

Racine, Superior and Waukesha from secondary TSP nonattainment to attainment or unclassifiable for PM. On June 3, 1993 (58 FR 31622), USEPA published a final rule revising the prevention of significant deterioration (PSD) particulate matter increments, which became effective on June 4, 1994, so that the increments are measured in terms of particulate matter with an aerodynamic diameter less than 10 microns (PM). Section 107(d)(4)(B) of the Clean Air Act (Act) authorizes USEPA to eliminate all area TSP designations once the increments for PM are promulgated. The June 3, 1993 action also established the method by which USEPA deletes such TSP designations.

EFFECTIVE DATE: This final rule is effective November 13, 1995, unless USEPA receives adverse or critical comments by October 13, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the documents relevant to this action are available for inspection during normal business hours at the following location: (It is recommended that you telephone Christos Panos at (312) 353-8328, before visiting the Region 5 office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Toxics and Radiation Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Environmental Engineer, Regulation Development Section, Air Toxics and Radiation Branch (AT-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, (312) 353-8328.

SUPPLEMENTARY INFORMATION:

Background

In 1971, USEPA promulgated primary and secondary National Ambient Air Quality Standards (NAAQS) for particulate matter to be measured as TSP. On July 1, 1987 (52 FR 242634), USEPA revised the NAAQS for particulate matter, replacing the TSP indicator with the PM indicator. On the same date, USEPA promulgated final regulations under 40 CFR part 51 for State implementation of the revised NAAQS (52 FR 24672). In the preamble to that action, USEPA announced that, because of the importance of the section 107 area designations to the applicability of the TSP increments, it would retain the TSP designations beyond the date on which USEPA

approves a State's revised PM State Implementation Plan (SIP). This would protect the applicability of the TSP increments until a PM increment system could be established.

The 1990 Amendments to the Act contained several pertinent provisions relating to or affecting the TSP area designations. Under section 107(d)(4)(B) of the amended Act, Congress established by operation of law the first nonattainment area designations for PM, and mandated that areas not initially defined as nonattainment are considered to be unclassifiable. The entire State of Wisconsin was designated unclassifiable for PM under the 1990 Amendments to the Act. Moreover, section 107(d)(4)(B) provided that any designation for particulate matter (measured in terms of TSP) that the Administrator promulgated prior to the date of enactment of the 1990 Amendments shall remain in effect for purposes of implementing the maximum allowable concentrations of particulate matter (measured in terms of TSP) increments until the Administrator determines that such designation is no longer necessary for that purpose.

On June 3, 1993 (58 FR 31622), under the authority of section 166(f) of the Act, USEPA published the final rulemaking replacing the TSP increments with equivalent PM increments. As a result, the PSD increments and NAAQS will be measured by the same indicator. As stated at 58 FR 31635, for States already having delegated authority to implement the Federal PSD regulations "USEPA will eliminate the TSP designations when the PM increments become effective under § 52.21 on June 3, 1994." The USEPA has delegated to the State of Wisconsin the authority to implement the PSD program. The delegation agreement provides for automatic adoption of the revised PM increments once the increments become effective. In addition, USEPA approved the State's PM rules as a revision to the Wisconsin SIP on June 28, 1993 (58 FR 34528).

As suggested above, because the revised Act sets out the narrow purpose of maintaining the TSP designations only until promulgation of the PM increments, USEPA believes it is not required to examine the TSP air quality considerations of a TSP redesignation. However, there may be other air quality implications, especially PM impacts, which follow not from a TSP redesignation, but from a revision to existing TSP requirements. Sections 110(l) and 193 of the Act contain very specific restrictions on modifications or revisions to applicable implementation plans that may interfere with

requirements of the Act or result in relaxations of control requirements. If the applicable TSP plan for the area has provisions which result in the automatic relaxation of control requirements upon the deletion of the area designations for TSP, then any such deletion should not be approved unless, consistent with section 193, such modification is accompanied with at least equivalent emission reductions. Similarly, if the applicable TSP implementation plan automatically is modified upon the deletion of the area designations for TSP, then any such deletion should not be approved unless such modification is accompanied with a demonstration that the revision does not interfere with requirements of the Act. The USEPA's technical support document dated May 25, 1995 discusses how the modifications and the TSP plan revision automatically occurring upon the deletion of the TSP designations will not interfere with any requirement of the Act, such as maintenance of the PM NAAQS, and will not result in an increase in particulate matter emissions.

Final Action

Because TSP designations are no longer necessary and Wisconsin has already been designated as unclassifiable for PM, USEPA is taking action to delete all TSP area designations in the State of Wisconsin. The Agency believes that this is administratively more efficient than redesignating the TSP secondary nonattainment areas to attainment.

Miscellaneous

Comment and Approval Procedure

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

Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on November 13, 1995.

Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or