

U.S. Environmental Protection Agency,
Region 5, Regulation Development
Branch, 18th Floor Southwest, 77
West Jackson Blvd., Chicago, Illinois,
60604, and

U.S. Environmental Protection Agency,
Docket No. A-94-40, Air Docket (LE-
131), Room M1500, Waterside Mall,
401 M Street, SW., Washington, DC
20460.

FOR FURTHER INFORMATION CONTACT:

Steven Rosenthal, Regulation
Development Branch, U.S.
Environmental Protection Agency,
Region 5, 77 West Jackson Blvd.,
Chicago, Illinois 60604, (312) 886-6052.

SUPPLEMENTARY INFORMATION: Under 40
CFR 52.741(x) in the Chicago FIP,
sources located in Cook, DuPage, Kane,
Lake, McHenry and Will Counties with
total Maximum Theoretical Emissions¹
(MTE) of more than 100 tons per
calendar year of VOC² and which are
not covered by a Control Techniques
Guideline document, must comply with
certain requirements. The rule provides
an exemption, however, for sources
which are limited to 100 tons or less of
VOC emissions per calendar year, before
the application of capture systems and
control devices, through production or
capacity limitations contained in a
federally enforceable construction
permit or a State Implementation Plan
(SIP) or FIP.

On February 24, 1992, FDLC
requested a FIP revision that would
impose the identical limitations on its
plant operations as those specified in a
December 16, 1991, Illinois
Environmental Protection Agency
(IEPA) operating permit. A copy of the
IEPA operating permit was submitted to
USEPA on April 13, 1992. If granted,
this FIP revision would restrict its use
of inks, overvarnish, fountain solution,
acrylic coating, washes, conditioners,
and other solvents with the intent of
keeping its VOC emissions below 100
tons per year.

FDLC's requested FIP revision is not
approvable for the following reasons.

1. FDLC's permit assumes that only 5
percent of the VOC in its overvarnish is
capable of being emitted. Credit was
taken for 95 percent retention in the

¹ Maximum theoretical emissions (MTE) is
defined in 40 CFR 52.741(a)(3) as the quantity of
volatile organic material emissions that
theoretically could be emitted by a stationary
source before add-on controls based on the design
capacity or maximum production capacity of the
source and 8760 hours per year. The design
capacity or maximum production capacity includes
use of coating(s) or ink(s) with the highest volatile
material content actually used in practice by the
source.

² The term "volatile organic material" (VOM) is
used in the Chicago FIP, in which it has the
identical definition as VOC.

substrate for overvarnish without any
documentation in support of this
assumption. Without such
documentation, it must be assumed that
100 percent of the VOC is emitted.

Without credit for overvarnish
retention, FDLC's operating restrictions
limit FDLC to 126.6 tons VOC per year,
well over the 100 tons per year
applicability cutoff.

2. FDLC's permit does not require that
records of VOC-containing material
usage be kept. Without such records it
is not possible to determine FDLC's
yearly (for each consecutive 12 month
interval) VOC emissions.

These deficiencies were discussed
with a representative of FDLC on May
20, 1992.

**Proposed Rulemaking Action and
Solicitation of Public Comment**

For the reasons stated above, USEPA
is proposing to disapprove FDLC's
request for a FIP revision in the form of
operating restrictions on the amount of
VOC containing materials used. Public
comment is solicited on FDLC's
requested revision and on USEPA's
proposed rulemaking action.

Additionally, if requested, USEPA will
provide an opportunity for a public
hearing on this proposal. All comments
received by the close of the public
comment period will be considered in
the development of USEPA's final rule.

Under the Regulatory Flexibility Act,
5 U.S.C. 600 et seq., USEPA 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, USEPA 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 populations of less than
50,000.

This action involves only one source,
FDLC. Therefore, USEPA certifies that
this promulgation does not have a
significant impact on a substantial
number of small entities. Furthermore,
as explained in this notice, the request
does not meet the requirements of the
Act and USEPA cannot approve the
request.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air
pollution control, Hydrocarbons, Ozone.

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

Dated: December 23, 1994.

Carol M. Browner,
Administrator.

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40 CFR Part 180

[OPP-300363A; FRL-4928-3]

RIN No. 2070-AC18

**Proposed Tolerance Revocation for
Folpet; Extension of Comment Period
and Request for Additional Information**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Extension of Comment Period
and Request for Additional Information.

SUMMARY: EPA is extending the
comment period for "Revocation of
Folpet Tolerances; Proposed Rule" from
January 3, 1995 until March 3, 1995,
and is requesting additional information
from interested parties.

DATES: Written comments, identified by
the OPP document control number
OPP-300363, must be received on or
before March 3, 1995.

ADDRESSES: By mail, submit comments
to Public Response and Program
Resources Branch, Field Operations
Division (7506C), Office of Pesticide
Programs, 401 M St., SW., Washington,
DC 20460. In person, deliver comments
to Room 201, Crystal Mall #2, 1921
Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: By
mail: Jeff Morris, Special Review and
Reregistration Division (7508W),
Environmental Protection Agency, 401
M St., SW., Washington, DC 20460.
Office location and telephone number:
Special Review Branch, Crystal Station
#1, 3rd floor, 2800 Crystal Drive,
Arlington, VA 22202, (703) 308-8029.

SUPPLEMENTARY INFORMATION:

A. Comment Period Extension

On December 2, 1994, EPA published
in the **Federal Register** a notice
proposing to revoke all folpet tolerances
except for the tolerance on avocados (59
FR 61859). The original due date for
comments to the Proposed Rule was
January 3, 1995. EPA is extending the
comment period until March 3, 1995 for
the following reasons: (1) due to a move,
the OPP docket was unavailable for a
short period of time during the initial
30-day comment period provided by
the proposed rule; (2) EPA received a
request for an extension due to the
docket problem and due to the need to
collect specific information that may be
responsive to the proposal (see letters