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LIST OF CFR SECTIONS AFFECTED

1949–1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

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Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

National Ambient Air Quality Standards

On May 31, 1972 (37 F.R. 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, State plans for implementation of the national ambient air quality standards. Since that date, the Administrator and many of the States have acted to correct the plan deficiencies identified in that publication and to clarify and revise the information presented there.

On June 14, 1972 (37 F.R. 11826), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plans for 25 States. On July 27, 1972 (37 F.R. 15080), and September 22, 1972 (37 F.R. 19806), the Administrator took final action on 12 of those States. This publication sets forth final rule making on 12 of the remaining 13 States; the remaining State (Oklahoma) will be dealt with in a future publication. Four of these 12 States submitted supplemental information which demonstrated that all deficiencies in regulatory provisions had been corrected; therefore, no further rule making action will be taken with respect to the regulations proposed for Maine, South Carolina, Tennessee, and Washington. These four States bring to 24 the number of States whose plans contain completely approved regulatory provisions. Regulations are promulgated below for five States (Louisiana, Michigan, Missouri, New Jersey, and the Virgin Islands). As discussed below, regulations are not promulgated at this time to correct deficiencies in control strategies for nitrogen oxides in the following States: Massachusetts, Maryland, Michigan, Missouri, New Jersey, and Texas.

Regulations for the control of nitrogen oxides emissions were proposed for the above six States on June 14, 1972 (37 F.R. 11826). The preamble to those proposed regulations indicated that the air quality data for nitrogen dioxide which was used to classify air quality control regions may be in error, and the Administrator would reassess the classifications and, where appropriate, revise them. After considering the numerous comments on the proposed nitrogen oxides regulations, the Administrator has decided to postpone the promulgation of any such regulations until after the regional classification reassessment. It is the Administrator's determination that this postponement will not substantially delay the control of nitrogen oxides emissions where such control is required.

It is the Administrator's intention to complete the regional classification reassessment and to promulgate nitrogen oxides emissions regulations for stationary sources in the appropriate regions by April 2, 1973. Compliance schedules from sources covered by such regulations will be required by July 1, 1973, which is consistent with the commitments made by the Administrator in proposing the regulations. No change will be made at this time in the Administrator's May 31, 1972, disapprovals of nitrogen oxides control strategies unless supplemental information was submitted by the involved States to correct the deficiencies.

Section 110(a)(2)(F)(iv) of the Clean Air Act and 40 CFR 51.10(e) require that State implementation plans include procedures for making emission data, as correlated with applicable emission limitations, available to the public. The regulations promulgated below for the State of Missouri provide for the Administrator's carrying out this program. This is necessary because Missouri does not have the necessary legal authority to assure that such procedures will be carried out.

Section 110(a)(2)(F)(v) of the Clean Air Act and 40 CFR 51.16 require that State implementation plans include adequate contingency plans to deal with air pollution emergency episodes. The regulations promulgated below include provisions requiring owners or operators of large particulate matter sources in the city of Springfield, Mo., to submit emission control action programs for reducing or eliminating particulate matter emissions during episode situations. These programs will provide a basis for the Administrator to carry out emergency abatement actions in an informed, expeditious manner. This promulgation is necessary because the Springfield Department of Health does not have adequate legal authority to abate emissions on an emergency basis.

Section 110(a)(2)(B) of the Clean Air Act and 40 CFR 51.15 require that State implementation plans contain legally enforceable compliance schedules and that any such compliance schedule that extends beyond January 31, 1974, shall contain periodic increments of progress toward compliance. The regulations promulgated below provide the Administrator with a means of obtaining the necessary compliance schedules from sources in the State of Michigan which are subject to the State's fuel sulfur limitations and a means of obtaining the periodic increments of progress from certain sources in the State of New Jersey. This promulgation for Michigan is necessary because Rule 336.49 (fuel sulfur limitations) of the Michigan Air Pollution Commission does not require individually negotiated compliance schedules to be submitted until January 1, 1974, thus precluding submission of all schedules to EPA by February 15, 1973, as required in 40 CFR 51.15(a)(2). For New Jersey, promulgation is necessary because the plan does not specify compliance dates for sources subject to Chapter 7 of the State's Air Pollution Control Code. Regulations promulgated below for Louisiana require sources to submit schedules for compliance with the hydrocarbon emission limitations being promulgated by EPA for the State of Louisiana, since the State could not prescribe compliance schedules for such sources.

Section 110(a)(2) of the Clean Air Act and 40 CFR 51.18 require that State implementation plans provide for legally enforceable procedures that will enable the States to prevent construction of new sources or modification of existing sources if such construction or modification: (1) Will result in violation of the applicable portion of the State's control strategy or (2) will interfere with attainment or maintenance of a national ambient air quality standard. The regulations promulgated below provide the Administrator with such procedures for action under (2) above with respect to stationary sources in Michigan and the Virgin Islands and certain sources in New Jersey (those subject to Chapter 9 of the New Jersey Air Pollution Code). The regulations also provide procedures for preventing construction of new or modified sources in New Jersey using liquid or gaseous fuel and of any stationary source in Louisiana if any such source would violate any portion of the applicable control strategy or would interfere with the attainment or maintenance of a national standard. The plans for these three States did not provide adequate procedures to prevent construction or modification of sources in the circumstances noted.

Because Louisiana's measures for controlling hydrocarbon emissions in the Southern Louisiana-Southeast Texas Interstate Region were not enforceable, the Administrator proposed on June 14, 1972 (37 F.R. 11826), hydrocarbon controls in Louisiana's portion of the region. On July 17, 1972, the Governor of Louisiana submitted to the Administrator revised rules and regulations for control of hydrocarbon emissions in the region. These regulations require reasonably available control technology, except that only ethylene producers are covered by the State's waste gas disposal provision.

The unregulated hydrocarbon emissions from other waste gas disposal sources are 45,000 tons/year, which is sufficient to prevent the national standard for photochemical oxidants from being attained; therefore, the necessary substitute regulation is promulgated below. The Administrator also has provided a 2-year extension of the 1975 attainment date for the photochemical oxidants national standard in this region. This extension is provided since it is deemed that the additional technology, including transportation controls, needed to attain the national standard will not be available by 1975 and that the needed reductions can be obtained by 1977 through the effects of the Federal Motor Vehicle Emission Control Program (40 CFR Part 85). The requirements of 40 CFR 51.30 and the Act for providing a 2-year extension are satisfied as discussed below:

(1) Attainment of the national standards for photochemical oxidants in the region will require approximately a 40-percent reduction in reactive hydrocarbon emissions, based on air quality and emissions data from the Metropolitan New Orleans area which is determined to have the highest level of hydrocarbon emissions in the region from stationary sources and motor vehicles combined.

(2) Regulations adopted by the State and those promulgated below by the Administrator require the application of reasonably available hydrocarbon emission control technology as defined in Appendix B to 40 CFR Part 51. Compliance schedules will be negotiated with the stationary sources covered by the provisions of the State's and EPA's regulations, to provide for their compliance as expeditiously as practicable, but not later than July 1975. The Agency has determined that application of the required controls will achieve hydrocarbon emission reductions of approximately 35 percent by that date.

(3) An investigation was made to identify any technology or other control alternatives which could provide the necessary additional control of approximately 5 percent. The Agency has determined that no additional control technology applicable to stationary sources of hydrocarbon emissions is reasonably available, and that any further control would have to be applied to motor vehicles. Further, the Agency has determined that hydrocarbon emissions to be achieved by the Federal Motor Vehicle Emission Control Program, especially under the very stringent emission standards which take effect in model year 1975, will allow attainment of the national standards for photochemical oxidants in all portions of the region by July 1977.

(4) The Agency has considered whether the imposition of transportation control measures in the Metropolitan New Orleans area is a feasible approach to achieve the 5-percent reduction noted above prior to July 1977. It has been determined that, because of the lead time necessary for their development, adoption, and implementation, transportation control measures do not constitute technology or alternatives which will be available soon enough to permit compliance with the July 1975 deadline, nor do they constitute reasonable interim control measures pending accomplishment of the necessary reductions by the Federal Motor Vehicle Emission Control Program.

The table specifying the latest dates for attainment of the national standard for photochemical oxidants is amended to reflect this extension.

Public hearings on the proposed regulations were held by the Environmental Protection Agency in most affected States. Interested parties presented their comments at these hearings and through the mail. Consideration of this information and further review of the proposed regulations led to only minor revisions:

(1) The Administrator will specify at least one location in each of the affected States where he will make emission data obtained by the Agency available to the public. It should be noted that these data will not be generally available before March 1, 1973, because the Administrator must notify sources of their reporting requirements, insure that valid data are collected, and correlate reported emissions with allowed emissions.

(2) The date for submission of compliance schedules to EPA has been changed from December 31, 1972, to "120 days from the effective date of the compliance schedule regulation." Since it has not been possible to promulgate regulations for correcting plan deficiencies for all States at once, this change allows all sources subject to Federal regulations for compliance schedules an equal amount of time to submit such schedules to the Administrator.

(3) The proposed regulations for compliance schedule "increments of progress" was modified to clarify the definition of "increments of progress".

In this publication, the Administrator prescribes the latest dates by which certain of the national ambient air quality standards are to be attained in Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, South Carolina, Tennessee, and Texas. The dates are those proposed by the Administrator on June 14, 1972 (37 F.R. 11826), for these States because their plans failed to specify dates by which national ambient air quality standards would be attained, as required by the Act and 40 CFR Part 51.10.

The regulations described above, with the exception of regulations providing for the review of new sources and modifications, are effective on the date of their publication in the FEDERAL REGISTER. The Agency finds that good cause exists for making such regulations effective upon publication, for the following reasons:

(1) The regulations do not require persons affected to take immediate action, and

(2) Section 110 of the Clean Air Act calls for promulgation of such regulations by the Administrator no later than July 31, 1972.

The regulations providing for review of new sources and modifications (§§ 52.976(b), 52.1176(b) and 52.1578 (c) and (d)) are effective 30 days after the date of their publication in the FEDERAL REGISTER.

This publication also contains amendments to the Administrator's approval/disapprovals pertinent to 12 States. For Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, Tennessee, Texas, South Carolina, Washington, and the Virgin Islands, certain previous disapprovals are revoked because the States submitted supplemental information which corrected some or all plan deficiencies. For Connecticut and Washington, the table specifying latest dates for attainment of national ambient air quality standards is amended to reflect supplemental information submitted by the States.

These amendments are effective on the date of their publication in the FEDERAL REGISTER (10–28–72). The Agency finds that good cause exists for not publishing these amendments as a notice of proposed rule making and for making them effective immediately upon publication, for the following reasons:

(1) The implementation plans were prepared, adopted, and submitted by the States, and reviewed and evaluated by the Administrator pursuant to 40 CFR Part 51, which, prior to promulgation, had been published as a notice of proposed rule making for comment by interested persons,

(2) The approved implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice, public hearings, and time for comments, and consequently further public participation is unnecessary, and

(3) The Administrator is required by law to promulgate substitute provisions for any regulatory portion of a plan for which no approval is in effect, and a deferred effective date would necessitate promulgation of Federal regulations for State regulations already judged approvable

(42 U.S.C. 1857c– 5 and 9).

Dated: October 24, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In Subparts V, W, X, AA, FF, PP, RR, and SS, the note beneath the tables setting forth dates of attainment of national standards is amended by replacing the word "proposed" with the word "prescribed". As amended, the note reads:

NOTE: Dates or footnotes which are underlined are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

Subpart H—Connecticut

2. In § 52.370 paragraph (c) is revised to read as follows:

§ 52.370 Identification of plan.

* * * * *

(c) Supplemental information was submitted on March 21, April 6, and August 2, 1972, by the Connecticut Department of Environmental Protection.

3. Section 52.374 is revised to read as follows:

§ 52.374 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Connecticut's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
New Jersey-New York-Connecticut Interstate.	June 1975....	(a).....	June 1975....	June 1975....	June 1975....	June 1975....	June 1975.
Hartford-New Haven-Springfield Interstate.	June 1975....	(a).....	June 1975....	June 1975....	June 1975....	June 1975....	June 1975.
Northwestern Intrastate.	(c).....	(c).....	(c).....	(c).....	(c).....	(c).....	(c).
Eastern Intrastate.	(b).....	June 1975....	(c).....	(c).....	(c).....	(c).....	(c).

a 18 month extension granted.
b Air quality levels below primary standards.
c Air quality levels below secondary standards.

Subpart T—Louisiana

4. In § 52.970, paragraph (c) is revised to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 28, and May 8, 1972, by the Louisiana Air Control Commission, and

(2) July 17, 1972.

5. In § 52.973, paragraph (a) is revised and paragraph (b) is added. As amended, § 52.973 reads as follows:

§ 52.973 Control strategy and regulations: Photochemical oxidants (hydrocarbons).

(a) The requirements of § 51.14 of this chapter are not met, since the plan does not provide for the degree of control necessary to meet the national standard for photochemical oxidants (hydrocarbons) in Louisiana's portion of the Southern Louisiana-Southeast Texas Interstate Region.

(b) Regulation for control of hydrocarbon emissions:

(1) The requirements of this paragraph are applicable in the Louisiana portion of the Southern Louisiana-Southeast Texas Interstate Region (§ 81.52 of this chapter).

(2) No person shall discharge or cause the discharge of organic compounds into the atmosphere in excess of 15 lbs. (6.8 kg.) per day (24 hours) from a waste gas disposal system unless the waste gas stream is incinerated by a smokeless flare or other device approved by the Administrator.

(3) For the purpose of this regulation, "organic compound" means any compound containing carbon and hydrogen.

(4) Compliance with this paragraph shall be in accordance with the provisions of § 52.980(a).

§§ 52.974 and 52.975 [Revoked]

6. Sections 52.974 and 52.975 are revoked.

7. In § 52.976, paragraph (a) is revised and paragraph (b) is added. As amended, § 52.976 reads as follows:

§ 52.976 Review of new sources and modifications.

(a) The requirements of § 51.18 of this chapter are not met since Louisiana's Regulation 6.0 does not provide procedures to prevent construction or modification of a source which would violate applicable portions of the control strategy or would interfere with attainment or maintenance of the national standards. Regulation 6.0 does not provide that approval of any construction or modification does not affect the owner's responsibility to comply with applicable portions of the control strategy.

(b) Regulation for review of new sources and modifications:

(1) This requirement is applicable to any stationary source in the State of Louisiana, the construction or modification of which is commenced after the effective date of this paragraph.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this paragraph without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any local, State, or Federal regulation which is part of the applicable plan; and

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this paragraph shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated, but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(9) Approval to construct shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generator, which uses gas as a fuel for space heating, air conditioning, or heating water, is used in a private dwelling; or has a heat input of not more than 350,000 B.t.u. per hour (88.2 million gm-cal/hr.).

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

8. Section 52.979 is revised to read as follows:

§ 52.979 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in Louisiana's plan, except where noted.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Southern Louisiana Southeast Texas Interstate.	(a)	(a)	(a)	(a)	(b)	(b)	July, 1977.
Shreveport-Texarkana-Tyler Interstate.	(a)	(a)	(b)	(b)	(b)	(b)	(b).
Monroe-El Dorado Interstate.	(a)	(a)	(b)	(b)	(b)	(b)	(b).

NOTE: Footnotes which are underlined are prescribed by the Administrator because the plan did not provide a specific date.

[a] 3 years from plan approval.

[b] Air quality levels presently below secondary standards.

§ 52.977 [Revoked]

9. Section 52.977 is revoked.

10. Subpart T is amended by adding § 52.980 as follows:

§ 52.980 Compliance schedules.

(a) *Federal compliance schedule.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source subject to § 52.973(b) shall comply with such regulation on or before December 31, 1973.

(i) Any owner or operator in compliance with § 52.973(b) on the effective date of this paragraph shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator who achieves compliance with § 52.973(b) after the effective date of this paragraph shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.973(b) as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process change; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved schedule has been met.

11. Subpart T is amended by adding § 52.981 as follows:

§ 52.981 Extensions.

The Administrator hereby extends for 2 years the attainment date for the national standard for photochemical oxidants in the Louisiana portion of the Southern Louisiana-Southeast Texas Interstate Region.

Subpart U—Maine

12. In § 52.1020, paragraph (c) is added as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) Supplemental information was submitted on July 28, 1972, by the Environmental Improvement Commission, State of Maine.

13. Section 52.1022 is revised to read as follows:

§ 52.1022 Approval status.

The Administrator approves Maine's plan for the attainment and maintenance of the national standards.

§ 52.1023 [Revoked]

14. Section 52.1023 is revoked.

Subpart V—Maryland

15. In § 52.1070, paragraph (c) is revised to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 25, March 3 and 7, April 4 and 28, and May 8, 1972, by the Maryland Bureau of Air Quality Control, and

(2) July 27, 1972, by the Maryland Department of Natural Resources.

§ 52.1074 [Revoked]

16. Section 52.1074 is revoked.

17. Section 52.1075 is revised to read as follows:

§ 52.1075 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Metropolitan Baltimore Intrastate Region.

(b) Section 04G2 of Maryland's "Regulations Governing the Control of Air Pollution in Area III" (regulation 10.-03.38 for the Metropolitan Baltimore Intrastate Region), which is part of the nitrogen dioxide control strategy, is disapproved.

§ 52.1076 [Revoked]

18. Section 52.1076 is revoked.

Subpart W—Massachusetts

19. In § 52.1120, paragraph (c) is revised to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 22 and May 5, 1972, by the Bureau of Air Quality Control, Massachusetts Department of Public Health,

(2) April 27, 1972, by the Division of Environmental Health, Massachusetts Department of Public Health, and

(3) August 28, 1972.

§ 52.1125 [Amended]

20. In § 52.1125, paragraph (a) is revoked.

§ 52.1126 [Revoked]

21. Section 52.1126 is revoked.

Subpart X—Michigan

22. In § 52.1170, paragraph (c) is revised to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 3 and July 24, 1972, by the Department of Public Health, Air Pollution Control Division,

(2) May 4, 1972, by the Department of Environmental Protection, city of Grand Rapids, and

(3) March 30 and July 12, 1972.

§ 52.1173 [Revoked]

23. Section 52.1173 is revoked.

24. Section 52.1174 is revised to read as follows:

§ 52.1174 Control strategy: Nitrogen dioxide.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the Metropolitan Detroit-Port Huron Intrastate Region.

25. Section 52.1175 is amended by adding paragraph (b), as follows:

§ 52.1175 Compliance schedules.

* * * * *

(b) *Federal compliance schedule.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of a stationary source subject to R 336.49 of the general rules of the Air Pollution Control Commission, Michigan Department of Public Health shall comply with such regulation on, or before, December 31, 1973. This paragraph shall apply in Macomb, Oakland, and St. Clair Counties of the Metropolitan Detroit-Port Huron Intrastate Region (§ 81.37 of this chapter), the Michigan portion of the Metropolitan Toledo Interstate Region (§ 81.43 of this chapter) and the South Central Michigan Intrastate Region (§ 81.196 of this chapter).

(i) Any owner or operator in compliance with R 336.49 of the general rules of the Air Pollution Control Commission, Michigan Department of Public Health on the effective date of this paragraph shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator in compliance with R 336.49 of the general rules of the Air Pollution Control Commission, Michigan Department of Public Health after the effective date of this paragraph shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to subparagraph (1) of this paragraph may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with R 336.49 as expeditiously as practicable but no later than the dates specified in R 336.49(7).

(i) If the owner or operator chooses to comply with the provisions of R 336.49(7), Table 3, the compliance schedule shall contain dates by which contracts will be awarded to obtain the appropriate fuel and dates by which this fuel will be burned exclusively.

(ii) If the owner or operator chooses to comply with the provisions of R 336.49(7), Table 4, the compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process change; completion of on-site construction or installation of emission control equipment or process modification, and final compliance.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

26. Section 52.1176 is amended by adding paragraph (b), as follows:

§ 52.1176 Review of new sources and modifications.

* * * * *

(b) *Regulation for review of new sources and modifications.* (1) This requirement is applicable to any stationary source in the State of Michigan, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the new source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, conditional approval, or denial. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which use gas as a fuel for space heating, air conditioning, or heating water; is used in a private dwelling; or has a heat input of not more than 350,000 B.t.u. per hour (88.2 million gm-cal/hr.).

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(7) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

Subpart AA—Missouri

27. In § 52.1320, paragraph (c) is revised to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 28, March 27, May 2 and 11, and July 12, 1972, by the Missouri Air Conservation Commission and,

(2) August 8, 1972.

28. In § 52.1324 paragraph (a) is revised and paragraph (b) is added. As amended, § 52.1324 reads as follows:

§ 52.1324 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the State does not have adequate legal authority to make all emissions data, as correlated with applicable emission limitations, available to the public. None of the local agencies have adequate procedures to make emission data available to the public.

(b) Regulation for public availability of emission data:

(1) The owner or operator of any stationary source in the State of Missouri shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, on forms furnished by the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures. The Administrator will designate one or more places in Missouri where such emission data and correlations will be available for public inspection.

29. Section 52.1325 is revised to read as follows:

§ 52.1325 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since the authority is inadequate to make emission data, as correlated with applicable emission limitations, available to the public. Section 203.050.4 of the Missouri Air Conservation Law requires confidential treatment of data related to secret processes or methods of manufacture or production.

(b) The requirements of § 51.11(f) of this chapter are not met since the following deficiencies exist in local legal authority.

(1) St. Louis County Division of Air Pollution Control:

(i) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(ii) Authority to make emission data available to the public is inadequate because section 612.350, St. Louis County Air Pollution Control Code, requires confidential treatment in certain circumstances if the data concern secret processes (§ 51.11(a)(6) of this chapter).

(2) St. Louis City Division of Air Pollution Control:

(i) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(ii) Authority to require reports on the nature and amounts of emissions from stationary sources is lacking (§ 51.11(a)(5) of this chapter).

(iii) Authority to require installation, maintenance, and use of emission monitoring devices is lacking. Authority to make emission data available to the public is inadequate because Section 39 of Ordinance 54699 requires confidential treatment in certain circumstances if the data relate to production or sales figures or to processes or production unique to the owner or operator or would tend to affect adversely the competitive position of the owner or operator (§ 51.11(a)(6) of this chapter).

(3) Kansas City Health Department:

(i) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(4) Independence Health Department:

(i) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(ii) Authority to make emission data available to the public is lacking since section 11.161 of the code of the city of Independence requires confidential treatment in certain circumstances if the data relate to secret processes or trade secrets affecting methods or results of manufacture (§ 51.11(a)(6) of this chapter).

(5) Springfield Department of Health:

(i) Authority to abate emissions on an emergency basis is lacking (§ 51.11(a)(3) of this chapter).

(ii) Authority to require recordkeeping is lacking (§ 51.11(a)(5) of this chapter).

(iii) Authority to make emission data available to the public is inadequate because section 2A–42 of the Springfield City Code requires confidential treatment of such data in certain circumstances (§ 51.11(a)(6) of this chapter).

30. Section 52.1327 is amended by adding paragraph (b), as follows:

§ 52.1327 Prevention of air pollution emergency episodes.

* * * * *

(b) *Regulation for emission control action program (city of Springfield).* (1) The owner or operator of any stationary source in the city of Springfield which emits 100 tons (90.7 metric tons) or more per year of particulate matter shall prepare and submit to the Administrator a standby plan for reducing or elminating emissions of particulate matter during periods of Yellow Alert, Red Alert, or Emergency Alert, as defined in the Air Pollution Control Regulations of the Springfield-Greene County area.

(i) Each such plan shall be submitted within 90 days of the effective date of this regulation and shall be subject to review and approval by the Administrator. Any such plan will be approved unless the Administrator notifies the owner or operator within 60 days that such plan has been disapproved. The Administrator will set forth his reasons for any disapproval.

(ii) Each such plan shall identify the specific facility from which particulate matter is emitted, the manner in which reduction of emissions will be achieved during a Yellow Alert, Red Alert, or Emergency Alert, and the approximate reduction in emissions to be achieved by each reduction measure.

(iii) During a Yellow Alert, Red Alert, or Emergency Alert, a copy of such plan shall be made available on the source premises for inspection by the Administrator.

(2) Upon notification by the Administrator or appropriate city official that a Yellow Alert, Red Alert, or Emergency Alert has been declared, the owner or operator of each source which has a standby plan approved by the Administrator shall implement the emission reduction measures specified in such plan.

(3) Any owner or operator of a stationary source in the city of Springfield not subject to the requirements of subparagraph (1) of this paragraph shall, when requested by the Administrator in writing, prepare and submit a standby plan in accordance with this paragraph.

§§ 52.1328, 52.1329, and 52.1330 [Revoked]

31. Sections 52.1328, 52.1329, and 52.1330 are revoked.

Subpart FF—New Jersey

32. In § 52.1570, paragraph (c) is revised to read as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) April 17, May 15, and July 6, 1972, by the New Jersey Department of Environmental Protection, and

(2) June 23, 1972, by the New Jersey Department of Law and Public Safety.

§§ 52.1574 and 52.1575 [Revoked]

33. Sections 52.1574 and 52.1575 are revoked.

34. Section 52.1577 is amended by revoking paragraph (a) and adding paragraph (d). As amended, § 52.1577 reads as follows:

§ 52.1577 Compliance schedules.

(a) [Revoked]

* * * * *

(d) *Regulation for increments of progress.* (1) Except as provided in subparagraph (2) of this paragraph, the owner or operator of any stationary source in the State of New Jersey to which an exception extending beyond December 31, 1973, is applicable under Chapter 7, section 7.1(c) of the New Jersey Air Pollution Control Code shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the emission limitations prescribed by Chapter 7 of the New Jersey Air Pollution Control Code as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process change; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before December 31, 1973, no compliance schedule shall be required.

(3) Any owner or operator required to submit a compliance schedule pursuant to this paragraph shall within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

35. Section 52.1578 is amended by adding paragraph (c) and (d), as follows:

§ 52.1578 Review of new sources and modifications.

* * * * *

(c) *Regulation for review of new sources and modifications—stationary sources using liquid or gaseous fuel.* (1) This requirement is applicable to any stationary source in the State of New Jersey using liquid or gaseous fuel, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any addiitonal information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that:

(i) The source will operate without causing a violation of any applicable local, State, or Federal regulation which is part of the applicable plan.

(ii) The source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing on his approval, conditional approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may impose any reasonable conditions upon an approval, including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require.

(ii) Safe access to each port.

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of the source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of the source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source the owner or operator of such source shall conduct a performance test(s) in accordance with methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and may also conduct performance tests.

(iii) The owner or operator of the source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(9) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Fuel burning equipment which uses gas as a fuel for space heating, air conditioning, or heating water; is used in a private dwelling; or has a heat input of not more than 1,000,000 B.t.u. per hour (252 million gm-cal/hr.).

(iii) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iv) Other sources of minor significance specified by the Administrator.

(10) Approval to construct or modify a source shall not relieve any owner or operator of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

(d) *Regulation for review of new sources and modifications—stationary sources subject to Chapter 9 of the New Jersey Air Pollution Control Code.* (1) This requirement is applicable to any stationary source in the State of New Jersey which is subject to review under Chapter 9 of the New Jersey Air Pollution Control Code, the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of the source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval, or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction work is suspended for 1 year.

(6) Approval to construct or modify a source shall not relieve any person of the responsibility to comply with any local, State, or Federal regulation which is part of the applicable plan.

Subpart PP—South Carolina

36. In § 52.2120, paragraph (c) is revised to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the South Carolina Pollution Control Authority, and

(2) July 21 and August 23, 1972.

§ 52.2123 [Revoked]

37. Section 52.2123 is revoked.

38. Section 52.2124 is amended by adding paragraph (c), as follows:

§ 52.2124 Legal authority.

* * * * *

(c) *Delegation of authority.* Pursuant to section 114 of the Act, South Carolina requested a delegation of authority to enable it to obtain information necessary to determine whether air pollution

sources are in compliance with applicable laws, regulations, and standards, including the authority to require recordkeeping and reporting; and to require owners or operators of stationary sources to install, maintain, and use emission monitoring devices; also the authority for the State to make emission data available to the public as reported and as correlated with any applicable emissions standards or limitations. The Administrator has determined that South Carolina is qualified to receive a delegation of the authority it requested. Accordingly, the Administrator delegates authority in section 114(a)(1) (A), (B), and (C) and section 114(c) of the Act to the State of South Carolina.

§§ 52.2125, 52.2126, 52.2127 [Revoked]

39. Sections 52.2125, 52.2126, and 52.2127 are revoked.

Subpart RR—Tennessee

40. In § 52.2220, paragraph (c) is revised to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) April 27, 1972, from the Memphis and Shelby County Health Department,

(2) February 3 and 10, April 13, and May 3, 8, and 12, 1972, from the Division of Air Pollution Control of the Tennessee Department of Public Health, and

(3) August 17, 1972.

§ 52.2223 [Revoked]

41. Section 52.2223 is revoked.

§ 52.2224 [Amended]

42. In § 52.2224, paragraph (b) is revoked.

§§ 52.2225, 52.2226, 52.2228, and 52.2229 [Revoked]

43. Sections 52.2225, 52.2226, 52.2228, and 52.2229 are revoked.

Subpart SS—Texas

44. In § 52.2270, paragraph (c) is revised to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 25, May 2 and 3, 1972, by the Texas Air Control Board, and

(2) July 31, 1972.

§§ 52.2274, 52.2275, and 52.2277 [Revoked]

45. Sections 52.2274, 52.2275, and 52.2277 are revoked.

46. In § 52.2280, paragraph (a) is revised to read as follows:

§ 52.2280 Transportation and land-use controls.

(a) To complete the requirements of § 51.11(b) and § 51.14 of this chapter, the Governor of Texas must submit to the Administrator:

(1) No later than February 15, 1973, the selection of the appropriate transportation control alternative and a demonstration that said alternative, along with Texas' stationary source emission limitations for hydrocarbons and the Federal Motor Vehicle Control Program, will attain and maintain the national standards for photochemical oxidants (hydrocarbons) in the Austin-Waco, Metropolitan Dallas-Fort Worth, Metropolitan San Antonio, and El Paso-Las Cruces-Alamogordo Regions by 1975, and in the Corpus Christi-Victoria and Metropolitan Houston-Galveston Regions by 1977. By this date (February 15, 1973), the State must also include a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying out the selected transportation control alternatives.

(2) No later than July 30, 1973, the legislative authority that is needed for carrying out the required transportation control alternative.

(3) No later than December 31, 1973, the necessary adopted regulations and administrative policies needed to implement the required transportation control alternative.

Subpart WW—Washington

47. In § 52.2470, paragraph (c) is revised to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) January 28, May 5, and September 11, 1972, and

(2) July 19, 1972, by the State of Washington Department of Ecology.

48. Section 52.2473 is revised to read as follows:

§ 52.2473 Approval status.

The Administrator approves Washington's plan for the attainment and maintenance of the national standards.

§§ 52.2474, 52.2475, 52.2476, 52.2477 [Revoked]

49. Sections 52.2474, 52.2475, 52.2476, and 52.2477 are revoked.

50. Section 52.2478 is revised to read as follows:

§ 52.2478 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Washington's plan.

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Eastern Washington-Northern Idaho Interstate.	July 1975	July 1975	(b)	(b)	(b)	June 1977.*	(b).
Northern Washington Intrastate.	(a)	July 1975	(b)	(b)	(b)	(b)	(b).
Olympic-Northwest Washington Intrastate.	July 1975	July 1975	(a)	July 1975	(b)	(b)	(b).
Portland Interstate.	July 1975	July 1975	July 1975	July 1975	(b)	(b)	(b).
Puget Sound Intrastate.	Dec. 1973	July 1975	Jan. 1975	Jan. 1975	July 1975	June 1977	June 1977.*
South Central Washington Intrastate.	July 1975	July 1975	(b)	(b)	(b)	(b)	(b).

* Air quality levels presently below primary standards.
b Air quality levels presently below secondary standards.
* Transportation and/or land use control strategies are to be submitted no later than Feb. 15, 1973, with the first semiannual report.

Subpart CCC—U.S. Virgin Islands

51. In § 52.2770, paragraph (c) is revised to read as follows:

§ 52.2770 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) April 26, 1972, by the Division of Environmental Health, United States Virgin Islands Department of Health, and

(2) August 17, 1972.

§§ 52.2773, 52.2774 [Revoked]

52. Sections 52.2773 and 52.2774 are revoked.

53. Section 52.2775 is amended by adding paragraph (b), as follows:

§ 52.2775 Review of new sources and modifications.

* * * * *

(b) *Regulation for review of new sources and modifications.* (1) This requirement is applicable to any stationary source subject to review under section 206–20, chapter 9, title 12, Virgin Islands Code, the construction or modification of which is commenced after the effective date of this paragraph.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective

date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to subparagraph (3) of this paragraph.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) The Administrator will act within 60 days on an application and will notify the applicant in writing of his approval or denial of the application. The Administrator will set forth his reasons for any denial.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which use gas as a fuel for space heating, air conditioning, or heating water; is used in a private dwelling; or has a heat input of not more than 350,000 B.t.u. per hour (88.2 million gm-cal/hr.).

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(7) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

[FR Doc.72-18385 Filed 10-27-72;8:45 am]

Title 6—ECONOMIC STABILIZATION

Rulings—Internal Revenue Service, Department of the Treasury

[Price Commission Ruling 1972-262]

INSTITUTIONAL PROVIDER OF HEALTH SERVICES; NET REVENUE PERCENTAGE

Price Commission Ruling

Facts. H is an institutional provider of health services. H is a non-profit organization. H has reached final settlement with the Medicare intermediary for the fiscal years ending June 30, 1969, through 1971. The net effect of the final adjustments is that H will receive $106,000 for the 3 years from 1969-71.

Issue. Whether H must adjust its base period net revenues percentage?

Ruling. No. H should not adjust its base period net revenue percentage.

Section 300.18(b)(1) provides that the price increases of an institutional provider that is a non-profit organization, may not result in an increase in the provider's net revenues (after deducting operating expenses and depreciation) as a percentage of total operating revenues over that prevailing during the base period. Economic Stabilization Regulations, 6 CFR 300.18(b)(1) (1972). "Base period" means any two, at the option of the person concerned, of that person's last 3 fiscal years ending before August 15, 1971. Economic Stabilization Regulations, 6 CFR 300.5 (1972). In other words, the base period net revenue percentage of any institutional provider of health services is the net revenue percentage actually prevailing during the base period. Consequently, a subsequent adjustment of revenues with a medicare intermediary is not grounds for adjustment of the base period figures. The adjusted revenues should be picked up in the year of the final settlement as operating revenues.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: October 20, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-18411 Filed 10-27-72;8:47 am]

[Price Commission Ruling 1972-263]

INSTITUTIONAL PROVIDERS; PRICE INCREASES

Price Commission Ruling

Facts. Hospital H, expects to incur an increase in allowable costs for furnishing the service performed in Department A of the hospital. H plans to raise the price for the service performed in Department B of the hospital on the basis of the increase in allowable costs in A.

Issue. Whether the price of the service performed in B may be increased to reflect the increase in allowable costs in A under the provisions of the Economic Stabilization Regulations pertaining to health?

Ruling. Yes. An institutional provider of health services may apply an increase in allowable costs in one department to increase the price charged in another department.

Section 300.18(b) provides in part that an institutional provider of health services may charge a price in excess of the base price with respect to the furnishing of a service to reflect net increases in allowable costs since the end of the last fiscal year, which the institutional provider will incur during the currentf fiscal year. Economic Stabilization Regulations, § 300.18(b), 37 F.R. 18548 (1972). In other words, a price in excess of the base price may be charged for a service if the hospital will incur a net increase in allowable costs in the current year over cost incurred in the former year. The present language of § 300.18(b) does not limit the price increase to the service in which the increase in allowable costs will be incurred. Consequently, H may increase the price for the Department B service to reflect the increase in allowable costs which it will incur in Department A.

This ruling does not apply in the period prior to September 12, 1972.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: October 24, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel,
Internal Revenue Service.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-18412 Filed 10-27-72;8:47 am]

[Price Commission Ruling 1972-264]

RESTAURANT PRICING; PRICE INCREASE JUSTIFICATION

Price Commission Ruling

Facts. X restaurant has experienced a cost increase in the potatoes it purchases. A also has incurred increased wage costs. X wants to raise the price of a cup of coffee to reflect all of the above increased costs even though the price of coffee has remained constant. This is a historical pricing practice of X. In the past, X has increased prices on items that have great demand where costs on slower moving items have increased.

Issue. Can X increase the price of coffee to reflect cost increases in wages and potatoes?