Name of source	Order/permit No.	State effective date	EPA approval date	Comments
*	*	*	*	* * *
Linwood Mining and Minerals Corporation.	98–AQ–07	3/13/98	March 18, 1999; 64 FR 13346.	PM_{10} control plan for Buffalo, Iowa.
Lafarge Corporation	98–AQ–08	3/19/98	March 18, 1999; 64 FR 13346.	PM_{10} control plan for Buffalo, Iowa.

[FR Doc. 99–6498 Filed 3–17–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL180–1a; FRL–6308–2]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On October 13, 1998, the State of Illinois submitted a site-specific State Implementation Plan (SIP) revision revising Volatile Organic Compound (VOC) Reasonably Available Control Technology (RACT) requirements at Central Can Company (CCC), in Chicago, Illinois. The SIP revision allows CCC to apply can coating control rules to pail coating operations limited to certain conditions. This rulemaking action approves, using the direct final process, the Illinois SIP revision request.

DATES: This rule is effective on May 17, 1999, unless EPA receives adverse written comments by April 19, 1999. If adverse comment is received, EPA 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 revision request and Technical Support Document (TSD) for this rulemaking action are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Mark J. Palermo at (312) 886–6082 before visiting the Region 5 Office).

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Environmental Protection Specialist, at (312) 886–6082.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1990, Congress enacted amendments to the 1977 Clean Air Act (Act); Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. Section 182(b)(2) of the Act requires States to adopt RACT rules covering ''major sources'' of VOC for all areas classified moderate nonattainment for ozone and above.[1] The Chicago ozone nonattainment area (Cook, DuPage, Kane, Lake, McHenry, and Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County) is classified as ''severe'' nonattainment for ozone, and therefore is subject to the Act's RACT requirement. Under section 182(d) of the Act, sources located in severe ozone nonattainment areas are considered ''major sources'' if they have the potential to emit 25 tons per year or more of VOC. CCC's Chicago facility has the potential to emit more than 25 tons of VOC per year, and, consequently, is subject to RACT requirements.[2] On September 9, 1994, EPA approved several rules under 35 Ill. Adm. Code Parts 211 and 218 pertaining to VOC RACT for the Chicago severe ozone nonattainment area as a revision to the Illinois SIP (59 FR 46562). The Illinois rules replaced the Chicago area Federal Implementation Plan (FIP), and the rules are generally patterned after the FIP's RACT requirements.

Included in the rules are requirements for can coating and miscellaneous metal parts coating. The general compliance options under the Illinois coating rules provide for specific coating VOC content limits, the use of daily-weighted average VOC limits for particular coating lines, or the use of add-on control equipment requirements to limit emissions from a coating line. The rules contain different VOC content limits. In addition, the rules contain a special compliance provision for can coating not available for miscellaneous metal parts coating. Can coating operations can comply with RACT through means of cross-line averaging, whereby daily actual emissions from can coating lines that under-comply with the general compliance methods can be averaged with can coating lines that over-comply. As long as the actual average emissions from all the can coating lines at the source do not exceed a special limit established through equations provided under the rules, the source's can coating operation is in compliance with RACT. The rules for miscellaneous metals coating, on the other hand, require each coating line to meet one of the three compliance options, without the use of cross-line averaging.

CCC coats a variety of cans and pails at its Chicago, Illinois facility. Under Illinois' part 218 rules, the can coating requirements apply to cans with walls thinner than 29 gauge (0.0141 inch). A pail, on the other hand, has walls constructed of 29 gauge or thicker material, and is subject to the miscellaneous metals requirements of the Illinois rules.

CCC's historic practice has been to coat both cans and pails on the same coating lines at the same time, since in many instances CCC's cans and pails will have the same size and shape except for wall thickness. If CCC was able to treat pails as cans under the Illinois rules, all of its coating operations would be able to comply with the can coating cross-line averaging provisions. As the rules currently exist, CCC would have to coat

[1] A definition of RACT is cited in a General Preamble-Supplement published at 44 FR at 53761 (September 17, 1979). RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility.

[2] It should be noted throughout the discussions that follow that volatile organic emissions are referred to as VOC emissions. In Illinois' regulations, the State uses the term ''Volatile Organic Material (VOM)'' rather than VOC. The State's definition of VOM is equivalent to EPA's definition of VOC, and are interchangeable when discussing volatile organic emissions. For consistency with the Act and with EPA policy, the term VOC is used in this rulemaking.

pails separately from cans on separate coating lines, and ensure that each pail coating line was in compliance with one of the three general compliance options for miscellaneous metals. This would lead to a significant additional expense for CCC.

On December 5, 1994, CCC filed a petition with the Illinois Pollution Control Board (Board) for an adjusted standard allowing CCC to apply the part 218 can coating requirements, including the cross-line averaging provisions, to its pail coating operations. On August 6, 1998, the Board granted an adjusted standard to CCC to treat its pail coating as can coating for purposes of complying with the State's part 218 rules, provided that: (1) no more than 20 percent of the total number of cans and pails coated on an annual basis are pails; (2) the pails are geometrically identical to cans coated at the facility, in terms of shape and volume; and (3) the pails are produced from metal with a thickness of no more than 20 gauge (0.039 inches). The adjusted standard's effective date was made retroactive to July 1, 1991. The adjusted standard was submitted as a SIP revision on October 13, 1998, and the submittal was found complete by EPA on January 6, 1999.

II. EPA Review of SIP Revision

Given that the percentage of pails included in CCC's coating operations is 20%, and that cans and pails coated at CCC have essentially the same surface area, EPA has determined that CCC's adjusted standard should lead to minimal changes in emissions that would otherwise occur if CCC complied with both the can coating and miscellaneous metals requirements. Because emissions will not significantly increase due to the adjusted standard, the EPA finds the adjusted standard to constitute RACT for CCC. As support documentation for this SIP revision, EPA requested CCC to provide a written assurance that the percentage of pails coated at CCC would not increase beyond 20% for the foreseeable future. CCC has provided such written assurance in a February 17, 1998, letter which has been included in the SIP submittal request. Therefore, EPA approves this SIP revision request.

III. Final Rulemaking Action

In this rulemaking action, EPA approves the October 13, 1998, Illinois SIP revision submittal for an adjusted standard for CCC which was granted by the Illinois Pollution Control Board on August 6, 1998. The EPA is publishing this action without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comment by April 19, 1999. Should the Agency receive such comments, it will publish a final rule informing the public that this action will not take effect. 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 May 17, 1999.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (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 the mandate is unfunded, EPA must 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

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have 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 rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

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 the mandate is unfunded, EPA must 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, E.O. 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. 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 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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. § 804(3). EPA is not required to submit a rule report regarding this rulemaking action under section 801 because this is a rule of particular applicability.

H. 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 May 17, 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, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: February 25, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.

For the reasons stated in the preamble, 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(148) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(148) On October 13, 1998, the State of Illinois submitted a site-specific State Implementation Plan (SIP) revision affecting Volatile Organic Material controls at Central Can Company (CCC), located in Chicago, Illinois. The SIP revision allows CCC to apply can coating control rules to pail coating operations limited to certain conditions.

(i) Incorporation by reference.

August 6, 1998, Opinion and Order of the Illinois Pollution Control Board, AS 94–18, effective July 1, 1991.

[FR Doc. 99–6496 Filed 3–17–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[GA–34–3–9819a; FRL–6306–2]

Approval and Promulgation of Implementation Plans; Georgia: Approval of Revisions to the Georgia State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On August 25, 1998, EPA published a direct final rule (63 FR 45172) approving and an accompanying proposed rule (63 FR 45208) proposing to approve the Georgia Post 1996 Rate of Progress Plan (9 percent plan) which was submitted on November 15, 1993, and amended on June 17, 1996. As stated in the **Federal Register** document, if adverse or critical comments were received by September 24, 1998, the effective date would be delayed and timely notice would be published in the **Federal Register**. Therefore, due to receipt of an adverse comment within the comment period, EPA withdrew the direct final rule (63 FR 52983) in order to address all public comments received in a subsequent final rule.

This action addresses the adverse comment and grants final approval of Georgia's 9 percent plan. EPA will not institute a second comment period on this document.

EFFECTIVE DATE: This final rule is effective April 19, 1999.

ADDRESSES: Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104.