of this SIP revision was consistent with this guidance. Kimberly-Clark submitted alternative modeling performed by a private contractor which criticized some of the assumptions upon which the Valley Model is based. Although EPA concedes that controversy exists in the scientific community over some of these assumptions, EPA does not believe that any conclusive evidence indicates that the Valley Model is inappropriate for application to this revision, or that any other complex terrain model is more appropriate.

Further comments were received on EPA's choice of input data to the Valley Model. Specifically, one source questioned why EPA failed to use actual meteorological data which the source had collected in 1973, and another source questioned the applicability to the Berkshire area of the Albany meteorological data which was used in the model. Maximum 24-hour concentrations predictions in the Valley Model are derived from assumed worst case conditions, rather than observed meteorology. For the annual case, the Valley Model requires the input of a statistical distribution of observed meteorology which gives the frequency of occurrence of 576 combinations of stability, wind speed, and wind direction. The data collected by one of the sources contained no stability information and was not reduced to the proper statistical format. EPA has no knowledge of any complete meteorological data collected specifically in the BAPCD, and thus still believes the use of the Albany data is the best available alternative meteorology.

All of the sources commented that inaccurate stack and/or emission data was used in the modeling. Some sources questioned the assumption of maximum emission rates when boilers did not operate continuously or did not operate at maximum firing rate. EPA used average emission rates and stack parameters measured under average operating conditions to calculate annual concentrations, and maximum emission rates and stack parameters measured under average operating conditions to calculate 24-hour concentrations. If a boiler has the potential to operate at maximum firing rate for 24 hours per day, then EPA is obligated to use the corresponding maximum emission rate as the modeling input in order to assure that short-term standards will not be violated. The stack and emission data which EPA used in the original modeling were supplied by the State through its source registration forms. The State, however, verified the individual source registration data with each source, and remodeled the 24-hour concentrations predictions using maximum and average emissions with stack parameters measured under maximum and average operating conditions respectively. The resulting concentrations, though generally less than the original modeling, still showed predicted violations of the primary 24-hour standard caused by Kimberly-Clark's Columbia Mill and Crane Paper Co. The predicted violations caused by Sprague Electric Co. were eliminated when the emissions were reduced after the company removed one of their three boilers from service, and made fuel valve adjustments to their remaining two boilers. These modifications were verified by State inspections. EPA accepts the results of the additional State modeling as sufficient evidence for reversing EPA's proposed action for this source. Thus, Sprague Electric Co. will be allowed to burn the higher sulfur fuel.

The proprietary modeling submitted by Kimberly-Clark did not predict any violations of the primary 24-hour SO_2 standard. However, EPA does not accept the results of this study, and instead is relying on the results of the additional State modeling as a basis for this rulemaking action. Although Kimberly-Clark indicated a willingness to locate ambient monitors at the points of maximum impact as predicted by the modeling (and in fact has already initiated a monitoring program) while simultaneously burning higher sulfur fuel, EPA cannot allow the use of the higher sulfur fuel until *after* it has been shown that ambient air quality standards will be maintained. Thus, EPA would require monitoring data from the source while burning 1.0 percent sulfur content fuel which conclusively refutes the Valley Model predictions *before* the source would be allowed to burn the higher sulfur content fuel. In addition, the Massachusetts Department would have to submit another SIP revision approving the higher sulfur fuel for such sources based on new monitoring data.

All three sources commented on the absence of any violations of ambient air quality standards for SO_2 as measured by State or privately operated monitors during periods when all the residual fuel sources in the BAPCD were burning 2.2 percent sulfur content fuel. The State monitors referred to are not located at the maximum points of impact as predicted by EPA modeling, and therefore do not constitute sufficient evidence for disproving the modeling results. The private monitors referred to, though located at the predicted maximum points of impact in some instances, were operated without proper quality control. Therefore, the data from these monitors cannot be used as accurate indicators of air quality. Similarly, the comments made by the sources pertaining to the lack of evidence of any vegetative damage in areas of predicted maximum impact do not provide sufficient proof that ambient air quality standards for SO_2 could not be violated in these areas.

EPA concludes that the revision to the Massachusetts SIP is approvable with the exception of two sources, Crane Paper Co. and Kimberly-Clark's Columbia Mill, which are disapproved. After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts Implementation Plan.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 7410).)

Dated: March 17, 1978.

BARBARA BLUM,
Acting Administrator.

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

Subpart W—Massachusetts

1. Section 52.1120(c) is amended by adding a new paragraph (13) as follows:

§ 52.1120 Identification of plan.

* * * * *

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

* * * * *

(13) A revision to Regulation 5.1, Sulfur Content of Fuels and Control Thereof, for the Berkshire Air Pollution Control District, submitted on April 14, 1977 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

§ 52.1126 [Amended]

2. Section 52.1126 is amended by adding a new paragraph (g) as follows:

* * * * *

(g) Massachusetts Regulation 5.1 for the Berkshire Air Pollution Control District is approved except as to the following sources which remain subject to the previously approved requirements of Regulation 5.1 which stipulates that sources are permitted to burn fossil fuel having a sulfur content not in excess of 0.55 pounds per million Btu heat release potential (approximately equivalent to 1.0 percent sulfur content residual fuel oil by weight):

Crane and Company, Inc., Dalton.
Schweitzer Division, Kimberly-Clark Corporation, Columbia Mill, Lee.

[FR Doc. 78-7856 Filed 3-23-78; 8:45 am]

[6560-01]

[FRL 871-2]

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

Miscellaneous Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action makes certain administrative and clarifying changes in the transportation equipment noise emission controls regulations. The administrative changes are made to reflect a reorganization within the Environmental Protection Agency.

EFFECTIVE DATE: March 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard G. Kozlowski, Director, Noise Enforcement Division, U.S. Environmental Protection Agency (EN-387), Washington, D.C. 20460, 703-557-7470.

SUPPLEMENTARY INFORMATION: All submittals that are required pursuant to these regulations are presently to be submitted to the Director, Mobile Source Enforcement Division. These submittals will now be sent to the Director, Noise Enforcement Division (EN-387). Also, in § 205.57-5, a new paragraph (b) is added to specify where the information required to be submitted to the Administrator pursuant to this section must be sent.

In § 205.4, paragraph (b) is amended to specify that the written authorization for inspection of a manufacturer's facility will be signed by the Director, Noise Enforcement Division or his designee.

Additionally, in § 205.57-1, paragraph (c) is amended to clarify that the test request will specify the batch from which sampling is to begin rather than the batch selected for testing.

The Administrator finds that good cause exists for omitting prior notice and public comments in these amendments and for making them immediately effective because they simply make administrative and clarifying changes to the existing regulations and impose no additional substantive requirements.

Dated: March 17, 1978.

MARVIN B. DURNING,
Assistant Administrator for Enforcement.

40 CFR Part 205 is revised as set forth below (asterisks indicate wording unchanged from promulgated regulation).

§ 205.4 [Amended]

1. Section 205.4, paragraph (b) is revised by deleting the words "Mobile Source Enforcement Division" and substituting the words "Noise Enforcement Division".

(Sec. 6, 13, Pub. L. 92-574 (42 U.S.C. 4905, 4912).)

§ 205.5-7 [Amended]

2. Section 205.5-7 is revised by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

(Sec. 6, 10, Pub. L. 92-574 (42 U.S.C. 4905, 4909).)

§ 205.55-2 [Amended]

3. In § 205.55-2, paragraph (f) is amended by deleting the words "Mobile Source Enforcement Division" and substituting the words "Noise Enforcement Division".

§ 205.55-4 [Amended]

4. In § 205.55-4, paragraph (a) is amended by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

§ 205.57-1 [Amended]

5. In § 205.57-1, paragraph (c) is revised by deleting the words "the batch selected for testing" and substituting the words "the batch from which sampling is to begin".

6. In § 205.57-5, a new paragraph (b) is added as follows:

§ 205.57-5 Reporting of test results.

* * * * *

(b) All information required to be forwarded to the Administrator pursuant to this section shall be addressed to Director, Noise Enforcement Division (EN-387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

§ 205.58-1 [Amended]

7. In § 205.58-1, paragraph (d) is revised by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

(Sec. 6, 13, Pub. L. 92-574 (42 U.S.C. 4905, 4912).)

§ 205.58-2 [Amended]

8. In § 205.58-2, paragraph (g) is revised by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

(Sec. 6, 10, 13, Pub. L. 92-574 (42 U.S.C. 4905, 4909, 4912).)

§ 205.58-3 [Amended]

9. In § 205.58-3, paragraph (e) is revised by deleting the words "Mobile Source Enforcement Division (EN-340)" and substituting the words "Noise Enforcement Division (EN-387)".

(Secs. 6, 13, Pub. L. 92-574 (42 U.S.C. 4905, 4912).)

[FR Doc. 78-7828 Filed 3-23-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised Service Order No. 1301]

PART 1033—CAR SERVICE

Distribution of Grain Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Revised Service Order No. 1301).

SUMMARY: Burlington Northern Inc. and Chicago and North Western Transportation Co., are encountering severe shortages of boxcars and covered hopper cars suitable for grain loading. Revised Service Order No. 1301 requires other railroads to return to BN and CNW their 40-ft. narrow-door plain boxcars and their covered hopper cars having a capacity of 4,000 cu. ft. or more. This revision adds CNW to the order.

DATES: Effective 12:01 a.m., March 20, 1978. Expires 11:59 p.m., March 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 20th day of March, 1978. There is an acute shortage of plain, 40-ft., narrow-door boxcars and of large capacity covered hopper cars on the railroads named in this order. These shortages are preventing the orderly flow of grains to markets, both domestic and export, and are causing severe economic loss to producers and shippers of grains dependent upon these railroads for transporting these products to market. A portion of these railroads' fleets of these cars are loaded to points on the lines of other railroads. Such cars must be returned promptly to these railroads for subsequent loading by shippers dependent upon these railroads for transporting their shipments. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1301 Car Service Order No. 1301.

(a) *Distribution of grain cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty except as otherwise provided in paragraphs (4, 5, and 6) of this section, all 40-ft., narrow-door plain boxcars and all jumbo covered hopper cars described in paragraphs (2) and (3) of this section owned by the following railroads:

Burlington Northern Inc., reporting marks: BN-CBQ-GN-NP-SPS.
Chicago and North Western Transportation Company, reporting marks: CGW-CNW-FDDM-MSL.

(2) The term "40-ft., narrow-door plain boxcars" as used in this order means freight cars listed in the Official Railway Equipment Register, ICC-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" with inside length 40-ft., 6-in. or less and equipped with doors less than 9-ft. wide.

(3) The term "Jumbo covered hopper cars" as used in this order means freight cars listed in the Official Railway Equipment Register, ICC-R.E.R. No. 406, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO" and having capacity of 4,000 or more cubic feet.

(4) *Exemption.* Empty 40-ft., narrow-door plain boxcars owned by these railroads may be loaded to any station on the lines of the car owner.

(5) *Exception.* Jumbo covered hoppers assigned by the owner for loading at stations on other railroads are exempt from the order.

(6) *Exception.* For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships modifications may be authorized by the Chief Transportation Officer of the car owners, or by the Director or Assistant Director of the Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to the Director or Assistant Director.

(7) Carriers named in paragraph (1) above are prohibited from loading all 40-ft., narrow-door, plain boxcars foreign to their lines and must return such cars to the owner, unless use is authorized by the car owner or by an exemption to Car Service Rules 1 and 2 issued by the Commission.

(b) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded car, described in this order, contrary to the provisions of the order.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 20, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of the agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-7881 Filed 3-23-78; 8:45 am]

[1505-01]

SUBCHAPTER D—TARIFFS AND SCHEDULES

PART 1300—FREIGHT TARIFFS: RAILROADS, WATER CARRIERS, AND PIPELINE COMPANIES SUBJECT TO SECTION 6 OF THE INTERSTATE COMMERCE ACT AND CARRIERS JOINTLY THEREWITH

Correction

In FR Doc. 78-5577 appearing on page 8531 in the issue of Thursday, March 2, 1978, the FR Doc. number was incorrectly printed as 78-5277. The corrected file line should read, [FR Doc. 78-5577 Filed 3-1-78; 8:45 am].

In addition, on page 8532, the 1st column, the 5th line should read, "[ser-]ies of the adopted carrier. If the * * *.".

On page 8532, the 3rd column, the 2nd full paragraph (iii), the 6th line should read, "duplicate any other. This code shall be * * *.".

On page 8543, the 3rd column, 2nd paragraph (4), the 17th line should read, "may be no letter suffix or as an alterna-[tive] * * *.".

On page 8552, the 1st column, near the bottom of the page, the section heading should read:

§ 1310.25 Transfer of operations—Change in name and control (rule 25).

In the 3rd column, in § 1310.1 [Amended], the 2nd sentence should read, "Section 1310.1(d)(1) is amended by changing MF-I.C.C. or ICC series to read ICC designations.".

In the same column, under the heading § 1310.6 [Amended], the following headings should be included as follows:

§ 1310.6 [Amended]

§ 1310.18 [Amended]

§ 1310.20 [Amended]

Also, in the same column, under § 1310.7 [Amended], the following headings should be included as follows:

§ 1310.7 [Amended]