

particulate matter SIP for Rochester, i.e. for Rochester Public Utilities, the administrative order was amended to (1) revise the statement of air quality standards to reflect revisions in the underlying State rules, (2) reduce opacity reading requirements to an as requested basis, and (3) to require reporting of startups and shutdowns only if they are unscheduled and cause exceedances of the applicable limitations. (The company is required to operate continuous opacity monitors to identify periods of excessive emissions.) For SO₂ in the Twin Cities area, the administrative order for Northern States Power was amended to authorize the company to burn natural gas at six oil-fired gas turbines, and the administrative order for FMC Corporation was amended to show ownership now by United Defense, LP.

II. Analysis of State Submittal

USEPA reviewed each of the various amendments submitted by Minnesota. The revision of the statement of air quality standards is an administrative improvement that makes the orders better reflect new air quality standards in the underlying State rules. The elimination of the requirement for opacity testing according to preset schedules is a reasonable revision because these sources now have compliance histories to indicate the needed frequency of compliance testing. In any case, the orders provide that MPCA or USEPA can require opacity readings at any time, which is sufficient to assure enforceability of these limits. The elimination of requirements to report scheduled startups and shutdowns to MPCA does not eliminate the requirement that the sources record this information, and thus does not reduce MPCA's or USEPA's ability to obtain this information when necessary. For the special case of Rochester Public Utilities, because this facility uses electrostatic precipitators that routinely have unscheduled startups and shutdowns, and because this facility is required to operate continuous opacity monitors, it is reasonable to require this company to report only those startups and shutdowns that are unscheduled and cause exceedances of applicable limits. The name revisions obviously have no environmental impact. The enhancement of the road cleaning requirements for J.L. Shiely clearly will have beneficial environmental impacts. The order for the nonexistent equipment at the PM Ag Products facility is superfluous and may therefore be revoked without impact. The allowance for Northern States Power to burn natural gas at six gas turbines at its Inver

Hills Station has no effect on legally allowable emissions but allows an operational alternative that in practice will reduce emissions. In summary, all of the amendments requested by Minnesota are approvable.

III. Rulemaking Action

USEPA is approving the amendments to 12 administrative orders as requested by the State. All of these amendments were adopted and effective at the State on December 21, 1994. Specifically, for particulate matter in Saint Paul, USEPA is approving amendments to the administrative orders for the following facilities: (1) The Ashbach Construction Company facility at University Avenue and Omstead Street, (2) the Commercial Asphalt, Inc., facility at Red Rock Road, (3) the Great Lakes Coal & Dock Company facility at 1031 Childs Road, (4) the Harvest States Cooperatives facility at 935 Childs Road, (5) the LaFarge Corporation facility at 2145 Childs Road, (6) the Metropolitan Council facility at 2400 Childs Road, (7) the North Star Steel Company facility at 1678 Red Rock Road, and (8) the J.L. Shiely Company facility at 1177 Childs Road. USEPA is revoking the previously approved administrative order for the PM Ag Products, Inc., facility at 2225 Childs Road. For particulate matter in Rochester, USEPA is approving amendments to the administrative order for the Rochester Public Utilities facility at 425 Silver Lake Drive. For sulfur dioxide in the Minneapolis-Saint Paul area, USEPA is approving amendments to the administrative orders for the Northern States Power Inver Hills Station, and the United Defense, LP facility (formerly the FMC/U.S. Navy facility) in Fridley.

For convenience, USEPA is also using this rulemaking to correct the codification of its prior approval of Minnesota's offset rule. Rule 7005.3050 was included as an approved rule, and yet Minnesota had repealed this rule. Therefore, USEPA is amending the codification of approved Minnesota submittals to delete reference to this rule.

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a "proposed approval" of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The "direct final" approval shall be effective on August 14, 1995,

unless USEPA receives adverse or critical comments by July 13, 1995.

If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval. All public comments received will then be addressed in a subsequent rulemaking notice. Any parties interested in commenting on this action should do so at this time.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA shall consider each request for revision to the SIP 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 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 Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

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 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, USEPA must undertake various actions in association with proposed or