process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 9, 1997.

Tim L. Dieringer,

Acting Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

1. The authority citation for part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 935.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 935.15 Approval of Ohio regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	*
October 3, 1996	October 14, 1997.	OAC 1501:13–6–03, (A)(1) (a) through (f), (B), (1), (2), (F)(2), (a) through (f), (C)(2), (a), (b), (D)(9), (10), (11).

§ 935.16 Required regulatory program amendments.

Section 935.16 is amended by deleting paragraph (a)(3).

[FR Doc. 97–27065 Filed 10–10–97; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA–5026a; FRL–5904–5]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of VOC RACT Determinations for Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving six State Implementation Plan (SIP) revisions submitted by the Commonwealth of Virginia. These revisions establish and require volatile organic compound (VOC) reasonably available control technology (RACT) on six major sources of VOCs located in Virginia. The intended effect of this action is to approve, as SIP revisions, source-specific plan approvals and Consent Agreements that establish RACT in accordance with the Clean Air Act (the Act).

DATES: This action is effective November 28, 1997 unless notice is received on or before October 29, 1997 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to David L. Arnold, Air, Radiation, and Toxics Division, Mailcode 3AT21, U.S.

Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Kristeen Gaffney, (215) 566–2092, at the EPA Region III office or via e-mail at Gaffney.Kristeen@epamail.epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On August 12, 21, 26, 30, 1996, September 3, 1996, and March 27, 1997, the Commonwealth of Virginia submitted revisions to its State Implementation Plan (SIP). These revisions establish source specific VOC RACT requirements on major sources of VOCs. Today's rulemaking approves those source specific VOC RACT requirements for six sources because they meet the requirements of section 182 of the Act. All of the sources are located in the Richmond moderate ozone nonattainment area. Plan approvals and Consent Agreements for other sources that were also submitted on the dates listed above that are not a part of today's action will be addressed by separate rulemaking.

I. Background

Under the pre-amended Clean Air Act (i.e., the Act prior to the 1990 Amendments), ozone nonattainment areas were required to adopt RACT rules for VOC sources. EPA issued three sets of control technique guideline documents (CTGs), establishing a ''presumptive norm'' for RACT for various categories of VOC sources. The Richmond, Virginia area was designated nonattainment under the pre-amended Act and was required to adopt RACT for all CTG categories as well as non-CTG VOC sources with a potential to emit 100 tons per year (TPY) or more. Under the 1990 amendments to the Act, amended sections 172(c)(1) and 182(a)(2), required the Richmond, Virginia nonattainment area to correct its RACT requirements in effect prior to enactment of the 1990 amendments. Virginia submitted those RACT corrections as SIP revisions on May 10, 1991 and June 20, 1991. Among the regulations in that SIP revision, was a provision (Rule 120–04–0407) establishing the legal basis for imposing RACT on all individual major VOC sources subject to RACT in the Northern Virginia and Richmond nonattainment areas not covered by an existing state adopted VOC control regulation. Virginia's RACT correction SIP was approved by EPA on March 31, 1994 (See 59 FR 15117). To implement Rule 120–04–0407, the Commonwealth must submit to EPA a RACT determination and enforceable document for all major VOC sources not otherwise controlled under existing State VOC RACT regulations.

Sections 182(b) (2)(A),(B) and (C) of the Act require moderate and above areas to adopt standards for all sources covered by any CTG document issued by the Administrator after 1990 and before the area is required to attain the standard; all sources covered by any CTG before the date of enactment of the 1990 CAA amendments; and all major sources of VOC not subject to a CTG. In addition, areas newly designated under the 1990 amendments as ozone nonattainment areas are required to adopt RACT rules consistent with those previously designated nonattainment. This provision of the Act makes nonattainment areas that were previously exempt from RACT requirements ''catch up'' to requirements during the earlier period, and therefore, is known as the RACT catch-up requirement.

Because Rule 120–04–0407 imposed RACT on all major VOC sources in the Northern Virginia and Richmond nonattainment areas on an individual basis, this rule partially satisfied the RACT catch-up requirement. On November 6, 1992, Virginia submitted a SIP revision expanding the geographic boundaries of the VOC emission control areas to coincide with the revised boundaries of the Richmond and Northern Virginia ozone nonattainment areas resulting from the 1990 amendments. This SIP was approved by EPA on March 12, 1997 (59 FR 52701). To satisfy the RACT correction and catch-up requirements under sections 182(a)(2) and 182(b)(2) (A), (B) and (C), and implement Rule 120–04–0407, Virginia has submitted source-specific VOC RACT determinations for the following six sources in the Richmond, Virginia ozone nonattainment area:

1. AlliedSignal Inc.—Hopewell Plant
2. AlliedSignal Inc.—Chesterfield Plant
3. Stone Container Corporation
4. E.I. DuPont de Nemours & Company—Spruance Plant
5. ICI Americas, Inc.
6. Bear Island Paper Company

II. Summary of SIP Revisions

Detailed decriptions of the RACT requirements for the source-specific plan approvals and Consent Agreements can be found in the docket and accompanying technical support document (TSD). Below is a summary of the facility type and the applicable RACT requirements for each company. Each SIP revision consists of a Consent Agreement signed by the company and the Virginia Department of Environmental Quality. The Consent Agreements are enforceable documents which include a description of the RACT technologies, control efficiencies, operating parameters, monitoring and reporting requirements. For further details on the sources' processes and how RACT was determined, refer to the TSD associated with this rulemaking. EPA is approving revisions to the Virginia SIP pertaining to the determination of RACT for six major sources of VOCs. This action is being taken under section 110 of the Act.

1. AlliedSignal Inc., Hopewell: AlliedSignal Inc. is a synthetic organic chemical manufacturing facility in Hopewell, Virginia that produces caprolactam. Other chemicals produced at the site include raw materials for caprolactam production and other co-products with commercial value that include ammonium sulfate, adipic acid, cyclohexanol, cyclohexanone and oxime performance chemicals. This facility includes emission sources subject to EPA's CTG entitled ''Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)'' (EPA–450/4–91–031, August 1993), as well as non-CTG sources. The specific process areas with VOC emissions are:

Area 6—Phenol Hydrogenation
Area 7—Caprolactam Purification
Area 8/16—Crude Caprolactam Production
Area 9—Hydroxylamine Production
Area 11—Ammonium Sulfate Production
Area 13—Adipic Acid Production
Area 14—Performance Chemicals Plant/Area
Kellogg/Girdler—Ammonia Plant

RACT as prescribed in the Consent Agreement for AlliedSignal—Hopewell, Registration Number 50232, dated March 26, 1997, is as follows:

(1) VOC emissions from the Hydrogenation Reaction Catalyst Centrifuges, designated as CT–48, 53,

55, all of which are located in the Cyclohexane Production Area (Area 6) shall be controlled by a nonassisted combustion flare at 98 percent reduction efficiency. Annual emissions will be reduced from 131.1 tons/year to 2.6 tons/year.

(2) VOC emissions from the overheads product recovery condensers in Areas 8 and 16, the Toluene/Sulfate Stripping Column (CL–15) and the Toluene/Caprolatam Stripping Column (CL–62) shall be controlled by a thermal oxidizer having a VOC reduction efficiency of at least 98 percent by weight or shall reduce the VOC emissions to a concentration of 20 ppmv, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent. Annual emissions will be reduced from 134.4 tons/year to 2.7 tons/year.

(3) VOC emissions from the Methyl Ethyl Ketoxime distillation column in Area 14 shall be controlled by a scrubber operating with a Total Resource Effectiveness Value of greater than 1.0, as described in EPA's SOCMI CTG. Annual emissions will be reduced from 107 tons/year to 25 tons/year.

(4) VOC emissions resulting from desorbtion of the Natural Gas Desulfurization Carbon Drums in the Girdler Area, shall be reduced by use of an alternative, non-regenerative adsorbent or an alternative technology which must first be submitted to EPA for review and approval. Annual emissions will be reduced from 206 tons/year to 6 tons/year.

(5) The vacuum jet ejectors in Area 6 (CL–26 and CL–65) which control the pressure on the Cyclohexanone Distillation Columns will be controlled with product recovery condensers. Combined annual emissions will be reduced from 81.5 tons/year to 24.4 tons/year.

(6) Fugitive VOC emissions resulting from equipment leaks in Areas 6, 8, 14 and 16 shall be controlled by instituting a Leak Detection and Repair (LDAR) program which is equivalent to the requirements set forth in 40 CFR part 60, subpart VV, ''Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry''. Implementation of this control program will reduce annual emissions from 665 tons/year to 392 tons/year.

(7) RACT for volatile organic liquid (VOL) storage tanks in Areas 6 and 14 shall be continued use of existing control technologies. VOL storage tanks are subject to Virginia SIP approved rule 120–04–25, ''Volatile Organic Compound Storage and Transfer Operations'.

2. AlliedSignal—Chesterfield: AlliedSignal, Inc. operates a nylon fibers and plastics manufacturing facility in Chesterfield County, Virginia. Total pre-RACT emissions from the facility were calculated to be 580.23 tons/year from eleven (I–XI) different emission source processes and including fugitive emissions. After RACT emissions are estimated to be 295.02 tons/year, or a 49% reduction in VOC emissions. EPA has not published a CTG document for this source category.

Pursuant to the Consent Agreement for AlliedSignal—Chesterfield, Registration Number 50233, dated May 20, 1996, RACT is the installation of absorption (scrubbing) systems for emissions from Groups I and II (spinning lines 5–12) by November 15, 1996, that have a control efficiency of 80% on a mass basis. The one-hour pressure losses of the gas stream through each absorption system may not be less than 6 inches and the one-hour average liquid flow rates to each absorption system shall not be less than 40 gallons/minute. Pressure losses and liquid flow rates must be monitored continuously and recorded.

RACT for the Group IX emissions (distillate systems exhaust) is installation of a condenser by July 1, 1997, that has a control efficiency of 99% on a mass basis. The one-hour average temperature of each condenser exhaust vent is not to exceed 100°F. Exhaust vent stream temperatures must be continuously measured and recorded.

The facility is required to conduct performance tests within 180 days of installation of control technology to demonstrate compliance with the control efficiency requirements. Records of all data necessary to demonstrate compliance and maintain operating parameters must be kept on site.

RACT was determined to be no control for the following sources that have exhaust streams with low concentrations of VOCs or negligible VOC emissions contribution: Group V, Group VIII, Buildings 5 and 25 Vent Fans, VOL Storage Tanks and the Industrial Wastewater Stream. Analysis has determined that it is not reasonably cost effective to control VOC emissions from source processes for Group III, Group IV, Group VI, Group VII, Group X and Group XI and fugitive emissions from the Process Operations/Open Buildings.

The Consent Agreement allows the facility to use alternate controls or control strategies, upon approval by the Commonwealth and EPA, in place of controlling emissions from Group I, II or IX if the new VOC control efficiencies exceed those in the Consent Agreement and the overall VOC emission reductions are equivalent to those resulting from implementation of RACT as defined in the Consent Agreement.

3. Stone Container Corporation: Stone Container is a kraft pulp and paper mill located in the city of Hopewell. Process operations include wood storage and handling, kraft pulp mill, paper mill, chemical recovery, co-product production and power and steam production. Pre-RACT emissions based upon the maximum annual throughput of the mill, after considering existing enforceable controls, were calculated by Virginia to be 1393 tons/year, including fugitives. Post-RACT maximum emissions calculate to 1065 tons/year, a 24% additional reduction in total VOC emissions. EPA has not published a CTG document for this source category.

Total VOC emission sources in the mill are grouped into process areas: the Kraft Pulp Mill area, the Paper Mill area, the Co-product Recovery area, the Chemical Recovery area, the Power Generation Area, the Non-condensible Gas (NCG) System, and non-quantifiable point and fugitive emissions of the Wood Handling and Storage area.

Pursuant to the Consent Agreement for Stone Container Corporation, Registration Number 50370, dated May 30, 1996, RACT is determined as follows:

1. Wood storage and handling operations, the paper mill and power and steam generation areas—no additional controls.

2. Chemical recovery area—existing level of control, use of city/river water as the sole source of make-up water.

3. Pulp mill area—no additional controls with the exception of the noncondensible gases sent to the NCG collection system and the requirement to replace the existing weak black liquor filter with a new, no-emissions filter by December 1997.

4. RACT for VOC sources within the NCG collection system is existing control technology—thermal oxidation accomplished by venting the gases to the lime kiln while the kiln is operating.

5. RACT for the co-product recovery area is installation of a packed tower scrubber for the tall oil batch reactor vent, which must be installed by August 1996. The VOC removal efficiency of 15 percent will be verified and related operating parameters will be determined through performance tests after start-up.

The Consent Agreement also provides that all processes not subject to additional controls are to be operated in a manner consistent with minimizing

VOC emissions and good air pollution control practices.

4. E.I. DuPont de Nemours & Company—Spruance Plant: DuPont operates a synthetic fiber production and coating facility located in Chesterfield, Virginia. There are eight air-emission producing units at the facility: the Kevlar plant, the Nomex plant, the Nylon plant, Dowtherm operations, the Teflon plant, the Mylar plant, the Tyvek plant and the wastewater treatment plant. There is no CTG document for this source category. According to Virginia's RACT submittal, plant-wide pre-RACT emissions of VOCs, including fugitives, based on 1991 emissions data and including existing enforceable control technologies, were 846.4 tpy. This source had already installed controls on several emissions units prior to 1991. Implementation of additional RACT controls do not result in any emission reductions at the facility. However, VOC emissions were reduced by 73.3 tpy from 1991 RACT baseline levels because the Nylon Plant was destroyed by fire in 1992, and its operations were replaced with the Zylar plant. The Zylar plant was subject to lowest achievable emission rate (LAER) review under the New Source Review provisions of the Act. Post-RACT emissions are 773.1 tpy. VOC emissions from the DuPont facility were previously controlled using technologies described in the following table. In addition to the existing controls on the table, RACT requirements for the DuPont facility pursuant to the Consent Agreement, Registration Number 50397, dated May 30, 1996, require implementation of a LDAR program:

Plant operations	Control efficiency	RACT technology	Emissions (tons/year)
Kevlar	98.3% 6 month rolling average.	Existing Control (Solvent Recovery System and chloroform quench stack scrubber) and Implementation of LDAR program.	Uncontrolled emissions*: 6,627.99. Pre-RACT 33.2. RACT 33.2.
Nomex	98.3% 6 month rolling average.	Existing Control (Solvent Recovery, ventilation scrubber, chloroform scrubber stack and scrubber for the wash/draw lines) and Implementation of LDAR program.	Uncontrolled emissions*: 19,410.7. Pre-RACT 594.7. RACT 594.7
Dowtherm	N/A	Implementation of LDAR program	Pre-RACT 10.5.
Nylon	N/A	Plant shutdown—replaced by Zytel operations	Pre-RACT 82.8 RACT 0.
Zytel	N/A	RACT is no control	Pre-RACT 20 RACT 20.
Teflon	N/A	RACT is no control	Pre-RACT 6.5 RACT 6.5.
Mylar	98.3% 6 month rolling average.	Existing control (Carbon bed adsorbers, solvent recovery and LDAR program).	Uncontrolled emissions*: 7,791. Pre-RACT 117.3 RACT 117.3.
Tyvek	N/A	New plant subject to NSR/LAER controls; plus implementation of LDAR program.	Pre-RACT N/A. RACT 110.
Wastewater Treatment Plant.	N/A	RACT is no control	Pre-RACT 1.4. RACT 1.4.

*Uncontrolled emissions are the total estimated amount of VOC emissions that would be emitted if the pre-RACT existing control equipment had not been installed.

Compliance for the fugitive LDAR programs being implemented at the Kelvar, Zytel, Tyvek and Nomex plants requires procedures to correspond with the standards set in 40 CFR Part 60, Subpart VV, including record keeping requirements, except for the reporting requirements of 60.487. The second exception is that equipment shall be considered to be leaking when a reading is above 500 ppm using an approved measurement technique. The amount of emission reductions achieved through implementation of LDAR has not been determined for any of the plants. The RACT determination assumes the same amount of VOCs will continue to be emitted at each plant even though the LDAR program is being instituted.

The Nylon plant was closed in November 1992 due to a fire and is not anticipated to reopen. Emissions from the Nylon Plant were part of the RACT analysis document because the RACT analysis was performed prior to destruction of the plant. However, since the fire, RACT for the Nylon plant is permanent shutdown. The Nylon Plant was replaced by the Zytel Plant, which underwent NSR, including LAER, prior to construction.

No RACT determination was completed for the Tyvek Plant because 1991 was used as the baseline for determining RACT controls and the former Tyvek operations at that time did not emit any regulated VOCs. Freon11, an exempt VOC, but a chlorofluorocarbon (CFC) which contributes to stratospheric ozone depletion, was used in the plant operations. To comply with the national phase-out of ozone depleting CFCs, DuPont replaced Freon11 with a regulated VOC, which required major plant modifications. The plant was issued a NSR modification permit in October 9, 1992, which imposed LAER requirements on the plant. The NSR permit for the new plant imposes LAER controls which are described in the RACT Determination document and include, catalytic incineration and condenser absorption. In addition to LAER controls, Virginia has imposed as RACT the Tyvek Plant a LDAR program to reduce fugitive emissions.

5. ICI Americas, Inc. Films Divisions—Hopewell Site: ICI films, a division of ICI Americas, Incorporated, currently operates a polymer film and manufacturing plant in Hopewell, Virginia. Polyester film is produced as a final product to be used in a variety of applications including packaging, window sun screens, and audio/video cassette tapes. Production operations results in the emissions of volatile organic compounds (VOCs).

According to the RACT determination, plant-wide pre-RACT maximum calculated emissions, including fugitives, of VOCs were 290.29 tons/year. Maximum facility-wide post-RACT emissions are 223.3 tons/year, a 25% reduction.

EPA has not published a CTG document for this source category. RACT analysis was completed for the following VOC emission source processes: VOL storage tanks, chip driers, heat setting ovens, methanol loading of rail cars, batch reactors, process cooling tower, fuel burning equipment, industrial wastewater

streams, biotreatment plant, and fugitive emissions.

The Consent Agreement for ICI, Registration Number 50418, dated May 30, 1996, limits the production rate for the ICI films facility as follows:

Polymer Plant: 13,600 DMT batches of polymer per year; 1,000 TA batches of polymer per year.

Film Plant: 150,000 tons of polymer chip throughput per year

RACT for the volatile organic liquid storage tanks was determined to be in compliance with SIP approved Rule 4–25 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution for the VOL storage tanks.

RACT for VOC emissions from the cooling tower is replacement of the ethylene glycol (EG) Still Vacuum System direct contact spray condensers with non-contact shell and tube condensers and diverting 100 percent of the condensate to the Biotreatment aeration basin for remediation instead of sending it to the cooling tower hotwell. A 99 percent reduction of VOCs attributed to the EG stills (50 percent of total cooling tower emissions) is anticipated through the replacement of the direct contact condensers serving the EG still vacuum system with non-contact condensers.

The fugitive emissions from the polymer and film manufacturing processes leaks and heat transfer fluid systems will follow the procedures from the LDAR program as specified in 40 CFR Part 60, Subpart VV, including record-keeping and test procedures. This will account for an approximately 86 percent overall reduction in fugitive emissions. The LDAR program will be implemented within 180 days of the effective date of the Consent Agreement.

6. Bear Island Paper Company, L.P.: Bear Island Paper Company, L.P. (BIPCO) operates a pulp and paper mill in Ashland, Virginia. The pulp is used for the manufacture of newsprint. According to the Consent Agreement, the maximum potential to emit before RACT was 1134.8 tons per year. With the application of RACT, the maximum annual emissions are 623.7 tons per year of VOCs, a 45% reduction.

VOC emissions result from the following source processes: Nebraska Package Boiler, the Babcock & Wilcox (B&W) Boiler, the Sludge Dryer Burner, Wastewater Treatment Plant (WWTP), and four Thermomechanical Pulp (TMP) process lines. The bulk of the VOC emissions are terpenes that are emitted from the TMP process lines. The Nebraska Package Boiler was closed in May of 1994 and replaced by a new Package Boiler which began operations in January 1996. The Package Boiler has a permitted maximum emissions cap of 3.7 tpy of VOCs.

The Consent Agreement for Bear Island, Registration Number 50840, dated July 12, 1996, determines RACT for VOCs from the B&W and package fossil fuel boilers and the sludge burner dryer to be good combustion practices and periodic maintenance. Proper combustion practices include periodic maintenance of the burner system and maintaining combustion temperature and air/fuel ratio according to the manufacturer's specifications.

RACT for the four TMP lines has been determined to be the installation of 2 heat exchangers/condensers and 1 scrubber/heat exchanger, with a combined control efficiency of 40.5 percent. Specifically, emissions from the steam tubes, primary refiners, and secondary refiners, from all four TMP lines will be controlled by a double pass, plate and frame water heat exchanger/condenser. The two stage heat exchanger/condenser will use water as the heat transfer medium, except for the latency transfer chest and the rejects latency chest, which will use water as a heat transfer medium for the first stage of the heat exchanger/condenser and glycol as the heat transfer medium for the second stage of the condenser. The condensate will be discharged to the wastewater treatment plant.

For the wastewater treatment plant (WWTP), test results confirm negligible amounts of EPA Method 624 VOCs in the effluent wastewater stream, and system modeling showed that wood organic species not analyzed by Method 624 are emitted at a rate of 5.6 tons/year. Because the WWTP does not emit a significant quantity of VOCs, the Consent Agreement establishes RACT for the WWTP as maintaining the standard operating procedures.

III. Final Action

The provisions in these plan approvals and Consent Agreements, submitted by the Commonwealth of Virginia as revisions to the SIP, are being approved by EPA. The Consent Agreements were effective on the date of signature by both signatory parties. The Consent Agreements do not contain expiration dates.

EPA is approving these SIP revisions without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revisions should adverse or critical comments be filed. This action will be effective November 28, 1997 unless, by October 29, 1997, adverse or critical comments are received. If 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 then be addressed in a subsequent final rule based on this action serving as a proposed rule. 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 on November 28, 1997. If adverse comments are received that do not pertain to all documents subject to this rulemaking action, those documents not affected by the adverse comments will be finalized in the manner described here. Only those documents that receive adverse comments will be withdrawn.

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.

IV. 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 Clean Air Act do not create any new requirements but simply approve requirements that the Commonwealth is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, the 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 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 federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

D. 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 December 15, 1997. Filing a petition for reconsideration by the Regional 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 to approve VOC RACT determinations for a number of individual sources in Virginia as a revision to the Commonwealth's SIP 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, Ozone, Reporting and recordkeeping requirements.

Dated: September 27, 1997.

William T. Wisniewski,

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. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(121) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(121) Revisions to the State Implementation Plan submitted on August 12, 21, 26, 30, 1996, September 3, 1996 and March 27, 1997 by the Virginia Department of Environmental Quality regarding non-CTG VOC RACT requirements for six sources:

(i) Incorporation by reference.

(A) Letters submitted by the Virginia Department of Environmental Quality transmitting source-specific VOC RACT determinations in the form of Consent Agreements on the following dates: August 12, 21, 26, 30, 1996, September 3, 1996 and March 27, 1997.

(B) Consent Agreements:

(*1*) AlliedSignal Inc.—Hopewell Plant, City of Hopewell, VA, Consent Agreement Registration Number 50232, effective March 26, 1997;

(*2*) AlliedSignal Inc.—Chesterfield Plant, Chesterfield County, VA, Consent Agreement Registration Number 50233, effective May 20, 1996;

(*3*) Bear Island Paper Company, L.P., Hanover County, VA, Consent Agreement Registration Number 50840, effective July 12, 1996;

(*4*) Stone Container Corporation Hopewell Mill, City of Hopewell, Virginia, Consent Agreement Registration Number 50370, effective May 30, 1996;

(*5*) E.I. DuPont de Nemours and Company, Spruance Plant, Chesterfield County, Virginia, Consent Agreement Registration Number 50397, effective May 30, 1996;

(*6*) ICI Americas, Inc. Film Division—Hopewell Site, Chesterfield County, Virginia, Consent Agreement Registration Number 50418, effective May 30, 1996.

(ii) Additional material.

(A) Technical Support Documents submitted as part of the RACT determinations in paragraph (c)(121)(i) of this section by the Commonwealth of Virginia on August 12, 21, 23, 26, 30, 1996, September 3, 1996 and March 27, 1997.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN40–03–6988; FRL–5906–3]

Approval and Promulgation of State Implementation Plan; Minnesota; Evidentiary Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final action approves the State Implementation Plan (SIP) revision submitted by the State of Minnesota. The State's revision clarifies the types of testing and monitoring data, including stack and process monitoring data, that can be used directly for compliance certifications and enforcement.

EFFECTIVE DATE: This final rule is effective November 13, 1997.

ADDRESSES: Copies of the documents relevant to this action are available forpublic inspection during normal business hours at the following location:U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Douglas Aburano, Regulation Development Section 2, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 353–6960.

SUPPLEMENTARY INFORMATION:

I. Background

In 1990, section 114 of the Clean Air Act (Act) was amended to require the Administrator of EPA to promulgate rules implementing an enhanced monitoring and compliance program for major stationary sources of air pollution. EPA determined that certain SIPs may preclude EPA and the States from implementing such a program because these SIPs may be interpreted to limit the types of testing and monitoring data