ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KS 078–1078; FRL–6361–8]

Approval and Promulgation of Implementation Plans; State of Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in the amendatory instruction in a final rule pertaining to the 1998 revisions to the Kansas State Implementation Plan (SIP).

EFFECTIVE DATE: June 28, 1999.

ADDRESSES: Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Royan W. Teter, Environmental Protection Agency, 901 North 5th Street, Air Planning and Development Branch, Kansas City, Kansas 66101, (913) 551–7609.

SUPPLEMENTARY INFORMATION: On May 27, 1999, EPA published a document (64 FR 28757), adding § 52.869. The intent of the rule was to conditionally approve elements of the maintenance plan revision to the SIP submitted by the Governor's designee on May 21, 1998, which address contingency measures for the Kansas City ozone maintenance area. In addition, the rule intended to establish a window of one year from the effective date of the final rule under which Kansas must submit additional air pollution control measures to receive full approval of the revised SIP. The rule incorrectly established a window of 30 days rather than one year. This action corrects the erroneous date. The date is being amended from June 28, 1999, to June 28, 2000.

Administrative Requirements

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is, therefore, not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with state officials as specified by E.O. 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by E.O. 12898 (59 FR 7629, February 16, 1994).

Because this corrective rulemaking action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule for the Kansas City ozone maintenance plan is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Dated: June 7, 1999.

William Rice,

Acting Regional Administrator, Region VII.

Chapter I, title 40 of the Code of Federal Regulations 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 *et seq.*

Subpart R—Kansas

2. Section 52.869 is corrected by revising the date ''June 28, 1999'', to read ''June 28, 2000''.

[FR Doc. 99–15431 Filed 6–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MO 077–1077; FRL–6361–9]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects an error in the amendatory instruction in a final rule pertaining to the 1998 revisions to the Missouri State Implementation Plan (SIP).

EFFECTIVE DATE: June 28, 1999.

ADDRESSES: Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Royan W. Teter, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101, (913) 551–7609.

SUPPLEMENTARY INFORMATION: On May 27, 1999, EPA published a document (64 FR 28753), adding § 52.1319. The intent of the rule was to conditionally approve elements of the maintenance plan revision to the SIP submitted by the Governor's designee on March 23, 1998, which address contingency measures for the Kansas City ozone maintenance area. In addition, the rule intended to establish a window of one year from the effective date of the final rule under which Missouri must submit additional air pollution control measures to receive full approval of the revised SIP. The rule incorrectly established a window of 30 days rather than one year. This action corrects the erroneous date. The date is being amended from June 28, 1999, to June 28, 2000.

Administrative Requirements

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is, therefore, not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with state officials as specified by E.O. 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by E.O. 12898 (59 FR 7629, February 16, 1994).

Because this corrective rulemaking action is not subject to notice-and-comment requirements under the

Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule for the Kansas City ozone maintenance plan is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Dated: June 7, 1999.

William Rice,

Acting Regional Administrator, Region VII.

Chapter I, title 40 of the Code of Federal Regulations 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 *et seq.*

Subpart AA—Missouri

§ 52.1319 [Corrected]

2. Section 52.1319 is corrected by revising the date in paragraph (b) from ''June 28, 1999'', to ''June 28, 2000''.

[FR Doc. 99–15432 Filed 6–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL183–1a; FRL–6360–1]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA is approving a site specific revision to the Illinois State Implementation Plan (SIP) for volatile organic materials (VOM). This revision is an exemption from the otherwise applicable SIP requirements for W.R. Grace, a manufacturer of container sealants, lubricant fluids, and concrete additives at 6050 West 51st Street, Chicago, Cook County, Illinois. The State's requested revision was submitted to USEPA on September 17, 1998. In the proposed rules section of this **Federal Register**, the USEPA is proposing approval of, and soliciting comments on, this approval. If adverse written comments are received on this action, the USEPA will withdraw this direct final rule and address the comments received in response to this action in a final rule on the related proposed rule. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes the State's rule federally enforceable.

DATES: This rule is effective on August 17, 1999, unless USEPA receives adverse written comments by July 19, 1999. If adverse comment is received, USEPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the plan and USEPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Fayette Bright at (312) 886–6069 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Fayette Bright, Environmental Protection Specialist, Regulation Development Section, Air Programs Branch (AR–18J), USEPA, Region 5, Chicago, Illinois 60604, (312) 886–6069.

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I. What Action Is USEPA Taking?

USEPA is approving a SIP revision for the W.R. Grace and Company facility at 6050 West 51st Street, Chicago, Illinois. This SIP revision approves new Section 218.940(h), which has been added to Subpart QQ of Part 218. Section 218.940(h) waives the control requirements that would otherwise apply to the solvation mixers at W.R. Grace.

II. What Is a SIP?

Section 110 of the CAA requires states to develop regulations and control strategies to address air pollution within their jurisdictions. They must submit these to USEPA for approval and incorporation into the Federally enforceable SIP. To be approved they must meet Federal requirements and not adversely impact attainment of the National Ambient Air Quality Standards (NAAQS) established by USEPA.

III. Why Is USEPA Taking This Action?

a. USEPA is approving this action because W.R. Grace Company has demonstrated the infeasibility of complying with the control regulations of Subpart QQ, which call for an overall VOM reduction of at least 81 percent.

b. As required by Section 182 of the Clean Air Act (42 U.S.C. 7511a), sources in ozone nonattainment areas classified as severe must have reasonably available control technology (RACT) if they have the potential to emit 25 tons of VOM annually (VOM is the same as volatile organic compounds).

c. The information gathered from an explosion investigation, and current state of the art technology that detects solvent emission peaks, suggests no catalytic oxidizer may be designed for control of emissions from W.R. Grace's mixer loading operations that will be free from risk of another explosion.

d. W.R. Grace's consultant, Versar, determined through the control device investigations that there is no reasonably available control technology for the solvent mixers at Grace's facility. No add-on control was found to be technically and economically feasible.

IV. What Are the CAA RACT Requirements?

a. Section 172 of the CAA contains general requirements for States to implement RACT in areas that do not meet the NAAQS.

b. Section 182(b)(2) of the CAA contains more specific requirements for moderate and above ozone nonattainment areas.