

ernment's concession, exclusive of statutory interest does not exceed \$75,000;

(B) Approve administrative settlements not exceeding \$75,000;

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed \$75,000, and

(D) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amounts,

provided that the action is not opposed by the agency or agencies involved or the chief of the section to which the case is assigned.

Sec. 4. Subject to the conditions and limitations set forth in Section 6 hereof, the Director, Civil Litigation, shall have authority to—

(A) Accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed \$250,000,

(B) Approve administrative settlements not exceeding \$250,000,

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed \$250,000, and

(D) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount,

provided that the action is not opposed by the agency or agencies involved, the Chief of the Review Section, or the chief of the section to which the case is assigned, and provided further that the limiting amount in (A), (B), and (C) shall be \$100,000 if the case is subject to reference to the Joint Committee on Internal Revenue Taxation.

Sec. 5. Subject to the conditions and limitations set forth in Section 6 hereof, the Deputy Assistant Attorneys General each shall have authority to—

(A) Accept offers in compromise in all cases in which the amount of the Government's concession, exclusive of statutory interest, does not exceed \$250,000,

(B) Approve administrative settlements not exceeding \$250,000,

(C) Approve concessions (other than by compromise) of civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed \$250,000, and

(D) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount,

provided that the limiting amount of (A), (B), and (C) shall be \$100,000, if the proposed disposition of the claim is opposed by the agency or agencies involved or if the case is subject to reference to the Joint Committee on Internal Revenue Taxation.

Sec. 6. The authority redelegated herein shall be subject to the following conditions and limitations:

(A) When, for any reason, the compromise or administrative settlement or concession of a particular claim, as a practical matter, will control or adversely influence the disposition of other

claims totaling more than the respective amounts designated in Sections 2, 3, 4, and 5, the case shall be forwarded for review at the appropriate level.

(B) When, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the United States Attorney involved, or any other considerations, the person otherwise authorized herein to take final action is of the opinion that the proposed disposition should be reviewed at a higher level, he shall forward the case for such review.

(C) Nothing in this Directive shall be construed as altering any provision of Subpart Y of Part O of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General, the Deputy Attorney General, or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal, is excepted from the foregoing redelegations.

(E) The Assistant Attorney General, at any time, may withdraw any authority delegated by this Directive as it relates to any particular case or category of cases, or to any part thereof.

Sec. 7. This Directive supersedes Tax Division Directive No. 19, approved November 27, 1973.

Sec. 8. This Directive shall become effective June 9, 1976.

SCOTT P. CRAMPTON,
Assistant Attorney General.

Approved:
H. R. TYLER, Jr.,
Deputy Attorney General.

MAY 31, 1976.

[FR Doc. 76-16716 Filed 6-8-76; 8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Extension of Time Periods for Installation of Canopies or Cabs on Self-Propelled Electric Face Equipment for Mining Heights of Less Than 30 Inches

In accordance with the provisions of section 317(j) of the Federal Coal Mine Health and Safety Act of 1969 and pursuant to the authority under section 101 of the Act, there was published in the FEDERAL REGISTER for October 3, 1972 (37 FR 20689) mandatory safety standards contained in 30 CFR 75.1710-1 pertaining to the installation of canopies or cabs on self-propelled electric face equipment. These mandatory standards were made effective on January 1, 1973. Time periods for operators to design and install substantially constructed canopies or cabs based upon the mining height of the particular mine were prescribed in §§ 75.1710-1(a)(1) through 75.1710-1(a)(6) as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches.

As required by section 101(g) of the Act, the Secretary of the Interior made findings of fact which were also published on October 3, 1972. The need for canopies or cabs was reflected in findings of fact numbers (1) and (2):

(1) Roof falls have been the prime cause of fatalities in underground bituminous coal mines, having accounted for an average of over 50 percent of such fatalities.

(2) Fatalities to operators of self-propelled electric face equipment due to falls of roof, face, and rib will be significantly reduced by the installation and use of substantially constructed canopies or cabs on such equipment. Equipment-operator fatalities caused by operators being pinned, squeezed, or crushed against the roof, rib, or other equipment will also be significantly reduced by the installation and use of substantially constructed canopies or cabs on self-propelled electric face equipment.

Analysis of accident data performed by MESA shows that since January 1, 1973 fatalities and injuries to operators of self-propelled electric face equipment, while actually at the operating controls of such equipment, due to falls of roof, face, and rib have decreased. Although the standards have not been in effect long enough to develop definitive conclusions as to their relationship to this decrease, MESA is aware of 60 instances where equipment operators have been saved from death or serious injury because a canopy or cab protected them from falls of roof, face, and rib.

In addition to finding that there was a need for canopies and cabs it was also recognized that human engineering problems remained in mining heights less than 72 inches and that these problems might affect the timetables for canopy or cab installation. Finding of fact number (6) stated:

(6) Although practical technology is available to design and construct a substantial canopy or cab for installation on self-propelled electric-face equipment of sufficient strength to protect the equipment operator from a nonmassive roof fall, it has been shown that in mining heights less than 72 inches, additional research and study is necessary to solve human engineering problems such as reduction of visibility and cramping of the equipment operator. Such research and study is currently being undertaken on behalf of the Bureau of Mines and results will be available in calendar year 1973. Depending upon the results of such research and study, as well as experience gained in the course of enforcement of the

Federal Coal Mine Health and Safety Act of 1969 and other pertinent statutes, the time-tables, based on mining heights, for the installation of canopies or cabs on self-propelled electric-face equipment, contained in § 75.1710-1(a) (2), (3), (4), (5), and (6), may be shortened or lengthened. (emphasis added)

Since October 3, 1972, considerable research and study has been performed by the Bureau of Mines, MESA, operators and manufacturers. The results of these efforts, as well as experience gained in the course of MESA enforcement, indicate that practical technology is available to design and construct a substantial canopy or cab for all mining heights.

However, in lower mining heights, particularly those below 30 inches, certain human engineering problems have not been fully solved. While these problems vary depending upon the particular mining equipment, they include impaired operator vision, and operator cramping and fatigue. Because of these unsolved engineering problems the Secretary has determined that certain dates should be extended on and after which coal mines having specific mining heights must install canopies or cabs. This action is considered necessary in order to permit development of additional technology on canopy or cab design, in conjunction with accomplishing equipment design changes to adapt canopies or cabs.

In view of the above circumstances, it is determined that good cause exists for omitting the rulemaking procedure. Therefore, § 75.1710-1 is amended as set forth below, effective June 9, 1976.

§ 75.1710-1 [Amended]

1. Paragraph (a) (5) is revised to read as follows:

(a) ***

(5)(i) On and after January 1, 1976, in coal mines having mining heights of 30 inches or more, but less than 36 inches,

(ii) On and after July 1, 1977, in coal mines having mining heights of 24 inches or more, but less than 30 inches, and ***

2. In paragraph (a) (6), the date reading "July 1, 1976" is changed to read "July 1, 1978".

(Secs. 101(a), 317(j) Federal Coal Mine Health and Safety Act of 1969, as amended, Pub. L. 91-173, 83 Stat. 745, 789, 30 U.S.C. 811(a), 877(j))

Dated: June 3, 1976.

RAYMOND A. PECK, Jr.,
Deputy Assistant Secretary
of the Interior.

[FR Doc.76-18636 Filed 6-8-76; 8:45 am]

Title 40—Protection of Environment CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 557-7]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS Idaho SO₂ Control Strategy

The purpose of this rulemaking is to (1) disapprove Regulation R of the

"Rules and Regulations for the Control of Air Pollution in Idaho;" (2) promulgate substitute regulations which will provide for the control of SO₂ at The J. R. Simplot Company facility near Pocatello, Idaho; (3) approve a State-issued Consent Order for the control of SO₂ at the Beker Industries facility at Conda, Idaho; (4) revoke the federally promulgated compliance schedule for sulfuric acid plants located in the State of Idaho; and (5) extend the attainment date for meeting national primary and secondary ambient air quality standards for sulfur oxides (sulfur dioxide) in the Eastern Idaho Intrastate Air Quality Control Region to July 31, 1976. The preamble which follows contains the background for these actions, a summary of public comments, the Administrator's findings and a description of the promulgated regulations.

BACKGROUND

The Eastern Idaho Intrastate Air Quality Control Region (AQCR) is classified Priority IA for sulfur oxides (SO_x) due to emissions from the production of sulfuric acid by The J. R. Simplot Company's Minerals and Chemical Division located near Pocatello, Idaho. On May 31, 1972 (37 FR 10842), under Section 110 of the Clean Air Act, the Administrator approved, with specific exceptions, the State of Idaho Air Quality Implementation Plan (SIP) for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). Specifically, the Administrator disapproved the SO_x control strategy and compliance schedule sections of the Idaho SIP for the Eastern Idaho Intrastate AQCR because the Plan did not contain a regulation for the attainment and maintenance of the SO_x NAAQS in the Eastern Idaho Intrastate AQCR. Subsequently, on October 24, 1972, the State of Idaho adopted Regulation R, "Regulation for Control of Sulfur Oxides Emissions from Sulfuric Acid Plants," as the basis for an SO_x control strategy for the Eastern Idaho Intrastate AQCR. Regulation R restricts SO_x emissions to 28 pounds per ton of 100 percent sulfuric acid produced. The two existing facilities subject to the regulation were The J. R. Simplot Company and the Beker Industries facility.

The Administrator, in the May 14, 1973 FEDERAL REGISTER (38 FR 12702), approved Regulation R as the SO_x control strategy for the Eastern Idaho Intrastate AQCR. In the August 23, 1973 FEDERAL REGISTER (38 FR 22735), EPA promulgated a compliance schedule for the two sources subject to Regulation R. On September 21, 1973 Simplot filed a Petition for Review of EPA's approval of Regulation R and promulgation of the compliance schedule. Simplot's Petition was, in large part, based on the contention that Regulation R was more restrictive than necessary for the attainment and maintenance of the SO_x NAAQS.

Soon after, on October 24, 1973, the Idaho Board of Environmental and Community Services (now the Board of Health and Welfare) adopted a Con-

sent Order for Beker Industries which replaces Regulation R as the regulation applicable to the facility. The Consent Order establishes SO₂ and particulate emissions from the facility, in addition to requiring performance tests and continuous monitoring. Reports on the tests and continuous monitoring are submitted to the Idaho Department of Health and Welfare on a regular basis. The Consent Order was submitted for EPA's approval as a SIP revision on July 28, 1975. The Order was proposed and public comment invited in the November 6, 1975 FEDERAL REGISTER (40 FR 51655). No comments were received during the 30-day public comment period ending December 8, 1975.

In the meantime, from October 1973 through May 1974, EPA gathered and analyzed relevant information pertaining to the technical merit of The J. R. Simplot Company's Petition for Review. During this review, EPA worked closely with the State of Idaho and The J. R. Simplot Company.

On May 29, 1974 The J. R. Simplot Company proposed to EPA a method of SO_x emission control based on a revised sulfuric acid plant configuration. The J. R. Simplot Company requested an EPA technical review and approval of their approach. The May 29 Simplot proposal was evaluated in detail using the results of diffusion modeling in conjunction with analysis of measured ambient SO₂ concentrations. On July 22, 1974 EPA transmitted to Simplot its final report, "Analysis of Technical Contentions Contained in The J. R. Simplot Company Petition for Review." Briefly, the report concludes that Regulation R is inadequate to provide for attainment and maintenance of the NAAQS. Further, the report concludes that Simplot's proposal was inadequate in that a more restrictive (1700 lbs/hr) emission limit would be required for the #300 acid plant.

On September 16, 1974, under the authority of section 110(c) of the Clean Air Act, EPA officially advised the State of Idaho that Regulation R was inadequate to provide for attainment and maintenance of SO₂ NAAQS. The State was given 60 days to revise their SIP.

On October 22, 1974 the Idaho Department of Health and Welfare indicated that due to their heavy involvement with other issues and the pending nature of the Simplot Petition for Review, EPA should proceed with the matter of promulgating the required emission control and compliance schedule for Simplot. Therefore, in the August 20, 1975 FEDERAL REGISTER (40 FR 36385), EPA proposed: (1) disapproval of Regulation R; (2) a substitute emission limiting regulation to apply to The J. R. Simplot Company facility; (3) rescission of the compliance schedule for sulfuric acid plants, 40 CFR 52.677(d), as it applies to Simplot and (4) extension of the attainment date for primary and secondary SO_x NAAQS in the Eastern Idaho Intrastate AQCR to March 31, 1976.

PUBLIC COMMENT

A public hearing on the proposed federal regulation for The J. R. Simplot

Company was held in Pocatello, Idaho on September 25, 1975. The proposed EPA regulation and EPA's proposal to disapprove Regulation R elicited limited public comment. The testimonies and submittals to the public hearing record are summarized as follows:

Four individuals presented testimony on behalf of The J. R. Simplot Company. The first representative related the measures taken by Simplot to date to comply with the SO₂ NAAQS, including the currently ongoing installation of an ammonia liquor scrubber which will serve both #100 and #200 sulfuric acid plants. Simplot also stated that they believe that limiting emissions of SO₂ from the #300 sulfuric acid plant to 1700 pounds per hour, as EPA proposed, will reduce effective plant capacity by at least 50 tons of sulfuric acid production per day, thereby potentially decreasing the amount of diammonium phosphate fertilizer produced.

A second representative presented a summary of a study recently prepared for the Company predicting the impact of Simplot's future operations on NAAQS. The study concludes that Simplot could operate the #300 acid plant at an effluent rate of 2190 pounds of SO₂ per hour and the #100 and #200 plants at 200 pounds per hour (equivalent to 2 kg per metric ton or 4 pounds per ton of sulfuric acid produced) without violating the SO₂ NAAQS. A summary of the technical background for the proposal was presented including methods used in the calculations and a summary of the findings.

Simplot also objected to several requirements of the proposed regulation relating to monitoring of emissions because the requirements are inconsistent with the regulations for new sulfuric acid plants as promulgated or, in some cases, proposed by EPA in 40 CFR Part 60, Standards of Performance for New Stationary Sources.

The last representative for the Simplot Company related additional measures the Company is prepared to take should EPA determine that the proposed emission rate of 2190 pounds of SO₂ per hour for #300 plant is not adequate to assure attainment and maintenance of NAAQS. These measures include (1) placing a meteorological station south of the Simplot facility to continuously monitor relevant weather conditions, (2) installing a system to continuously deliver data from the meteorological station to a control room in the plant, and (3) reducing to predetermined levels the production rates under certain weather and operating conditions to assure that no violations of the SO₂ NAAQS will occur.

Simplot also requested that the date for final compliance with the emission limitations be changed to July 31, 1976, rather than the proposed date of March 31, 1976, because the installation of the ammonia liquor scrubber for the #100 and #200 acid plants cannot be completed until that date. Simplot provided written evidence indicating that the delay is due to a delay of delivery of equipment and material.

In addition, six representatives of the public presented testimony at the hearing. In general, their testimony related concern about the problem of SO₂ in the Pocatello area and support for stringent regulations to control emissions from the Simplot facility. Three letters were entered into the record at the hearing which also supported stringent regulations to control SO₂.

During the three week period that the public hearing record remained open to accept comments, two more letters were received from representatives of the general public who testified at the hearing reiterating statements made in support of stringent controls on Simplot.

In response to a question asked by EPA at the hearing, Simplot submitted information relating to a review of the #300 acid plant by a third consultant. This consultant made a number of recommendations to Simplot regarding the operation of the plant to improve its performance. In general, the consultant concluded that by changing some of the operating procedures currently utilized, the plant should be able to meet an SO₂ emissions rate even lower than the 1700 pounds per hour proposed by EPA. This is in agreement with testimony given at the hearing by an EPA technical advisor who indicated that a rate of 1280 pounds SO₂ per hour has been achieved by other similar sulfuric acid plants. Simplot responded that although essentially all of the consultant's recommendations have been completed, the emissions rate achieved by the #300 plant is higher than that projected by the consultant. The #300 acid plant is currently achieving a rate of approximately 2190 pounds SO₂ per hour.

FINDINGS

In the period since the public hearing, the Administrator has carefully reviewed and evaluated all testimony and other submitted materials relating to the proposed federal regulation for the J. R. Simplot Company. The Administrator, the State of Idaho Department of Health and Welfare, and the Simplot Company have agreed that Regulation R is inadequate to prevent violations of the SO₂ NAAQS in the Eastern Idaho Intrastate AQCR. In addition, it is agreed that the proposed SO₂ emission rate of 2 kg per metric ton (4 pounds per ton) of sulfuric acid produced for the combined #100 and #200 sulfuric acid plant can be regarded as the maximum achievable technology and will assure that the #100 and #200 plants alone will not cause a violation of the SO₂ NAAQS.

In regard to Simplot's request that the date for final compliance with the emission limitations be extended to July 31, 1976, the Administrator finds that the delay is beyond the control of Simplot, and since the Company is making a good faith effort to complete installation of the scrubber, the Administrator is granting the request. The Administrator is also extending the attainment date for meeting SO₂ NAAQS in the Eastern Idaho Intrastate AQCR to July 31, 1976. In addition, because of the length of time that

has passed prior to the promulgation of these regulations, the Administrator is allowing Simplot until September 30, 1976 to meet the requirements for the installation of the continuous emission and ambient monitoring equipment.

The only remaining principal area of disagreement between EPA and Simplot is the SO₂ emissions rate from the #300 sulfuric acid plant. Both EPA and Simplot submitted detailed technical documents to the record outlining a basis for determining the appropriate SO₂ emissions rate from the #300 plant. Simplot contends that a rate of 2190 pounds SO₂ per hour will assure that no violations of the SO₂ NAAQS will occur. EPA has calculated that a rate of 1700 pounds SO₂ per hour is necessary to assure that no violations occur. Each proposal is based on analytical diffusion techniques and, to a large extent, considers the same data. The Administrator has carefully reviewed and evaluated both documents and has found that some technical weaknesses can be found in each due to the insufficient data upon which both are based. The Administrator has therefore concluded that it would be futile to attempt to do further analysis on the proper emission rate at this time in view of: (1) the lack of adequate technical background data, and (2) the changes that have been made recently in the plant's configuration. The Administrator has determined that the more appropriate action is to base the emissions rate on an analysis of actual measured ambient air quality, meteorological and emissions data.

Therefore, the Administrator is today promulgating an emissions limitation of 2190 pounds of SO₂ per hour for the #300 sulfuric acid plant. Also, in order to determine whether a more restrictive emission limit is required, the Administrator is requiring that Simplot install and operate an expanded ambient monitoring network until such time as the Administrator declares that an adequate data base has been generated which shall be no earlier than at least one year. Within 90 days of the Administrator's declaration of an adequate data base, Simplot will submit for EPA's review a technical analysis indicating the degree of permanent emissions control required on the #300 acid plant to ensure attainment and maintenance of NAAQS.

REGULATIONS

The Administrator is today disapproving Regulation R because it does not ensure the attainment and maintenance of NAAQS for SO₂.

The Administrator is also approving the Consent Order issued by the Idaho Board of Health and Welfare on October 24, 1973, as the applicable regulation for the Beker Industries Corporation, located at Conda, Idaho. The Consent Order has been reviewed by EPA and found to meet the requirements of 40 CFR Part 51. Any future changes to the Order made by the State must be submitted to EPA as an Implementation Plan revision in accordance with 40 CFR 51.6.

The Administrator is promulgating a regulation applicable to The J. R. Simplot Company as follows:

1. The combined SO₂ emissions from the designated #100 and #200 sulfuric acid plants shall not exceed 2 kg per metric ton (4 pounds per ton) of 100 percent sulfuric acid produced.

2. The SO₂ emissions from the designated #300 sulfuric acid plant shall not exceed 994 kg (2190 pounds) per hour.

3. Simplot must utilize best engineering techniques in the operation of their plant to prevent fugitive SO₂ losses.

4. The #100 and #200 sulfuric acid plants, which share a common stack, and the #300 sulfuric acid plant, are subject to performance testing and continuous emission monitoring requirements.

The regulation establishes certain SO₂ emission limitations which the facility must meet by July 31, 1976. The regulation also establishes test methods and procedures to be followed in determining compliance with the promulgated emission limitations.

5. Simplot is required to install, operate and report data from an expanded ambient air monitoring network of sufficient size to fully assess the impact of SO₂ emissions on ambient air quality in the principal downwind directions from the plant. Such a network shall consist of a minimum of four ambient SO₂ monitoring instruments and one meteorological station capable of monitoring wind speed and wind direction. All site locations shall be subject to the approval of the Administrator. Simplot shall certify to EPA that the data generated from these instruments is accurate to the manufacturer's suggested specification.

The Administrator is also today extending the attainment date for the SO₂ NAAQS in the Eastern Idaho Intrastate AQCR to July 31, 1976.

Should the State of Idaho Department of Health and Welfare, following promulgation of the regulations for The J. R. Simplot Company, adopt and submit regulations equivalent to the regulations promulgated below, the Administrator will make an appropriate modification to his determination regarding the approvability of the affected portion of the State's Implementation Plan and will rescind these regulations.

The record of EPA's disapproval of Regulation R, and the record of public comment on the proposed federal regulations are available for review at the following locations:

Idaho Department of Health and Welfare, Statehouse, Boise, Idaho 83720.
Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Washington 98101.

Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

The regulations promulgated herein are effective July 9, 1976.

This Notice of Final Rulemaking is issued under the authority of Section 110 (a) and 110(c) of the Clean Air Act, as

amended (42 U.S.C. 1857c-5(a) and 1857c-5(c)).

Dated: June 2, 1976.

JOHN QUARLES,
Acting Administrator.

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

Subpart N—Idaho

1. In § 52.670, paragraph (c) is amended by adding subparagraph (15) as follows:

§ 52.670 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified.

(15) Consent Order for Beker Industries submitted on July 28, 1975 by the Governor.

2. Section 52.672 is amended by adding paragraph (c) as follows:

§ 52.672 Extensions.

(c) The Administrator hereby extends to July 31, 1976, the attainment date for the primary and secondary standards for sulfur oxides in the Eastern Idaho Intrastate Air Quality Control Region.

3. Section 52.675 is added as follows:

§ 52.675 Control Strategy: Sulfur oxides—Eastern Idaho Intrastate Air Quality Control Region.

(a) Regulation R of the Rules and Regulations for the Control of Air Pollution in Idaho, which is part of the sulfur dioxide (SO₂) control strategy, is disapproved since it is inconsistent with the purposes and provisions of § 51.13. These requirements are not met by Regulation R in that the SO₂ control strategy contained therein is not adequate for the attainment and maintenance of SO₂ national ambient air quality standards (NAAQS).

(b) Regulation for control of sulfur dioxide (SO₂) emissions: Sulfuric Acid Plants.

(1) The provisions of this paragraph shall apply to the owner(s) and operator(s) of The J. R. Simplot Company's Minerals and Chemical Division, located in Power County, Idaho, in the Eastern Idaho Intrastate Air Quality Control Region.

(2) The owner(s) and operator(s) of The J. R. Simplot Company facility shall utilize best engineering techniques in the operation of their plant to prevent fugitive SO₂ losses. Such techniques shall include but are not limited to:

(i) Operating and maintaining all conducts, flues, and stacks in a leakfree condition.

(ii) Operating and maintaining all process equipment and gas collection systems in such a fashion that leakage of SO₂ gases will be prevented to the maximum extent possible.

(3) The owner(s) and operator(s) of The J. R. Simplot Company facility shall

limit SO₂ emissions from their sulfuric acid plants per the following:

(i) The combined SO₂ emissions from the designated #100 and #200 sulfuric acid plants shall not exceed 2 kilograms (kg) per metric ton (4 pounds per ton) of 100 percent sulfuric acid produced.

(ii) The SO₂ emissions from the designated #300 sulfuric acid plant and stack shall not exceed 994 kg per hour (2190 pounds per hour).

(4) (i) The owner(s) and operator(s) of The J. R. Simplot Company shall achieve compliance with the requirements specified in paragraphs (b) (2) and (b) (3) of this section in accordance with the following schedule:

(A) Advise EPA as to status of contract(s) and construction schedules for pollution abatement projects within 30 days of the effective date of this regulation.

(B) Attain final compliance by July 31, 1976.

(ii) A performance test of the #300 acid plant shall be necessary to determine whether compliance has been achieved with the requirements of paragraph (b) (3) of this section. Such test must be completed within 15 days of the final compliance date specified in paragraph (b) (4) (i) of this section. Notice must be given to the Administrator at least 10 days prior to such a test to afford him an opportunity to have an observer present.

(iii) Within 60 days after achieving the maximum production rate at which the #100 and #200 acid plant will be operated, but not later than 180 days after initial start-up of these plants and at such other times as may be required by the Administrator under Section 114 of the Clean Air Act, the owner(s) and operator(s) of the facility shall conduct performance test(s) in accordance with the requirements of 40 CFR 60.8.

(iv) If the owner(s) and operator(s) of The J. R. Simplot Company facility are presently in compliance with the requirements of paragraph (b) (2) and (b) (3) of this section or in compliance with a portion of these requirements, such compliance shall be certified to the Administrator within 15 days following the date of the publication of these requirements as a final regulation in the FEDERAL REGISTER. If the owner(s) or operator(s) of The J. R. Simplot Company achieve compliance prior to July 31, 1976, such compliance shall be certified to the Administrator within 15 days of the date of achieving compliance. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(5) (i) By no later than September 30, 1976, the owner(s) and operator(s) of The J. R. Simplot Company facility shall install, calibrate, maintain and operate measurement system(s) for:

(A) Continuously monitoring and recording SO₂ concentration rates in each sulfuric acid plant discharge stack per the requirements of 40 CFR 60.13 and 60.84.

(B) Continuously monitoring and recording gas volumetric flow rates in the exhaust stack of the designated #300 sulfuric acid plant.

(ii) By no later than October 30, 1976, and at such other times following that date as the Administrator may specify, the SO₂ concentration measurement system(s) and stack gas volumetric flow rate system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in 40 CFR 60.13 and Appendix E to this part, respectively. The Administrator shall be notified at least 10 days prior to the start of this field test period to afford the Administrator the opportunity to have an observer present.

(iii) The sampling point for monitoring the concentration of SO₂ emissions shall be in the duct at the centroid of the cross section of the discharge stack if the cross sectional area is less than 4.65 m² (50 ft²) or at a point no closer to the wall than 0.91 m (3 ft) if the cross sectional area is 4.65 m² (50 ft²) or more. The monitor sample point shall be representative of the average concentration in the duct.

(iv) The measurement system(s) shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Administrator upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.

(v) The owner(s) and operator(s) of The J. R. Simplot Company facility shall maintain a daily record of three hour average emission rate measurements for each sulfuric acid plant. Three hour average emission rates shall be calculated for each day beginning at midnight. For the #100 and #200 acid plants, the calculations shall be in conformance with 40 CFR 60.84. For the #300 acid plant, average SO₂ emission rates expressed in kg SO₂ per hour shall be calculated. The results of these calculations for each month shall be submitted to the Administrator within 15 days following the end of each month. Such submission shall identify each period of excess emissions that occurred and the nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted. The records of such measurements including strip charts and other appropriate raw data shall be retained for a minimum of two years following the date of such measurements.

(vi) The continuous monitoring and recordkeeping requirements of paragraph (b) (5) of this section shall become applicable September 30, 1976.

(6) (i) Compliance with the requirements set forth in paragraph (b) (3) of this section shall be determined using the emission rates measured by the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of paragraph (b) (5) of this section.

(ii) At the Administrator's discretion, compliance may also be determined using the manual source test methods per 40 CFR 60.85 and Appendix A to Part 60 of this Title. Emission rates for each stack shall be expressed in units consistent with those in paragraph (b) (3) of this section.

(iii) A violation of the requirements of paragraph (b) (3) of this section shall occur whenever the SO₂ emission rates determined according to paragraph (b) (6) (i) or (b) (6) (ii) of this section exceed the corresponding SO₂ emission rates specified in paragraph (b) (3) of this section.

(7) The owner(s) and operator(s) of The J. R. Simplot Company facility shall by September 30, 1976, install, calibrate, maintain and operate a network for continuously monitoring ground level ambient SO₂ concentrations and wind speed and direction.

(i) The monitoring network shall consist of at least four ambient SO₂ monitoring stations and one meteorological station placed at locations approved by the Administrator.

(ii) The SO₂ monitoring network shall be consistent with automated equivalent methods for measurement of ambient concentrations of SO₂ as defined in Part 53 of this chapter.

(iii) The monitoring network installed and used pursuant to this subparagraph shall be maintained, operated and calibrated in accordance with the methods prescribed by the manufacturers. Records of maintenance and/or calibration shall be kept and submitted to the Administrator upon request. These records shall clearly show instrument readings before and after such calibration and/or maintenance.

(iv) The owner(s) and operator(s) of The J. R. Simplot Company facility shall maintain a daily record of all measurements required by this subparagraph. Strip charts and other raw data from the monitoring network shall be retained for a minimum of two years following the date of such measurement.

(v) The owner(s) and operator(s) of The J. R. Simplot Company shall calculate hourly average ambient SO₂ concentrations, wind speed, and wind direction from each monitoring station and submit such values to the Administrator within 15 days following the end of each month.

(vi) The continuous monitoring and recordkeeping requirements of paragraph (b) (7) of this section shall become applicable September 30, 1976 and shall remain applicable until such time as the Administrator declares that an adequate ambient air data base has been established, which shall be no earlier than at least one calendar year.

(vii) Within 90 days of the Administrator's declaration of an adequate data base, Simplot shall submit to the Administrator a technical analysis of the degree of permanent control required on the #300 acid plant to ensure attainment and maintenance of NAAQS.

(8) Nothing in paragraph (b) of this section shall be construed to relieve the owner(s) and operator(s) of The J. R.

Simplot Company to comply with any applicable requirements of Part 60 of this Title. In the event of conflicting requirements or interpretations between Part 60 of this Title and this paragraph, the more restrictive interpretation or requirement shall apply.

(9) In the event that measurement systems cannot be installed and operational by the date specified in this section, The J. R. Simplot Company shall propose the earliest possible date by which such requirements can be met. Such proposal shall include adequate justification and supporting documentation.

§ 52.677 [Amended]

4. Section 52.677 is amended by revoking paragraph (d) (3) and (d) (4) as follows:

(d) Federal compliance schedules.

(3) [Reserved]

(4) [Reserved]

§ 52.680 [Amended]

5. In § 52.680, the letter "a" indicating the date for attainment of the national primary and secondary ambient air quality standards for sulfur oxides in the Eastern Idaho Intrastate Air Quality Control Region is amended to read "f", and footnote "f" is added beneath the table to read as follows:

f: July 31, 1976.

[FR Doc.76-16746 Filed 6-8-76; 8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amendment E-188]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Validation of Cobol Compilers; Substitute to Standard Terminology

FPMR Amendment E-174 (40 FR 53012), requiring the validation of COBOL compilers, was published on November 14, 1975. FPMR Amendment E-174 requires that all COBOL compilers brought into the Federal inventory must be validated to determine their conformance with Federal Information Processing Standard Publication (FIPS PUB) 21-1, Federal Standard COBOL.

Vendors are unable to comply with certain requirements of the new regulation because their development of compilers based on FIPS PUB 21-1 is in various stages of completion. FIPS PUB 21-1 provides for an interim period (December 1, 1975 to June 1, 1977) to allow vendors to make the transition from the FIPS PUB 21 standard.

This regulation provides a substitute paragraph with special terminology for solicitation documents that will be used by agencies during this transition period.

Subpart 101-32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) into Solicitation Documents

The following note is added after paragraph (h) of § 101-32.1305-1a.

§ 101-32.1305-1a Validation of COBOL compilers.

NOTE.—The following paragraph shall be used to replace paragraph (h) of this section during the interim period of implementation of Federal Standard COBOL (December 1, 1975 to June 1, 1977). The language below is applicable to FIPS PUB 21-1 only. Provisions of § 101-32.1305-1a fully apply to compilers that are based on FIPS PUB 21, offered as a substitute for FIPS PUB 21-1 compilers during the interim period as prescribed in paragraph 11.2 of FIPS PUB 21-1.

VALIDATION OF COBOL COMPILERS

(FIPS PUB 21-1, substitute for paragraph (h))

In addition to the specified mandatory COBOL compiler requirements stated in the specification portion of this solicitation, all COBOL compilers brought into the Federal inventory as a result of this solicitation, which have not been tested, must be tested using the official COBOL Compiler Validation System (CCVS). Validation shall be in accordance with Federal Property Management Regulation (FPMR) 101-32.1305-1a. The results of the validation shall be used to confirm that the compiler meets the specified requirements of the designated level of FIPS PUB 21-1 Federal Standard COBOL. To be considered responsive the vendor shall:

1. Certify in the proposal that all COBOL compilers offered in response to this solicitation based upon FIPS PUB 21-1 shall be submitted for validation as set forth in FPMR 101-32.1305-1a no later than June 1, 1977.

11. Agree to correct all deviations from the standard reflected in the Validation Summary Report (VSR) not previously covered by a waiver. Corrections shall be made within 12 months of receipt of the VSR by the contractor or June 1, 1978, whichever is later unless a shorter period is specified elsewhere in this solicitation. If an interpretation of the standard is required that will invoke the procedures set forth in FIPS PUB 29, such requests for interpretation will be made within 30 calendar days after receipt of the VSR by the contractor.

Any corrections that are required as a result of decisions made under the procedures of FIPS PUB 29 will be completed within 12 months of the date of formal notification of the interpretation to the contractor. Failure to make required corrections within the time provisions set forth above shall be deemed a failure to deliver required software. The liquidated damages as specified for failure to deliver either operating systems or other software shall apply. In addition, such failure falls within the purview of the default clause. If the required corrections are not made within the time provisions specified above, subsequent proposals submitted to the Government offering the deficient COBOL compilers or subsequent uncorrected versions thereto shall be considered non-responsive.

(Sec. 205(e), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: This regulation is effective June 9, 1976.

Dated: June 2, 1976.

JACK ECKERD,
Administrator of
General Services.

[FR Doc.76-16703 Filed 6-8-76; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Sport Fishing on Big Stone National Wildlife Refuge, Minnesota

On May 13, 1976, there was published in the FEDERAL REGISTER (41 FR 19783) a notice of proposed rulemaking adding Big Stone National Wildlife Refuge, Minnesota to the list of refuge areas which are open for sport fishing. This is published at 50 CFR 33.4.

Pursuant to the authority of 16 U.S.C. § 668dd(d), as redelegated to the Director of the United States Fish and Wildlife Service at D.M. 242.1.1, the Director has determined that allowing sport fishing on Big Stone National Wildlife Refuge would not be contrary to the provisions of law applicable to the area, would be in the public interest, and that such activity is not detrimental to the objectives for which the area was established.

The public was provided an abbreviated comment period and was advised that an environmental assessment had been prepared on the proposal and was available for public inspection. No comments were received on the proposed rulemaking.

Based on the preceding and an evaluation of the environmental assessment, it has been determined that sport fishing on the Big Stone National Wildlife Refuge is not a major federal action which would significantly affect the quality of the human environment within the meaning of § 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. § 4332(2)(C)). The preparation of an environmental impact statement on the proposed action is, therefore, not required.

Because of the time limitations involved in coordinating State and Federal fishing regulations, with the State-wide season already open, the U.S. Fish and Wildlife Service has concluded that "good cause" exists within the meaning of section 553(d)(3) of the Administrative Procedures Act to expedite the implementation of this rulemaking. Therefore, this rulemaking will become effective June 9, 1976.

Accordingly, the proposed rulemaking is hereby adopted without change and 33.4 amended as set forth below:

§ 33.4 List of open areas; sport fishing.

MINNESOTA

Big Stone National Wildlife Refuge

Dated: June 4, 1976.

JAMES W. PULLIAM, Jr.,
Acting Director,
U.S. Fish and Wildlife Service.

[FR Doc.76-16648 Filed 6-8-76; 8:45 am]

PART 33—SPORT FISHING

Big Stone National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on June 9, 1976.

§ 33.5 Special Regulation; sport fishing; for individual wildlife refuge areas.

MINNESOTA

BIG STONE NATIONAL WILDLIFE REFUGE

Sport fishing on the Big Stone National Wildlife Refuge, Ortonville, Minnesota, is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the Office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Sport fishing is permitted from May 15 to September 30 only.

(2) The Minnesota and Yellow Bank Rivers are open to fishing during daylight hours only for their entire lengths through the refuge.

(3) Canoes (no motors) are allowed only on the Minnesota River channel canoe trail.

(4) Boats, canoes or other floating devices will not be permitted in the pool areas or open marshes. All fishing in these areas shall be from the shoreline only.

(5) Vehicles are restricted to public roads and parking areas. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1976.

JACK E. HEMPHILL,
Regional Director.

MAY 24, 1976.

[FR Doc.76-16647 Filed 6-8-76; 8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

On May 28, 1976, the National Marine Fisheries Service published a notice in