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**I. General Information***1. What Action Is EPA Taking Today?*

In this action, EPA is approving into the Minnesota SO<sub>2</sub> SIP a site-specific revision for Flint Hills Resources L.P. (FHR), located in the Pine Bend Area of Rosemount, Dakota County, Minnesota. Specifically, EPA is approving and thereby incorporating Amendment No. 6 to FHR's administrative order (order) into the Minnesota SO<sub>2</sub> SIP.

*2. Why Is EPA Taking this Action?*

EPA is taking this action because the state's submittal for FHR is fully approvable. The SIP revision provides for attainment and maintenance of the SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS) and satisfies the applicable SO<sub>2</sub> requirements of the Act. A more detailed explanation of how the state's submittal meets these requirements is in EPA's March 20, 2003 Technical Support Document (TSD).

*3. What Is the Background for this Action?*

EPA redesignated the Pine Bend area from a primary SO<sub>2</sub> nonattainment area to attainment of the SO<sub>2</sub> NAAQS in a direct final notice published on May 31, 1995 (60 FR 28339).

On December 20, 2000, MPCA submitted a SIP revision consisting of Amendment No. 4 to FHR's order. EPA approved Amendment No. 4 into the SO<sub>2</sub> SIP on June 12, 2001 (66 FR 31545). On May 2, 2001, MPCA submitted a SIP revision consisting of Amendment No. 5 to FHR's order. EPA approved Amendment No. 5 into the SO<sub>2</sub> SIP on February 21, 2002 (67 FR 7957). Amendment No. 4 and Amendment No.

5 were required to reduce emissions of nitrogen oxides (NO<sub>x</sub>) and SO<sub>2</sub> at FHR.

Koch Petroleum Group, L.P. changed its corporate name to Flint Hills Resources, L.P. on January 1, 2002.

**II. Review of State Implementation Plan Revision***1. Why Did the State Submit this SIP Revision?*

This is the third revision to the order initiated by FHR to reduce emissions of NO<sub>x</sub> and SO<sub>2</sub> pursuant to a December 22, 2000 consent decree in *United States v. Koch Petroleum Group, L.P.*, Civil Action No. 00-2756-PAM-SRN. The revised order contains changes needed to reduce emissions as required by the consent decree, changes supporting the production of lower-sulfur fuels, and changes affecting the refinery that have occurred since the Order was first issued.

*2. What Did Minnesota Submit for Approval into the SIP?*

The March 13, 2003 revision submitted by MPCA requests that EPA approve Amendment No. 6 to FHR's order into the Minnesota SO<sub>2</sub> SIP. Amendment No. 6 will allow FHR to modify its refinery in order to meet the requirements established in the consent decree and to make other changes, such as allowing FHR to make lower sulfur gasoline (Tier 2 gasoline) and lower-sulfur diesel fuels. The revised order also reflects other changes previously made at the refinery, such as the removal or addition of equipment, the elimination of fuel oil combustion, limiting the sulfur content of diesel fuel used at the refinery, and reducing the number of locations for decoking.

*3. How Does the SIP Revision Show Attainment of the SO<sub>2</sub> Standards?*

The MPCA submitted air quality modeling in support of FHR's SO<sub>2</sub> SIP revision. The modeled attainment demonstration included all significant SO<sub>2</sub> emission sources at FHR and included emissions from several nearby facilities. A background concentration was also added to the modeled values for comparison to the NAAQS. The modeling demonstrates attainment and maintenance of the SO<sub>2</sub> NAAQS in the Pine Bend area. A more detailed discussion is in EPA's March 20, 2003 TSD.

**III. Final Rulemaking Action**

EPA is approving the site-specific SIP revision for Flint Hills Resources, L.P., located in the Pine Bend area of Rosemount, Dakota County, Minnesota. Specifically, EPA is incorporating Amendment No. 6 to FHR's

Administrative Order into the Minnesota SO<sub>2</sub> SIP. The State submitted this SIP revision on March 13, 2003 as a result of negotiations to a consent decree between EPA, MPCA and FHR, in which FHR proposed a series of modifications at the Pine Bend refinery. The revised Order contains changes needed to reduce emissions as required by the Consent Decree, changes supporting the production of lower-sulfur fuels, and changes affecting the refinery that have occurred since the Order was first issued. As described above, this project provides for attainment and maintenance of the SO<sub>2</sub> NAAQS in the Pine Bend area and is therefore fully approvable.

The EPA is publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the proposed rules section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the state plan if relevant adverse comments are filed. This rule will be effective August 4, 2003 without further notice unless we receive relevant adverse comments by July 7, 2003. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. We will then address all public comments received in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If we do not receive any comments, this action will be effective August 4, 2003.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. 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.

**IV. Statutory and Executive Order Reviews**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional