

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures established in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 5, 1992. Filing a petition for reconsideration of this final rule by the Administrator 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: February 14, 1992.

Joe D. Winkle,

Acting Regional Administrator.

40 CFR part 52, subpart T, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7642.

Subpart T—Louisiana

2. Section 52.970 is amended by adding paragraph (c)(58) to read as follows:

§ 52.970 Identification of plan.

(c) * * *
(58) Louisiana Air Quality Regulation section 6.6 as revised and adopted by the Louisiana Environmental Control Commission on February 26, 1981,

submitted by the Governor on March 25, 1981, and approved by the Environmental Protection Agency on June 9, 1982.

(i) *Incorporation by reference.* (A) Louisiana Air Quality Regulation section 6.6 as revised and adopted by the Louisiana Environmental Control Commission on February 26, 1981, submitted by the Governor on March 25, 1981, and approved by the Environmental Protection Agency on June 9, 1982.

(ii) *Additional material.* (A) Letter dated March 24, 1981, from the Secretary of the Louisiana Department of Natural Resources to the Governor of Louisiana acknowledging approval of Louisiana Air Quality Regulation section 6.6 by the Louisiana Environmental Control Commission effective on February 26, 1981.

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BILLING CODE 6560-50-M

40 CFR Part 52

[MO6-1-5333; FRL-4102-7]

Approval and Promulgation of Lead Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: As required by Section 110 of the Clean Air Act, the State of Missouri has submitted a State Implementation Plan (SIP) for lead to EPA for approval. This lead SIP provides for attainment of the National Ambient Air Quality Standards (NAAQS) in the vicinity of the Doe Run Herculaneum lead smelter in Herculaneum, Missouri. EPA's approval of this SIP revision provides federal enforceability of the state requirements to attain the NAAQS.

EFFECTIVE DATE: This rule will become effective on April 6, 1992.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; the Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101; and the Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Stanley A. Walker at (913) 551-7494 (FTS 276-7494).

SUPPLEMENTARY INFORMATION: On October 5, 1978, the NAAQS for lead were promulgated by the EPA (43 FR 46246). Both the primary and secondary lead standards were set at a level of 1.5 micrograms of lead per cubic meter of air averaged over a calendar quarter. During 1986, ambient air monitoring data showed that violations of the lead NAAQS were occurring in the vicinity of the Doe Run lead smelter located in Herculaneum, Missouri. In response to the violations of the lead standard, EPA called for a revision to the Missouri SIP on June 3, 1986.

In response to the SIP call, the state submitted a SIP revision for the DOE Run Herculaneum smelter on September 6, 1990; additional SIP materials were submitted on May 8, 1991.

On August 21, 1991, EPA published a Notice of Proposed Rulemaking (NPR) to approve the Missouri Doe Run Herculaneum lead SIP (56 FR 41500); no public comments were received on the NPR. For a complete discussion of the SIP and EPA's rationale for approval, the reader is referred to the above mentioned *Federal Register* notice.

Pursuant to the 1990 Clean Air Act Amendments, EPA designated the Herculaneum vicinity as nonattainment with respect to the lead NAAQS on November 6, 1991 (56 FR 56694).

Therefore, the Part D (Nonattainment Provisions) area requirements now apply to this SIP revision. In accord with section 191(a) of the Act, the state has until July 6, 1993 (18 months from the effective date of the nonattainment designation), to submit a plan revision which meets the applicable Part D requirements.

In the NPR, EPA stated that the Herculaneum area would likely be designated nonattainment and that it was proposing a limited approval of the state submittal (56 FR 41501). In view of the applicability of part D, due to the recent nonattainment designation, EPA is taking final action on a limited approval of the state submittal. EPA is granting a limited approval because the SIP provides progress toward improving air quality, but does not meet all the applicable requirements of the Act. EPA's aforementioned NPR provides additional discussion of the limited approval concept. No comments were received on the proposed limited approval. EPA's full and final approval of this SIP revision is contingent on the state's submittal of a supplemental plan revision which meets the applicable part D requirements. In the NPR, EPA

included proposed revisions to 40 CFR 52.1320 and 52.1323. In this rulemaking, EPA is making a minor revision to the language in proposed § 52.1323(g) to reflect the actual date of the nonattainment designation for the Herculaneum area, and to incorporate technical, nonsubstantive changes to the language of the proposal.

EPA Action

In today's notice, EPA takes final action on a limited approval of Missouri's September 6, 1990, and May 8, 1991, submittals which constitute the Doe Run Herculaneum lead SIP. Rule 10 CSR 10-6.120 contains provisions which are applicable to other lead smelters in the state. Lead SIP revisions for these other facilities are still under development; thus, EPA takes final limited approval action on this SIP revision only insofar as the Doe Run Herculaneum lead smelter is concerned.

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 by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291.

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 May 5, 1992. 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, Incorporation by reference, Lead, and Reporting and recordkeeping requirements.

Dated: February 3, 1992.

Morris Kay,
Regional Administrator.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7642.

Subpart AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(76) to read as follows:

§ 52.1320 Identification of plan.

(c) * * *
(76) In submittals dated September 6, 1990, and May 8, 1991, the Missouri Department of Natural Resources submitted a lead NAAQS attainment plan for the Doe Run Herculaneum primary lead smelter. Although Missouri rule 10 CSR 10-6.120 contains requirements which apply statewide to primary lead smelting operations, EPA takes action on this rule only insofar as it pertains to the Doe Run Herculaneum facility. Plan revisions to address the other lead smelters in the state are under development.

(i) Incorporation by reference.

(A) New rule 10 CSR 10-6.120, Restriction of Emissions of Lead from Primary Lead Smelter-Refinery Installations, effective December 29, 1988, with amendments effective March 14, 1991.

(B) Consent order, entered into between the Doe Run Company and the Missouri Department of Natural Resources, dated March 9, 1990.

(C) Supplemental consent order, signed by the Doe Run Company on July 26, 1990, and by the Missouri Department of Natural Resources on August 17, 1990.

(ii) Additional material.

(A) Narrative SIP material, submitted on September 9, 1990. This submittal includes the emissions inventory and attainment demonstration.

(B) The Doe Run Herculaneum Work Practice Manual was submitted on May 8, 1991. In the May 8, 1991, submittal letter, the state agreed that any subsequent changes to the work practice manual would be submitted to EPA as SIP revisions.

3. Section 52.1323 is amended by adding paragraphs (f) and (g) to read as follows:

§ 52.1323 Approval status.

(f) The Administrator approves Rule 10 CSR 10-6.120 as identified under § 52.1320(c)(76), under the following terms, to which the state of Missouri has agreed. Subparagraph (2)(B)2.B.(IV) contains a provision whereby the Director of the Missouri Department of

Natural Resources has discretion to approve revisions to the Doe Run Herculaneum work practice manual. Any revisions to the work practice manual, pursuant to this rule, must be submitted to EPA for approval as an individual SIP revision. Thus, any existing federally approved work practices remain in effect, until such time that subsequent revisions are submitted to EPA and approved as SIP revisions.

(g) The Administrator's approval of the Doe Run Herculaneum lead SIP, as identified under § 52.1320(c)(76) constitutes a limited approval in accord with a March 22, 1991, guidance memorandum from EPA's Office of Air Quality Planning and Standards. Pursuant to the 1990 Clean Air Act Amendments, EPA designated the Herculaneum, Missouri, area as nonattainment with respect to the NAAQS for lead on November 6, 1991 (56 FR 56694). The effective date of the nonattainment designation is January 6, 1992. In accord with section 191(a) of the Act, the state of Missouri must, within 18 months after the effective date of the nonattainment designation, submit a supplemental SIP revision for Doe Run Herculaneum which meets the applicable requirements of part D. EPA's full and final action on the Doe Run Herculaneum SIP is contingent on the state meeting the part D requirements.

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40 CFR Part 52

[OK-7-1-5348; FRL-4105-9]

Approval and Promulgation of Air Quality Implementation Plans, Oklahoma; Sulfur Dioxide Emissions Trade for the Conoco, Incorporated, Ponca City Refinery

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves a source-specific revision to the Oklahoma State Implementation Plan (SIP) for the Conoco, Incorporated, Ponca City Refinery. The revision consists of a sulfur dioxide (SO₂) emissions trade for the construction and operation of a sulfur recovery unit (SRU) and a cogeneration unit. On September 25, 1991, EPA proposed approval of the Conoco SO₂ emissions trade (56 FR 48472). The intended effect of this action is to approve a SO₂ emissions trade consistent with the requirements of the Environmental Protection Agency's