Implementation Plans'' as adopted by the Texas Natural Resource Conservation Commission (TNRCC) on November 16, 1994, and July 9, 1997, was submitted by the Governor on November 22, 1994, and August 21, 1997, respectively.

(i) Incorporation by reference.

(A) The Texas Natural Resource Conservation Commission (TNRCC) Regulation 30, TAC Chapter 101 ''General Rules'', Section 101.30 ''Conformity of General and State Actions to State Implementation Plans'' as adopted by TNRCC on November 16, 1994, and July 9, 1997.

(B) TNRCC orders Docket No. 94–0709–SIP and 97–0143–RUL as passed and approved on November 16, 1994, and July 9, 1997, respectively.

* * * * *

[FR Doc. 98–5847 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL166–1a; FRL–5975–3]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On May 5, 1995, and May 26, 1995, the State of Illinois submitted a State Implementation Plan (SIP) revision request to the EPA regarding rules for controlling Volatile Organic Material (VOM) emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) reactor processes and distillation operations in the Chicago and Metro-East (East St. Louis) areas. VOM, as defined by the State of Illinois, is identical to ''Volatile Organic Compounds'' (VOC), as defined by EPA. VOC is an air pollutant which combines with nitrogen oxides in the atmosphere to form ground-level ozone, commonly known as smog. Ozone pollution is of particular concern because of its harmful effects upon lung tissue and breathing passages. This plan was submitted to meet the Clean Air Act (Act) requirement for States to adopt Reasonably Available Control Technology (RACT) rules for sources that are covered by Control Techniques Guideline (CTG) documents. This rulemaking action only addresses compliance with the RACT requirement for one source, Monsanto Chemical Group's Sauget Facility. The EPA is approving the State Implementation Plan (SIP) revision request submitted by the State of Illinois as it applies to Monsanto Chemical Group's Sauget Facility.

DATES: The ''direct final'' approval is effective on May 11, 1998, unless EPA receives adverse or critical written comments by April 10, 1998. If the effective date is delayed timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the revision request 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.)

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.

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

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(b)(2) of the Act requires all moderate and above ozone nonattainment areas to adopt RACT rules for sources that are located in moderate and above ozone nonattainment areas and covered by CTG documents, such as SOCMI reactor processes and distillation operations. In Illinois, the Chicago area is classified as ''severe'' nonattainment for ozone, while the Metro-East area is classified as ''moderate'' nonattainment. See 40 CFR 81.314.

The Illinois Environmental Protection Agency (IEPA) held public hearings on the SOCMI rules on November 4, 1994, December 2, 1994, and December 16, 1994. The rules, which require compliance by March 15, 1996, were published in the *Illinois Register* on May 19, 1995. The rules became effective at the State level on May 9, 1995. The IEPA formally submitted the SOCMI rules to EPA on May 5, 1995, and May 26, 1995, as a revision to the Illinois SIP for ozone. The submittal amends 35 Illinois Administrative Code (Ill.Adm.Code) Parts 211, 218 and 219, to include control measures for SOCMI reactor processes and distillation operations.

The submittal includes the following new or revised rules:

Part 211: Definitions and General Provisions

Subpart B: Definitions

211.980 Chemical Manufacturing Process Unit
211.1780 Distillation Unit
211.2365 Flexible Operation Unit
211.5065 Primary Product

Part 218: Organic Material Emission Standards and Limitations for the Chicago Area

Subpart Q: Synthetic Organic Chemical and Polymer Manufacturing Plant
218.431 Applicability
218.432 Control Requirements
218.433 Performance and Testing Requirements
218.434 Monitoring Requirements
218.435 Recordkeeping and Reporting Requirements
218.436 Compliance Date
Appendix G: TRE Index Measurement for SOCMI Reactors and Distillation Units

Part 219: Organic Material Emission Standards and Limitations for the Metro-East Area

Subpart Q: Synthetic Organic Chemical and Polymer Manufacturing Plant
219.431 Applicability
219.432 Control Requirements
219.433 Performance and Testing Requirements
219.434 Monitoring Requirements
219.435 Recordkeeping and Reporting Requirements
219.436 Compliance Date.
Appendix G: TRE Index Measurement for SOCMI Reactors and Distillation Units

The SOCMI rules contained in Part 218 are identical to those in Part 219 except for the areas of applicability. Part 218 applies to the Chicago Area, while Part 219 applies to the Metro-East area. Illinois' SOCMI rules are based largely on EPA's final CTG for control of VOCs from SOCMI reactor processes and distillation operations, which was issued on November 15, 1993 (58 FR 60197). This document contains the recommended presumptive norm for RACT for these sources.

The applicability measure for RACT is dependent upon a facility's calculated Total Resource Effectiveness (TRE) index. The TRE index is a measure of the cost per unit of VOC emission reduction and is normalized so that the decision point has a defined value of 1.0. It considers variables such as the emission stream characteristics (i.e., heat value, flow rate, VOC emission rate) and a maximum cost effectiveness. A TRE index value of less than or equal to 1.0, calculated by using the specific stream characteristics, ensures that the stream could be effectively controlled further by a combustion device without an unreasonable cost burden. The use of the TRE index applicability measure provides an incentive for pollution prevention by letting a facility consider alternatives to installing add-on control devices. Facilities can choose to

improve product recovery so that the calculated TRE index falls above the cutoff value of 1.0.

The technology underlying RACT for SOCMI reactor processes and distillation operations processes is combustion via either thermal incineration or flaring. These control techniques generally achieve the highest emission reduction among demonstrated VOC technologies. The EPA believes that a thermal incinerator that is well operated and maintained according to manufacturer's specifications can achieve at least 98 percent control efficiency, by weight. Likewise, flares that conform with the design and operating specifications set forth in 40 CFR 60.18, can achieve at least 98 percent control, by weight, of VOC emissions.

II. Analysis of State Submittal

The Illinois SOCMI rules affect vent streams associated with reactor processes and distillation operations that manufacture a SOCMI chemical, as listed in Appendix A of Illinois' Rules and Regulations for Air Pollution Control (35 Ill.Adm.Code 218 and 219), if the chemical is a ''primary product.'' The rules exclude any reactor or distillation unit that (1) is part of a polymer manufacturing operation, (2) is included in a batch operation, (3) has a total design capacity of less than 1,100 tons per year for the primary product, (4) has a primary product not listed in Appendix A, (5) has a vent stream VOC concentration of less than 500 parts per million by volume or a flow rate of less than 0.0085 standard cubic meter per minute, or (6) is included in the hazardous air pollutants early reduction program, as specified in 40 CFR Part 63 and published at 50 FR 60970 on October 22, 1993. Any other process vent stream from a reactor process or distillation operations process in SOCMI that does not satisfy the above exclusion criteria must perform a TRE determination. If the TRE index value, calculated at a point immediately after the associated recovery device, is less than or equal to 1.0, then VOC emissions (less methane and ethane) must be reduced by 98 percent by weight or to 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen. The compliance date in the Illinois rules is March 15, 1996.

While Illinois' SOCMI reactor and distillation rules generally require RACT level control efficiencies, the rules' applicability provision is significantly less stringent than RACT for two reasons. The first is the concept of ''primary product'' as defined in the State rules, and the second is the list of SOCMI chemicals provided in the State rules.

''Primary product,'' as defined in at 35 Ill.Adm.Code 211.5065, means the ''product with the greatest annual design capacity on a mass basis;'' or in the case of a flexible operation unit, the product which is produced for the greatest annual operating time. Section 218/219.431(a)(1) of the Illinois rules states that sources are only subject if one of the listed chemicals is produced as the primary product. RACT, as specified in the CTG, requires sources to comply if they produce one or more SOCMI chemicals as intermediates or final products. Illinois' rules are less stringent than RACT because the production of SOCMI chemicals as intermediates does not contribute to applicability. Section 218.431(a)(2), however, provides an exception to this provision for Stepan Company's Millsdale facility is an exception to this provision (see June 17, 1997, **Federal Register**, 62 FR 32694). Section 218.431(a)(2) states that all continuous reactor process and distillation operation emission units at Stepan Company's Millsdale facility are subject, unless they are already subject to the State's Air Oxidation Processes rules.

The place where the ''primary product'' concept makes the applicability of the Illinois rules less stringent than that of RACT is in Section 218/219.431(b)(4). This section exempts units that have a design capacity of less than 1,100 tons per year of the primary product, and exempts units, no matter how large, if the primary product is not a SOCMI chemical. The CTG calls for this exemption to apply to units with a design capacity of less than 1,100 tons per year of all chemicals produced within the unit. Because of this language, the State rules could exempt sources that would be covered under RACT, as specified in the CTG. For example, if a source were producing 1,500 tons per year of chemicals, but only 1,000 tons of the primary product, the source would be exempt under the State rules but would not be exempt under RACT level rules. Also, if a source produced 4,000 tons of a SOCMI chemical, it could still be exempted from the Illinois rules if it also produced 5,000 tons of a non-SOCMI primary product.

The concept of ''primary product'' can also be found in other places in the State rules. The definition of ''Chemical Manufacturing Process Unit'' (section 211.980) states that a chemical manufacturing process unit is identified by its primary product. This definition further clarifies the rules' intent that units producing SOCMI chemicals, but not as the primary product, be exempt from control requirements.

The second concern with the State rules is the list of SOCMI chemicals contained in 35 Ill.Adm.Code 218, Appendix A. The list of chemicals in this appendix is referenced in the State SOCMI reactor and distillation rules for applicability purposes. In other words, for a unit to be covered under the State rules, its primary product must be a chemical listed in Appendix A. The concern is that the list in Appendix A does not match the list in the CTG. The result is that a large percentage of the chemicals which would be covered under RACT are not covered by the Illinois rules. (Note that 35 IAC 218, Appendix A, is not part of this rulemaking action. It was previously approved by the EPA on September 9, 1994, at 59 FR 46562).

It is not totally clear how these deviations from RACT will affect the general applicability of the Illinois rules, as compared to a RACT-level rule. However, IEPA has analyzed air permit information for the Monsanto Sauget facility to determine whether any SOCMI reactor or distillation unit at the facility has been inadvertently left out of RACT controls because of the differences between the State rules' applicability criteria and the CTG. IEPA provided documentation on October 1, 1996, indicating the source has two SOCMI reactors which meet the SOCMI CTG applicability criteria, both of which are covered under the State rules. Therefore, in respect to the Monsanto Sauget facility, the Illinois SOCMI reactor and distillation rules are as stringent as RACT. All units at this facility which would be covered by RACT-level rules are covered by the Illinois rules.

III. Final Rulemaking Action

The EPA approves, solely as it relates to Monsanto Chemical Group's Sauget facility, the plan revision submitted to EPA by the State of Illinois on May 5, 1995, and May 26, 1995, for SOCMI reactor processes and distillation operations. While the limits contained in the State's rules are generally of RACT stringency, the applicability is extremely limited and may not apply to all sources which should be covered by RACT rules. Illinois has shown, however, that the rules apply to all sources at Monsanto Chemical Group's Sauget facility which are covered under the CTG, and thus is approvable. The EPA has already taken action on the Illinois rules as they apply to Stepan Company's Millsdale facility (June 17, 1997, 62 FR 32694), and the EPA will take action on the rules as they apply to

other facilities, and on the rules overall, at a later date.

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 specified written adverse or critical comments be filed. This action will become effective without further notice unless the EPA receives relevant adverse written comment on the parallel proposed rule (published in the proposed rules section of this **Federal Register**) by April 10, 1998. Should the EPA receive such comments, it will publish a final rule informing the public that this action did 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 11, 1998.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. 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. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

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 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 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *EPA.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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 the private sector, of $100 million or more. 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 the private sector, result from this action.

D. 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 today's action under section 801 because this is a rule of particular applicability.

E. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 1998. 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, Intergovermental relations, Reporting and recordkeeping requirements.

Dated: February 24, 1998.

Michelle D. Jordan,

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)(138) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(138) On May 5, 1995, and May 26, 1995, the State of Illinois submitted State Implementation Plan (SIP) revision requests for reactor processes and distillation operation processes in the Synthetic Organic Chemical Manufacturing Industry as part of the State's control measures for Volatile Organic Material emissions for the Metro-East (East St. Louis) area. This State Implementation Plan revision request is approved as it applies to Monsanto Chemical Group's Sauget Facility.

(i) *Incorporation by reference.* Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B; Definitions, 211.980 Chemical Manufacturing Process Unit, 211.1780 Distillation Unit, 211.2365 Flexible Operation Unit, 211.5065 Primary Product, amended at 19 Ill. Reg. 6823, effective May 9, 1995.

(B) Part 219: Organic Material Emission Standards and Limitations for the Metro East Area, Subpart Q: Synthetic Organic Chemical and Polymer Manufacturing Plant, Sections 219.431 Applicability, 219.432 Control Requirements, 219.433 Performance and Testing Requirements, 219.434 Monitoring Requirements, 219.435 Recordkeeping and Reporting Requirements, 219.436 Compliance Date, 219.Appendix G, TRE Index

Measurement for SOCMI Reactors and Distillation Units, amended at 19 Ill. Reg. 6958, effective May 9, 1995.

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[FR Doc. 98–6098 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AK–20–1708a; FRL–5974–9]

Approval and Promulgation of Implementation Plans: Alaska

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) is approving revisions to the Alaska State Implementation Plan (SIP) submitted October 31, 1997. This revision consists of amendments to Fuel Requirements for Motor Vehicles, title 18, chapter 53 of the Alaska Administrative Code (18 AAC 53) regarding the use of oxygenated fuels.

DATES: This action is effective on May 11, 1998 unless adverse or critical comments are received by April 10, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101. Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, Washington 98101, and the Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Tracy Oliver, Office of Air Quality (OAQ–107), EPA, Seattle, Washington 98101, (206) 553–1388.

SUPPLEMENTARY INFORMATION:

I. Background

On March 24, 1994, EPA approved amendments to the Alaska Oxygenated Gasoline Requirements section of 18 AAC 53 (see 60 FR 54435; 61 FR 24712).

ADEC recently reworked 18 AAC 53, Fuel Requirements for Motor Vehicles, in an effort to simplify the regulations and make them easier to understand. Following public review, the revised chapter was submitted to EPA on October 31, 1997 for approval and incorporation into the SIP. This revision is the subject of today's action.

II. Summary of Action

EPA is approving revisions to Fuel Requirements for Motor Vehicles (18 AAC 53) and incorporating the updated chapter into the Alaska SIP as a replacement for the existing chapter. Sections 18 AAC 53.50, .110, and .180 are repealed as these subjects have been condensed and incorporated into other sections. EPA fully supports ADEC efforts to streamline and clarify these regulations. The revised regulations are written in plain language so as to be easier for the public and regulated community to understand. These changes are expected to clarify the requirements of the program.

The revised chapter does not contain substantive changes that affect the requirements of this control measure or its stringency. Most of the modifications are administrative, dealing with phrasing, sentence structure, and terminology. Some changes clarify procedures and requirements. Some dates and deadlines are adjusted to assist the state and regulated community in fulfilling their responsibilities. The authorities for this chapter have also been modified to reflect revisions in the Alaska Administrative Code.

The following are the types of administrative changes made throughout the revised chapter.

1. Removing references to years past;
2. Streamlining overly complicated sentences and paragraphs;
3. Reorganizing text for better sequence of information and requirements;
4. Removing redundancy;
5. Explicitly stating expectations;
6. Eliminating duplicate and potentially confusing terminology.

In addition to the administrative changes detailed above, the new chapter revises some aspects of program implementation. Examples of these include:

1. New dispenser labeling specifications.

The label must state the maximum oxygen content by volume in addition to the minimum. The label may be placed anywhere on the upper two-thirds of the dispenser, instead of just the upper half previously specified. The aircraft label warning must contain a different, but similar sentence.

2. Change in public notice for the beginning of a control period and the expansion of a control area.

The department must now notify the public at least 180 days in advance of the beginning of a control period, instead of 75. It must now notify the public at least 180 days before the expansion of a control area.

3. More precise definition of control period.

A control period lasts from November 1 through midnight the following March 1, eliminating any ambiguity on the end date.

4. More exact time frame for oxygenated fuel requirements.

Control Area Responsible parties (CAR) must adhere to oxygen requirements for fuel dispensed within a control area beginning five days before the control period begins, ending on midnight of the last day.

5. Adjustments in CAR preliminary permit fees, registration fees, and refund dates

The $100.00 CAR registration fee must be paid every year, rather than just the first year of operating in a control area. For new CARs, the preliminary permit fee will be based on the total number of gallons estimated to be sold by the CAR within the control area during the control period. The department will refund any difference between the actual fee due and the preliminary permit fee by July 15, rather than June 15. The department will refund fees in excess of what is required to run the program by July 15, rather than June 15.

The EPA is publishing this action without prior proposal because the Agency views it as a noncontroversial amendment which makes non-substantive changes to the SIP 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 May 11, 1998 unless, by April 10, 1998, adverse or critical comments are received.

If the 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 be addressed in a subsequent final rule based on this action serving as a proposed rule. The 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