

enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: August 11, 1998.

David A. Ullrich,

Acting Regional Administrator.

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 52.719 is amended by revising paragraph (a) to read as follows:

§ 52.719 Identification of plan—Conditional approval.

* * * * *

(a) On May 15, 1992, Illinois submitted a part D particulate matter (PM) nonattainment area plan for the Lake Calumet (Southeast Chicago) moderate nonattainment area. This plan included control measures adopted in a final opinion and order of the Illinois Pollution Control Board, on April 9, 1992, in proceeding R91-22. The United States Environmental Protection Agency conditionally approved the State's plan, contingent on fulfillment of the State's commitment to meet 3 requirements by November 20, 1995. The first requirement is for the State to adopt and submit additional enforceable control measures, if necessary, that will achieve attainment. The second requirement is for the State to submit a complete and accurate emissions inventory (including corrected emissions estimates, as well as any new control measures which may be needed) and an acceptable modeled attainment demonstration. The third requirement is for the State to impose an opacity limit for coke oven combustion stacks which is reflective of their mass emission limits.

(1) *Incorporation by reference.*

(i) Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 211: Definitions and General Provisions, Subpart A: General Provisions, Section 211.101. Adopted at 16 Illinois Register 7656, effective May 1, 1992. (ii) Illinois

Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter c: Emission Standards and Limitations for Stationary Sources, Part 212: Visible and Particulate Matter Emissions, Subpart A: General, Sections 212.107, 212.108, 212.109, 212.110, 212.113; Subpart E: Particulate Matter Emissions from Fuel Combustion Sources, Section 212.210; Subpart K: Fugitive Particulate Matter, Sections 212.302, 212.309, 212.316; Subpart L: Particulate Matter from Process Emission Sources, Section 212.324; Subpart N: Food Manufacturing, Section 212.362; Subpart Q: Stone, Clay, Glass and Concrete Manufacturing, Section 212.425; Subpart R: Primary and Fabricated Metal Products and Machinery Manufacture, Section 212.458; Subpart S: Agriculture, Section 212.464; Section 212 Illustration D: McCook Vicinity Map, Illustration E: Lake Calumet Vicinity Map, and Illustration F: Granite City Vicinity Map. Adopted at 16 Illinois Register 7880, effective May 11, 1992.

3. Section 52.725 is amended by adding paragraph (f) to read as follows:

§ 52.725 Control strategy: Particulates.

* * * * *

(f) On November 14, 1995, May 9, 1996, and June 14, 1996, the State of Illinois submitted State Implementation Plan (SIP) revision requests to meet commitments related to the conditional approval of Illinois' May 15, 1992, SIP submittal for the Lake Calumet (SE Chicago), McCook, and Granite City, Illinois, Particulate Matter (PM) nonattainment areas. The EPA is approving the SIP revision request as it applies to the McCook PM nonattainment area. For the McCook PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal have been corrected.

[FR Doc. 98-24037 Filed 9-4-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA039/067-4077; FRL-6149-1]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Attainment Demonstration and Contingency Measures for the Liberty Borough PM-10 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the Pennsylvania Department of Environmental Protection (PADEP) consisting of an attainment demonstration and contingency measures for Allegheny County, Pennsylvania's Liberty Borough particulate matter moderate nonattainment area. EPA is approving the attainment demonstration because the Allegheny County Healthy Department's (ACHD) modeling analysis (submitted as a SIP revision by PADEP) adequately demonstrates that the regulatory portion of the attainment plan is sufficient to attain and maintain the National Ambient Air Quality Standards (NAAQS) for particulate matter that were in effect at the time of the submittal, and because its analyses have been corroborated by monitored air quality data. EPA is approving the contingency measures for the area because they satisfy the requirements of the Clean Air Act (the Act). EPA approved the regulatory portion of the attainment plan for the Liberty Borough area as a SIP revision in an earlier rulemaking action. Elsewhere in today's **Federal Register**, EPA has published its determination that the Liberty Borough area has attained the NAAQS for particulate matter. In an earlier action, EPA approved source-specific control requirements for the USX Clairton Coke Works which further strengthen the SIP for the Liberty Borough area.

EFFECTIVE DATE: This final rule is effective on October 8, 1998.

ADDRESSES: 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; the Allegheny County Health Department, Department of Air Quality, 301 39th Street, Pittsburgh, Pennsylvania 15201; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ruth E. Knapp (215) 814-2191, or by e-mail at knapp.ruth@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On January 6, 1994, the Pennsylvania Department of Environmental Protection (PADEP) submitted an attainment plan

to EPA on behalf of the Allegheny County Health Department (ACHD) for the Liberty Borough PM-10 nonattainment area.¹ PM-10 is particulate matter smaller than 10 microns in diameter. On July 12, 1995, PADEP submitted contingency measures to EPA on behalf of the ACHD for the Liberty Borough PM-10 nonattainment area. These two revisions to the Pennsylvania SIP were submitted to fulfill the Act's requirements for an attainment plan consisting of regulatory control measures, an attainment demonstration (including air quality modeling) that the regulations are sufficient to attain the PM-10 NAAQS, and contingency measures. These "Part D" requirements are described in more detail in the technical support document (TSD) prepared by EPA to support this rulemaking. Copies of the TSD are available, upon request, from the EPA Regional office listed in the ADDRESSES section of this notice.

As stated above, EPA previously took final action² to approve the regulatory portion of the attainment plan which included control measures for a variety of industrial sources. That action made those measures part of the SIP and federally enforceable. On June 12, 1998 (63 FR 32173), EPA published a notice of proposed rulemaking (NPR) proposing approval of the attainment demonstration and contingency measures portions of the attainment plan for the Liberty Borough PM-10 nonattainment area. The rationale for EPA's action was explained in the NPR and will not be restated here. No public comments were received on the NPR.

Please note that while EPA revised the NAAQS for particulate matter³ on July 18, 1997, in this notice the terms "NAAQS" and "PM-10 NAAQS" refer to the previously existing NAAQS that were in effect at the time that the attainment plan was required and submitted.

Final Action

EPA is approving the attainment demonstration and the contingency measures as a revision to the Pennsylvania SIP. 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 a 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.

Administrative Requirements

A. Executive Orders 12866 and 13045

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review. The final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under E.O. 12866.

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 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 impose any new requirements, EPA 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 CAA, 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).

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 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 being 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

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).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve the Liberty Borough PM-10 attainment demonstration and contingency measures must be filed in the United States Court of Appeals for the appropriate circuit by November 9, 1998. Filing a petition for reconsideration 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, Intergovernmental relations, Particulate matter.

¹ The Liberty Borough PM-10 nonattainment area is comprised of the City of Clairton and the Boroughs of Glassport, Liberty, Lincoln, and Port Vue.

² See 61 FR 29664.

³ See 62 FR 38652.

Dated: August 13, 1998.

W. Michael McCabe,
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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraphs (c)(135) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(135) Revisions to the Pennsylvania State Implementation Plan consisting of contingency measures for USX Clairton in the Liberty Borough PM-10 Nonattainment Area, submitted on July 12, 1995 by the Pennsylvania Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of July 12, 1995 from the Pennsylvania Department of Environmental Protection transmitting a SIP revision for contingency control measures for USX Clairton Works located in Liberty Borough PM-10 nonattainment area of Allegheny County.

(B) Revision to Allegheny County's Article XXI applicable to USX's Clairton Coke Works, effective July 11, 1995 specifically:

(1) Revisions to section 2105.21.e included in Appendix 34 which require improved procedures to capture pushing emissions for all USX-Clairton batteries except Battery B.

(ii) Additional Material—Remainder of the July 12, 1995 submittal.

3. Section 52.2059 is amended by adding paragraph (b) to read as follows:

§ 52.2059 Control strategy: particulate matter.

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(b) EPA approves the PM-10 attainment demonstration for the Liberty Borough Area of Allegheny County submitted by the Pennsylvania Department of Environmental Protection on January 6, 1994.

[FR Doc. 98-24040 Filed 9-4-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[VA 011-5034a; FRL-6155-9]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the 111(d) plan for Kraft pulp mills submitted by the Commonwealth of Virginia. The plan requires the control of total reduced sulfur (TRS) emissions from existing Kraft pulp mills. The Virginia plan establishes emission limits for existing Kraft pulp mills, and provides for the implementation and enforcement of those limits. The intended effect of this action is to approve the plan which was submitted in accordance with the Clean Air Act (the Act).

DATES: This direct final rule is effective on November 9, 1998, without further notice, unless EPA receives adverse comments by October 8, 1998. If adverse comments are received 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 Makeba A. Morris, Chief, Technical Assessment Branch, Mailcode 3AP22, 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 following locations: Air Protection Division, Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and Commonwealth of Virginia, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23219.

FOR FURTHER INFORMATION CONTACT: Artra B. Cooper at (215) 814-2096, or by e-mail at cooper.artra@epamail.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Act requires that states submit plans to EPA to implement and enforce the Emission Guidelines (EG) promulgated for Kraft pulp mills pursuant to Section 111(d). As required by section 111(d) of the Act, EPA

established a process at 40 CFR Part 60, Subpart B, which is similar to the process required by section 110 of the Act, which the states must follow for adopting and submitting 111(d) plans. Subpart B provides that, once a standard of performance for the control of a designated pollutant from a new source category is promulgated, the Administrator will then publish an emission guideline (E.G.) and guideline document applicable to the control of the same pollutant from designated (existing) facilities. The E.G. and related information were provided in a guideline document entitled "Kraft Pulping—Control of TRS Emissions from Existing Mills" (March 1979).

On May 15, 1990, the Commonwealth of Virginia submitted its Kraft pulp mill 111(d) plan for the control of TRS from existing kraft pulp mills to EPA for approval. The plan consists of regulations and consent agreements with the affected facilities within the Commonwealth. EPA has determined that the plan meets the requirements of 40 CFR Part 60, Subpart B. The Virginia regulation entitled: "Regulation for the Control and Abatement of Air Pollution, VR 120-01, Part IV, Rule 4-13, Emission Standard for Kraft Pulp Mills," is the regulatory portion of Virginia's 111(d) plan. This regulation provides for control of TRS emissions from Kraft pulp mills. The Commonwealth's regulation contains the emission limits found in the E.G. issued by EPA. The regulation includes emission limitations for applicable emission sources, provisions for compliance schedules, monitoring, record keeping and reporting requirements, all of which comport with the E.G. The regulation also requires operational standards for continuous monitoring systems, development and implementation of a quality control plan and submittal of control plans. The consent agreements included in the 111(d) plan were reached with the four affected facilities located within the Commonwealth of Virginia. They include the following sources: Westvaco Corporation—Covington, Union Camp—Franklin, Stone Container Corporation—Hopewell, and Chesapeake Corporation—West Point. These consent agreements provided interim emission limits while providing time for the affected facilities to comply with the E.G.-based limits. The consent agreements required compliance with the E.G.-based limits specified in the Commonwealth's regulation by no later than October 1994.

More detailed information on the requirements of Virginia's plan and EPA's evaluation are contained in the