

TABLE 52.385—EPA-APPROVED RULES AND REGULATIONS—Continued

Connecticut state citation	Title/ subject	Dates		Federal Register citation	52.370	Comments/ description
		Date adopted by State	Date ap- proved by EPA			

[FR Doc. 99-21004 Filed 8-13-99; 8:45 am] BILLING CODE 6560-50-P		Boulevard, Chicago, Illinois 60604, (312) 353-8328.				delay attainment or prevent maintenance of the applicable National Ambient Air Quality Standards (NAAQS). Additionally, the federal requirement limits the demonstration to no more than 75 percent of the NAAQS. Murphy Oil has requested an alternate emission limit of 3.0 lbs/MMBTU for any combustion unit when combusting #6 fuel oil. The WDNR air quality modeling evaluates this alternate limit in comparison to the SO ₂ NAAQS. Additional information is available in our June 6, 1997 Technical Support Document (TSD).
ENVIRONMENTAL PROTECTION AGENCY		SUPPLEMENTARY INFORMATION: This supplementary information section is organized as follows:				
40 CFR Part 52		<i>A. What Action Is EPA Taking Today?</i> <i>B. Why Was this SIP Revision Submitted?</i> <i>C. Why Can We Approve this Request?</i> <i>D. What Is the Background for this Rulemaking?</i>				
[WI91-01-7322a; FRL-6414-7]		A. What Action Is EPA Taking Today?				C. Why Can We Approve This Request?
Approval and Promulgation of Implementation Plans; Wisconsin		We are approving WDNR's February 26, 1999 request for a site-specific revision to the Wisconsin SO ₂ SIP. Specifically, we are approving: (A) the SO ₂ emission limits contained in Wisconsin Air Pollution Control Operation Permit No. 95-SDD-120-OP, issued by the WDNR to Murphy Oil, USA on February 17, 1999; and (B) a modeled attainment demonstration assessing the impact of the alternate SO ₂ limits for Murphy Oil, located in Superior (Douglas County), Wisconsin.				We are approving the current SIP submittal as a Direct Final Federal Register document because the source has followed the procedures of Wisconsin State Rule NR 417.07(5) for obtaining alternate emission limits, which we approved on May 21, 1993 at 58 FR 29538. Our June 7, 1999 TSD contains details of the criteria Murphy Oil met to have the alternate emission limit approved. The State submitted modeling results incorporating the 3.0 lbs/MMBTU proposed alternative limit for two separate operating options, one with lower SO ₂ emission limits and another with higher SO ₂ emission limits. The NAAQS for SO ₂ consist of a 3-hour level of 1300 micrograms per cubic meter (µg/m ³), a 24-hour level of 365 µg/m ³ and an annual arithmetic mean of 80 µg/m ³ . Modeling results from the option with the higher SO ₂ emission limits, combined with background concentrations, show a 3- hour concentration of 642.0 µg/m ³ (49.4 percent of NAAQS), a 24-hour concentration of 211.4 µg/m ³ (57.9 percent of NAAQS) and an annual concentration of 24.1 µg/m ³ (30.1 percent of NAAQS). Therefore, the modeling results for both options show that the NAAQS for SO ₂ will be attained at the required 75 percent level.
AGENCY: Environmental Protection Agency (EPA).		B. Why Was this SIP Revision Submitted?				D. What Is the Background for This Rulemaking?
ACTION: Direct final rule.		Murphy Oil owns and operates a petroleum refinery in Superior, Wisconsin. The categorical statewide emission limit that we had approved on May 21, 1993 for petroleum refineries is 0.8 pounds of SO ₂ per million British Thermal Units (lbs/MMBTU). Also included in our May 21, 1993 final approval of Wisconsin's Statewide SO ₂ rules was NR 417.07(5), which established the State's procedures for sources to obtain alternate emission limitations. However, in both our January 2, 1992 proposed rulemaking and our May 21, 1993 final action, we noted that Wisconsin had to submit for approval all relaxed State limits as site- specific SIP revisions pursuant to section 110 of the Clean Air Act. We also stated that any previous SIP limitations would remain in effect and enforceable until we approved the proposed relaxed limitations into the SO ₂ SIP.				On April 26, 1984 we notified the Governor of Wisconsin that the Wisconsin SO ₂ SIP was inadequate to ensure the protection of the primary and
SUMMARY: We are approving a site- specific revision to the Wisconsin sulfur dioxide (SO ₂) State Implementation Plan (SIP) for Murphy Oil located in Superior, Wisconsin. The Wisconsin Department of Natural Resources (WDNR) submitted this SIP revision on February 26, 1999 in response to a request for an alternate SO ₂ emission limitation by Murphy Oil. The rationale for the approval and other information are provided in this document.		Both our alternative emission limit requirements and WDNR's NR 417.05(5) require, among other things, that before an alternate emission limit can be approved, it must be demonstrated that the proposed alternate limit will not				
DATES: This action is effective on October 15, 1999 without further notice, unless EPA receives relevant adverse comments by September 15, 1999. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect.						
ADDRESSES: Written comments may be mailed to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the documents relevant to this action are available for inspection during normal business hours at the above address. (Please telephone Christos Panos at (312) 353-8328, before visiting the Region 5 office.)						
FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch (AR-18J), Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson						

secondary SO₂ NAAQS. The State responded to the notice of SIP deficiency with a Statewide SO₂ emission limitations rule (NR 417.07). On January 2, 1992 at 57 FR 25, we proposed to approve the majority of Wisconsin's Statewide SO₂ rules. A final approval of the majority of NR 417.07 was published on May 21, 1993 at 58 FR 29538 [we took no action on NR 417.07(2)(e) and NR 417.07(2)(f)].

As allowed under NR 417.07(5), Murphy Oil initially submitted a request for an alternate SO₂ emission limit in 1985 and proposed the first alternate SO₂ emission limitations in 1986. The WDNR concluded in an August 1988 memorandum that Murphy Oil's request for an alternate SO₂ emission limit was approvable. However, the State did not proceed at that time to propose an operating permit incorporating the alternate emission limit or to request public input on the proposed alternate emission limit, as required by the State rule.

EPA Action

In this rulemaking action, EPA approves the SO₂ emission limits in Wisconsin Air Pollution Control Operation Permit No. 95-SDD-120-OP, issued by the WDNR to Murphy Oil USA on February 17, 1999, and the modeled attainment demonstration using the alternate SO₂ limits for Murphy Oil in Superior (Douglas County), Wisconsin. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the State Plan should relevant adverse comments be filed. This rule will be effective October 15, 1999 without further notice unless relevant adverse comments are received by September 15, 1999. If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective October 15, 1999.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future

implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments.

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments and does not impose substantial direct compliance costs on those communities. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because 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 this action will not have a significant impact on small entities. 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 EPA from basing its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate, or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated does not include a federal mandate that may

result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

G. 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 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 15, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur dioxide.

Dated: July 22, 1999.

Jerri-Anne Garl,

Acting Regional Administrator, Region 5.

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 52.2570 is amended by adding paragraph (c)(99) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(99) On February 26, 1999, the State of Wisconsin submitted a site-specific revision to the sulfur dioxide (SO₂) SIP for Murphy Oil USA located in Superior (Douglas County), Wisconsin. This SIP revision was submitted in response to a January 1, 1985, request for an alternate SO₂ emission limitation by Murphy Oil, in accordance with the procedures of Wisconsin State Rule NR 417.07(5) for obtaining alternate emission limits, as was approved by EPA in paragraph (c)(63) of this section.

(i) Incorporation by reference.

(A) AIR POLLUTION CONTROL OPERATION PERMIT NO. 95-DD-120-P, issued by the Wisconsin Department of Natural Resources (WDNR) to Murphy Oil USA on February 17, 1999.

(ii) Additional material.

(A) Analysis and Preliminary Determination for the Proposed Operation Permit for the Operation of Process Heaters and Processes Emitting Sulfur Dioxide for Murphy Oil, performed by the WDNR on September 18, 1998. This document contains a source description, analysis of the alternate emission limitation request, and an air quality review, which includes the results of an air quality modeling analysis demonstrating modeled attainment of the SO₂ NAAQS using the alternate emission limit for Murphy Oil.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH039-7166a; A-1-FRL-6416-2]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; General Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving New Hampshire's General Conformity Rule, incorporating it into the State Implementation Plan (SIP).

DATES: This direct final rule takes effect on October 15, 1999 without further notice, unless EPA receives adverse or critical comments by September 15,

1999. If EPA does receive adverse comments, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You may mail comments to Susan Studlien, Deputy Director, Office of Ecosystem Protection, EPA Region 1 (CAA), One Congress Street, Suite 1100 (CAA), Boston, MA 02114. You may also email comments to cairns.matthew@epa.gov.

You may review copies of the relevant documents to this action by appointment during normal business hours at the Office Ecosystem Protection, EPA Region 1, One Congress Street, Boston, Massachusetts; the Air and Radiation Docket and Information Center, USEPA, 401 M Street, S.W., (LE-131), Washington, DC; and the Air Resources Division, Department of Environmental Services, 64 North Main Street, Concord, New Hampshire.

FOR FURTHER INFORMATION CONTACT: Matthew B. Cairns at 617-918-1667 or cairns.matthew@epa.gov.

SUPPLEMENTARY INFORMATION:

This section is organized as follows:

What action is EPA taking today?

What is General Conformity?

Where does General Conformity apply?

Who must follow General Conformity?

How does General Conformity differ from

Transportation Conformity?

What did New Hampshire submit to EPA for approval?

Why did New Hampshire have to develop its own General Conformity Rule?

Why must New Hampshire's Rule be federally enforceable?

How does New Hampshire's General Conformity Rule meet the requirements of a federally enforceable General Conformity Rule?

Does New Hampshire's General Conformity Rule differ from the Federal General Conformity rule?

How does General Conformity affect air quality in New Hampshire?

Where can I get copies of the New Hampshire General Conformity Rule?

What is the process for EPA's approval of these SIP revisions?

What Action Is EPA Taking Today?

EPA is approving New Hampshire's General Conformity Rule, incorporating it into the State Implementation Plan (SIP). This action makes New Hampshire's General Conformity Rule federally enforceable.

What is General Conformity?

General Conformity is a safeguard that no action by the Federal government interferes with a SIP's protection of the National Ambient Air Quality Standards (NAAQS). Under General Conformity, any action by the Federal government cannot: