(''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 annual 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 promulgated does not include a Federal mandate that may result in estimated annual 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

H. Submission to Congress and the Comptroller General

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 U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

I. 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 March 29, 1999. 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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: January 4, 1999.

Laura Yoshii,

Acting Regional Administrator, Region IX.

Part 52, 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 F—California

2. Section 52.220 is amended by adding paragraphs (c)(182)(i)(B)(*6*) and (c)(199)(i)(A)(*8*) to read as follows:

§ 52.220 Identification of Plan.

* * * * *

(c) * * *

(182) * * *

(i) * * *

(B) * * *

(*6*) Regulation 2, Rule 1 adopted on November 1, 1989.

* * * * *

(199) * * *

(i) * * *

(A) * * *

(*8*) Regulation 2, Rule 2 and Rule 4 adopted on June 15, 1994.

* * * * *

[FR Doc. 99–1647 Filed 1–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD079–3035a; FRL–6218–2]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOCs From the Manufacture of Explosives and Propellant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision imposes reasonably available control technology (RACT) requirements for volatile organic compounds (VOCs) from sources that manufacture explosives and propellant. The intent of this action is to approve Maryland's request to amend its SIP to include RACT requirements to control VOCs from the manufacture of explosives and propellant.

DATES: This direct final rule is effective without further notice on March 29, 1999 unless by February 25, 1999, adverse or critical comments are received by EPA. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Paul T. Wentworth at (215) 814–2183, or by e-mail at wentworth.paul@epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above EPA Region III address.

SUPPLEMENTARY INFORMATION:

I. Background

On August 28, 1998, the State of Maryland submitted a formal revision to its SIP, which consists of amendments to COMAR 26.11.19 *Control of Volatile Organic Compounds from Specific Processes.* The revision consists of the addition of a new regulation at COMAR 26.11.19.25 *Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing* to establish RACT for VOCs from the manufacture of explosives and propellant. This revision was submitted to satisfy the requirements of sections 182 and 184 of the Clean Air Act to implement RACT on major sources of VOCs.

II. Summary of the SIP Revision

The new regulation COMAR 26.11.19.25 *Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing* applies to sources which manufacture explosives and propellant. The carrier for some of the raw materials used in the manufacture of explosives and propellant and the medium in which those raw materials are mixed contain VOCs. The majority of the VOC emissions are from the mixing and drying operations. The only currently known existing source of VOC emissions from the manufacture of explosives and propellant is located at the Naval Surface Warfare Center in Indian Head, Maryland.

COMAR 26.11.19 *Control of Volatile Organic Compounds from Specific Processes* applies statewide as does COMAR 26.11.19.25. The specific provisions found in COMAR 26.11.19.25 *Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing* are summarized below:

A. Applicability

This regulation applies to a person who owns or operates existing equipment at a premise that has a potential to emit 25 tons or more of VOC per year from all explosives and propellant manufacturing equipment at the premises.

It also applies to a person who constructs, owns, or operates new equipment that has or will have total actual VOC emissions of 50 pounds or more per day. It must be noted that the applicability provisions of COMAR 26.11.19.25 pertaining to new equipment are imposed in addition to any applicable new source review (NSR) permitting requirements of the Federal Clean Air Act and the Maryland SIP. These provisions of COMAR 26.11.19.25 do not replace any applicable NSR requirements.

B. Definitions

COMAR 26.11.19.25 includes definitions of the following terms: Existing equipment, Explosives and propellant manufacturing equipment, New equipment, and Nitramine propellant manufacturing equipment.

C. General Requirements

Pursuant to COMAR 26.11.19.25 (C)(1), a person who owns or operates existing explosives and propellant manufacturing equipment subject to this regulation shall: (a) Install a VOC control device, having a VOC destruction or removal efficiency of 85 percent or more overall, on all active nitramine propellant mixing equipment that has a capacity of 150 gallons or more; (b) prepare and submit for approval by the Maryland Department of the Environment by not later than September 1, 1997, a good operating practices manual that when implemented will minimize VOC emissions from all other existing explosive, propellant, and nitramine propellant manufacturing equipment; and (c) implement the good operating practices within 30 days after approval by the Department.

Pursuant to COMAR 26.11.19.25(C)(2), a person who constructs, owns, or operates new equipment subject to this regulation shall reduce emissions from the new equipment by 85% or more, overall. It must be noted that these provisions of COMAR 26.11.19.25 pertaining to new equipment are imposed in addition to any applicable new source review (NSR) permitting requirements of the Federal Clean Air Act and the Maryland SIP. These provisions of COMAR 26.11.19.25 do not replace any applicable NSR requirements.

D. Reporting and Testing Requirements

A person who is subject to this regulation shall:

(1) By no later than October 1, 1997, submit to the Department:

(a) A VOC emissions inventory for calendar year 1990 and for each subsequent year through calendar year 1996 for all explosive and propellant manufacturing equipment at the premises, and

(b) Complete permit to construct application for the control device required in subsection C(1)(a) of the regulation;

(2) Not later than 90 days after the control device required in section C(1)(a) of this regulation has been installed must perform a stack test to demonstrate compliance with the requirements of subsection C of this regulation; and

(3) Submit to the Department a stack test report within 60 days after completing the test.

EPA has determined that the control requirements contained in these revisions to the subject rule constitutes an acceptable level of RACT on major sources manufacture explosives and propellants. EPA is approving this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse or critical comments be filed. This rule will be effective March 29, 1999 without further notice unless by February 25, 1999, adverse or critical comments are received. If EPA receives such comments, then EPA will publish a timely withdrawal of the direct final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this rule. Only 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 rule will be effective on March 29, 1999 and no further action will be taken on the proposed rule.

III. Final Action

EPA is approving the addition of COMAR 26.11.19.25 *Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing* submitted by the State of Maryland on August 28, 1998 as a revision to the Maryland SIP.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities.

Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is ''economically significant,'' as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because 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 create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, 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).

F. 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 annual 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 promulgated does not include a Federal mandate that may result in estimated annual 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

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 U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve COMAR 26.11.19.25 *Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing* as a revision to the Maryland SIP must be filed in the United States Court of Appeals for the appropriate circuit by March 29, 1999. 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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: December 30, 1998.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

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 *et seq.*

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(141) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c)* * *

(141) Revisions to the Maryland State Implementation Plan submitted on August 28, 1998 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of August 28, 1998 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.19 pertaining to the control of VOCs from special processes. The revision adds a new regulation at COMAR 26.11.19.25 for the control of VOC compounds from explosives and propellant manufacturing adopted by the Secretary of the Environment on July 15, 1997 and effective August 11, 1997.

(B) Revisions to COMAR 26.11.19 entitled *Volatile Organic Compounds from Specific Processes:* The addition of new regulation COMAR 26.11.19.25 *Control of Volatile Organic Compounds from Explosives and Propellant Manufacturing.*

(ii) Additional Material: Remainder of August 28, 1998 Maryland State submittal pertaining to COMAR 26.11.19.25 to control VOCs from sources that manufacture explosives and propellants.

[FR Doc. 99–1762 Filed 1–25–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MO 043–1043(a); FRL–6220–1]

Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, the EPA is promulgating a redesignation request and State Implementation Plan (SIP) revision submitted by the state of Missouri on June 13, 1997. Additional material was sent on June 15, 1998. The request is to redesignate the portion of the St. Louis metropolitan area, currently a carbon monoxide (CO) nonattainment area, to a CO attainment area. Under the Clean Air Act (CAA) as amended in 1990, a redesignation to attainment may be promulgated if the state demonstrates full compliance with the redesignation requirements set forth in section 107(d)(3)(E). In this action, the EPA is also approving Missouri's SIP revision regarding the state's CO maintenance plan.

DATES: This direct final rule is effective on March 29, 1999 without further notice, unless the EPA receives adverse comment by February 25, 1999. If adverse comment is received, the EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Stanley Walker, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Stanley Walker at (913) 551–7494.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Redesignation Request

The CAA provides a process whereby a state may request the EPA to redesignate a nonattainment area to an attainment area for CO. As set forth in the CAA, an area must meet the requirements outlined in section 107(d)(3)(E). These requirements and the EPA's analysis of Missouri's submission as it relates to the requirements, are detailed in section II, below.

Missouri has submitted a redesignation based on ambient monitoring data showing no violation of the standard since 1987.

B. Summary of the SIP Revision

On June 13, 1997, the state submitted a maintenance plan and requested that the EPA redesignate the St. Louis metropolitan area from nonattainment to attainment for CO in accordance with the requirements of the CAA. On June 15, 1998, the state submitted additional material to further support Missouri's redesignation request. The St. Louis CO nonattainment area includes the city of St. Louis and the portion of St. Louis County encompassed by Interstate 270 and the Mississippi River.

II. Analysis of the Redesignation Request and Maintenance Plan

A. Attainment of the CO National Ambient Air Quality Standard (NAAQS) (Section 107(d)(3)(E)(i))

EPA Analysis

In accord with section 107(d)(3)(i) of the CAA, the state of Missouri showed that the area has attained, and continues to attain, the applicable NAAQS. Missouri used CO air quality data for the years 1994–1995 to form the basis of Missouri's request to redesignate St. Louis to attainment. Data collected in subsequent years confirm that no violations of the CO standard occurred and St. Louis continues to show attainment through 1998. The ambient air quality data are collected at ambient monitoring stations that are located in areas which are predicted to have high concentrations. These data are collected and quality assured in accordance with 40 CFR Part 58 and recorded in the Aerometric Information Retrieval System.

Criterion No. 1 has been met.

B. Fully Approved SIP Under Section 110(k) of the CAA (Section 107(d)(e)(ii))

The SIP for the area must be fully approved under section 110(k) and must satisfy all requirements that apply to the area.

EPA Analysis

As required, a CO SIP was submitted by the Missouri Department of Natural Resources (MDNR) prior to the 1990 CAA. This SIP was approved under the pre-1990 CAA Amendments. The St. Louis area was designated as an unclassified nonattainment area under the 1990 CAA Amendments. Since 1990, several revisions to Missouri's SIP which target CO emissions have been fully approved by the EPA under section 110(k) of the CAA. Please see the Technical Support Document for a listing of these additional regulations. Further discussion of how the Missouri SIP for St. Louis meets the requirements of section 110 and Part D can be found in Section II(D).

Criterion No. 2 has been met.

C. Permanent and Enforceable Improvement in Air Quality

As required, the State of Missouri attributes the improvement in air quality to regulations which are permanent and enforceable.

EPA Analysis

Missouri estimated that reductions have occurred from the year that the design value was determined for designation and classification. Most of