

solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the requirements of 30 CFR part 730, 731, and 732 have been met.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 16, 1992.

Jeffrey D. Jarrett,

Acting Assistant Director, Eastern Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

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

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

2. In § 935.15, a new paragraph (fff) is added to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(fff) The following amendment to the Ohio regulatory program, as submitted to OSM on September 10, 1991, and revised on December 17, 1991, and April 27, 1992, is approved, effective August 18, 1992: Revised Amendment Number 53 which consists of revisions to the Ohio Administrative Code (OAC) at 1501:13-9-04 (H)(1)(i), (H)(2)(d), (H)(2)(e), (H)(2)(g), and (H)(2)(h) concerning the characteristics of highwalls which are not entirely eliminated in areas to be covered by impoundments.

[FR Doc. 92-19569 Filed 8-17-92; 8:45 am]
BILLING CODE 4310-05-M

30 CFR Part 935

Ohio Regulatory Program; Revision of Administrative Rule

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval, with one exception, of proposed Revised Program Amendment Number 51 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment is intended to authorize the use of excess spoil from a valid, permitted coal mining operation for the reclamation of an adjacent unreclaimed area.

EFFECTIVE DATE: August 18, 1992.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard J. Seibel, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, 2242 South Hamilton Road, Room 202, Columbus, Ohio 43232; (614) 866-0578.

SUPPLEMENTARY INFORMATION:

- I. Background on the Ohio Program.
- II. Submission of Amendment.
- III. Director's Findings.
- IV. Summary and Disposition of Comments.
- V. Director's Decision.
- VI. Procedural Determinations.

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982, *Federal Register* (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Submission of Amendment

By letter dated July 9, 1991 (Administrative Record Number OH-1546), the Director of OSM provided the Ohio Department of Natural Resources, Division of Reclamation (Ohio), with clarification concerning OSM's position on the reclamation of abandoned mine lands by a mine operator in conjunction with surface coal mining and reclamation operations. Specifically, the Director's purpose was to provide guidelines to states that were interested in reclaiming abandoned mine lands using excess spoil from adjacent areas where mining is conducted under permits issued pursuant to Title V of SMCRA or its state equivalent. The Director noted that a contract for reclamation approved under Title IV of SMCRA (or under an equivalent State Abandoned Mine Lands (AML) program) is equivalent to a permit and bond and is thus consistent with the excess spoil disposal requirements of

section 515 of SMCRA. Therefore, the placement of excess spoil on an abandoned site which is receiving Federal AML funds is not inconsistent with section 515(b)(22) of SMCRA (55 FR 21329). State programs which issue such contracts under a non-Federally funded program must provide a degree of security comparable to that afforded by a Federally funded AML reclamation project. Before issuing such contracts, States must first submit and receive OSM approval of the State policies and procedures applicable to such non-Federally funded contracts.

In response to the Director's letter, Ohio submitted proposed Program Amendment Number 51 by letter dated July 22, 1991 (Ohio Administrative Record No. OH-1547). The amendment proposed to add a new paragraph (H) to Ohio Administrative Code (OAC) section 1501:13-9-07 to authorize the use of excess spoil from a valid, permitted coal mining operation for the reclamation of an adjacent unreclaimed area. As part of and in support of proposed Program Amendment Number 51, Ohio also submitted Administrative Record information on the relevant provisions of the Ohio Revised Code (ORC), a draft policy statement clarifying eligibility requirements, performance standards for off-permit spoil placement, and an example of a reclamation contract executed pursuant to section 1513.27 of the ORC.

OSM announced receipt of proposed Program Amendment Number 51 in the August 9, 1991 *Federal Register* (56 FR 37871), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on September 9, 1991. The public hearing scheduled for September 3, 1991, was not held as no one requested an opportunity to testify.

By letter dated January 10, 1992 (Ohio Administrative Record No. OH-1627), OSM provided Ohio with its questions and comments about the July 22, 1991, amendment submissions. By letter dated April 27, 1992 (Ohio Administrative Record No. OH-1687), Ohio responded to OSM's questions and comments and provided Revised Program Amendment Number 51. This new amendment submission contains one revised rule, revised Administrative Record information, and a revised policy statement. All of the revisions concern the disposal of excess spoil on unpermitted areas adjacent to a coal mining permit.

In its April 27, 1992, submittal, Ohio is further revising OAC section 1501:13-9-

07 paragraph (H) to delete reference to ORC section 1513.18 concerning reclamation of permanent program sites for which bonds have been forfeited by Ohio. The effect of this deletion is that Ohio no longer proposes to allow the placement of excess spoil from a validly permitted site onto an unreclaimed adjacent site formerly permitted under Ohio's permanent surface mining program, but for which the performance bond has been forfeited. The additional policy and clarifying information contained in the April 27, 1992, cover letter provided by Ohio cover the topics of eligibility of projects for State or Federal AML funding, creation of fills in excess of approximate original contour (AOC), facilitation of mining, monitoring during and after construction, reclamation standards, contractor incentives, bond forfeiture, and environmental review of proposed excess spoil placement sites.

OSM announced receipt of Revised Program Amendment Number 51 in the June 2, 1992 Federal Register (57 FR 23176), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on June 17, 1992. The public hearing scheduled for June 12, 1992, was not held as no one requested an opportunity to testify.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Ohio program. Revisions which are not discussed below correct paragraph letter notations or make minor nonsubstantive language changes to improve the clarity of the rules.

Along with an accompanying written policy document, Ohio is proposing to add a new paragraph (H) to OAC 1501.13-9-07 to allow the use of excess spoil from a permitted coal mining operation for the reclamation of an adjacent, unreclaimed area provided that the excess spoil is placed (1) in an environmentally and technically sound manner and (2) where it will not destroy or degrade features of environmental value. The proposed amendment provides for off-permit placement of excess spoil on unreclaimed areas which meet the eligibility requirements of Ohio Revised Code (ORC) sections 1513.27 or 1513.37. ORC section 1513.27 governs reclamation, with State funds, of sites affected by mining before April 10, 1972. ORC section 1513.37 governs reclamation, with Federal AML funds, of

sites mined, abandoned, and left unreclaimed prior to August 3, 1977, the effective date of SMCRA.

In his July 9, 1991, letter to Ohio the Director of OSM clarified OSM's position concerning the standards and requirements which apply to the usage of excess spoil for reclamation of abandoned mine land sites. OSM focused on the parameters for excess spoil disposal outside the permit area as established, in part, in several final rules approving such a provision in the West Virginia program (45 FR 69254-69255, October 20, 1980; 46 FR 5919, January 21, 1981; and 55 FR 21328-21329, May 23, 1990).

In the January 21, 1981, West Virginia final rule (46 FR 5919), the Secretary found that, for purposes of excess spoil disposal, a reclamation contract governing work to be performed on a Federal AML reclamation grant project is the equivalent of permit and bond under title V of SMCRA. In the May 23, 1990, final rule (55 FR 21329), OSM found that disposal of excess spoil on a Federally funded AML reclamation project is approvable provided the spoil is not necessary to restore AOC on or otherwise reclaim the active mine; nor can the placement of spoil off-permit facilitate the mining operation on the permitted area. In addition, as stated in the May 23, 1990, final rule, fills are not to be created on AML reclamation projects. Spoil deposited on such sites may be used only to complete reclamation and to return the site to its AOC. OSM restricted eligibility for such spoil deposition to AML reclamation projects funded through the Federal AML grant process. The May 23, 1990, finding, however, did not prohibit the use of "no-cost reclamation" contracts allowing spoil disposal on AML sites not included in Federally funded grants. Procedures for such contracts would need specific OSM approval to ensure meaningful performance incentives and valid environmental and technical performance requirements. Any proposed amendment authorizing excess spoil disposal on AML sites via no-cost reclamation contracts must provide a degree of security comparable to that afforded by a Federally funded AML reclamation project.

In further elaborating upon OSM's rationale for limiting West Virginia's off-site spoil disposal to approved AML reclamation grant projects, the Director's July 9, 1991, letter states that this limiting stipulation is meant to ensure that:

- (1) Only eligible sites are considered;
- (2) Projects are properly planned in accordance with Federal grant application requirements;

(3) Projects are conducted in accordance with Federal grant terms and conditions;

(4) Projects are monitored by the State during and after construction;

(5) Projects are completed;

(6) If failures develop after completion, funds will be available to take corrective action (this provision is an essential substitute for the performance bond requirements of title V);

(7) The environmental safeguards and other provisions of the March 6, 1980, "Guidelines for Reclamation Programs and Projects" (45 FR 14810-14819) will receive consideration; and

(8) Sites will be subject to OSM oversight.

These specific criteria, in addition to the parameters established in the referenced West Virginia final rules, constitute the review criteria for State-proposed provisions allowing off-permit spoil deposition.

Ohio has submitted proposed Policy/Procedure Directive 92 (PPD) to clarify the eligibility requirements and performance standards applicable to off-permit placement of excess spoil. The PPD, together with the April 27, 1992, cover letter, describe, as follows, the methods and procedures by which Ohio intends to implement the proposed rule at OAC 1501.13-9-07(H).

1. Eligibility Requirements

Excess spoil from an active coal mining operation may be used to reclaim an adjacent state AML or Federal AML project under a direct negotiated, no-cost, or competitively bid contract executed pursuant to Ohio Revised Code section 1513.27 or 1513.37. The adjacent unreclaimed area must be referenced in the permit application at the time of issuance or later by amendment and identified on the permit map. The unreclaimed area will not be included in the permit acreage, will not be subject to the requirements for performance bond, and will not delay or otherwise affect bond release on the permitted area.

2. Eligibility of Projects for State or Federal AML Funding

Once an AML area has been identified for reclamation using off-permit placement of excess spoil, there is no difference in design, construction or contract provisions based on the area's eligibility for State or Federal AML funds. However, in the event of failure at a State AML site that may occur after a project is accepted as final, funds necessary to correct the reclamation failure shall be drawn from

the Unreclaimed Lands Fund, subject to review and approval by the Board on Unreclaimed Strip Mined Lands. For reclamation failure at a Federal AML site after the project is accepted as final and the final payments have been made, Ohio's AML grant allocations would constitute one source of funds available to correct reclamation failure.

3. Backfilling Abandoned Mine Areas

Construction of a "fill" on the off-permit area would be allowed only in the event that an engineer certifies that construction of a "fill" is necessary to establish positive drainage. Such "fills" would include diversions or underdrains, as necessary, to control erosion, prevent water infiltration into the fill, and ensure stability.

OSM concurs with Ohio that certain backfilling is necessary to fill in areas with internal drainage that were created as a result of the mining operations. The most likely reason for construction of such a "fill" will be to eliminate holes or depressions caused by erosion or other factors during the mining operations. However, these "fills" will not contain excess spoil beyond that amount needed to restore the area to its AOC and to establish positive drainage (i.e., drainage away from the AML site). In addition, no "fill" will be constructed solely for the purpose of excess spoil disposal. In other words, the excess spoil used on the AML area must be necessary for the reclamation of that area. Finally, where "fills" are constructed to eliminate depressions which impound water, elimination of the depressions must be performed in accordance with section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344). The Director notes that Ohio has used the word "fill" to describe the practice of using excess spoil to return holes or depressions to their premining surface levels. It is important that these "fills" not be confused with valley, head-of-hollow or durable rock fills which are constructed solely for the purpose of excess spoil disposal, and which must comply with all permanent program design and performance standards. Valley, head-of-hollow or durable rock fills will not be allowed on the off-permit areas which are the focus of this proposed program amendment.

4. Facilitation of Mining

The spoil material removed from the permitted area and placed in the unreclaimed area must not be necessary for the achievement of approximate original contour on the permitted area nor can the placement of spoil off-permit facilitate the mining operation on the permitted area by providing additional

area solely for spoil disposal or maneuvering of equipment. The excess spoil must be placed in an environmentally and technically sound manner, and in an area where it will not destroy or degrade features of environmental value.

5. Monitoring During and After Construction

The State AML Program Inspector will be primarily responsible for monitoring reclamation of the off-permit AML area to ensure that the reclamation work is performed in accordance with the contract. Such monitoring will be conducted as described in section 5.6 of the AML Procedures Manual (Administrative Record Number OH-1720). The Regulatory Inspector assigned to the adjacent permit area shall assist the AML Inspector, as requested, and shall notify the AML Inspector when reclamation activities commence on the off-permit area. In the event an operator/contractor fails to meet the terms of the contract, the AML Program Inspector will issue a Field Order to Stop Work. The AML Program Inspector will notify the Regulatory Program Inspection and Enforcement Manager, as well as the AML Field Supervisor of the issuance of the order. Post-construction review monitoring of the off-permit AML area will be conducted as described in section 5.10 of the AML Procedures Manual (Administrative Record Number OH-1726).

6. Reclamation Standards

Reclamation of off-permit AML areas shall be planned and performed in accordance with the standards and requirements enumerated in Section C of OSM's March 6, 1980, "Guidelines for Reclamation Programs and Projects" (45 FR 14810-14819). The final configuration of the off-permit AML area shall be suitable for the post-reclamation land use and compatible with the natural surroundings. Other specific standards for placement of the spoil on abandoned mine lands will be contained in the construction contracts.

7. Contractor Incentives

The Ohio Division of Reclamation (Division) may assess liquidated damages or require the off-permit area to be permitted and bonded, if appropriate, in the event of operator default on the off-site area. The Chief of the Division shall determine, based on the nature and severity of the failure to comply with the contract and the operator's compliance record on the adjacent permit area, whether to terminate the contract and assess liquidated damages in the amount of

\$2,500 per acre affected by the operator, or to terminate the contract and issue a Notice of Violation requiring the operator to revise the permit boundary to include any off-site acreage affected by the operator to facilitate mining and to post bond in the amount of \$2,500 per acre, which is the bond amount required for all surface mining permits issued pursuant to Ohio's permanent program. These contractor incentive provisions are intended to satisfy the requirements of the Director's July 9, 1991, letter to Ohio (Administrative Record Number OH-1546) that no-cost reclamation contracts contain "meaningful performance incentives."

In the event of forfeiture of the coal mining permit with which an off-permit AML area is associated, any off-permit area which was improperly used to facilitate coal mining on the permit area will be included in the bond forfeiture. For all other portions of the AML site, the Division will proceed with the appropriate contract remedies, including liquidated damages and contract termination.

8. Environmental Review

An environmental review will be conducted by a Permitting or Special Studies Environmental Specialist (ES) to determine whether any of the following exist on the unreclaimed area: cultural or historic resources; wetlands or stable impoundments with good water quality; federal or state endangered or threatened plant or animal species, or their critical habitats; plant communities or habitat types unique to the region or possessing particular value or productivity; or any other desirable environmental or socioeconomic quality of high value, utility or uniqueness. If the unreclaimed area is located in a floodplain or within 1,000 feet of the normal waterline of a designated wild or scenic river, this information shall be noted in the environmental review and considered in the design process.

The environmental review findings will be documented by the ES and, if any of the features described above exist, the ES shall recommend mitigatory or enhancement measures, if appropriate, or avoidance of the area. Such recommendations shall, at a minimum, conform with protections afforded these areas by state or federal law. The ES may consult with state or federal agencies, such as the ODNR Division of Natural Areas and Preserves or the State Historic Preservation Office, when developing recommendations for mitigation. The recommended mitigatory or enhancement measures shall be included in the contract specifications.

The Director has determined that the Ohio proposed regulations, PPD, Administrative Record Document, and April 27, 1992, cover letter contain guidelines and safeguards for Federally funded AML sites, State-funded AML sites, and "no-cost" sites which are similar in purpose and function to a surface mining permit and accompanying performance bond. However, as stated in the May 23, 1990, final rule, fills are not to be created on AML reclamation projects (55 FR 21329). In addition, section 515(b)(2)(B) of SMCRA does not allow the creation of fills on AML Reclamation projects. Spoil deposited on such sites may be used only to complete reclamation and to return the site to its AOC. Ohio's reference to "fills" in its PPD refers only to disposal areas which will contain only enough excess spoil to accomplish restoration of the area to AOC. As such, these "fills" are not the same as valley, head-of-hollow or durable rock fills which are constructed solely for the purpose of excess spoil disposal. Since any "fills" to be constructed on AML sites in Ohio are for reclamation purposes only, and since the amount of spoil placed in these "fills" cannot exceed the amount needed to restore the area to AOC and to create positive drainage, construction of such "fills" does not conflict with the May 23, 1990, final rule. The Director is not, however, approving the construction of fills on the off-permit area which would include more excess spoil than is needed to return the area to AOC. Since there is no Federal counterpart to this rule and its inclusion does not render the Ohio program less effective than the Federal regulations, the Director finds the proposed amendment, proposed PPD, and Administrative Record information to be not inconsistent with the requirements of SMCRA, the Federal regulations, except as noted above with regard to "fills." Further, the Director finds that Ohio's no-cost provisions meet the requirements of the July 9, 1991, letter to Ohio from the Director (Administrative Record Number OH-1546).

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing announced in the August 9, 1991, *Federal Register* (56 FR 37871) closed on September 9, 1991. No public comments were received and the scheduled public hearing was not held as no one requested an opportunity to provide testimony.

The public comment period was subsequently reopened and announced in the June 2, 1992, *Federal Register* (57 FR 23176). The public comment period closed on June 17, 1992. The Ohio Mining and Reclamation Association (OMRA) responded and provided comments in support of the proposed amendment. In response, the Director notes that the proposed provisions referenced by the OMRA are being approved. The scheduled public hearing was not held as no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Ohio Program. The U.S. Department of Agriculture, Soil Conservation Service, the U.S. Department of Labor, Mine Safety and Health Administration, U.S. Department of Labor, and the U.S. Army Corps of Engineers responded that they had no comments on the proposed amendment.

The U.S. Environmental Protection Agency concluded that the proposed amendment to Ohio's program demonstrates the legal authority, administrative capability, and the technical conformity with controlling National Pollutant Discharge Elimination System (NPDES) regulations necessary to maintain water quality standards promulgated under the authority of the CWA, as amended (33 U.S.C. 1251 *et seq.*).

No other comments were received.

V. Director's Decision

Based on the above findings, the Director is approving Ohio Revised Program Amendment Number 51, originally submitted by Ohio as Program Amendment Number 51 on July 22, 1991, and revised and submitted by letter dated April 27, 1992. The creation of fills on unpermitted AML sites is approved only to the extent that the fills are created for reclamation purposes only and not merely to provide an area for excess spoil disposal, that the amount of excess spoil placed in the fill area does not exceed the amount necessary to restore the area to AOC, and that the elimination of holes or depressions which impound water is accomplished in accordance with section 404 of the CWA (33 U.S.C. 1344). The construction of valley, head-of-hollow, durable rock or any other type of fill which would include more excess spoil than is needed to restore the off-permit area to AOC is not approved. The Federal regulations at 30 CFR Part 935 codifying

decisions concerning the Ohio program are being amended to implement the decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

EPA Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no such provisions and that EPA concurrence is, therefore, unnecessary. However, by letter dated February 3, 1992 (Administrative Record Number OH-1642), EPA submitted its concurrence.

VI. Procedural Determinations

National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions related to approval or conditional approval of State regulatory programs. Therefore, preparation of a regulatory impact analysis and OMB regulatory review is not required.

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 counterpart 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. Hence, 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 assumption for the counterpart Federal regulations.

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under section 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 State must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the requirements of 30 CFR part 730, 731, and 732 have been met.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. 3507 *et seq.*

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 10, 1992.

Jeffrey D. Jarrett,

Acting Assistant Director, Eastern Support Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

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

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

2. In Section 935.15, a new paragraph (eee) is added to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(eee) The following amendment to the Ohio regulatory program, as submitted to OSM on July 22, 1991, and revised and resubmitted on April 27, 1992, is approved except as noted below, effective August 18, 1992. Revised Amendment Number 51 which consists of revisions to the Ohio Administrative

(OAC) at 1501:13-9-07 paragraph (H), a Policy/Procedure Directive, an Administrative Record Document, and the April 27, 1992, cover letter to the Revised Amendment Number 51, all concerning the use of excess spoil from a valid, permitted coal mining operation for the reclamation of an adjacent, unreclaimed area. Construction of "fills" on adjacent unreclaimed areas is approved only insofar as such "fills" are constructed for reclamation purposes only and not merely to provide an area for excess spoil disposal, the amount of excess spoil placed in the area does not exceed the amount necessary to restore the area to AOC, and the elimination of any holes or depressions which impound water is accomplished in accordance with section 404 of the Clean Water Act (33 U.S.C. 1344). The construction of valley, head-of-hollow, durable rock, or any other type of fill which would include more excess spoil than is needed to return the off-permit area to AOC is not approved.

[FR Doc. 92-19576 Filed 8-17-92; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

[Secretary of the Navy Instruction 5211.5]

Availability of Department of the Navy Records and Publication of Navy Documents Affecting the Public

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is publishing a system name change to an exempt system of records at 32 CFR 701.119. The system of records was amended on July 28, 1992, at 57 FR 33326.

EFFECTIVE DATE: August 18, 1992.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwen Aitken (703) 614-2004.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Director, Administration and Management has determined that this proposed rule is not a major rule. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and does not have a significant adverse effect on competition,

employment, investment, productivity, or innovation.

Regulatory Flexibility Act of 1980

The Director, Administration and Management certifies that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) and does not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

The Director, Administration and Management certifies that this rule does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520).

List of Subjects in 32 CFR Part 701

Privacy.

For reasons set forth in the preamble, 32 CFR part 701 is amended as follows:

1. The authority citation for 32 CFR part 701, subpart G continues to read as follows:

Authority: Public Law 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

2. Section 701.119 is amended by revising the paragraph (i), introductory text, and the first paragraph of (i)(1) as follows:

§ 701.119 Exempt Navy record systems.

* * * * *

(i) Navy and Marine Corps Exchanges.

(1) ID-N04060-1.
System Name. Navy and Marine Corps Exchange Security Files.

* * * * *

Dated: August 4, 1992.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-18751 Filed 8-17-92; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[1122-1-5229; FRL-4194-9]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: The USEPA is taking action to approve revisions to part 215, subpart T (Pharmaceutical Manufacturing) of title 35 of the Illinois Administrative Code (35 IAC) and to associated

definitions contained in part 211 of 35 IAC for the ozone attainment areas in Illinois. This action will have no effect on the requirements for ozone nonattainment areas in Illinois. Although the Clean Air Act (CAA) does not require States to adopt Reasonably Available Control Technology (RACT) regulations for attainment areas, the State has authority under section 116 of the CAA to adopt regulations consistent with the purpose of the CAA. Because the USEPA believes that this action is noncontroversial, it is being taken with no prior proposal.

Since the State submitted these rules on June 11, 1991, the State has revised and consolidated its Volatile Organic Compound (VOC) stationary source control measures for the Chicago and Metro East St. Louis ozone nonattainment areas into parts 218 and 219 of 35 IAC respectively. Therefore, the rules, which are the subject to today's rulemaking, have been superseded as they pertain to the Chicago and Metro East St. Louis ozone nonattainment areas. Consequently, USEPA's approval is limited to their applicability in the ozone attainment areas within Illinois. USEPA intends to rulemake on the stationary source control measures for the Chicago and Metro East St. Louis ozone nonattainment areas in a separate rulemaking.

USEPA's action is based upon a State Implementation Plan (SIP) revision request which was submitted by the State.

DATES: This action will be effective October 19, 1992, unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the *Federal Register*.

ADDRESSES: Copies of the SIP revision request and USEPA's analysis are available for inspection at the following addresses: (It is recommended that you telephone Edward Doty at (312) 886-6057 before visiting the Region 5 office.) U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604.

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

A copy of today's revision to the Illinois SIP is available for inspection at: U.S. Environmental Protection Agency,

Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Edward Doty, Regulation Development Section, Regulation Development Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6057.

SUPPLEMENTARY INFORMATION:

I. Summary of State Submittal

On June 11, 1991, the Illinois Environmental Protection Agency (IEPA) submitted to USEPA a requested revision of the Illinois SIP dealing with the control of VOC emissions from pharmaceutical manufacturing operations. The requested SIP revision covers amendments of 35 Illinois Administrative Code (35 IAC) parts 211 and 215. These amendments were adopted in final form by the Illinois Pollution Control Board (IPCB) on April 25, 1991, and the final rule revision was published in the *Illinois Register* on May 24, 1991. The rule revision became state-effective on May 14, 1991. The discussion which follows outlines the rule amendments.

Section 211.122 (Definitions)

Section 211.122 has been amended to add the following definitions:

"Accelacota": A pharmaceutical coating operation which consists of a horizontally rotating perforated drum in which tablets are placed, a coating is applied by spraying, and the coating is dried by the flow of air across the drum through the perforations.

"Air suspension coater/dryer": A pharmaceutical coating operation which consists of vertical chamber in which tablets or particles are placed, and a coating is applied and then dried while the tablets or particles are kept in a fluidized state by the passage of air upward through the chambers.

"Enclose": With respect to Subpart T of 35 IAC, to cover any volatile organic liquid surface that is exposed to the atmosphere.

"Organic compound": Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metal carbides or carbonates, and ammonium carbonate.

"Pharmaceutical coating operation": A device in which a coating is applied to a pharmaceutical, including any drying or curing of the coating.

"Plant": All of the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), except the activities of

any marine vessel. Pollutant emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit source code) as described in the "Standard Industrial Classification Manual", 1987.

"Refrigerated condenser": A surface condenser in which the coolant supplied to the condenser has been cooled by a mechanical device, other than by a cooling tower or evaporative spray cooling, such as a refrigeration unit or steam chiller unit.

"Tablet coating operation": A pharmaceutical coating operation in which tablets are coated.

"Volatile Organic Material Content" or "VOMC": The emissions of volatile organic material which would result from the exposure of a coating, printing ink, fountain solution, tire spray, dry cleaning waste or other similar material to the air, including any drying or curing, in the absence of any control equipment. VOMC is typically expressed in units of kilograms of volatile organic material per liter (kg VOM/liter) (lb VOM/gallon) of coating or coating solids, or kg VOM/kg (lb VOM/lb) of coating solids, of coating material, or material.

Existing definitions in section 211.122, as amended, read as follows:

"Control device" is amended to include equipment, such as an afterburner, adsorber, scrubber, condenser, cyclone or baghouse used to remove or prevent the emission of air pollutants from a contaminated exhaust stream.

"Volatile organic material" is amended to mean any organic compound which participates in atmospheric photochemical reactions unless specifically exempted from this definition. For purposes of determining compliance with emission limits, volatile organic material shall be measured by the reference test methods incorporated by reference in 35 IAC section 211.105. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds. [The previous and current definitions listed negligibly photochemical reactive compounds that are acceptable to the USEPA.]¹

¹ On February 3, 1992, (57 FR 3941) the USEPA finalized rulemaking on a revised definition of VOC. The compounds listed as negligibly reactive in Illinois' definition of "volatile organic material" are consistent with the compounds listed as nonreactive in USEPA's revised definition of VOC.

Section 215.102 (Testing Methods)

Section 215.102 (Testing Methods) is amended to remove the requirements for the measurement of vapor pressures.

Section 215.105 (Incorporation by Reference)

Section 215.105 (Incorporation by Reference) is amended to add updated testing procedures and new references related to emissions from pharmaceutical manufacturing. The following documents are added for incorporation by reference:

Elsevier Scientific Publishing company, New York, "The Vapor Pressure of Pure Substances" (1973), Boublik, T., Fried, and Hala, E.;

McGraw-Hill Book Company, *Perry's Chemical Engineer's Handbook* (1984); Chemical Rubber Publishing Company, *CRC Handbook of Chemistry and Physics* (1968-1987);

McGraw-Hill Book Company, *Lange's Handbook of Chemistry* (1985), Dean, J., editor; and

United States Environmental Protection Agency, Research Triangle Park, North Carolina, "Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products", (December 1978, EPA-450/2-78-029).

Section 215.108 (Measurement of Vapor Pressures)

Section 215.108 (Measurement of Vapor Pressures) has been added to the rules to cover the vapor pressure measurement regulations removed from section 215.102. In addition, the vapor pressure measurement requirements have been modified. New rules have been added to make a distinction between the measurement of vapor pressures for Volatile Organic Liquids (VOL), organic materials or solvent, and Volatile Organic Material (VOM). Within each category of material (or solvent or liquid), a distinction is made between materials made up of only one compound and materials made up of multiple compounds. For organic materials, distinction is also made between organic materials containing only organic material compounds and organic materials containing some non-organic material compounds. For VOM, distinction is made between materials containing only VOM and materials also containing some non-VOM material.

If a VOL consists of only a single compound, the vapor pressure may be determined by the use of ASTM Method D2879-86 or an applicable method obtained from a published source, such as "The Vapor Pressure of Pure Substances", "Perry's Chemical Engineer's Handbook", "CRC Handbook of Chemistry and Physics", or "Lange's Handbook of Chemistry". If the VOL is a

mixture of compounds, the total vapor pressure is determined by summing the partial vapor pressures (determined for each compound using the test method or references used for a single compound VOL) on a mole fraction basis.

If an organic material or solvent consists of only one compound, the vapor pressure shall be determined by the use of the test method or references listed for the single compound VOL. If the organic material or solvent contains a mixture of both organic compounds and non-organic compounds, the vapor pressure shall be determined by summing the partial vapor pressures of the organic compounds (determined for each compound using the test method or references used for a single compound VOL) weighted by the mole fractions of the organic compounds. If the organic material or solvent contains only organic compounds, the vapor pressure shall be determined by the use of the test method ASTM Method D2879-86 or by the method used for organic compound/non-organic compound mixtures. These test methods are expected to give equivalent results.

The vapor pressure of a VOM shall be determined using procedures equivalent to those applied for organic materials or solvents.

Section 215.480 (Applicability of Subpart T)

Subsection 215.480(a) is amended to change the reference to "coating operations" to more specifically "pharmaceutical coating operations". In addition, this section is amended to exempt emission sources from the requirements of subpart T (except for sections 215.483 through 215.485) if the sources emit less than 2,268 kg/year (2.5 tons/year) of VOM and less than 45.4 kg/day (100 pounds/day) of VOM.

Subsection 215.480(b) is amended to state that the air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas located in Libertyville Township, Lake County, Illinois shall be exempt from the rules of subpart T (except for sections 215.483 through 215.485) if the emissions of VOM not vented to air pollution control equipment do not exceed the following levels: 2,268 kg/year for the air suspension coater/dryer; 4,535 kg/year for each fluid bed dryer; 6,803 kg/year for each tunnel dryer; and 6,903 kg/year for each Accelacota.

The following subsections have been added to section 215.480:

(e) This subsection requires emissions subject to subpart T to be controlled at all times in a manner consistent with the requirements of subpart T:

(f) This subsection requires emission control devices required by section 215.483 to be operated at all times;

(g) This subsection requires emission sources subject to the requirements of sections 215.481, 215.482 or 215.486 on or after the compliance date specified in subsection 215.490(a) to remain subject to these requirements even if the emissions from the sources drop below the applicability criteria of section 215.480;

(h) This subsection requires the determination of daily and/or annual emission rates to be based on the hourly emission rates or on the emissions per unit of throughput and the recording of appropriate daily and annual source operations, material throughput rates, or material consumption rates. In the absence of representative test data pursuant to section 215.487, rates of emissions shall be determined using engineering calculations, including the methods described in appendix B of "Control of Volatile Organic Emissions from Manufacture of Synthesized Pharmaceutical Products". The IEPA reserves the right to require other emissions tests pursuant to section 215.487.

Section 215.481 (Control of Reactors, Distillation Units, Crystallizers, Centrifuges, and Vacuum Dryers)

Subsection 215.481(a) has been amended to allow the use of emission control equipment other than surface condensers for these sources. If a scrubber, carbon adsorber, thermal incinerator, catalytic incinerator or other air pollution control equipment (other than a surface condenser) is used, such equipment shall provide a VOM emission reduction of 90 percent or more. Subsection 215.481(b) has been amended to allow less than full enclosure of centrifuges when production, sampling, maintenance, or inspection procedures require operator access. Subsection 215.481(b) requires the enclosure of centrifuges used to manufacture pharmaceuticals, where volatile organic liquids in the centrifuges are exposed to the air outside of the centrifuges and the VOM in the liquids have a total vapor pressure of 3.45 kiloPascals or more at a temperature of 294.3 degrees Kelvin.

Section 215.482 (Control of Air Dryers, Production Equipment Exhaust Systems and Filters)

Subsection 215.482(b), which requires enclosures for certain rotary vacuum filters and other filters used to manufacture pharmaceuticals, has been amended to allow less than full

enclosure when production, sampling, maintenance, or inspection procedures require operator access.

Section 215.483 (Material Storage and Transfer)

Subsection 215.483(a) has been amended to remove an allowance for the use of equivalent emission control systems in the control of VOM emissions from truck and railcar deliveries to storage tanks with capacities equal to or greater than 7.57 cubic meters (2,000 gallons) that store organic liquids with vapor pressures greater than 28.0 kilopascals (4.1 psi) at 294.3 degrees Kelvin (70 degrees Fahrenheit). Only vapor balance systems are allowed in such situations.

Subsection 215.483(b) has been modified to require the operation and maintenance of pressure/vacuum vents on storage tanks that store volatile organic liquids. This subsection has also been amended to allow pressure/vacuum conservation vents set at pressures exceeding 0.2 kilopascals (0.03 psi). In addition, the allowance for equivalent control devices has been removed from this subsection.

Section 215.487 (Testing)

Subsection 215.487(a) has been amended to require the owner or operator of a VOM emission source to demonstrate compliance with subpart T requirements only upon the request of the IEPA. Sources exempted from the requirements of subpart T are also subject to the requirement to demonstrate compliance with the requirements of (or the validity of the exemption from) Subpart T.

Subsection 215.487(b) has been completely replaced by the requirement that a person planning to conduct a VOM emissions test, to demonstrate compliance with or to determine the applicability of provisions of subpart T, notify the IEPA of the intent to test not less than 30 calendar days prior to the planned initiation of the test.

Subsection 215.487(c) test procedures have been revised to the following:

(1) The determination of VOM concentrations shall be made by the use of 40 CFR part 60, appendix A, Methods 18, 25, or 25A as appropriate for the conditions at the site. The test method selection shall be based on consideration of the diversity of organic species present and their total concentration and on consideration of the potential presence of interfering gases. Except as indicated in subsections 215.487(c)(1)(A) and (B), the test must consist of three separate runs, each lasting a minimum of 60 minutes

unless the IEPA determines that the source processes dictate shorter times.

(A) When the test is to be conducted to determine the efficiency of a fixed bed carbon adsorption system with a common exhaust stack for all individual adsorber vessels, the test must consist of three separate runs, with each run coinciding with one or more complete sequences through the adsorption cycles of all of the individual adsorber vessels.

(B) When the test is to be used to determine the efficiency of a fixed bed carbon adsorption system with individual exhaust stacks for each adsorption vessel, each adsorption vessel shall be tested individually using three separate runs set to coincide with one or more complete adsorption cycles.

The following test procedures have also been added to subsection 215.487(c): 40 CFR part 60, appendix A, method 1 or 1A for sample and velocity traverses; 40 CFR part 60, appendix A, method 2, 2A, 2C, or 2D for velocity and volumetric flow rates; 40 CFR part 60, appendix A, method 3 for gas analysis; 40 CFR part 60, appendix A, method 4 for stack gas moisture determination; and 40 CFR part 60, appendix A, methods 2, 2A, 2C, 2D, 3 and 4, as applicable at least twice during each test run.

The rule provides that no part of section 215.487 may affect the authority of the USEPA under section 114 of the Clean Air Act.

Section 215.488 (Monitors for Air Pollution Control Equipment)

Subsection 215.488(a) has been amended to require continuous monitors for outlet gas temperatures of a refrigerated condenser and for temperatures of a non-refrigerated condenser coolant supply system.

Section 215.489 (Recordkeeping)

This section replaces many of the recordkeeping requirements previously contained in subpart T. The following records are required.

The owner or operator of a pharmaceutical manufacturing plant must keep the following records:

(a) A record of all parameters listed in Section 215.488; and

(b) For sources subject to Section 215.481, the vapor pressure of the VOM being controlled for every process.

For any leak subject to section 215.485 and which can not be readily repaired within 1 hour after detection, the following records are required:

(a) Name of the leaking component;

(b) Date and time the leak was detected;

(c) Action taken to repair the leak; and

(d) Date and time the leak was repaired.

The following records shall be kept for emission sources subject to section 215.484 which contain VOL:

(a) For maintenance and inspection:

(1) The date and time each cover is opened;

(2) The length of time the cover is left open; and

(3) The reason why the cover is opened;

(b) For production and sampling, written procedures or manufacturing directions specifying the circumstances under which covers may be opened and the procedures for opening covers.

For each source with emissions claimed to be below the applicability limits of the regulations, the owner or operator of a pharmaceutical plant shall:

(a) Maintain a demonstration, including detailed engineering calculations, of the maximum daily and annual emissions for each such source showing that the emissions are below the applicability cutoffs for the current and prior year;

(b) Maintain operating records for each emission source to identify whether the cutoffs are ever exceeded; and

(c) Provide written notification to the IEPA within 30 days of determination that such an emissions source has exceeded an applicability cutoff.

Records under section 215.489 must be maintained by the owner or operator for a minimum of 2 years after the date on which they are created. Copies of the records must be made available to the IEPA upon verbal or written request.

Section 215.490 (Compliance Schedule)

For sources which commenced construction prior to the effective date of the amended rules, the owner or operator of the pharmaceutical plants must comply with the regulations by April 30, 1991. For sources which commence construction after the effective date of the amended rules, the source must be constructed so that it will operate in compliance with subpart T.

II. USEPA's Analysis of State Submittal

The rules addressed by the revisions are no longer applicable as part of a federally enforceable SIP for the Chicago ozone nonattainment area. The ozone SIP rules for the Chicago ozone nonattainment area have been replaced by regulations contained in the Federal Implementation Plan (FIP) promulgated by the United States Environmental Protection Agency (USEPA) for the Chicago area on June 29, 1990, (55 FR

26814). The regulations contained in the requested SIP revision, however, reflect those contained in the FIP for pharmaceutical manufacturing.

It should be noted that the State has submitted a new part 218 of its adopted rules to completely update the VOC (VOM) rules for the Chicago area. A similar set of rules, part 219, has been submitted to cover the Metro East St. Louis ozone nonattainment area. These rules supersede part 215 rules in the ozone nonattainment areas. These revised rules are undergoing separate review. USEPA believes that, if State rules are to replace the Chicago FIP, the rulemaking on these State rules should be accomplished in a single rulemaking rather than in a piecemeal fashion. Therefore, rulemaking on the control measures for the synthetic pharmaceutical manufacturing industry for the State's ozone nonattainment areas should be undertaken as part of the rulemaking on the complete ozone control strategy for the ozone nonattainment areas. The rulemaking proposed here, therefore, does not apply to the ozone nonattainment areas in Illinois.

III. USEPA's Rulemaking Action

USEPA approves the requested SIP revision as it applies to ozone attainment areas in the State and takes no action on the SIP revision for the ozone nonattainment areas of Chicago and Metro East St. Louis since this rule has been superseded by parts 218 and 219 of 35 IAC. Final action on the revision of the pharmaceutical manufacturing rule will be taken for the nonattainment areas when the USEPA acts on the part 218 and part 219 stationary source control strategies.

Although the CAA does not require States to adopt RACT for attainment areas, the State has authority under section 116 of the CAA to adopt regulations consistent with the purposes of the CAA. These rules provide for a reduction of the emission of VOC into the ambient air and, therefore, are consistent with the CAA.

Because USEPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on October 19, 1992. However, if we receive notice by September 17, 1992 that someone wishes to submit critical comments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action

and establishing a comment period.

Nothing in this action should be construed as permitting or 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.

This action has been classified as a Table Two action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989, (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table Two and Table Three SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of 2 years. USEPA has submitted a request for a permanent waiver of Table Two and Table Three SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on USEPA's request.

Under 5 U.S.C. 605(b), the Administrator certifies that SIP approvals under sections 107, 110, and 172 of the Clean Air Act will not have significant economic impact on a substantial number of small entities. SIP approvals (or redesignations) do not create any new requirements but simply approve requirements that are already State law. SIP approvals (or redesignations), therefore, do not add any additional requirements for small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis for a SIP approval would constitute Federal inquiry into the economic reasonableness of the State actions. The Clean Air Act forbids the USEPA to base its actions concerning SIPs on such grounds.

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 October 19, 1992. 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

Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1992.

Dated: August 3, 1992.

Robert Springer,

Acting Regional Administrator.

40 CFR Part 52, subpart O—Illinois, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 reads as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(90) to read as follows:

§ 52.720 Identification of plan.

* * *

(c) * * *

(90) On June 11, 1991, Illinois submitted regulations concerning the emission of volatile organic compounds from pharmaceutical manufacturing.

(i) Incorporation by reference.

(A) Title 35 of the Illinois Administrative Code: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter C: Emissions Standards and Limitations for Stationary Sources, Part 215: Organic Material Emission Standards and Limitations, Subpart T: Pharmaceutical Manufacturing, Subpart A: General Provisions: Amendments to sections 215.102 and 215.105 and Creation of section 215.108. Adopted at 15 *Illinois Register* 80 18, effective May 14, 1991.

(B) Title 35 of the Illinois Administrative Code: Environmental Protection, Subtitle B: Air Pollution, Chapter 1: Pollution Control Board, Subchapter C: Emissions Standards and Limitations for Stationary Sources, Part 211: Definitions and General Provisions, Subpart B: Definitions. Adopted at 15 *Illinois Register* 79 01, effective May 14, 1991.

[FR Doc. 92-19604 Filed 8-17-92; 8:45 am]

BILLING CODE 6560-50-M