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 920

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 10, 1998.

Allen D. Klein,

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 920—MARYLAND

1. The authority citation for part 920 continues to read as follows:

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

2. Section 920.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 920.15 Approval of Maryland regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	*
January 7, 1997	March 23, 1998	COMAR 26.20.26.05 A (1) through (5), B (1) through (4), C (1) through (5), D (1) through (3), E, 26.20.14.06 B(3), B(4), B(8), 26.20.14.09 B(2) (b), (c), (d), and (e).

§ 920.16 [Amended]

3. Section 920.16 is amended by removing and reserving paragraphs (k), (m) and (o).

[FR Doc. 98–7415 Filed 3–20–98; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL167–1a; FRL–5978–8]

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 approves, through direct final, the Illinois SIP revision request.

DATES: The ''direct final'' approval is effective on May 22, 1998, unless EPA receives adverse or critical written comments by April 22, 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 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 the facilities' 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, as 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 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 which is both listed in Appendix A of Illinois' Rules and Regulations for Air Pollution Control (35 Ill.Adm.Code 218 and 219) and qualifies as a ''primary product'' under the rules. 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 operation 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.

Illinois' SOCMI rules were reviewed against EPA's August 1993 CTG for SOCMI distillation and reactors. Based on the CTG, Illinois' SOCMI reactor and distillation rules require RACT level control efficiencies. However, the State rules' applicability criteria is different than the applicability criteria recommended by the CTG. Under the States' rules, a reactor or distillation unit has the requisite total design capacity to trigger applicability when it produces (1) at least 1,100 tons per year of primary product, and (2) the primary product falls under a list of SOCMI chemicals under Appendix A, the same list used for applicability purposes under the State's SOCMI leaks rule (see 35 Ill.Adm.Code 218/219, Subpart Q and Appendix A, approved by EPA September 9, 1994, 59 FR 46562). In contrast, the CTG recommends that applicability be based on whether a unit produces at least 1,100 tons per year of one or more final or intermediate products which fall under the CTG's list of SOCMI chemicals, a list that includes more chemicals than Appendix A.

RACT rule applicability provisions may vary from State to State dependent upon what sources are in the State's nonattainment area(s). In the case of Illinois, the differences in applicability criteria between the State rules and the CTG is insignificant because the State has only two affected sources in the States' nonattainment areas, both of which meet the applicability criteria of the CTG and the States' rules.

To demonstrate that the State rules are essentially equivalent to the CTG in

terms of applicability, the IEPA submitted documentation on November 8, 1996, regarding its search for potentially affected facilities applicable to the SOCMI CTG. First, the IEPA searched the State's Emission Inventory System (EIS) database to establish a list of SOCMI continuous distillation operations or reactor processes in the Chicago or Metro East nonattainment areas (SOCMI batch facilities were excluded from the search because they are exempt from the rules). The IEPA evaluated air permit information for these units and eliminated from the list those units which are not producing any chemical found on the SOCMI CTG list. IEPA further eliminated from the list those units which are specifically excluded from the SOCMI CTG, including facilities involved in polymer manufacturing operations or covered under the State's SOCMI air oxidation rules.

After this complete review, the SOCMI facilities that remained containing emission units applicable to the CTG were Stepan Company's Millsdale facility (Stepan), and Monsanto Chemical Group's Sauget facility (Monsanto). The Illinois SOCMI reactor and distillation rules as they apply to Stepan has already been approved on June 17, 1997, (62 FR 32694), and the approval of the rules as they apply to Monsanto has been signed by the Regional Administrator on February 24, 1998, and is awaiting publication in the **Federal Register**.

Based on IEPA's documentation, all SOCMI reactor and distillation units in the Chicago and Metro East areas which are required to meet RACT under the SOCMI CTG are covered by the Illinois rule. Therefore, there is no environmental benefit to be gained by requiring Illinois to revise its SOCMI rule to mirror the CTG's applicability provisions. Because the State rules are, for practical purposes, as stringent as the CTG in respect to SOCMI distillation and reactor units existing in the Chicago and Metro East areas, EPA is approving the State rules. However, if a new SOCMI distillation or reactor unit is constructed in the Chicago or Metro East nonattainment areas which is required to meet RACT under the CTG and is not subject to the New Source Performance Standards (NSPS) for SOCMI distillation operations (40 CFR part 60, subpart NNN), the NSPS for SOCMI reactor processes (40 CFR part 60, subpart RRR), or the State rules, then the State will be required to revise its rules so that the new unit is subject to RACT.

III. Final Rulemaking Action

The EPA approves 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 rules are generally of RACT stringency, the rules' applicability provisions do not match the applicability criteria specified by the SOCMI CTG. Illinois has shown, however, that the State rules apply to all existing SOCMI facilities in the Chicago and Metro East ozone nonattainment areas which are required to meet RACT under the CTG. Thus, the rules are 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 rules as they apply to Monsanto Chemical Group's Sauget facility have been approved by the Regional Administrator on February 24, 1998, and the approval is awaiting publication in the **Federal Register**.

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 written comments be filed. This action will become effective without further notice unless the Agency receives relevant adverse written comment on the parallel proposed rule (published in the proposed rules section of this **Federal Register**) by April 22, 1998. Should the Agency 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 22, 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. section 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. sections 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. 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 22, 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, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 5, 1998.

David A. Ullrich,

Acting Regional Administrator, Region V.

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)(142)to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(142) On May 5, 1995, and May 26, 1995, the State of Illinois submitted State Implementation Plan revision requests for reactor processes and distillation operations in the Synthetic Organic Chemical Manufacturing Industry as part of the State's control measures for Volatile Organic Material emissions for the Chicago and Metro-East (East St. Louis) areas. This plan was submitted to meet the Clean Air Act requirement for States to adopt Reasonably Available Control Technology rules for sources that are covered by Control Techniques Guideline documents.

(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 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart Q: Synthetic Organic Chemical and Polymer Manufacturing Plant, Sections 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, 218.Appendix G, TRE Index Measurement for SOCMI Reactors and Distillation Units, amended at 19 Ill. Reg. 6848, effective May 9, 1995.

(C) 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.

[FR Doc. 98–7128 Filed 3–20–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH112–1a; FRL–5976–9]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: USEPA is approving an August 1, 1997 requested revision to the Ohio State Implementation Plan (SIP) incorporating revised emission statement reporting requirements which were previously approved for the purpose of implementing an emissions statement program for stationary sources within the State's ozone nonattainment areas classified as marginal or above. In this action, USEPA is approving the State's finding that emission statement requirements are no longer applicable to areas redesignated as attaining the national ambient air quality standards (NAAQS) for ozone through a ''direct final'' rulemaking; the rationale for this approval is set forth below. Elsewhere in this **Federal Register**, USEPA is proposing approval and soliciting comment on this direct final action; should USEPA receive such comment, it will publish an action informing the public that this rule did not take effect; otherwise, no further rulemaking will occur on this requested SIP revision.

DATES: This final rule is effective May 22, 1998 unless written adverse comments not previously addressed by the State or USEPA are received by April 22, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

Copies of the Ohio submittal are available for public review during normal business hours, between 8:00 a.m. and 4:30 p.m., at the above address.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone: (312) 886–6036.

SUPPLEMENTARY INFORMATION:

I. Background

Section 182(a)(3)(B) of Title I of the Clean Air Act (CAA) requires states with areas designated nonattainment of the NAAQS for ozone to establish regulations for reporting of actual emissions by stationary sources that emit volatile organic compounds (VOCs) and oxides of nitrogen (NO_X) in ozone nonattainment areas.

On March 22, 1994, the State of Ohio submitted a SIP revision outlining a program to require emission statements from those stationary sources that emit more than 25 tons of VOCs or NO_X per any calendar year and that are located in counties designated nonattainment for the NAAQS for ozone. The following twenty four counties were designated nonattainment for the NAAQS for ozone at the time of that submittal and stationary sources in those counties were required to submit emission