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 proposed/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 preexisting 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. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to terminate and rescind the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant 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).)

E. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3).

EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability. The rule applies only to the Bellwood Reclamation Plant of Reynolds Metals Company.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference.

Dated: February 26, 1998.

Thomas C. Voltaggio,

Deputy 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 VV—Virginia

2. Section 52.2420 is amended by adding paragraph (c)(122) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

(122) Revisions to the Virginia Regulations to terminate and rescind the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant submitted on November 12, 1997 by the Department of Environmental Quality:

(i) Incorporation by reference.

(A) Letter of November 12, 1997 from the Department of Environmental Quality transmitting a Consent Agreement to terminate the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant.

(B) Consent Agreement to terminate and rescind the 1983 alternative emission reduction plan for the Bellwood Reclamation Plant, signed and effective on November 7, 1997.

[FR Doc. 98–6279 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[IL145–2a, IL152–2a; FRL–5958–3]

Approval and Promulgation of Implementation Plan; Illinois Designation of Areas for Air Quality Planning Purposes; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, and, October 16, 1997, 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 Granite City area, including the attainment demonstration for the Granite City PM nonattainment area. The SIP revision request corrects, for the Granite City PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal (as discussed in the November 18, 1994, conditional approval notice). No action is being taken on the submitted plan revisions for the Lake Calumet and McCook areas at this time. They will be addressed in separate rulemaking actions.

On March 19, 1996, and October 15, 1996, Illinois submitted requests to redesignate the Granite City PM nonattainment area to attainment status for the PM National Ambient Air Quality Standards (NAAQS). The EPA is approving this request, as well as the maintenance plan for the Granite City area which was submitted with the redesignation request to ensure continued attainment of the NAAQS.

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

ADDRESSES: Copies of the revision request and EPA's analysis 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 David Pohlman at (312) 886–3299 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: David Pohlman at (312) 886–3299.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 107(d)(4)(B) of the Clean Air Act (Act), as amended on November 15, 1990 (amended Act), certain areas (''initial areas'') were designated nonattainment for PM. Under section 188 of the amended Act these initial areas were classified as ''moderate''. The initial areas included the Lake Calumet, McCook, and Granite City, Illinois, PM nonattainment areas.

The Granite City area includes Granite City and Nameoki Townships in Madison County, Illinois. (See 40 CFR 81.314 for a complete description of these areas.) Section 189 of the amended Act requires State submittal of a PM SIP for the initial areas by November 15, 1991. Illinois submitted the required SIP revision for the Granite City, Illinois, PM nonattainment area to EPA on May 15, 1992. Upon review of Illinois' submittal, EPA identified several concerns. Illinois submitted a letter on March 2, 1994, committing to satisfy all of these concerns within one year of final conditional approval. On May 25, 1994, the EPA proposed to conditionally approve the SIP. Final conditional approval was published on November 18, 1994, and became effective on December 19, 1994. The final conditional approval allowed the State until November 20, 1995 to correct the five stated deficiencies:

1. Invalid emissions inventory and attainment demonstration, due to failure to include emissions from the roof monitors for the Basic Oxygen Furnace shop (BOF) and underestimated emissions from the quench tower at the Granite City Division of National Steel Corporation (GCD).

2. Failure to adequately address maintenance of the PM NAAQS for at least 3 years beyond the applicable attainment date.

3. Lack of an opacity limit on coke oven combustion stacks.

4. Lack of enforceable emissions limit for the electric arc furnace roof vents at American Steel Foundries.

5. The following enforceability concerns:

a. Section 212.107, Measurement Methods for Visible Emissions could be misinterpreted as requiring use of Method 22 for sources subject to opacity limits as well as sources subject to limits on detectability of visible emissions.

b. Inconsistencies in the measurement methods for opacity, visible emissions, and ''PM'' in section 212.110, 212.107, 212.108, and 212.109.

c. Language in several rules which exempts from mass emissions limits those sources having no visible emissions.

The Illinois Environmental Protection Agency (IEPA) held a public hearing on the proposed rules on January 5, 1996. The rules became effective at the State level on May 22, 1996, and were published in the Illinois Register on June 7, 1996. Illinois made submittals to meet the commitments related to the conditional approval on November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, and October 16, 1997. At this time, the EPA is only acting on the portions of those submittals that pertain to the Granite City PM nonattainment area conditional approval, including the following new or revised rules in 35 Ill. Adm. Code:

Part 212: Visible and Particulate Matter Emissions

Subpart A: General

212.107 Measurement Method for Visible Emissions
212.108 Measurement Methods for PM–10 Emissions and Condensible PM–10 Emissions
212.109 Measurement Methods for Opacity
212.110 Measurement Methods for Particulate Matter

Subpart K: Fugitive Particulate Matter

212.302 Geographic Areas of Application

Subpart L: Particulate Matter Emissions

212.324 Process Emission Units in Certain Areas

Subpart N: Food Manufacturing

212.362 Emission Units in Certain Areas

Subpart O: Stone, Clay, Glass and Concrete Manufacturing

212.425 Emission Units in Certain Areas

Subpart R: Primary and Fabricated Metal Products and Machinery Manufacture

212.446 Basic Oxygen Furnaces
212.458 Emission Units in Certain Areas

Subpart S: Agriculture

212.464 Sources in Certain Areas

In addition to the rule changes needed to meet the commitments imposed on Illinois in the conditional approval, Illinois submitted other revised rules. Rules submitted, but not listed above, will be addressed in future rulemaking actions.

On July 22, 1997, the EPA proposed limited approval, limited disapproval of the SIP revision request submitted by Illinois to meet the conditions of the May 18, 1994, conditional approval requirements. In the July 22, 1997, proposal, the EPA stated that Illinois had met all of the conditional approval requirements except for the requirement to provide an enforceable opacity limit for coke oven combustion stacks. In an October 16, 1997, letter, Illinois submitted a revised construction and operating permit for GCD. The Federally-enforceable permit includes a 30 percent opacity limit, and states that coke oven combustion stacks at GCD are not covered by the repair opacity exemption in 35 IAC 212.443(g)(2).

The only other comment received by the EPA on the July 22, 1997, proposal was an October 17, 1997, letter from GCD, in support of Illinois' October 16, 1997, submittal.

Title I, section 107(d)(3)(D) of the amended Act and the general preamble to Title I [57 FR 13498 (April 16, 1992)], allow the Governor of a State to request the redesignation of an area from nonattainment to attainment. The criteria used to review redesignation requests are derived from the Act, general preamble, and the following policy and guidance memoranda from the Director of the Air Quality Management Division to the Regional Air Directors, September 4, 1992, *Procedures for Processing Requests to Redesignate Areas to Attainment.* An area can be redesignated to attainment if the following conditions are met:

1. The area has attained the applicable NAAQS;

2. The area has a fully approved SIP under section 110(k) of the Act;

3. The air quality improvement must be permanent and enforceable;

4. The area has met all relevant requirements under section 110 and Part D of the Act; and,

5. The area must have a fully approved maintenance plan pursuant to section 175A of the Act.

On July 22, 1997, the EPA proposed to disapprove Illinois request to redesignate the Granite City PM nonattainment area to attainment based on the fact that the area did not have a fully approved SIP. Based on Illinois' October 16, 1997, submittal, the EPA is now fully approving the SIP for the Granite City area, as well as the redesignation request and maintenance plan.

II. Analysis of State Submittal

Only the issue involving the coke oven combustion stacks and the redesignation criteria will be discussed in this notice. For a discussion of how Illinois addressed the other noted deficiencies, see the July 22, 1997, proposed partial approval notice (62 FR 39199).

Because coke oven operations are generally covered by special opacity limits, Illinois' SIP exempts coke oven sources from the statewide 30 percent opacity limit. This State exemption was approved by EPA on September 3, 1981. It was later realized that this exemption left coke oven combustion stacks without an opacity limit. Coke oven combustion stacks in Illinois are subject to grain loading limits which require stack tests for compliance determinations. Because stack tests can take months to perform and only last a few hours, an opacity limit, for which compliance can be determined by visual observations, is needed to ensure continuous compliance. This deficiency was cited in the November 18, 1994,

conditional approval of Illinois' PM nonattainment area SIP submittal.

In response to the conditional approval of Illinois' PM plan, the State adopted a 30 percent opacity limit for coke oven combustion stacks. However, this rule also includes an exemption for ''when a leak between any coke oven and the oven's vertical or crossover flue(s) is being repaired * * *'' for up to 3 hours per repair. The EPA believes this rule is unacceptable. (See 62 FR 39199.)

In an October 16, 1997, letter, Illinois submitted a revised construction and operating permit for GCD. The permit, which was issued on October 21, 1997, includes a 30 percent opacity limit, and states that coke oven combustion stacks at GCD are not covered by the repair opacity exemption in 35 IAC 212.443(g)(2). GCD is the only source in the Granite City nonattainment area which would have been covered by the repair exemption, and this permit eliminates the exemption for GCD. Since there are now no coke oven combustion stacks in the nonattainment area without enforceable opacity limits, this deficiency has been corrected for the Granite City nonattainment area. The issue of the repair exemption rule as it applies to the remainder of the State will be addressed in subsequent rulemaking actions.

Under cover letters dated March 19, 1996, and October 15, 1996, the State submitted a redesignation request for the Granite City PM nonattainment area. A public hearing was held on May 6, 1996.

All five of the redesignation criteria given under section 107(d)(3)(E) of the Clean Air Act must be satisfied in order for the EPA to redesignate an area from nonattainment to attainment. (See the Background section of this notice.) The following is a description of how the State's redesignation request meets these requirements.

1. Attainment of the PM NAAQS

According to EPA guidance, the demonstration that the area has attained the PM NAAQS involves submittal of ambient air quality data from an ambient air monitoring network representing peak PM concentrations, which should be recorded in the Aerometric Information Retrieval System (AIRS). The area must show that the average annual number of expected exceedances of the 24-hour PM standard is less than or equal to 1.0, and that the annual arithmetic mean concentration is less than or equal to 50 micrograms per cubic meter, pursuant to 40 CFR Part 50, section 50.6. The data must represent the most recent three consecutive years of complete ambient air quality monitoring data collected in accordance with EPA methodologies.

The IEPA operates four PM monitoring sites in the nonattainment area. Illinois submitted ambient air quality data from the monitoring sites which demonstrates that the area has attained the PM NAAQS. This air quality data was verified in AIRS. Quality assurance procedures are a component of the AIRS data entry process. No exceedance of the 24-hour or annual PM NAAQS has been measured since 1990. Therefore, the State has adequately demonstrated, through ambient air quality data, that the PM NAAQS have been attained in the Granite City PM nonattainment area.

2. State Implementation Plan Approval

Those States containing initial moderate PM nonattainment areas were required to submit a SIP by November 15, 1991, which implemented reasonably available control measures (RACM) by December 10, 1993, and demonstrated attainment of the PM NAAQS by December 31, 1994. Illinois submitted the required SIP revision for the Granite City PM nonattainment areas to EPA on May 15, 1992. On May 25, 1994, the EPA proposed to conditionally approve the SIP. Final conditional approval was published on November 18, 1994, and became effective on December 19, 1994. The final conditional approval allowed the State until November 20, 1995, to correct five stated deficiencies. Illinois made submittals to meet the commitments related to the conditional approval on November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, and October 16, 1997. On July 22, 1997, the EPA proposed limited approval, limited disapproval of the SIP revision request submitted by Illinois to meet the conditions of the May 18, 1994, conditional approval requirements. In an October 16, 1997, letter, Illinois submitted a revised construction and operating permit for GCD. This permit corrected the final deficiency, and the EPA is, in this notice, fully approving the SIP for the Granite City PM nonattainment area.

3. Improvement in Air Quality Due to Permanent and Enforceable Measures

The State must be able to reasonably attribute the improvement in air quality to permanent and enforceable emission reductions. In making this showing, the State must demonstrate that air quality improvements are the result of actual enforceable emission reductions.

The PM dispersion modeling conducted as part of the Granite City PM SIP predicted that the control measures included in the SIP were sufficient to provide for attainment and maintenance of the PM NAAQS. The State has adequately demonstrated that the improvement in air quality is due to permanent and enforceable emission reductions of PM as a result of implementing the federally enforceable control measures in the SIP.

4. Meeting Applicable Requirements of Section 110 and Part D of the Act

To be redesignated to attainment, section 107(d)(3)(E) requires that an area must have met all applicable requirements of section 110 and part D of title I of the Act. The EPA interprets this to mean that for a redesignation request to be approved, the State must have met all requirements that applied to the subject area prior to or at the time of a complete redesignation request.

A. Section 110 Requirements

Section 110(a)(2) contains general requirements for nonattainment plans. For purposes of redesignation, the Illinois SIP was reviewed to ensure that all applicable requirements under the amended Act were satisfied. Many of these requirements were met with Illinois' May 15, 1992 submittal. The EPA proposed conditional approval of the SIP at that time because certain requirements had not been met. With the November 14, 1995, May 9, 1996, June 14, 1996, February 3, 1997, and October 16, 1997, submittals Illinois has corrected the deficiencies in the May 15, 1992 submittal, and the EPA is, in this notice, fully approving the Granite City PM SIP under Section 110.

B. Part D Requirements

Before a PM nonattainment area may be redesignated to attainment, the State must have fulfilled the applicable requirements of part D. Subpart 1 of part D establishes the general requirements applicable to all nonattainment areas and subpart 4 of part D establishes specific requirements applicable to PM nonattainment areas.

The requirements of sections 172(c) and 189(a) for providing for attainment of the PM NAAQS, and the requirements of section 172(c) for requiring reasonable further progress, imposition of RACM, the adoption of contingency measures, and the submission of an emission inventory have been satisfied through today's direct final approval of the Granite City PM SIP, the July 13, 1995, approval of the Illinois PM contingency measures SIP (60 FR 36060), and the demonstration that the area is now attaining the standard. The

requirements of the Part D—New Source Review (NSR) permit program will be replaced by the Part C—Prevention of Significant Deterioration (PSD) program once the area has been redesignated. However, in order to ensure that the PSD program will become fully effective immediately upon redesignation, either the State must be delegated the Federal PSD program or the State must make any needed modifications to its rules to have the approved PSD program apply to the affected area upon redesignation. The PSD program was delegated to the State of Illinois on January 29, 1981 (46 FR 9584).

5. Fully Approved Maintenance Plan Under Section 175A of the Act

Section 175A of the Act requires states that submit a redesignation request for a nonattainment area under section 107(d) to include a maintenance plan to ensure that the attainment of the NAAQS for any pollutant is maintained. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the approval of a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan demonstrating attainment for the ten years following the initial ten year period.

The State of Illinois adequately demonstrated attainment and maintenance of the PM NAAQS through the dispersion modeling submitted as part of the SIP. Since emissions in the area are not expected to increase substantially in the next 10 years, that initial attainment demonstration is still adequate. Also, the State has indicated that industries in the area are currently operating at about 30 percent of the emissions allowed under their SIP, so even if production should increase, emissions would likely not exceed the amounts used to demonstrate attainment of the NAAQS. Also, emissions from any new sources would be restricted by PSD requirements.

Once an area has been redesignated, the State must continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area. The maintenance plan should contain provisions for continued operation of air quality monitors that will provide such verification. Illinois operates four PM air monitoring sites in the nonattainment area. These sites are approved annually by the EPA, and any future change would require discussion with EPA. In its submittal, the State commits to continue to operate the PM monitoring station to demonstrate ongoing compliance with the PM NAAQS.

Section 175A of the Act also requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. These contingency measures are distinguished from those generally required for nonattainment areas under section 172(c)(9). However, if the contingency measures in a nonattainment SIP have not been implemented to attain the standards and they include a requirement that the State will implement all of the PM control measures which were contained in the SIP before redesignation to attainment, then they can be carried over into the area's maintenance plan.

Under a cover letter dated July 29, 1994, IEPA submitted a State Rule to satisfy the contingency measures requirements specified in section 172(c)(9) for the Granite City PM nonattainment area, among others. This rule is eligible to also be used as the section 175A contingency measures, because the State was able to attain the PM NAAQS with the limitations and control measures already contained in the SIP. On July 13, 1995, the EPA approved the rule into the Illinois SIP in a direct final rulemaking (60 FR 36060), which became effective on September 11, 1995.

Section 179(a) of the amended Act states that if the Administrator finds that a State has failed to make a required submission, finds that a SIP or SIP revision submitted by the State does not satisfy the minimum criteria established under section 110(k) of the amended Act, or disapproves a SIP submission in whole or in part, unless the deficiency has been corrected within 18 months after the finding, one of the sanctions referred to in section 179(b) of the amended Act shall apply until the Administrator determines that the State has come into compliance. (Pursuant to 40 CFR 52.31, the first sanction shall be a sanction requiring 2 to 1 offsets, in the absence of a case-specific selection otherwise.) If the deficiency has not been corrected within 6 months of the selection of the first sanction, the second sanction under section 179(b) shall also apply. In addition, section 110(c) of the Act requires promulgation of a Federal Implementation Plan (FIP) within 2 years after the finding or disapproval, as discussed above, unless the State corrects the deficiency and the SIP is approved before the FIP is promulgated.

On December 17, 1991, a letter was sent to the Governor of Illinois notifying him that the EPA was making a finding that the State of Illinois had failed to submit a PM SIP for the Granite City nonattainment area. This letter triggered both the sanctions and FIP processes as explained above. Illinois submitted a PM SIP revision for the nonattainment area on May 15, 1992, and in an April 30, 1993, letter to the State the EPA informed the State that the SIP was determined to be complete. Therefore, the deficiency which started the sanctions and FIP processes was corrected, and the sanctions process ended. The FIP process, however, was not stopped by the correction of the deficiency and EPA was to promulgate a FIP within 2 years of the failure-to-submit letter (or December 17, 1993), unless a PM SIP for the nonattainment area was finally approved before then.

On November 18, 1994, the EPA conditionally approved the SIP. The final conditional approval allowed the State until November 20, 1995, to correct the five stated deficiencies. Conditional approval does not start a new sanctions process, unless the state fails to make a submittal to address the deficiencies, makes an incomplete submittal, or the submittal is ultimately disapproved. Illinois made a submittal to meet the commitments related to the conditional approval on November 14, 1995. Supplemental information was submitted on May 9, 1996, June 14, 1996, February 3, 1997, and October 16, 1997. This submittal became complete by operation of law on May 14, 1996. No sanctions process is currently running. Upon full approval of the Granite City PM plan, FIP liability will also end.

III. Final Rulemaking Action

Illinois has corrected all of the deficiencies listed in the November 18, 1994, conditional approval as they relate to the Granite City PM nonattainment area. Because Illinois has met all of the commitments of the conditional approval, the EPA is approving the plan for the Granite City PM nonattainment area.

The EPA is also approving Illinois' March 19, 1996, and October 15, 1996, maintenance plan and request to redesignate the Granite City area to attainment for PM because all requirements for redesignation have been met, as discussed above.

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 revisions should written adverse or critical comments be filed. This action will be effective on

May 11, 1998 unless, by April 10, 1998, adverse or critical written comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent rulemaking 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 on May 11, 1998.

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

IV. Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility 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.

Pursuant to section 605(b) of the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This Federal action approves pre-existing requirements under federal, State or local law, and imposes no new requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant impact on a substantial number of small entities.

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 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)).

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Air Pollution control, National parks, Wilderness areas.

Dated: January 16, 1998.

David A. Ullrich,

Acting Regional Administrator.

For the reasons set out in the preamble, 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)(141) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(141) On November 14, 1995, May 9, 1996, June 14, 1996, and February 3, 1997, October 16, 1997, and October 21, 1997, 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 portion of the SIP revision request that applies to the Granite City area. The SIP revision request corrects, for the Granite City PM nonattainment area, all of the deficiencies of the May 15, 1992, submittal.

(i) *Incorporation by reference.* (A) 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; 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, Sections 212.446, 212.458; Subpart S: Agriculture, Section 212.464. Adopted at 20 *Illinois Register* 7605, effective May 22, 1996.

(B) Joint Construction and Operating Permit: Application Number 95010005, Issued on October 21, 1997, to Granite City Division of National Steel Corporation.

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

§ 52.725 Control Strategy: Particulates.

* * * * *

(e) Approval—On March 19, 1996, and October 15, 1996, Illinois submitted requests to redesignate the Granite City Particulate Matter (PM) nonattainment area to attainment status for the PM National Ambient Air Quality Standards (NAAQS), as well as a maintenance plan for the Granite City area to ensure continued attainment of the NAAQS.

The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.314, the table entitled ''Illinois PM–10'' is amended by revising the entry for ''Madison County'' to read as follows:

§ 81.314 Illinois.

* * * * *

ILLINOIS—PM–10

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * *	*	*	*	*
Madison County Granite City Township and Nameoki Township.	5/11/98	Attainment	.....	
* * *	*	*	*	*

* * * * *

[FR Doc. 98–6091 Filed 3–10–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL–5975–9]

RIN 2060–AH06

Control of Air Pollution From Motor Vehicles and New Motor Vehicle Engines; Increase of the Vehicle Mass for 3-Wheeled Motorcycles

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Today's action changes the regulatory definition of a motorcycle to include 3-wheeled vehicles weighing up to 1749 pounds effective for 1998 and later model year motorcycles for which emission standards are in place.

This action will create no detrimental health effects, and will therefore retain the health benefits derived from the current motorcycle regulations in effect.

DATES: This rule is effective on April 10, 1998.

ADDRESSES: Materials relevant to this final rule are contained in Docket No. A–96–49. The docket is located at the Air Docket section, 401 M. Street, SW., Washington, DC 20460, and may be viewed in room M–1500 between 8:00 a.m. and 5:30 p.m., Monday through Friday. The telephone number is (202) 260–7548 and the facsimile number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket material.

FOR FURTHER INFORMATION CONTACT: Frank Lamitola, Vehicle Programs and Compliance Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Telephone (313) 668–4479. Email LAMITOLA.FRANK@EPAMAIL.EPA.GOV. FAX (313) 741–7869.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities regulated by this action are motorcycle and motor vehicle manufacturers. Tabulated entities include the following:

Category	Examples of regulated entities
Industry	• Motorcycle manufacturers. • Manufacturers of 3-wheeled vehicles. • Importers of motorcycles.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the criteria contained in § 86.402 of title 40 of the Code of Federal Regulations, as modified by today's action. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Electronic Availability

Electronic copies of the preamble and the regulatory text of this final rulemaking are available via the EPA internet web site. This service is free of charge, except for any cost you already incur for internet connectivity. An electronic version is made available on the day of publication on the primary EPA web site listed below. The EPA Office of Mobile Sources also publishes these documents on the secondary web site listed below:

EPA internet web site
http://www.epa.gov/docs/fedrgstr/EPA–AIR/(either select desired date or use Search feature)

OMS web site
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I. Background

On June 3, 1997, the Agency published a proposed rule which increased the allowable weight limit for three-wheeled motorcycles from 1499 pounds to 1749 pounds (62 FR 30291). This action was taken after a manufacturer requested that EPA consider raising the weight limit to accommodate the market demand for slightly heavier three-wheeled motorcycles. According to the manufacturer, raising the limit would allow more amenities, such as air conditioning. EPA found that it was appropriate to propose raising the weight limit to 1749 pounds, because it accommodates the market-driven changes indicated by the manufacturer, but does not compromise air quality or health benefits. EPA requested comments about the potential for the weight increase to substantially increase the number of such vehicles being sold