

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

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

### III. Administrative Requirements

#### A. Executive Order 12866

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

#### B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D, of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

#### C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-

effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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

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

#### E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2).

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

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

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

Dated: February 18, 1998.

**Chuck Clarke,**

*Regional Administrator, EPA Region 10.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart C—Alaska

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

#### § 52.70 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

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

(i) Incorporation by reference.

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[VA 082–5032; FRL–5975–5]

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

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

**ACTION:** Direct final rule.

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

alternative emission reduction plan in accordance with a Consent Agreement signed on November 7, 1997. This action is being taken under section 110 of the Clean Air Act.

**DATES:** This final rule is effective May 11, 1998, unless by April 10, 1998, adverse or critical comments are received. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to Makeba A. Morris, Chief, Technical Assessment Section, Mailcode 3AP22, 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 Protection 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, D.C. 20460; Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

**FOR FURTHER INFORMATION CONTACT:** Denis M. Lohman, (215) 566-2192, or by E-mail at lohman.denny@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** On November 12, 1997, the State of Virginia submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of the termination of a 1983 consent agreement and order that established an alternative emission reduction plan for the Bellwood Reclamation Plant owned by the Reynolds Metals Company.

On February 7, 1983, the State Air Pollution Control Board approved a consent agreement and order to establish an alternative emission reduction plan (also referred to as a "bubble") for the Bellwood Reclamation Plant. On March 31, 1983, the Commonwealth of Virginia submitted the alternative emission reduction plan for the Bellwood Reclamation Plant as a source-specific revision to the State Implementation Plan (SIP). The alternative emission reduction plan was approved by EPA on March 26, 1984 (49 FR 11176).

The previously approved bubble applies to two major processes at the Bellwood Reclamation Plant; the Herreshoff process and the melting furnaces #2, #4, and #5. The bubble allows the Herreshoff process to emit particulates in excess of the quantity allowed by the Virginia process weight

rate rule in exchange for compensating emission reductions from specified other operations within the plant.

Since 1984, the Bellwood Reclamation Plant has undergone a number of changes that impact the bubble. Reynolds have decommissioned a number of the units subject to the bubble, including the Herreshoff process and furnace #4, and have obtained a state new source review permit for furnace #5. At this time furnace #2 is the only operating unit subject to the bubble. As a result, the bubble is no longer needed to demonstrate compliance with Virginia's process weight rate rule and needs to be rescinded.

#### Summary of the SIP Revision

The SIP revision consists of a Consent Agreement terminating the 1983 Consent Agreement and Order that established the Bellwood bubble. The Consent Agreement was signed on October 24, 1997, by Cathy C. Taylor, Director, Corporate Environmental Quality Department of Reynolds Metals Company. The Consent Agreement became effective on November 7, 1997, when it was signed by Thomas L. Hopkins, Director, Virginia Department of Environmental Quality.

EPA is approving this SIP revision 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 revision should adverse or critical comments be filed. This action will be effective May 11, 1998, unless, by April 10, 1998, adverse or critical comments are received.

If 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 May 11, 1998.

#### Final Action

EPA is approving the SIP revision request submitted by the Commonwealth of Virginia to terminate and rescind the Consent Agreement and Order which established an alternative emission reduction plan for the

Bellwood Reclamation Plant owned by the Reynolds Metals Company.

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.

#### 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 does 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 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 the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-

effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action 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.

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#### **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.