

Expedited Markings

C010.8.2 eliminates the use of markings such as ("RUSH" that improperly imply expedited service. Effective April 25, 1996 (PB 21918 (4-25-96))).

Heavy Letter Mail

C810.1.5. (renumbered as C810.2.3), C810.1.6 (C810.2.3), C810.2.3 (C810.7.5), C840.2.2, M814.1.9 (removed), M815.1.7 (removed), M816.1.7 (removed) provides standards for heavy letter mail. Effective February 15, 1996 (PB 21913 (2-15-96)).

Labeling Lists

L002, L101 (renumbered as L004), L102, L707 (L604), L801 (L897), L802 (L898), L803 (L899), and L804 (L801) reflect changes in mail processing. New L806 (L803) concentrates originating volumes not entered at BMCs or ASFs. Effective November 23, 1995; mandatory January 20, 1996 (PB 21907 (11-23-95)). L707 (L604) shows the change to "MXD HARTFORD CT 060." Effective November 23, 1995; mandatory January 20, 1996 (PB 21908 (12-07-95)). L806 (L803) adds ZIP Codes 420-426 for "MXD LOUISVILLE KY 400." Effective November 23, 1995; mandatory March 23, 1996 (PB 21910 (1-4-96)).

Meter Indicia

Exhibit P030.4.1 adds a new Pitney Bowes meter indicia. Effective March 18, 1996 (PB 21916 (3-28-96)).

Nonprofit Products

E370.5.10 (renumbered as E670.5.10) increases the value of low-cost products mailable at nonprofit rates. Effective January 1, 1996 (PB 21913 (2-15-96)).

Permit Applications

E060.8.1, E060.11.2, E060.12.3, P023.2.0, P023.3.0, P030.5.1 (new), P040.1.5, S922.2.1, S922.5.14, and S923.2.0 require new Form 3615 for four forms previously used for permit authorizations. Effective October 26, 1995 (PB 21905 (10-26-95)).

Return Receipts

S915.1.4 clarifies that the weight of a return receipt is not included when computing the postage weight of a mailpiece. Effective February 15, 1996 (PB 21913 (2-15-96)).

Stamp Exchanges

P014.1.7 eliminates the postage stamp conversion fee. Effective November 23, 1995 (PB 21907 (11-23-95)).

Tabbing

C810.9.0 (renumbered as C810.7.3) provides an alternative placement of tabs on booklet-type mailpieces. Effective April 25, 1996 (PB 21918 (4-25-96)).

USPS Mail

E060.16 is removed to reflect the discontinuance of the standard penalty (eagle) indicia on USPS official mail. Effective January 1, 1996 (PB 21907 (11-23-95)).

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

2. In consideration of the foregoing, the table at the end of 111.3(e) is amended by adding at the end thereof the following:

§ 111.3 Amendments to the Domestic Mail Manual.

* * * * *

| Transmittal letter for issue | Dated | Federal Register publication |
|------------------------------|--------------|------------------------------|
| 50 | July 1, 1996 | 61 FR [insert page number] |

Stanley F. Mires,
Chief Counsel, Legislative.
[FR Doc. 96-30073 Filed 11-26-96; 8:45 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-5644-2]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia; SO₂: New Manchester-Grant Magisterial District, Hancock County Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State implementation plan (SIP) revision submitted by the State of West Virginia. This revision provides for, and demonstrates, the attainment of the national ambient air quality standards (NAAQS) for sulfur oxides, measured as

sulfur dioxide (SO₂), in the New Manchester-Grant Magisterial District, Hancock County nonattainment area. The implementation plan was submitted by West Virginia to satisfy the requirements of the Clean Air Act (CAA) pertaining to nonattainment areas. This action is being taken under section 110 of the Clean Air Act.

DATES: This action is effective January 27, 1997 unless notice is received on or before December 27, 1996 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Makeba A. Morris, Chief, Technical Assessment Section (3AT22), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut

Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and, West Virginia Division of Environmental Protection, 1558 Washington Street, East, Charleston, West Virginia 25311.

FOR FURTHER INFORMATION CONTACT:

David J. Campbell, Technical Assessment Section (3AT22), U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, phone: 215 566-2196.

SUPPLEMENTARY INFORMATION:

On February 17, 1995, as amended on May 3, 1996, the State of West Virginia submitted a revision to its State implementation plan (SIP) for sulfur dioxide (SO₂). The revision pertains to the SO₂ nonattainment area in New Manchester-Grant Magisterial District, Hancock County, West Virginia.

Background

The Clean Air Act, as amended in 1977, required EPA to establish the attainment status of areas with respect to the national ambient air quality standards (NAAQS). On March 3, 1978 (43 FR 8962), as amended on September 12, 1978 (43 FR 40502), EPA published the initial attainment designations for each State in Region III. Areas within each State were designated as nonattainment, attainment, or unclassifiable and these designations are depicted in 40 CFR part 81.

As part of EPA Region III's initial designations, the New Manchester-Grant Magisterial District, Hancock County, West Virginia was designated as nonattainment for the primary NAAQS for SO₂. EPA acted on the recommendation of West Virginia to designate this area as nonattainment for SO₂. The basis of the recommendation was ambient air quality monitoring data collected at the New Manchester monitor located in Hancock County that indicated violations of the primary NAAQS for SO₂ in the northern portion of the County.

The cause of the violations of the NAAQS was primarily attributed to Ohio Edison Company's W. H. Sammis Power Plant in nearby Jefferson County, Ohio. On July 24, 1979 (44 FR 43298) and August 14, 1980 (45 FR 54042), EPA proposed and finalized, respectively, a revision to the West Virginia State Implementation Plan (SIP) for SO₂. The revision contained a control strategy and attainment demonstration for the New Manchester-Grant area.

The control strategy indicated that the New Manchester-Grant Magisterial District nonattainment area would attain the NAAQS when the Sammis Power Plant complies with the applicable SO₂ emission limitations of the Ohio SIP. This strategy did not require West Virginia to revise its SO₂ regulations. The control strategy was supported by a modeling demonstration and air quality data which showed that the area would attain the NAAQS if the Sammis Power Plant complied with its SIP emission limitation. Although a SIP revision for the nonattainment area was approved,

the State did not submit a request for redesignation to attainment.

On February 5, 1990, EPA issued a SIP call to West Virginia which, in part, required the submission of a SIP revision to attain and maintain the NAAQS for SO₂ in all of Hancock County, including the New Manchester-Grant nonattainment area. The SIP call was issued because monitored violations of the NAAQS in Hancock County indicated that the current SIP was inadequate. Later that year, the Clean Air Act was amended and provided that any area designated with respect to the NAAQS, as in effect immediately before November 15, 1990, shall retain that designation "by operation of law" (section 107(d)(1)(C)). Therefore, the New Manchester-Grant Magisterial District, Hancock County, West Virginia remained classified as nonattainment for SO₂ by operation of law after November 15, 1990.

Initially, EPA misinterpreted the new requirements of the Clean Air Act as they applied to the New Manchester-Grant nonattainment area. EPA had erroneously informed the State that a SIP revision for the nonattainment area was due by May 15, 1992. On June 13, 1994, EPA informed West Virginia of its misinterpretation of the Act and established, via the SIP call authorities outlined in section 110(k), a SIP submittal due date of December 1, 1994. EPA also explained that section 192(c) is applicable in this situation and it mandates the attainment of the NAAQS within five (5) years from the determination of SIP inadequacy. Therefore, the required SIP must provide for attainment by February 5, 1995.

On February 17, 1995, West Virginia submitted a formal SIP revision for the New Manchester-Grant Magisterial District nonattainment area. The SIP revision contains, among other things, individual consent orders between West Virginia and Quaker State Refinery and Weirton Steel Corporation limiting their SO₂ emissions and allowing for the demonstration of attainment in the New Manchester-Grant nonattainment area. EPA determined that the submittal was

administratively and technically complete. Subsequent to this determination, West Virginia identified potential minor errors with regard to the emissions inventory for a number of sources located in Ohio and the possible amendment of emission limits for two other Ohio sources. On May 3, 1996, West Virginia submitted an amended attainment demonstration that accounts for the identified changes in the Ohio emissions inventory. The consent orders between the State and principle sources did not require revision in order to demonstrate attainment.

It should be noted that the remainder of Hancock County, Clay and Butler Magisterial Districts and the City of Weirton (the "Weirton Area"), was redesignated as nonattainment for SO₂ on December 21, 1993 (58 FR 67334). This action required the State to submit a SIP revision for the Weirton Area by July 20, 1995. On July 21, 1995, EPA received a SIP revision submittal for the Weirton Area and that submittal is currently under Agency review.

Summary of SIP Revision

On February 17, 1995, as amended on May 3, 1996, Mr. Laidley Eli McCoy, Ph.D., Director, West Virginia Division of Environmental Protection submitted to EPA Region III a SIP revision for the New Manchester-Grant Magisterial District, Hancock County SO₂ nonattainment area. The SIP revision consists primarily of consent orders entered into by and between the State of West Virginia and the Quaker State Refinery in Congo, West Virginia and the Weirton Steel Corporation in Weirton, West Virginia. The consent orders establish SO₂ emission limits for numerous emission points at both facilities. The submittal contains an air quality dispersion modeling demonstration that indicates that the allowable emission limits will provide for the attainment of the NAAQS for SO₂ in the New Manchester-Grant area.

The consent orders stipulate the following emission limitations for the Quaker State Corporation refinery and the Weirton Steel Corporation facility:

QUAKER STATE CORPORATION, CONGO REFINERY SO₂ Emission Limits

| SO ₂ emission unit | SO ₂ emission limit |
|--|--|
| Coal-fired, Fluidized-bed Boiler No. 1 | 1.2 lbs-SO ₂ /MMBtu of heat input, at any time. |
| Coal-fired, Fluidized-bed Boiler No. 2 | 1.2 lbs-SO ₂ /MMBtu of heat input, at any time. |
| Oil-fired Package Boiler A | 1.2 lbs-SO ₂ /MMBtu of heat input, at any time. |
| Oil-fired Package Boiler B | 1.2 lbs-SO ₂ /MMBtu of heat input, at any time. |
| Simultaneous operation of Coal-fired, Fluidized-bed Boilers Nos.1 and 2 | 192 lbs-SO ₂ /hour, each boiler. |
| Simultaneous operation of Oil-fired Package Boilers A and B | 264 lbs-SO ₂ /hour, combined. |
| Simultaneous operation of one Coal-fired, Fluidized-bed Boiler and one Oil-fired Package Boiler. | 264 lbs-SO ₂ /hour, combined. |

QUAKER STATE CORPORATION, CONGO REFINERY SO₂ Emission Limits—Continued

| SO ₂ emission unit | SO ₂ emission limit |
|---|---|
| Process Heaters H-101 and H-102 | 1.1 lbs-SO ₂ /MMBtu. |
| Process Heaters H-501/6 and H-601/4 | 0.8 lbs-SO ₂ /MMBtu. |
| Vacuum Fractionator Heater H-701 | Shall burn natural gas and/or treated refinery gas that contains ≤10 grains of hydrogen sulfide per 100 dry standard cubic feet of gas, and 0.8 lbs-SO ₂ /MMBtu. |
| Process Heater H-201 | Shall burn fuel oil, desulfurized fuel gas and/or natural gas, and 1.1 lbs-SO ₂ /MMBtu. |
| Hydrogen Unit Heater H-605 | Shall burn natural gas only. |

WEIRTON STEEL CORPORATION, WEIRTON FACILITY SO₂ Emission Limits

| SO ₂ Emission Unit | SO ₂ Emission Limit |
|---|--|
| High Pressure Boilers 1, 2, 3, 4 | 1.6 lbs-SO ₂ /MMBtu and 864 lbs-SO ₂ /hour, per boiler. No more than three boilers may be operated simultaneously. |
| High Pressure Boiler 5 | 0.8 lbs-SO ₂ /MMBtu and 480 lbs-SO ₂ /hour. |
| Sinter Plant | 250 lbs-SO ₂ /hour. |
| Slag Granulator | 100 lbs-SO ₂ /hour. |
| Basic Oxygen Process Waste Heat Boilers | 300 lbs-SO ₂ /hour. |
| Hot Mill Reheat Furnaces, Foster-Wheeler Boilers and combustion sources at the Hydrochloric Acid Regeneration Plant, Continuous Annealing Facility, Jumbo Annealing Facility, and Blast Furnace Stoves. | Shall burn blast furnace gas, mixed gas (approximately 70 percent natural gas and 30 percent air), or natural gas. |
| Low Pressure Boilers LP1, LP2, LP3, LP4 and LP15 | Shall be permanently shut down. |

Evaluation of State Submittal

The Clean Air Act requires States to submit implementation plans that indicate how each State intends to attain and maintain the NAAQS. The 1977 Amendments established specific requirements for implementation plans in nonattainment areas in part D, sections 171-178. The 1990 Amendments did not change these requirements in any significant way with regard to SO₂ nonattainment areas and existing guidance remains valid. On April 16, 1992 (57 FR 13498), EPA issued "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" describing EPA's preliminary views on how it intends to interpret various provisions of title I, primarily those concerning revisions required for nonattainment areas.

In order to approve the SIP revision, each of the part D requirements must be evaluated and the revision must ensure that (1) the revised allowable emission limitations demonstrate attainment and maintenance of the NAAQS for SO₂ in the nonattainment area; (2) the emission limitations are clearly enforceable; and (3) that all applicable procedural and substantive requirements of 40 CFR part 51 are met. The following is an evaluation of the part D requirements as described in the "General Preamble"; a more detailed evaluation is provided in a Technical Support Document available upon request from the Regional EPA office listed in the ADDRESSES section of this document:

1. Reasonably Available Control Technology (RACT)

West Virginia's SIP revision provides for reasonably available control technology (RACT). The SIP revision indicates that SO₂ emissions are controlled at the Quaker State Corporations facility in Congo, West Virginia and the Weirton Steel Corporation facility in Weirton, West Virginia largely through fuel specification and operations modifications. The revision establishes allowable SO₂ emission limitations at both plants and also defines allowable fuel usage for a number of processes. With regard to Quaker State, the revision includes a schedule for the construction of taller smokestacks for emissions from a number of boilers at the facility. The limits contained in the revision were effective upon execution of the individual consent orders entered into with West Virginia by Quaker State and Weirton Steel on January 9, 1995. The SIP revision provides a demonstration that these limits will provide for the attainment of the NAAQS in the nonattainment area by the statutory attainment date.

2. Reasonable Further Progress (RFP)

West Virginia's SIP revision provides for reasonable further progress (RFP). The SIP revision provides that the allowable emission rates are achievable by the required attainment date.

3. Contingency Measures

West Virginia's SIP revision provides for adequate contingency measures. The SIP revision contains a comprehensive action plan to quickly identify and address SO₂ impacts that may affect attainment of the NAAQS in the New Manchester-Grant area. The State's plan includes the continuous review of air quality monitoring data in the area of concern, including the two monitors located in the nonattainment area. In the event of a certified violation, West Virginia intends to contact all potential contributors to the violations both locally and in neighboring Ohio and Pennsylvania. West Virginia has provided assurances that appropriate mitigation measures will be pursued to remedy the causes of any violations.

4. Stack Height Issues and Remand

West Virginia has adequately addressed any potential stack height issues. The only stack height issues contained in the SIP revision pertain to the construction of new smokestacks at the Quaker State facility. In the consent order with Quaker State, West Virginia requires that any modifications to the existing stacks or replacement of those stacks shall comply with the provisions of federally-approved West Virginia regulation 45CSR20 "Good Engineering Practice as Applicable to Stack Heights". There are no stack height issues at the Weirton Steel facility.

5. Existing Modeling Protocols

West Virginia's SIP revision is supported by a modeling demonstration using regulatory air dispersion models as defined by 40 CFR part 51, appendix W—"Guideline on Air Quality Models (Revised)," (hereinafter, the Guideline). The model protocol employed by West Virginia to perform the attainment demonstration was developed by an EPA contractor. The model protocol was amended and refined by West Virginia and EPA as necessary. As mentioned, the allowable emission limitations established by the SIP revision are supported by Guideline modeling which indicates that the limits are adequate to attain and maintain the NAAQS for SO₂ in the nonattainment area by the statutory attainment date. West Virginia employed the Guideline models Integrated Gaussian Model (IGM) and CTSCREEN, the screening mode of Complex Terrain Dispersion Model Plus Algorithms for Unstable Situations (CTDMPLUS). The IGM modeling analysis relied on the predictions of Industrial Source Complex Short Term (ISCST2) for simple terrain and COMPLEX1 and Rough Terrain Diffusion Model (RTDM) for complex terrain predictions. The results of this demonstration will be discussed below.

6. Test Methods and Averaging Times

West Virginia's SIP revision principally relies on the use of continuous emissions monitoring (CEM) as the means of monitoring compliance at the Quaker State and Weirton Steel facilities. The revision stipulates short-term averaging times for determining compliance with the allowable emission limits.

The SIP revision requires the Quaker State facility to operate continuous emissions monitoring (CEM) systems to test for compliance with the applicable SO₂ emission limitations at each of its coal- and oil-fired boilers. The SIP revision stipulates averaging times based on rolling, 3-hour averages for the boilers. For Quaker State's process heaters, fuel sampling and analysis is required to determine compliance. The revision also requires that all refinery fuel gas streams be monitored for hydrogen sulfide concentrations using a CEM system. The SIP revision further stipulates that in the event of CEM malfunction or outage, certain fuel specification requirements and alternative compliance test methodologies must be employed to ensure compliance. All CEM systems must be operated according to the relevant portions of 40 CFR part 60.

At the Weirton Steel facility, the SIP revision also relies heavily on CEM systems as the main test method. The principal emission sources at the plant, the boilers, must operate CEM systems and must assure compliance of the relevant emission limitations based on a rolling, three-hour average. The SIP also provides contingency test methods in the event that the CEM systems are inoperable. For the other emission sources at the facility, the sinter plant and the slag granulator, Weirton Steel must conduct a specified number of emissions tests in accordance with the reference test procedures detailed at 40 CFR part 60, appendix A. Specifically, compliance testing should be conducted according to Methods 6, 6A, 6B, 6C, and 19.

7. Emission Inventory

West Virginia's SIP revision provides an adequate actual emissions inventory from all relevant sources of SO₂ in the nonattainment area. The revision contains a current inventory of actual emissions data and stack parameter information for the Quaker State and Weirton Steel facilities as well as numerous nearby emission sources in West Virginia, Pennsylvania, and Ohio.

Shortly after submitting the February 17, 1995 SIP revision, West Virginia identified what it believed to be erroneous data contained in the emission inventory for certain Ohio emission sources. At this same time, the State of Ohio was pursuing a revision to its SIP with regard to the Sammis Power Plant. The Sammis Power Plant significantly impacts the New Manchester-Grant area. As a result of these two factors, West Virginia acknowledged that the emission inventory for the attainment demonstration would require revision to correct the errors and to reflect any changes to the Ohio SIP with regard to the Sammis Plant and/or any other relevant sources. As part of the May 3, 1996 SIP revision amendment, West Virginia provided the appropriate corrections and amendments to the emission inventory.

8. Attainment Demonstration

West Virginia's SIP revision provides an adequate attainment demonstration, including appropriate air quality dispersion modeling. EPA regulations, 40 CFR 51.112, require nonattainment plans to include a demonstration of the adequacy of the plan's control strategy. The demonstration must employ the applicable air quality models, data bases, and other requirements specified at 40 CFR part 51, appendix W—"Guideline on Air Quality Models

(Revised)". This demonstration must include the following information: model selection and descriptions; model application and assumptions made during application of selected models; receptor grids; meteorological data; ambient air monitoring data and background concentration; model source input; and modeling results.

Model Descriptions—The air quality dispersion modeling analysis performed for this demonstration employed the Integrated Gaussian Model (IGM) and screening mode of the Complex Terrain Dispersion Model Plus Algorithms for Unstable Situations (CTDMPLUS) named CTSCREEN. Both models are considered recommended models according to Appendix W. IGM is capable of calculating emission concentrations for simple, intermediate and complex terrain situations. IGM is able to execute algorithms from four other Guideline models to predict concentrations: Industrial Source Complex Short Term (ISCST2) for simple terrain and COMPLEX1, Rough Terrain Dispersion Model (RTDM), and SHORTZ for complex terrain. CTSCREEN is a Gaussian model that requires actual terrain feature data as input. CTSCREEN is able to calculate concentrations estimations using a data set of predetermined meteorological conditions as input in lieu of recorded meteorological data.

Model Application—The area contained within the modeling domain, comprising most of Hancock County, can be characterized as primarily rural terrain with some intermediate terrain features. Three model analyses were performed in the modeling domain. A domain-wide application of IGM was used to characterize all non-Quaker State emission sources in the inventory. In this IGM analysis, ISCST2 was employed as the simple terrain model and RTDM or COMPLEX1, as appropriate, was used as the complex terrain model. CTSCREEN was applied in the complex terrain surrounding the Quaker State facility to describe that source's impacts on the domain in complex terrain. CTSCREEN does not predict concentrations at receptors located below stack top, therefore, ISCST2 was run to determine concentrations at those receptors. There were no intermediate terrain receptors in the two Quaker State specific analyses.

Receptor Grids—The principal receptor grid covers the New Manchester-Grant Magisterial District nonattainment area with one-kilometer spacing between each receptor. A more refined receptor grid was developed for the area surrounding the only

significant source located in the defined nonattainment area, Quaker State. This refined grid augmented the one-kilometer grid by using 200-meter receptor spacing. The entire receptor grid consisted of 245 receptors. The overall grid was developed to adequately assess the impacts of the Quaker State facility as well as the other nearby emission sources. The demonstration also included the required terrain arrays employed by RTDM (within IGM) and the digitized terrain profiles required as input for CTSCREEN. West Virginia developed these arrays and profiles according to the appropriate procedures.

Meteorological Data—On-site meteorological data was not available within the modeling domain, therefore, West Virginia relied on data collected at the National Weather Service (NWS) meteorological site located at Pittsburgh International Airport. Appendix W recommends that the five most recent years of NWS data be employed if on-site data is unavailable. West Virginia used data collected from 1989 through 1993. A portion of the data collected in 1988 and 1991 were determined incomplete by EPA. West Virginia replaced the missing data using a substitution procedure approved by EPA.

Background Concentration—The demonstration uses monitored air quality data for determining that portion of the background concentrations attributable to sources other than those nearby that are to be explicitly modeled. Seventeen SO₂ monitoring sites in and around the nonattainment area were available for evaluation. West Virginia employed an appropriate methodology for using the data collected at those monitors for developing hourly background concentration values to be used as model input.

Source Inputs—The source inventory for the demonstration consists of the two major sources of SO₂ located in Hancock County, Quaker State and Weirton Steel, as well as other significant sources located in West Virginia, Ohio, and Pennsylvania. West Virginia explicitly modeled all significant sources of SO₂ located within 50 kilometers of nonattainment area. For all 20 sources included in the emission inventory, model input data were developed for parameters such as stack height, stack temperature, exit velocity, etc. Maximum allowable emission rates were used for each source with continuous operation assumed for evaluation of the short-term standards and actual operation data was used to adjust the emission rates for evaluation of the annual standard.

As mentioned above, certain changes were made to the emission inventory relevant to a number of Ohio sources after initial submittal of the SIP revision on February 17, 1995. Ohio Edison operates the Sammis and Toronto Power Plants in nearby Jefferson County, Ohio. The State of Ohio has recently proposed approval of a revision to its SIP as it applies to these two plants to allow for new allowable SO₂ emission limitations. Ohio has proposed to change the Sammis Plant's allowable emission limits for units 1–4 from 1.61 lbs-SO₂/mmBtu and units 5–7 from 4.46 lbs-SO₂/mmBtu to a single, plant-wide emission rate of 2.91 lbs-SO₂/mmBtu. For the Toronto Power Plant, Ohio has proposed an emission limit reduction from 8.1 lbs-SO₂/mmBtu to 2.0 lbs-SO₂/mmBtu. While both changes represent gross emission reductions, the change in operating conditions at the Sammis Plant considering the variable stack parameters at each unit requires that the new emission limits be examined for their expected impacts on the New Manchester-Grant nonattainment area. West Virginia revisited its original attainment demonstration to evaluate these revised conditions. West Virginia provides modeling results that reflect both the current SIP allowable conditions and the proposed conditions at the Sammis and Toronto Plants.

Modeling Results—The results of the modeling analyses indicate that no exceedances of the NAAQS for SO₂ are expected in the New Manchester-Grant nonattainment area when the Quaker State and Weirton Steel Corporation facilities are operating at the emission rates contained in their respective consent orders and the other significant sources comply with their allowable emission rates.

The demonstration present results of analyses examining both the current SIP situation for the Sammis and Toronto Power Plants and for the proposed conditions. The emission inventory for all of the other modeled sources remained constant for each scenario. Under both scenarios, the demonstration indicates that the primary NAAQS, the annual [80 µg/m³] and 24-hour [365 µg/m³] standards will be attained under the terms of the SIP revision. The three-hour [1300 µg/m³] standard will also be protected at all receptors under both scenarios.

Discussion of Weirton Area Nonattainment Area

On December 21, 1993, EPA promulgated the redesignation of areas as nonattainment for SO₂ and particulate matter (PM-10). The Federal

Register (58 FR 67334) document identifies the Clay and Butler Magisterial Districts and the City of Weirton in Hancock County, West Virginia, the "Weirton Area", as being redesignated as nonattainment for SO₂ under section 107 of the Clean Air Act. Pursuant to section 191(a) of the Act, the State of West Virginia was required to submit to EPA an implementation plan for this area within 18 months of the effective date of the redesignation to nonattainment. The State submitted a SIP revision for the Weirton Area on July 21, 1995 and the revision is currently under Agency review.

As discussed briefly above, the basis of EPA's determination to redesignate this area as nonattainment for SO₂ was air quality monitor data collected in the late 1980's and early 1990's that indicated violations of the primary and secondary standards in Hancock County. West Virginia and EPA were aware of the air quality issues in the Weirton Area for some time and considered completing a County-wide attainment demonstration and SIP revision. However, certain logistical and technical issues arose such that it was determined that individual SIP revisions for each nonattainment area would be the most prudent course.

It is recognized that many of the sources that influence air quality in the New Manchester-Grant nonattainment area will play a significant role in the Weirton Area. This is particularly true for the Weirton Steel Corporation's facility in Weirton, as well as, the Sammis and Toronto Power Plants. Therefore, the contribution of these sources on the Weirton Area nonattainment area will have to be closely assessed in any attainment demonstration for the Weirton Area. There is a strong potential that emission reductions above and beyond those contained in the consent order in the New Manchester-Grant SIP revision may be required from Weirton Steel in order to demonstrate attainment of the NAAQS in the Weirton Area. It should also be noted that the currently proposed emission limits for the Sammis and Toronto Plants may need to be reconsidered if it is determined that these sources must play a role in any control strategy for the Weirton Area. Based on the modeling that is included in the New Manchester-Grant SIP revision, it is doubtful that the Quaker State facility causes significant impact in the Weirton Area and it is therefore unlikely that its emission limitations will require future amendment. However, all sources in the emission inventory that significantly impact the Weirton Area nonattainment area

should not be excluded from consideration for control strategy purposes. All of these issues will be more fully discussed during the formal review of the Weirton Area SIP revision.

EPA's review of the entire submittal indicates that West Virginia's SIP revision provides for the attainment of the NAAQS for SO₂ in New Manchester-Grant Magisterial District, Hancock County and satisfies the requirements of part D of the Clean Air Act. The revision is supported by a modeling analysis which clearly demonstrates the adequacy of emission limits in providing for the attainment and maintenance of NAAQS for SO₂ in the nonattainment area. The consent orders between West Virginia and Quaker State Corporation and Weirton Steel Corporation at the center of the SIP revision establish enforceable SO₂ emission limits at these two facilities. The submittal clearly fulfills the procedural and substantive requirements of 40 CFR part 51. Therefore, EPA is approving the West Virginia SIP revision for the New Manchester-Grant Magisterial District, Hancock County SO₂ nonattainment area.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective January 27, 1997 unless, by December 27, 1996, adverse or critical comments are received.

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 this action serving as a proposed rule. 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 on January 27, 1997.

Final Action

EPA is approving the West Virginia SIP revision for the New Manchester-Grant Magisterial District, Hancock County SO₂ nonattainment area.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state 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 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

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.

SIP approvals under section 110 and subchapter I, part D of the Clean Air 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, the Regional Administrator certifies 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

C. 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.

EPA has determined that the approval action proposed/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 Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

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 January 27, 1997. Filing a petition for reconsideration by the Regional 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 to approve a revision to West Virginia's SIP for SO₂ in New Manchester-Grant Magisterial District, Hancock County 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, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: October 17, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52, subpart XX of chapter I, title 40, 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 XX—West Virginia

2. Section 52.2520 is amended by adding paragraph (c)(35) to read as follows:

§ 52.2520 Identification of plan.

* * * * *

(c) * * *

(35) Revisions to the West Virginia implementation plan for sulfur dioxide (SO₂) in New Manchester Grant-Magisterial District, Hancock County submitted on February 17, 1995, as amended on May 3, 1996 by West Virginia Division of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of February 17, 1995 from Mr. David C. Callaghan, Director, West Virginia Division of Environmental Protection transmitting a SIP revision for the New Manchester-Grant Magisterial District, Hancock County SO₂ nonattainment area.

(B) Letter of May 3, 1996 from Mr. Laidley Eli McCoy, Ph.D., Director, West Virginia Division of Environmental Protection transmitting an amendment to the February 17, 1995 SIP revision submittal for the New Manchester-Grant Magisterial District, Hancock County SO₂ nonattainment area.

(C) Implementation plan document (as amended, May 3, 1996), entitled "Revision to the West Virginia State Implementation Plan to Achieve and Maintain the National Ambient Air Quality Standards for Sulfur Dioxide in the New Manchester-Grant Magisterial District".

(D) Consent order entered into by and between the State of West Virginia and the Quaker State Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(E) Consent order entered into by and between the State of West Virginia and the Weirton Steel Corporation on January 9, 1995. The consent order was effective on January 9, 1995.

(ii) Additional material.

(A) Remainder of West Virginia's February 17, 1995 submittal, as amended on May 3, 1996.

[FR Doc. 96-30324 Filed 11-26-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 300

[FRL-5654-1]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Partial Deletion of the Lakewood Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces the deletion of a portion of the Lakewood Site, located in Lakewood, Pierce County, Washington from the National Priorities List (NPL). The portion of the site to be deleted is the soil unit and includes all contaminated soil/sludge related to the site. The NPL constitutes 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, as amended (CERCLA). EPA and the State of Washington Department of Ecology have determined that no further cleanup under CERCLA is required and that the selected remedy has been protective of public health, welfare, and the environment.

EFFECTIVE DATE: November 27, 1996.

FOR FURTHER INFORMATION CONTACT: Ann Williamson, Remedial Project Manager, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, ECL-113, Seattle, WA 98101; (206) 553-2739.

SUPPLEMENTARY INFORMATION: The site to be partially deleted from the NPL is the Lakewood Site located in Lakewood, Pierce County, Washington.

This partial deletion pertains only to the soil unit and includes all contaminated soil/sludge on the Plaza Cleaners property. The soil unit is confined to an area on the Plaza Cleaners property. The Lakewood Site, including the plume of contaminated ground water, is predominantly residential to the north of the Burlington Northern Railroad tracks and commercial/light industrial along Pacific Highway Southwest. Lakewood Water District's two production wells are located within a fenced area immediately across Interstate 5. Residential property lies to the east and McChord Air Force Base to the southeast of the wells.

A plume of contaminated ground water, resulting from former disposal practices at Plaza Cleaners, continues to require treatment via air stripping at the

Lakewood Water District production wells. Therefore, the ground-water unit will remain on the NPL and is not the subject of this partial deletion.

This partial deletion is in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the National Priorities List, 60 FR 55466 (Nov. 1, 1995). A Notice of Intent for Partial Deletion was published September 27, 1996 (61 FR 50788). The closing date for comments on the Notice of Intent to Delete was October 26, 1996. EPA did not receive any comments on the proposed partial deletion and has not prepared a Responsiveness Summary.

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-financed remedial actions. Any site, or portion of a 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 of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. 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.

Dated: November 14, 1996.

Chuck Clarke,

Regional Administrator, U.S. Environmental Protection Agency, Region 10.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; 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 entry for Lakewood Site, Lakewood County, Washington, and adding in its place an entry for Lakewood, Lakewood/Pierce County, Washington, to read as follows: