

inspection, or removal of a VMS unit or interfere with, tamper with, alter, damage, disable, or impede the operation of a VMS unit, or attempt any of the same.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 191

[T.D. 98-16]

RIN 1515-AB95

Drawback; Correction

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Correcting amendments.

SUMMARY: Customs published in the **Federal Register** of March 5, 1998, a document issuing final regulations regarding drawback (T.D. 98-16). This document contains corrections to those final regulations.

EFFECTIVE DATE: April 6, 1998.

FOR FURTHER INFORMATION CONTACT: Russell Berger, Regulations Branch, Office of Regulations and Rulings, (202-927-1605).

SUPPLEMENTARY INFORMATION:

Background

The final regulations relating to drawback that are the subject of these corrections were published as T.D. 98-16 in the **Federal Register** (63 FR 10970), on March 5, 1998. Corrections to these regulations were published in the **Federal Register** on March 17, 1998 (63 FR 13105) and on March 31, 1998 (63 FR 15287).

Need For Corrections

As published, it has come to Customs attention that the final regulations still contain errors which may prove to be misleading. This document corrects those errors.

List of Subjects in 19 CFR Part 191

Canada, Commerce, Customs duties and inspection, Exports, Imports, Mexico, Reporting and recordkeeping requirements, Trade agreements (North American Free Trade Agreement).

PART 191—DRAWBACK

Accordingly, part 191, Customs Regulations (19 CFR part 191) is corrected by making the correcting amendments set forth below.

1. The general authority citation for part 191 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1313, 1624.

§ 191.3 [Amended]

2. In § 191.3(a)(3), the parenthetical, “(see § 101.1(i) of this chapter)”, is revised to read, “(see § 101.1 of this chapter)”.

§ 191.6 [Amended]

3. In § 191.6(c)(3), the reference to “§ 191.32(c)(2)” is revised to read, “§ 191.32(c)”.

§ 191.14 [Amended]

4. In § 191.14(c)(3)(iii)(D), at the end of the penultimate sentence, immediately before the period, the following language is added: “; the March 20 receipt (50 units at \$1.08) is not yet attributed to withdrawals for export”.

5. In § 191.14(c)(3)(iv)(C), in the penultimate sentence, after the phrase, “February 25 (50 units at \$1.05)”, the following language is added: “March 5 (50 units at \$1.06)”.

§ 191.92 [Amended]

6. In § 191.92(g), in the first sentence, the term “stay,” is removed.

Dated: May 13, 1998.

Harold M. Singer,
Chief, Regulations Branch.

[FR Doc. 98-13237 Filed 5-18-98; 8:45 am]

BILLING CODE 4820-02-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL169-1a; FRL-6012-7]

Approval and Promulgation of Implementation Plan; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On March 6, 1998, the State of Illinois submitted to EPA amended rules for controlling Volatile Organic Material (VOM) emissions from wood furniture coating operations in the Chicago and Metro-East (East St. Louis) ozone nonattainment areas, as a requested revision to the ozone State Implementation Plan (SIP). 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” rule is effective on July 20, 1998, unless EPA receives adverse or critical written comments by June 18, 1998. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Copies of the revision request and EPA’s Technical Support Document (TSD) for this rulemaking action 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.¹ In Illinois, the Chicago area (Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County) is classified as “severe” nonattainment for ozone, and the Metro-East area (Madison, Monroe, and St. Clair Counties) is classified as “moderate” nonattainment. See 40 CFR 81.314.

On September 9, 1994, EPA approved and incorporated into the SIP a 1993

¹ A definition of RACT is cited in a General Preamble-Supplement published at 44 FR 53761 (September 17, 1979). RACT is defined as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. CTGs are documents published by EPA which contain information on available air pollution control techniques and provide recommendations on what the EPA considers the “presumptive norm” for RACT.

version of VOM control rules for wood furniture coating operations in the Chicago and Metro-East ozone nonattainment areas (59 FR 46562). On October 26, 1995, EPA approved a revision to these rules' source size applicability threshold from 100 tons or more of VOM per year Maximum Theoretical Emissions (MTE) to 25 tons of VOM or more per year Potential To Emit (PTE) (60 FR 54810). On May 20, 1996, EPA issued a CTG document providing the recommended presumptive norm for RACT for wood furniture coating operations. The CTG was produced as the result of a regulatory negotiation between representatives from industry, environmental groups, and State and local agencies. On May 27, 1997, the Illinois Environmental Protection Agency (IEPA) filed a proposal with the Illinois Pollution Control Board (Board) to revise its existing wood furniture coating rules to become consistent with the CTG requirements.

IEPA held public hearings on the wood furniture coating rule amendments on August 5, 1997, in Edwardsville, Illinois, and August 13, 1997, in Chicago, Illinois. On January 22, 1998, the Board adopted the proposed amendments in a Final Opinion and Order. On February 13, 1998, the amended rules were published in the *Illinois Register*. The effective date of the rules is February 2, 1998. On March 5, 1998, the rules were submitted as a requested revision to the SIP for ozone. On March 25, 1998, EPA sent a finding of completeness of the submittal.

The submittal includes the following new or revised rules.

Part 211: Definitions and General Provisions

Subpart B: Definitions

- 211.1467 Continuous Coater
- 211.1520 Conventional Air Spray
- 211.6420 Strippable Spray Booth Coating
- 211.7200 Washoff Operations

Part 218: Organic Material Emission Standards and Limitations for the Chicago Area

Subpart F: Coating Operations

- 218.204 Emission Limitations
- 218.205 Daily-weighted Average Limitations
- 218.210 Compliance Schedule
- 218.211 Recordkeeping and Reporting
- 218.215 Wood Furniture Coating Averaging Approach
- 218.216 Wood Furniture Coating Add-On Control Use
- 218.217 Wood Furniture Coating Work Practice Standards

Part 219: Organic Material Emission Standards and Limitations for the Metro East Area

Subpart F: Coating Operations

- 219.204 Emission Limitations
- 219.205 Daily-weighted Average Limitations
- 219.210 Compliance Schedule
- 219.211 Recordkeeping and Reporting
- 219.215 Wood Furniture Coating Averaging Approach
- 219.216 Wood Furniture Coating Add-On Control Use
- 219.217 Wood Furniture Coating Work Practice Standards

The 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.

II. Analysis of State Submittal

EPA has reviewed the March 6, 1998, submittal for consistency with the wood furniture CTG's model rule to determine whether the rules meet RACT and are enforceable. The following is a summary of the SIP revision and EPA's analysis of the rules. For the complete requirements of this SIP revision, interested parties should refer to the State regulations. For more details on EPA's analysis, EPA's TSD for this rulemaking can be obtained from the Region 5 office listed above.

Applicability and Compliance Date

Illinois wood furniture coating rules apply to sources (1) with wood furniture coating operations and (2) that have a potential to emit 25 tons of VOM or more per year, which is consistent with the CTG's model rule. The compliance date to meet the new requirements in the State's wood furniture coating rules is March 15, 1998.

Emission Limitations

The rules have been amended to modify the value and the units of measure of the VOM content limitations for wood furniture coating topcoats and sealers. These new emission limitations, added at section 218/219.204(l)(2), are as follows:

Coating	Kilograms (kg) VOM/kg solids	Pounds (lb) VOM/lb solids
Topcoat	0.8	0.8
Non-acid-cured alkyd amino vinyl sealer	1.9	1.9
Non-acid-cured alkyd amino conversion varnish	1.8	1.8
Acid-cured alkyd amino vinyl sealer	2.3	2.3

Coating	Kilograms (kg) VOM/kg solids	Pounds (lb) VOM/lb solids
Acid-cured alkyd amino conversion varnish ...	2.0	2.0

Alternatively, sources can comply with the topcoat and sealer requirements through an averaging program or through an add-on control device. Sources using an averaging approach must demonstrate that emissions from participating coating lines, on a daily basis, are no greater than 90 percent of what they would be if compliant coatings were being used. For sources opting to use an add-on control device, sources must demonstrate that the overall capture and control efficiency of the control devices secures emission reductions equivalent to compliance with the coating VOM content limits. Sections 218/219.215 and 218/219.216 provide the necessary equations to determine compliance with the averaging or add-on control approach. These equations are based upon similar provisions found under the CTG's model rule.

The rules as amended retain emission limitations for other categories of wood furniture coatings that were incorporated into the SIP on September 9, 1994, including opaque stain, non-topcoat pigmented coating, repair coating, semi-transparent stain, and wash coat (59 FR 46562). These limitations remain in place under sections 218/219.204(l)(3) so as to avoid emissions backsliding.

Besides the revised topcoat and sealer emission limitations, the Illinois rules have been amended to add VOM control requirements for sources using either wood furniture coating spray booths or continuous coaters. Affected sources using spray booths shall not use strippable spray coating containing more than 0.8 kg VOM/kg solids (0.8 lb VOM/lb solids), as applied. For affected sources using continuous coaters to apply topcoats and sealers, the reservoir used for the continuous coaters shall use an initial coating which complies with the VOM content limits listed in the table above, and the viscosity of the coating in each reservoir shall always be greater than or equal to the viscosity of the initial coating in the reservoir. The viscosity of the reservoir shall be monitored in accordance with requirements provided in the rules. These control requirements are consistent with the CTG model rule.

Work Practices

Illinois' amended rules also include new or revised work practice standards dealing with coating application and cleaning methods. Under the previous rule requirements, affected sources could only use the following methods to apply coatings: airless spray application system, electrostatic bell or disc application system, heated airless spray application system, roller coating, brush or wipe coating application system, dip coating application system, or high volume low pressure application system. To become consistent with the CTG, the rules are now modified to generally prohibit the use of conventional air spray application, defined as a method in which coating is atomized by mixing it with compressed air at an air pressure greater than 10 lb per square inch (gauge) at the point of atomization.

Certain exemptions are allowed, however, when applying repair coats in certain circumstances, when applying coatings with a VOM content no greater than 1 kg VOM/kg solids (1 lb VOM/lb solids) as applied, when guns are aimed and triggered automatically, or when an add-on control device is used. These exemptions are also consistent with the CTG.

As for cleaning requirements, affected sources shall not clean spray booth components containing more than 8.0 percent, by weight, of VOM. The cleaning of conveyors, continuous coaters and their enclosures, and metal filters are exempt from this requirement. If a spray booth is being refurbished, then the affected source is allowed to use no more than 1.0 gallon of noncompliant organic solvent to prepare the spray booth prior to applying the spray booth coating. These requirements are consistent with the CTG.

Other cleaning requirements added to the rules include the following: sources must use closed containers when storing or disposing coating, cleaning, and washoff materials; sources must also pump or drain all organic solvent used for line cleaning into closed containers; sources must collect all organic solvent used to clean spray guns in closed containers; and sources must control emissions from washoff operations by using closed tanks. These cleaning requirements are all consistent with the CTG.

Testing

The Illinois wood furniture coating rules as amended retain the coating testing and add-on control device installation, operation, and monitoring

requirements under sections 218/219.105. These sections were approved by EPA on September 9, 1994 (59 FR 46562), and are consistent with the CTG.

Certification, Recordkeeping, and Reporting

To ensure compliance, certification, recordkeeping, and reporting requirements have been added to the rules. Wood furniture coating operations in the Chicago and Metro-East ozone nonattainment areas which are otherwise exempt because their PTE is less than 25 tons of VOM per year must certify their exemption with IEPA in accordance with section 218/219.211. Those sources covered under the wood furniture coating rules must certify compliance by March 15, 1998, upon initial start-up of a new coating line, or upon changing the method of compliance.

Daily records must be kept for a period of three years to show compliance with the emission limitations, the averaging approach, or the add-on control requirements. Sources which must comply with the new topcoat and sealer requirements (either the individual limits, the averaging approach, or the add-on control requirements) must keep daily records of the weight of VOM per weight of solids in each coating as applied each day on each coating line, and keep the certified product data sheets for each coating used. To comply with the averaging approach under 218/219.215, an affected source must operate pursuant to federally enforceable state operating permit conditions containing a detailed description of the source's averaging program. What this description must include is specified under 218/219.215. In addition to daily coating records, sources using averaging must also keep daily records of the calculations showing compliance with either of the averaging equations provided under 218/219.215. For sources complying with add-on control requirements under 218/219.216, these sources must additionally keep control device monitoring data as well as operating and maintenance logs on a daily basis. Sources which need to comply with the spray booth or continuous coater requirements must also keep daily records as specified in the rules. Exceedances of the control requirements, or change of compliance method, must be reported to IEPA within 30 days. These requirements are generally consistent with the CTG and with EPA's VOC RACT policy.

Conclusion

Based on review of the March 6, 1998, SIP submittal's comparison to the CTG model rule, the EPA finds the State's wood furniture coating rules constitute RACT and are enforceable. Therefore, the March 6, 1998 submittal satisfies the requirement under section 182(b)(2) of the Act to adopt RACT level rules for wood furniture coating operations.

III. Final Rulemaking Action

In this rulemaking action, EPA approves the March 6, 1998, Illinois SIP revision submittal, which will make the amended Illinois wood furniture coating rules federally enforceable. 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 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 June 18, 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 July 20, 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. 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 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 July 20, 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.

Dated: April 29, 1998.

Barry C. DeGraff,

Acting Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(140) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(140) On March 5, 1998, the State of Illinois submitted amended rules for the control of volatile organic material emissions from wood furniture coating operations in the Chicago and Metro-East (East St. Louis) ozone nonattainment areas, as a requested revision to the ozone State Implementation Plan. 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, 211.1467 Continuous Coater, 211.1520 Conventional Air Spray, 211.6420 Strippable Spray Booth Coating, 211.7200 Washoff Operations, amended at 22 Ill. Reg. 3497, effective February 2, 1998.

(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart F: Coating Operations 218.204 Emission Limitations, 218.205 Daily-weighted Average Limitations, 218.210 Compliance Schedule, 218.211 Recordkeeping and Reporting, 218.215 Wood Furniture Coating Averaging Approach, 218.216 Wood Furniture Coating Add-On Control Use, 218.217 Wood Furniture Coating Work Practice Standards, amended at 22 Ill. Reg. 3556, effective February 2, 1998.

(C) Part 219: Organic Material Emission Standards and Limitations for the Metro East Area, Subpart F: Coating Operations 219.204 Emission Limitations, 219.205 Daily-weighted Average Limitations, 219.210 Compliance Schedule, 219.211 Recordkeeping and Reporting, 219.215 Wood Furniture Coating Averaging Approach, 219.216 Wood Furniture Coating Add-On Control Use, 219.217 Wood Furniture Coating Work Practice Standards, amended at 22 Ill. Reg. 3517, effective February 2, 1998.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI67-01-7275; FRL-6003-6]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) is promulgating a correction to the State Implementation Plan (SIP) for the State of Michigan regarding the State's emission limitations and prohibitions for air contaminant or water vapor. EPA has determined that this rule was erroneously incorporated into the SIP. EPA is removing this rule from the approved Michigan SIP because the rule does not have a reasonable connection to the national ambient air quality standards (NAAQS) and related air quality goals of the Clean Air Act. The intended effect of this correction to the SIP is to make the SIP consistent with the requirements of the Clean Air Act, as amended in 1990 ("the Act"), regarding EPA action on SIP submittals and SIPs for national primary and secondary ambient air quality standards. **DATES:** This rule is effective on July 20, 1998 unless the Agency receives