

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

\* \* \* \* \*

[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

is advised that this action will be effective May 11, 1998.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

### III. Administrative Requirements

#### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

#### B. Regulatory Flexibility Act

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 CAA 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, I certify 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 CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

#### C. 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 costs to State, local, or tribal governments in the aggregate, or to the 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 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.

#### D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### E. 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 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), 42 U.S.C. 7607(b)(2).

**Note:** Incorporation by reference of the Implementation Plan for the State of Alaska was approved by the Director of the Office of Federal Register on July 1, 1982.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: February 18, 1998.

**Chuck Clarke,**

*Regional Administrator, EPA Region 10.*

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 C—Alaska

2. Section 52.70 is amended by adding paragraph (c)(27) to read as follows:

#### § 52.70 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(27) On October 31, 1997, ADEC submitted revisions to Fuel Requirements for Motor Vehicles, title 18, chapter 53 of the Alaska Administrative Code (18 AAC 53) regarding the use of oxygenated fuels.

(i) Incorporation by reference.

(A) Title 18, Chapter 53, Alaska Administrative Code (AAC), Fuel Requirements for Motor Vehicles, adopted October 31, 1997 (Article 1, 18 AAC 53.005, .007, .010, .015, .020, .030, .035, .040, .045, .060, .070, .080, .090, .100, .105, .120, .130, .140, .150, .160, .170, .190; Article 9, 18 AAC 53.990).

[FR Doc. 98–6096 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[VA 082–5032; FRL–5975–5]

### Approval and Promulgation of Air Quality Implementation Plans; Virginia; Termination of Alternative Emission Reduction Plan for the Reynolds Metals Company, Bellwood Reclamation Plant

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Virginia. This revision establishes and requires the affected facilities at the Bellwood Reclamation Plant to comply with the particulate emission limits of the Virginia process weight rule or new source review permit, as the case may be. The intended effect of this action is to approve a termination of a 1983