

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. 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 August 14, 1995.

The OMB has exempted this action from review under Executive Order 12866.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA 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, EPA 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.

By this action, EPA is approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the state. Therefore, because the EPA's approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations.

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

Dated: March 27, 1995.

Felicia Marcus,
Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart D—Arizona

2. Section 52.120 is amended by adding paragraphs (c) (72) and (76) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(72) Program elements were submitted on November 13, 1992 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on November 13, 1993.

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(76) Program elements were submitted on February 1, 1995 by the Governor's designee.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Assistance Program, adopted on February 1, 1995.

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BILLING CODE 6560-50-P

40 CFR Part 52

[IN32-2-7011; FRL-5208-4]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: On March 31, 1995, the USEPA proposed approval of a State Implementation Plan (SIP) request for Lake County, Indiana. The request was submitted by the State of Indiana for the purpose of bringing about the attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM). Public comments were solicited on the proposed SIP revision, and on USEPA's proposed rulemaking action. The public comment period ended on May 1, 1995, and no public comments were received. This rulemaking action approves, in final, the PM SIP revision request for Lake County, Indiana as requested by Indiana.

EFFECTIVE DATE: This final rule is effective on July 17, 1995.

ADDRESSES: Copies of the State's submittal, and other materials relating to this rulemaking are available at the following address for review: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

The docket may be inspected between the hours of 8:30 a.m. and 12 noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. A reasonable fee may be charged by the USEPA for copying docket material.

A copy of this SIP revision is available for inspection at: Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102), Room 1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Regulation Development Branch, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-3299. Anyone wishing to visit the Region 5 offices should first contact David Pohlman.

SUPPLEMENTARY INFORMATION:

Background

Under section 107(d)(4)(B) of the Clean Air Act (Act), as amended on November 15, 1990 (amended Act), certain areas ("initial areas") were designated nonattainment for PM. Under section 188 of the amended Act these initial areas were classified as "moderate". The initial areas include the Lake County, Indiana, nonattainment area. (See 40 CFR 81.314 for a complete description of these areas.) Section 189 of the amended Act required State submission of a PM SIP for the initial areas by November 15, 1991.

Section 110(k) of the Act sets out provisions governing USEPA's review of SIP submittals (see 57 FR 13565-13566). In this final rule, USEPA is approving the SIP revision request submitted to USEPA on June 16, 1993, and supplemented on December 9, 1993, September 8, 1994, and November 17, 1994, for the Lake County nonattainment area. The submittal repeals rules 326 Indiana Administrative Code (IAC) 5-1-6, 6-1-10, and 6-1-11. The submittal contains the following new or revised rules:

326 IAC 1-2-32.1 *	“Gooseneck cap” definition.
326 IAC 1-2-34.1 *	“Jumper pipe” definition.
326 IAC 1-2-62.1 *	“Quench car” definition.
326 IAC 1-2-63.1 *	“Quench reservoir” definition.
326 IAC 1-2-63.2 *	“Quench tower” definition.
326 IAC 5-1-1 *	Applicability of rule.
326 IAC 5-1-2 *	Visible emission limitations.
326 IAC 5-1-3 *	Temporary exemptions.
326 IAC 5-1-4 *	Compliance determination.
326 IAC 5-1-5 *	Violations.
326 IAC 5-1-7 *	State implementation plan revisions.
326 IAC 6-1-10.1 (a-k)	Lake County PM10 emissions requirements.
326 IAC 6-1-10.2	Lake County PM10 coke battery emissions requirements.
326 IAC 6-1-11.1	Lake County fugitive particulate matter control requirements.
326 IAC 11-3-2 (a-f and i) *	Emission limitations.
326 IAC 11-3-4 *	Compliance determination.

While some of these rules apply strictly to Lake County, others (marked above with an asterisk) are intended to have state-wide applicability. The USEPA is approving the rules marked above with an asterisk for the entire state of Indiana. The other rules are being approved for sources in Lake County only.

The limitations on point sources in Lake County include source-specific emissions limits in terms of pounds per ton (lb/ton), pounds per hour (lbs/hr), pounds per Million British Thermal Units (lb/MMBTU), and grains per dry standard cubic foot (gr/dscf). There are also source-specific opacity limits ranging from 5-20 percent on certain sources in the nonattainment area. Other limitations on point sources include emission limits on coke ovens located in Lake County and a general 20 percent opacity limit for all sources in the nonattainment area. Limitations on sources of fugitive emissions in Lake County include a 10 percent opacity limit for paved roads and parking lots, unpaved roads and parking lots, and wind erosion from storage piles.

Indiana also submitted air quality modeling which shows that the Lake County PM nonattainment area will attain the 24-hour PM standard. The highest sixth high predicted 24-hour concentration is 149.9 µg/m³ (the 24-hour PM standard is 150 µg/m³). The final modeling also predicts attainment of the annual PM standard. The highest 5-year average predicted PM concentration is 47.7 µg/m³ (the standard is 50 µg/m³). In addition, a preliminary review of the available monitored air quality data for the Lake County area shows that this area is attaining the NAAQS.

The USEPA proposed approval of and solicited public comments on this SIP revision request on March 31, 1995. The public comment period ended on May 1, 1995, and no comments were received.

Final Rulemaking Action

The USEPA is approving the plan revision submitted to USEPA by the State of Indiana on June 16, 1993, and supplemented on December 9, 1993, September 8, 1994, and November 17, 1994, for the Lake County PM nonattainment area. Among other things, the State of Indiana has demonstrated through modeling that the Lake County moderate PM nonattainment area will attain the PM NAAQS. In addition, a preliminary review of the monitored air quality data for the Lake County area shows that this area is attaining the NAAQS.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from Executive Order 12866 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 any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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 14, 1995. 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) of the Act.)

List of Subjects in 40 CFR Part 52

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

Dated: May 8, 1995.

David A. Ullrich,
Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(99) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(99) On June 16, 1993, December 9, 1993, September 8, 1994, and November 17, 1994, Indiana submitted a part D particulate matter (PM) nonattainment area plan for the Lake County moderate nonattainment area.

(i) Incorporation by reference.

(A) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 1: General Provisions, Rule 2: Definitions, Section 32.1: “Gooseneck cap” definition, Section 34.1: “Jumper pipe” definition, Section 62.1: “Quench car” definition, Section 63.1: “Quench reservoir” definition, and Section 63.2: “Quench tower” definition. Added at 16 *Indiana Register* 2363, effective June 11, 1993.

(B) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 5: Opacity Regulations, Rule 1: Opacity Limitations, Section 1: Applicability of rule, Section 2: Visible emissions limitations, Section 3:

Temporary exemptions, Section 4: Compliance determination, Section 5: Violations, and Section 7: State implementation plan revisions. Amended at 16 *Indiana Register* 2363, effective June 11, 1993.

(C) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 6: Particulate Rules, Rule 1: Nonattainment Area Limitations, Opacity Limitations, Section 10.1: Lake County PM10 emissions requirements (subsections a through k), Section 10.2: Lake County PM10 coke battery emissions requirements, and Section 11.1: Lake County fugitive particulate matter control requirements. Added at 16 *Indiana Register* 2363, effective June 11, 1993.

(D) Indiana Administrative Code Title 326: Air Pollution Control Board, Article 11: Emissions Limitations for Specific Types of Operations, Rule 3: Coke Oven Batteries, Section 2: Emissions limitations (subsections a through f, and i), and Section 4: Compliance determination. Amended at 16 *Indiana Register* 2363, effective June 11, 1993.

[FR Doc. 95-14627 Filed 6-14-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5220-7]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Koch Refining Company Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Koch Refining Company site in Minnesota from the National Priorities

List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Minnesota have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further response by responsible parties is appropriate. Moreover, EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: June 15, 1995.

FOR FURTHER INFORMATION CONTACT:

Gladys Beard at (312) 886-7253, Associate Remedial Project Manager, Office of Superfund, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Minnesota Pollution Agency Public Library, 520 Laffayette Rd. St Paul, MN 55155-4194.

Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The point of contact for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: The Koch Refining Company located in Rosemount, Minnesota. A Notice of Intent to Delete was published March 23, 1995 (60 FR 15273) for this site. The closing date for comments on the Notice of Intent to Delete was April 24, 1995. EPA received no comments and therefore has not prepared a Responsiveness Summary.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and

it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 28, 1995.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601-9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site "Koch Refining Co./N-Ren Corp., Pine Bend, Minnesota".

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