 1993, notice of proposed rulemaking (58 FR 34397) included discussion of several issues pertinent to Minnesota's submittals. The first section of the notice discussed the requirements that the plan was intended to satisfy, as summarized above. The second section reviewed the State's submittal with respect to section 189, including subsections concerning the State's attainment demonstration, reasonably available control measures, and the significance of particulate matter precursors. The third section reviewed whether the State's submittal satisfied other requirements, particularly the requirements of section 172(c). The final section of the notice of proposed rulemaking identified the proposed action.

A. Attainment Demonstrations

Section 189(a)(1)(B) requires a demonstration that the plan will provide for attainment (or a demonstration that timely attainment is infeasible). The principal guidance for such demonstrations is the Guideline on Air Quality Models, which specifies the criteria for selection of dispersion models and for estimation of emissions and other model inputs. In accordance with that guidance, Minnesota used the Industrial Source Complex Short Term (ISCST) model for its analyses. These analyses used urban dispersion coefficients, five years of National Weather Service meteorological data (using surface data from Minneapolis-Saint Paul for the Saint Paul analysis

and from Rochester for the Rochester analysis and in both cases using Saint Cloud upper air data), regulatory default parameters, and receptors spaced 100 meters apart in the key impact areas. The emissions inputs to the model reflect appropriate emissions estimates for the various sources in the two areas.

The Saint Paul area includes thirteen industrial facilities. USEPA's proposed rulemaking is based on Minnesota's original submittals, which include Administrative orders specifying limits for eight of these facilities. In general, the stack limits specify a total emission rate and an exit gas concentration limit based on test methods that measure fine particulate matter and condensable particulate matter (i.e., methods known as Method 201/201A and Method 202), and are supplemented by opacity limits which permit more continuous compliance monitoring. A few sources with process fugitive sources have opacity limits limiting these emissions. Emissions from roadways and storage piles at these sources are typically limited by means of specific work practice requirements identifying required quantities and rates at which these sources must be watered. Based on USEPA's concerns, Minnesota subsequently adopted and submitted an administrative order for a ninth facility, Harvest States Cooperatives. The other four, less significant facilities are subject only to the emission limits in generic State regulations. The Rochester area includes only one significant source, which was subject to an administrative order providing limits similar to the limits on Saint Paul sources.

Applicable guidance provides that the emissions estimates for significant sources shall reflect maximum allowable emissions rates. The proposed rulemaking concluded that this guidance was met for the Rochester source and for twelve of the thirteen sources in Saint Paul but was not met for the Harvest States Cooperatives facility. In response to this concern, the State adopted and submitted an administrative order for this facility. This order is discussed in a later section of this action.

Other elements of the attainment demonstration include minor area sources, growth, and background concentrations. Minnesota used a dispersion model that is appropriate for modeling stack sources, process fugitive sources, and area sources such as private and public roadways. In Saint Paul, the State compiled a comprehensive inventory of public area source emissions as well as emissions from the above noted thirteen industrial facilities, and input all of these

emissions in its dispersion modeling runs. Minnesota then added background concentrations of 24 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to the 24-hour average modeled concentrations and 12 $\mu\text{g}/\text{m}^3$ to the annual average modeled concentrations. In Rochester, the State did not inventory public area sources but compensated by using the same background concentrations as were used for Saint Paul, in effect arguing that local plus nonlocal sources in the Rochester area create the same background concentrations as nonlocal sources surrounding Saint Paul. In Saint Paul, an explicit growth margin for one source was included in the modeling analysis. Otherwise, growth was not explicitly addressed in Minnesota's submittal, but major source growth will be covered by new source permitting requirements (including requirements that assure no new violations), and minor source growth is unlikely to be sufficient to consume the entire margin between the modeled concentrations and the air quality standards.

For analyses using 5 years of meteorological data, the sixth highest 24-hour average concentration at any receptor must not exceed 150 $\mu\text{g}/\text{m}^3$, and no annual average concentration may exceed 50 $\mu\text{g}/\text{m}^3$. The results of Minnesota's analyses based on controlled emissions in Saint Paul was a highest sixth highest concentration of approximately 140 $\mu\text{g}/\text{m}^3$ and a highest annual average concentration of 48 $\mu\text{g}/\text{m}^3$. For the Rochester area, the modeling provided by Minnesota indicates a highest sixth highest 24 hour average concentration of 106 $\mu\text{g}/\text{m}^3$ and a highest annual average concentration of 32 $\mu\text{g}/\text{m}^3$. Based on these results and USEPA's review of the State's inventory and modeling procedures, USEPA proposed that once the State submitted an administrative order limiting Harvest States Coop emissions to the modeled emission rates, the State plan would then have satisfied the attainment demonstration requirements of section 189(a)(1)(B) for the Saint Paul area.

B. RACM

Sections 172(c)(1) and 189(a)(1)(C) require that States submit provisions to assure that RACM (including RACT) are implemented in initial moderate particulate matter nonattainment areas no later than December 10, 1993. The General Preamble contains a detailed discussion of USEPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539-13545 and 13560-13561).

Minnesota's administrative orders require immediate compliance for most sources. The only extended compliance

late is for the electric arc furnace at North Star Steel, which provides for installation of a new baghouse by November 26, 1993, and for 75 percent closure of the roof monitor by December 31, 1993. The limitations effective November 26, 1993, require this source to achieve the control normally representing RACT as identified in an August 7, 1980, memorandum and attached table entitled "Steel Industry Particulate Emission Limitations Generally Achievable on a Retrofit Basis." In addition, the State has required adequate measures to provide for attainment shortly after the December 10, 1993, RACT deadline, and no control options are known to be available that would provide for attainment any more quickly. Therefore, USEPA proposed to conclude that Minnesota's submittal satisfies the requirement for RACT.

C. Other Provisions

Section 189(e) specifies that "control requirements * * * for major stationary sources of PM-10 shall also apply to major stationary sources of PM-10 precursors, except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the standard in the area." Particulate matter precursors are pollutants emitted as gases that undergo chemical transformations to become particulate, and principally include sulfates and nitrates. Minnesota's submittals document receptor modeling results that demonstrate that secondary particulate matter is a small fraction of monitored concentrations in Minnesota. For this and other reasons, USEPA proposed to conclude that precursors do not contribute significantly to particulate matter concentrations in either of Minnesota's nonattainment areas.

In addition to the requirements in section 189, particulate matter nonattainment area plans must also meet the requirements of subpart 1 of part D of title I of the Clean Air Act, particularly section 172(c). Section 172(c) imposes several requirements which all nonattainment area SIPs, including particulate matter nonattainment area SIPs, must meet. Most notable among these requirements is the requirement of section 172(c)(9) that the State submit a contingency plan comprised of measures which would be implemented upon failure to achieve timely attainment without the need for any further planning or adoption effort by the State. The notice of proposed rulemaking included a discussion of each of these requirements and why

USEPA believed that each requirement was satisfied.

III. Comments and Responses

In response to the request for public comments on the proposed rulemaking, USEPA received one set of comments. These comments were received from the Metropolitan Waste Control Commission (MWCC) in a letter dated August 6, 1993. The following discussion summarizes the three comments made by MWCC and USEPA's responses. It is noteworthy that two of these comments address the State SIP development and one comment addresses a statement in the proposed rulemaking, but none of the comments address or object to USEPA's proposed action.

Comment: MWCC expressed an understanding that the administrative orders included in the State's SIP submittal would terminate upon USEPA approval of Minnesota's forthcoming operating permit program.

Response: This understanding is incorrect. The operating permit program regulations that Minnesota is developing indeed are intended to provide for permits that could replace preexisting administrative orders such as the order for MWCC. However, actual termination of the administrative order would not occur unless and until the State grants a permit that could replace the order, requests a SIP revision to replace the administrative order with a substitute permit, and USEPA approves the SIP revision.

Comment: MWCC notes that area sources are not "relatively minor," insofar as area sources (emitting 486 tons per year) emit more emissions than all but one industrial source (emitting 552 tons per year.)

Response: MWCC's figures are approximately correct. However, these area sources, by their very distribution, have a relatively minor impact as compared to the impact of the concentrated emissions from industrial sources. More importantly, the impact of industrial sources is sufficiently significant relative to the impact of area sources that the choice of dispersion models used by the State is appropriate.

Comment: MWCC expresses the concern that the development of administrative orders was less effective and efficient than use of State permits would have been.

Response: The State submitted administrative orders to address a USEPA concern that permit limits could be unenforceable after permit expiration. In any case, MWCC does not appear to disagree with USEPA's proposed conclusion, which is that the

administrative orders submitted by the State should be approved.

IV. New State Submittals

This final rulemaking must also consider three State submittals which were not considered in the proposed rulemaking. The first submittal, dated February 3, 1993, provides an administrative order for Harvest States Cooperatives, in response to USEPA's concern that emissions at this facility be limited to levels that would provide for attainment. This administrative order was adopted after proper public notice and opportunity for comment, and enforceably limits emissions from this facility. Although the allowable emission rates under this order are slightly higher than the actual emission rates used in the State's attainment demonstration, the differential is small relative to the margin of attainment near this facility. Therefore, USEPA now finds that the State's modeling analyses demonstrate, in accordance with applicable guidance, that attainment is assured in both nonattainment areas even if all sources emit their full allowable emissions.

A second State submittal, dated April 30, 1993, provided a replacement administrative order for North Star Steel. In most respects this administrative order is the same as the earlier order on which USEPA proposed action, and is equally as enforceable as the prior order. Although the new order reflects a new furnace configuration, replacing a two furnace system with a system involving one larger furnace and a ladle metallurgy station, these new operations emit through the same emission points and have similar allowable emissions as the prior order.

The changes in allowable emissions include a lower allowable emissions rate for the existing baghouse (essentially implementing one of the source's contingency measures) and an enlarged growth margin that takes credit for the lesser emissions that will be caused by the new system. Thus, attainment is equally as well assured with the new order as with the prior order. Although the new order reduces the quantity of emissions reductions provided in the contingency plan (by implementing one of the contingency measures), the remaining contingency plan is adequate to meet USEPA's criteria for contingency plan adequacy.

A third submittal, dated October 15, 1993, makes only a minor amendment to the administrative order for Rochester Public Utilities, namely to defer the date for required testing for emission points which are currently shut down. This amendment does not alter the prior

conclusion that the administrative order in particular and the Rochester SIP in general are approvable.

V. Final Action

On June 25, 1993, USEPA proposed to approve the State's plans for the Saint Paul and Rochester nonattainment areas as meeting the requirements of sections 189(a)(1)(B) and 189(a)(1)(C) as well as various provisions of section 172(c) (specifically subsections (1), (2), (3), (4), (6), (7), (8), and (9)), provided the State adopted and submitted the intended administrative order for Harvest States Coop. USEPA further proposed to determine pursuant to section 189(e) that secondary particulate matter formed from particulate matter precursors does not contribute significantly to exceedances of the NAAQS.

Minnesota submitted the requested administrative order for Harvest States Cooperatives on February 3, 1993, thereby satisfying the condition for fully providing for attainment. A second submittal, a replacement administrative order for North Star Steel submitted April 30, 1993, and a third submittal, an amendment to the administrative order for Rochester Public Utilities submitted October 15, 1993, do not alter the plan's approvability. Although USEPA received one set of comments on the proposed rulemaking, these comments did not object to USEPA's proposed action or its underlying rationale. Therefore, USEPA is taking final action to approve Minnesota's submittals as satisfying applicable requirements for the Saint Paul and Rochester particulate matter nonattainment areas. Specifically, USEPA concludes that these submittals fully satisfy the attainment demonstration requirement in section 189(a)(1)(B), the reasonably available control measures requirement in section 189(a)(1)(C), the contingency plan requirement in section 172(c)(9), and other applicable requirements of subsections (1), (2), (3), (4), (6), (7), and (8) of section 172, which by reference also includes the requirements of section 110(a)(2). In addition, USEPA is making a determination pursuant to section 189(e) that secondary particulate matter formed from particulate matter precursors does not contribute significantly to exceedances of the NAAQS. The State has made separate submittals to address the permit program requirements specified in section 189(a)(1)(A), section 172(c)(5), and section 173, which will be addressed in separate rulemaking.

As noted previously, the enforceable element of the State's submittals are the administrative orders for nine facilities

in Saint Paul and one facility in Rochester. The codification portion of this action identifies the dates of the administrative orders and the names and locations of the facilities covered. In brief, this final action incorporates into the SIP and makes Federally enforceable the administrative orders for (1) Ashbach Construction Company, (2) Commercial Asphalt, (3) Great Lakes Coal & Dock, (4) Harvest States Cooperatives, (5) LaFarge Corporation, (6) Metropolitan Waste Control Commission and the Metropolitan Council, (7) North Star Steel, (8) PM Ag Products, (9) Rochester Public Utilities, and (10) J.L. Shiely.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. USEPA*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

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 makes final the action proposed at 57 FR 34397. As noted elsewhere in this action, USEPA received no adverse public comment on the proposed action. As a direct result, the Regional Administrator has reclassified this action from Table One to Table Two under the processing procedures established at 54 FR 2214, January 19, 1989. On January 6, 1989,

the Office of Management and Budget (OMB) waived Table Two and Three SIP revisions (54 FR 2222) from the requirements of section 6 of Executive Order 12866 for a period of 2 years. OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request. This request continues in effect under Executive Order 12866, which superseded Executive Order 12291 on September 30, 1993.

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 April 18, 1994. 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).)

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Incorporation by Reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: December 7, 1993.

William H. Sanders III,
Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, chapter I, part 52, 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. 7401-7671q.

2. Section 52.1220 is amended by adding new paragraph (c)(29) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(29) On November 26, 1991, August 31, 1992, November 13, 1992, February 3, 1993, April 30, 1993, and October 15, 1993, the State of Minnesota submitted revisions to its State Implementation Plans (SIPs) for particulate matter for the Saint Paul and Rochester areas.

(i) Incorporation by reference.

(A) An administrative order for Ashbach Construction Company, dated August 25, 1992, submitted August 31, 1992, for the facility at University Avenue and Omstead Street.

(B) An administrative order for Commercial Asphalt, Inc., dated August 25, 1992, submitted August 31, 1992, for the facility at Red Rock Road.

(C) An administrative order for Great Lakes Coal & Dock Company dated August 25, 1992, submitted August 31, 1992, for the facility at 1031 Childs Road.

(D) An administrative order for Harvest States Cooperatives dated January 26, 1993, submitted February 3, 1993, for the facility at 935 Childs Road.

(E) An administrative order for LaFarge Corporation dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 2145 Childs Road.

(F) An administrative order for the Metropolitan Waste Control Commission and the Metropolitan Council dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 2400 Childs Road.

(G) An administrative order for North Star Steel Company dated April 22, 1993, submitted April 30, 1993, for the facility at 1678 Red Rock Road.

(H) An administrative order for PM Ag Products, Inc., dated August 25, 1992, submitted August 31, 1992, for the facility at 2225 Childs Road.

(I) An administrative order for Rochester Public Utilities dated November 30, 1992, submitted in a letter dated November 13, 1992, for the facility at 425 Silver Lake Drive.

(J) An amendment to the administrative order for Rochester Public Utilities, dated October 14, 1993, submitted October 15, 1993, for the facility at 425 Silver Lake Drive.

(K) An administrative order for J.L. Shiely Company dated August 25, 1992, submitted August 31, 1992, for the facility at 1177 Childs Road.

(ii) Additional materials.

(A) A letter from Charles Williams to Valdas Adamkus dated November 26, 1991, with attachments.

(B) A letter from Charles Williams to Valdas Adamkus dated August 31, 1992, with attachments.

(C) A letter from Charles Williams to Valdas Adamkus dated November 13, 1992, with attachments.

(D) A letter from Charles Williams to Valdas Adamkus dated February 3, 1993, with attachments.

(E) A letter from Charles Williams to Valdas Adamkus dated April 30, 1993, with attachments.

(F) A letter from Charles Williams to Valdas Adamkus dated October 15, 1993, with attachments.

3. Section 52.1230 is amended by revising paragraph (a) to read as follows:

§ 52.1230 Control strategy and rules: Particulates.

(a) *Part D. (1) Approval.* The State of Minnesota has satisfied the requirements of sections 189(a)(1)(B) and 189(a)(1)(C) and paragraphs 1, 2, 3, 4, 6, 7, 8, and 9 of section 172(c) for the Saint Paul and Rochester areas. The Administrator has determined pursuant to section 189(e) that secondary particulate matter formed from particulate matter precursors does not contribute significantly to exceedances of the NAAQS.

(2) *No Action.* USEPA takes no action on the alternative test method provision of Rule 7005.2910.

* * * * *

[FR Doc. 94-2169 Filed 2-14-94; 8:45 am]

BILLING CODE: 6560-60-P

40 CFR Part 52

[OR-29-1-6248; FRL-4833-6]

Approval and Promulgation of State Implementation Plans; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the state of Oregon. This revision establishes and requires the implementation of an oxygenated gasoline program in the Clackamas, Jackson, Multnomah, Washington and Yamhill counties, and an eleven by twelve mile area surrounding Klamath Falls and a nine mile by nine mile area surrounding Grants Pass. This SIP revision was submitted to satisfy the requirement of section 211(m) of the Clean Air Act, as amended (CAA), which requires all carbon monoxide nonattainment areas with a design value of 9.5 parts per million (ppm) or greater based generally on 1988 and 1989 air quality monitoring data to implement an oxygenated gasoline program. The intended effect of this action is to approve the oxygenated gasoline program. This action is being taken under Section 110 of the CAA.

EFFECTIVE DATE: This rule will become effective on March 17, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at: Air and Radiation

Branch (Docket # OR-29-1-6248), United States Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; Department of Environmental Quality, Vehicle Inspection Program, 1301 SE Morrison St., Portland, Oregon 97214; and Jerry Kurtzweg ANR-443, United States Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Air and Radiation Branch (AT-082), United States Environmental Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-1814.

SUPPLEMENTARY INFORMATION:

On October 20, 1993 (58 FR 54086-54089), EPA published a notice of proposed rulemaking (NPR) for the state of Oregon. The NPR proposed approval of an oxygenated gasoline program. The formal SIP revision was submitted by the state of Oregon on November 16, 1992. The revision included revisions to Oregon's Administrative Rules (OAR) 340-20-136 and 340-22-440 through 340-22-640, adopted as part of the state of Oregon Clean Air Act Implementation Plan through OAR 340-20-047. These regulatory revisions were adopted by the Oregon Environmental Quality Commission on October 16, 1992 and went into effect on November 1, 1992. A more detailed analysis of the state submittal was prepared as part of the NPR action and is contained in a Technical Support document (TSD) dated July 1, 1993; which is available from the Region 10 office listed in the **Addresses** section of this document.

Other specific requirements of the oxygenated gasoline program and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No substantial public comments were received on the NPR.

I. Final Action

EPA is approving the amendments to Oregon's Administrative Rules (OAR) 340-20-136 and 340-22-440 through 340-22-640, and adopted as part of the state of Oregon Clean Air Act Implementation Plan through OAR 340-20-047.

II. Administrative Review

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 3 action for signature by the