RULES AND REGULATIONS

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Leon Valley, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Leon Valley, Texas. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Leon Valley, Texas, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.


FOR FURTHER INFORMATION CONTACT:
Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:
If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with §1920.7(b):

Map Number H & I 480287B Panels 84 and 88, published on June 29, 1977, in 42 FR 33203, indicates that a 19.4 acre tract of land, located west of Fondon Road and being the southwest portion of a 1842.231 acre tract of land, deeded to the Charter Associates, Inc., Harris County, Texas, as recorded in Volume 7644, Pages 31 through 45, under File Code Number C89245 and Film Code Numbers 106-23-2454 through 106-23-2468, in the office of the Clerk of the County Court, Harris County, Texas, is within the Special Flood Hazard Area.

Map Number H & I 480287B Panels 84 and 88 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on July 30, 1977. This property is in Zone C.

(This National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

In accordance with Section 704(k)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2680, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-7895 Filed 3-16-79; 8:45 am]

The map amendments listed below are in accordance with §1920.7(b):

Map No. H&I 480042B Panel 03, published on February 13, 1978, in 43 FR 9074, indicates that Lots 15 through 25, Block 4, and Lots 15 through 20, Block 6, Canterfield Unit 4, Leon Valley, Texas, a portion of 167.5 acres recorded in Volume 5989, Pages 235 and 236, in the office of the County Clerk of Bexar County, Texas, are within the Special Flood Hazard Area.

Map No. H&I 480042B Panel 03 is hereby corrected to reflect that Lot 15, Block 4, with the exception of the northern 5 feet; Lots 16 through 19, Block 4; Lot 20, Block 4, with the exception of the rear 4 feet; Lot 21, Block 4, with the exception of the rear 7 feet; Lot 22, Block 4, with the exception of the rear 10 feet; Lot 23, Block 4, with the exception of the rear 23 feet and the southwestern 25 feet; Lot 24, Block 4, with the exception of the rear 18 feet and the northeastern 5 feet; Lot 25, Block 5, with the exception of the rear 4 feet and the southwestern building setback easement; Lot 15, Block 6, with the exception of the rear 19 feet; Lot 16, Block 6, with the exception of the rear 24 feet; Lot 17, Block 6, with the exception of the rear 22 feet; Lot 18, Block 6, with the exception of the rear 18 feet and the southwestern 25 feet; Lot 19, Block 6, with the exception of the rear 17 feet and the northeastern 2 feet; and Lot 20, Block 6, with the exception of the rear 5 feet and the building setback easement, are not within the Special Flood Hazard Area identified on June 1, 1977. The above-mentioned portions of Lots 15 and 23 through 25, Block 4, and Lots 15 through 20, Block 6 are in Zone B. The remainder of the above-mentioned property is in Zone C.

(This National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

In accordance with Section 704(k)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2680, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.


Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-7896 Filed 3-16-79; 8:45 am]
RULES AND REGULATIONS

CHAPTER V—DEPARTMENT OF THE

ARMY

PART 564—NATIONAL GUARD

REGULATIONS

Medical Care

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: The National Guard Bureau is revising its regulations concerning medical care for members of the National Guard. A major change is the additional authority for Guardmembers to receive medical care when they are on full time training duty (FTTD) for more than 30 days. In the review of this regulation, the component office has updated the information and rewritten the document to improve the regulatory language for better understanding by the public.

EFFECTIVE DATE: March 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Warrant Officer Harlow W. Paul,
202-685-3084 or write: HQDA (NGA-
ARS), Washington, DC 20310.

Dated: March 12, 1979.

ROBERT H. NEITZ,
Colonel, USAF,
Executive, National Guard Bureau.

Accordingly, 32 CFR 564.37 and 564.38 are revised, and §§ 564.39 and 564.40 are added as set forth below.

§ 564.37 Medical Care

(a) General. The definitions of medical care; policies outlining the manner, conditions, procedures, and eligibility for care; and the sources from which medical care is obtained are enumerated in AR 40-3.

(b) Elective care. Elective care in civilian medical treatment facilities or by civilian medical and dental personnel is not authorized. The medical care authorized by this regulation is limited to that necessary for the treatment of the disease or injury incurred under the conditions outlined herein.

(c) Prosthetic devices, prosthetic dental appliances, hearing aids, spectacles, orthopedic footwear, and orthopedic appliances. These items will be furnished—

(1) By Army medical facilities. (i) When required in the course of treatment of a disease or injury contracted or incurred in line of duty.

(2) When required to replace items that have been lost, damaged, or de-

stroven while engaged in training under sections 502-505 of title 32, U.S.C., not the result of negligence or misconduct of the individual concerned.

(2) By civilian sources. (i) Under the circumstances enumerated in (1)(i) above, after approval of the United States Property and Fiscal Officer’s (USPFO) of the respective States.

(ii) Under the circumstances enumerated in (1)(ii) above in the case of prosthetic devices, prosthetic dental appliances, hearing aids, orthopedic footwear, and orthopedic appliances when the unit commander determines that:

(A) Member is far removed from a Federal medical treatment facility.

(B) Lack of such device would interfere with the individual’s performance of duty as a member of the ARNG.

(C) Approval must be obtained from the USPFO’s of the respective States prior to replacement.

(iii) Under the circumstances enumerated in (1)(ii) above in the case of spectacles upon a determination by the unit commander that:

(A) The loss, damage or destruction of spectacles removed from military medical treatment facility.

(B) The member has no other serviceable spectacles.

(C) Lack of a suitable pair of spectacles would interfere with the member’s performance of duty as a member of the ARNG.

(D) Charges for replacement of spectacles will not exceed the rates stated in AR 40-330. Charges for replacement or repair by civilian sources over and above the allowable rates will be paid from the individual’s personal funds.

(E) In cases covered by (2)(ii) and (iii) above, the unit commander will furnish a statement to support the voucher as follows:

Statement

Name: ______________________ Rank: ______________________

SSN: ______________________

... while engaged in training under section *502 *503 *504 *505 of title 32, United States Code sustained the *(loss) *(damage) *(destruction) of his/her spectacles

... description of loss, damage or destruction *(type of lens and frames) not the result of misconduct or negligence on his/her part. The *(repair) *(replacement) would interfere with his/her performance of duty as a member of the Army National Guard of [State], signatory of unit commander—

*Indicate applicable portions.

(F) Approval must be obtained from the USPFO of the respective State prior to repair or replacement of spectacles.

§ 564.38 For whom authorized.

(a) In line of duty. Medical care is authorized for members who incur a disease or injury in line of duty under the following circumstances:

(1) When a disease is contracted or injury is incurred while enroute to, from, or during any type of training or duty under sections 502, 503, 504, 505, and for Guardmembers on orders for over 30 days performing duty under section 502f of title 32, U.S.C. Such training includes, but is not limited to annual training, maneuvers and field exercises, service schools, small arms meets, and FTTD under aforementioned sections.

(2) When an injury is incurred while engaged in any type of training under section 502 of title 32, U.S.C. Such training includes, but is not limited to, unit training assembly, multiple unit training assembly, and training in aerial flight, other than FTTD under 502f.

(3) While on duty and while voluntarily participating in aerial flights in Government-owned aircraft under proper authority and incident to training. Guardmembers are authorized medical and dental care required as the result of an injury incurred in line of duty.

(4) Medical care is not authorized at Army expense for members who incur an injury while enroute to or from any type of training under section 502, except for Guardmembers ordered to perform duty for over 30 days under section 502f of Title 32, U.S.C. Line of duty investigations and authorization for any medical treatment for conditions incurred while the members were performing Reserve Enlistment Program of 1963 (REP 63) training in a Federal status, or training under Title 10, U.S.C. are the responsibility of the Army Area commander under whose jurisdiction the member was training, even though the individual may have returned to his/her National Guard status.

(b) Not in line of duty. Members who incur an injury or contract a disease during any type of training or duty under sections 502f, 503, 504, or 505 of Title 32, U.S.C., when it is determined to be not in line of duty, may be furnished medical care at Army expense during the period of training.

(c) Armory drill status. Members who incur an injury while in an armory drill status under section 502 of Title 32, U.S.C., when it is determined to be not in line of duty, may not be furnished medical care at Army expense.

§ 564.39 Medical care benefits.

(a) A member of the ARNG who incurs a disease or injury under the conditions enumerated herein is entitled to medical care, in a hospital or at his/her home, appropriate for the treatment of his/her disease or injury until the resulting disability cannot be materially improved by further medical care.
(b) If it is determined that the disease or injury was directly related to authorized activities surrounding the care of the original disease or injury, medical care may be continued in the same manner as if it had occurred during the training period.

(c) When a member who incurs a disease or an injury during a period of training or duty under title 32, U.S.C. 503, 504, 505, or 502f are admitted to an Army medical treatment facility, and it appears that a finding of "not in line of duty" may be appropriate, a formal line of duty investigation should be promptly conducted, and a copy of the report furnished the treatment facility. If these findings result in a "not in line of duty" determination prior to the date the training is terminated, every effort should be made to assist the hospital concerned in disposing of the patient from the hospital by the date the training is terminated or as soon thereafter as he/she becomes transportable. Medical care furnished such member after the termination of the period of training is not authorized at Army expense unless the "not in line of duty" determination is ultimately reversed. The individual may be furnished medical care at Army expense from the date the training is terminated to the date the member receives notification of this action. Medical care received subsequent to the member's receipt of such notification is not authorized at Army expense. In the event a line of duty investigation has not been made by the date the training is terminated, every effort will be made to arrive at a determination as soon thereafter as possible.

§ 564.40 Procedures for obtaining medical care.

(a) When a member of the ARNG incurs a disease or an injury, while performing training duty under sections 503-505 of title 32, U.S.C., he/she will, without delay, report the fact to his/her unit commander. Each member will be informed that it is his/her responsibility to comply with these instructions, and that failure to promptly report the occurrence of a disease or injury may result in the loss of medical benefits.

(b) Authorization for care in civilian facility. (1) An individual who desires medical or dental care in civilian medical treatment facilities at Federal expense is not authorized such care without written or verbal authorization by the Chief, National Guard Bureau or his/her designee, except in an emergency.

(2) When medical care is obtained without prior authorization, the details will be submitted to NGB-ARS as soon as practicable. The notification of medical care will be made following the format in the appendix. The notification will be reviewed by NGB-ARS and replied to as deemed appropriate.

(c) Status while undergoing hospitalization. The ARNG status of an individual is not affected by virtue of his hospitalization. The provisions of AR 135-500 will apply. Determination of requirement for continued hospitalization will be made by the MTF commander. Paragraph (d) below will apply when a final "not in line of duty" determination has been made. Under no condition will an individual be assigned to the medical holding unit of a hospital.

(d) Disposition of hospitalized cases. When it is determined that a hospitalized ARNG member has obtained the maximum benefits from hospitalization and there is no disability remaining from the condition for which hospitalized, he/she will be returned to his/her duty station or, if none, to his/her home of record at the time of entry into the hospital.

APPENDIX
NOTIFICATION OF INJURY
DATE: _______________________

SUBJECT: Notification of Medical Care and/or Hospitalized Beyond the End of Training Periods.

THRU: The Adjutant General State of ______________________

TO: NGB-ARS, Washington, D.C. 20310.

In accordance with paragraph 8, NGR 40-3, notification of medical care is furnished below:

Name: _______________________
SSN: _______________________
Grade: _______________________

Parent unit and station:

Type and inclusive dates of training:

Date and place of incident:

Diagnosis:

LOD status:

Name and address of nearest Federal medical facility:

Name and address of medical facilities utilized:

Estimated cost and duration of treatment:

Summary of incident:

Signature, Grade, and Title of Commanding Officer.

[FR Doc. 79-8203 Filed 3-18-78; 8:45 am]

[6560-01-M]

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to the New Jersey State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: This notice announces disapproval of a portion of a New Jersey regulation which inadvertently was not disapproved in a previous rulemaking notice. This New Jersey regulation was for the control of volatile organic substances, and the portion that is now being disapproved involves the collection of gasoline vapors during loading operations. This notice also announces approval of a recodification of EPA gasoline vapor control regulations for New Jersey. Prior to this recodification it was felt that these regulations were ambiguous, disorganized, and in need of clarification. This action will clarify the intent of recent EPA rulemaking actions by simplifying the existing regulations. No substantive changes in the existing regulations are proposed.

DATES: This action becomes effective March 19, 1979.

FOR FURTHER INFORMATION CONTACT:


SUPPLEMENTAL INFORMATION:

DISAPPROVAL OF PART OF STATE REGULATION

On July 7, 1976 (41 FR 27833), the Environmental Protection Agency (EPA) took approval/disapproval action on a proposed revision to the New Jersey State Implementation Plan (SIP). The revision involved the incorporation into the SIP of a State regulation controlling volatile organic substances, "Control and Prohibition of Air Pollution by Volatile Organic Substances," New Jersey Administrative Code, Title 7, Chapter 27, Section 16.1 et seq. (N.J.A.C. 7:27-16.1 et seq.). In this action EPA found that for the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Air Quality Control Regions (AQRs), the part of the State regulation that dealt with collection of gasoline vapors displaced during the filing of gasoline delivery

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vessels, Section 16.3 was not as stringent as the provision of the State regulations and therefore should not be approved. The related EPA regulation is codified in 40 CFR 52.1595.

Since the State regulation, in part, was not a satisfactory replacement for the EPA regulation, the EPA regulation was allowed to apply only to gasoline loading, but was not revoked. However, the July 7, 1976 Federal Register rulemaking inadvertently did not contain the disapproval of the State regulation as it applied to gasoline loading for the two AQCRs. Today's action corrects this oversight through an amendment to 40 CFR 52.1582, "Control strategy and regulations: Photochemical oxidants (hydrocarbons) and carbon monoxide, New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions." This amendment states that N.J.A.C. 7:27-16.3 as it applies to gasoline loading for the two AQCRs is disapproved.

In response to provisions of the 1977 Clean Air Amendments, the State is considering revision to its regulation, "Control and Prohibition of Air Pollution by Volatile Organic Substances." The State intends to modify the regulation this year and EPA would expect to approve or disapprove such proposed SIP revision by July 1979. Thus, the action in this notice might be superseded by another action in July 1979.

RECODIFICATION OF REGULATIONS PERTAINING TO GASOLINE VAPOR CONTROL

In order to resolve ambiguities and to simplify existing gasoline vapor recovery regulations in the Code of Federal Regulations (CFR) pertaining to the State of New Jersey, a recodification is hereby approved. Because the regulatory scheme to control evaporative emissions of organic vapors from gasoline loading and unloading is designed to create an integrated system that prevents loss of the collected vapors and gases at all points in the gasoline distribution chain, a single regulation has been devised to cover the entire vapor control scheme. Thus, EPA is approving the combining of the provisions of sections 52.1585 and 52.1598 of the CFR into one new §52.1582 by renumbering §52.1598. This consolidation should make the "closed loop" mechanism that controls vapors from their creation until their disposal or recovery more understandable to the regulated parties. This action also renumbers §52.1582, as that section contained only schedules of compliance dates which had already passed; thus the immediate compliance requirements of the new vapor regulations supersedes this regulation anyway.

The consolidated regulation, although considerably shorter than the preexisting regulation, contains all of the substantive provisions of the preexisting regulation. It utilizes consistent terminology to cover both loading and unloading of gasoline, and it covers all intermediate transfers of collected gasoline vapors before they are eventually disposed of or recovered.

This proposed recodification is mostly in the form of a reorganization and clarification of existing regulations. As such, no public hearing was necessary before approval action. However, a 30 day public comment period did follow publication of the proposed rulemaking notice for this action in the November 21, 1978 issue of the Federal Register (43 FR 54289). No comments were received. A detailed description of the recodification and all other changes was provided in the proposed rulemaking notice.

In consideration of the foregoing EPA has found these revisions to the New Jersey State Implementation Plan consistent with the requirements of Section 110 of the Clean Air Act and EPA regulations found at 40 CFR Part 51. Accordingly EPA approves this revision. Furthermore, this action is being made effective immediately because the revision imposes no hardship on the affected sources.


DOUGLAS M. COSTLE,
Administrator, Environmental Protection Agency.

(Section 110 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7601).)

Part 52 of Chapter 1, Title 40, Code of Federal Regulations is amended as follows:

Subpart FF—New Jersey

1. Section 52.1582 is amended by adding new paragraph (c) as follows:

§ 52.1582 Control strategy and regulations: Photochemical oxidants (hydrocarbons) and carbon monoxide, New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions.

(c) Subchapter 16 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by Volatile Organic Substances," N.J.A.C. 7:27-16.1 et seq., is approved for the entire State of New Jersey, with the following provisions:

1) Section 7:27-16.3, entitled "Transfer Operations" is disapproved as it relates to the transfer of gasoline in the New Jersey portion of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Air Quality Control Regions. Section 52.1598 of this Part, relating to gasoline loading, unloading and transfer, is applicable in the two above-cited regions.

2) Section 7:27-16.3, entitled "Transfer Operations" is approved as it relates to the transfer of gasoline in the New Jersey Intrastate AQCR and the New Jersey portion of the Northeast Pennsylvania AQCR, and is approved as it relates to the transfer of non-gasoline volatile organic compounds in the entire State of New Jersey.

2. Section 52.1595 is revised as follows:

§ 52.1595 Gasoline loading, unloading and transfer.

(a) Definitions:

1) "Gasoline" means any petroleum distillate used as a fuel for internal combustion engines and having a Reid vapor pressure of 4.0 pounds per square inch or greater.

2) "Vapor recovery disposal system" means a system which will collect no less than 90 percent by weight of vapors and gases of organic compounds discharged during any gasoline loading or unloading operation so as to reduce their emissions to the atmosphere.

3) "Vapor recovery disposal system" means a system of processing vapors and gases of organic compounds discharged during gasoline loading or unloading operations. This system shall consist of one of the following:

A) A refrigeration-condensation system, adsorption-absorption system, or the equivalent that processes all vapors and gases and ultimately converts no less than 90 percent by weight of the processed vapors and gases back to liquid product, or

B) A vapor handling system that discharges all vapors and gases to a fuel gas system, which will dispose of no less than 90 percent by weight of the processed vapors and gases, or

(III) Other equipment of an efficiency equal to or greater than subparagraphs (I) and (II) of this paragraph, if approved by the Administrator.

4) "Gasoline terminal" means a facility for the storage and dispensing of gasoline where incoming gasoline loads are received by pipeline, marine tanker or barge, and where outgoing gasoline loads are transferred by tank trucks, trailers, railroad cars, or other non-marine mobile vessels.

5) "Bulk gasoline plant" means a facility for the storage and dispensing of gasoline that employs tank trucks, trailers, railroad cars, or other mobile non-marine vessels for both incoming and outgoing gasoline transfer operations.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Air Quality Control Regions.
Gasoline loading: (1) No person shall load gasoline into any truck, trailer, railroad tank car or other mobile non-marine vessel from any bulk gasoline plant unless the bulk gasoline plant is equipped with a vapor collection system, and unless no less than 90 percent by weight of organic compounds discharged during the loading operation are vented only to the vapor recovery-disposal system. Measures shall be taken to prevent liquid drainage before the loading device is disconnected.

(2) No person shall load gasoline into any tank truck, trailer, railroad tank car or other mobile non-marine vessel from any bulk gasoline plant unless the bulk gasoline plant is equipped with a vapor collection system, and unless no less than 90 percent by weight of vapors and gases of organic compounds discharged during the loading operation are vented only to this vapor collection system. Vapors and gases shall be accomplished utilizing the following equipment:

(i) All vapors and gases collected in the vapor collection system shall be directed to a vapor recovery-disposal system.

(ii) All intermediate transfers necessary to direct the vapors and gases in a vapor collection system to a vapor recovery-disposal system shall be accomplished so as to prevent the release of no less than 90 percent by weight of these vapors and gases to the atmosphere during each transfer.

Gasoline storage: No person shall store gasoline in any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and equipment which will permit no less than 90 percent by weight of organic compounds in said vapors and gases to be transferred to be collected and directed to a vapor collection system or a vapor recovery-disposal system. The provisions of this paragraph shall not apply to deliveries made to and storage in the exempted storage containers in paragraphs (g).

(i) The delivery vessel shall be equipped so as to prevent the release of at least 90 percent by weight of these vapors and gases to the atmosphere during each transfer.

(ii) All intermediate transfers necessary to direct the vapors and gases in a vapor collection system to a vapor recovery-disposal system shall be accomplished so as to prevent the release of no less than 90 percent by weight of organic compounds in the vapors and gases displaced from any gasoline transfer to be collected and directed to a vapor collection system or a vapor recovery-disposal system. The provisions of this paragraph shall not apply to deliveries made to and storage in the exempted storage containers in paragraphs (g).

(i) Gasoline delivery vessels: Any tank truck, trailer, railroad tank car or other non-marine delivery vessel used to transport gasoline or gasoline vapor and gases shall be subject to the following conditions:

(1) The delivery vessel shall be equipped so as to permit it to receive vapors and gases directed to it during any gasoline unloading operations, at facilities subject to this regulation, and to permit it to direct collected vapors and gases to a vapor collection system or vapor recovery-disposal system during any loading operation.

(2) The delivery vessel shall be equipped so as to be compatible with the vapor control equipment at all non-exempt facilities utilized or served by the delivery vessel during gasoline loading or unloading operations.

(3) The delivery vessel must be so designed and maintained as to be vapor-tight at all times except for pressure relief under emergency conditions.

(4) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor collection system and/or vapor recovery-disposal system, and such system shall be utilized during any refilling operation.

(g) Exempted storage containers: Gasoline delivery vessels made to and storage in the following are classified as exempt:

(1) Stationary containers having a capacity of 550 gallons or less which may be refilled only at facilities subject to this regulation, and unless no less than 90 percent by weight of organic compounds discharged during the loading operation are vented only to the vapor recovery-disposal system.

(2) Any container installed prior to November 13, 1973 and having a capacity less than 2000 gallons.
each State to submit to the Administrator a list of NAAQS attainment status of all areas within the State. The Administrator was required under Section 107(d)(2) to promulgate the State lists, with any necessary modifications. For each NAAQS, areas are classified as either not attaining the standard or, for certain pollutants, projected not to maintain the standard (nonattainment areas), meeting the standard (attainment areas), or lacking sufficient data or information to be classified (unclassified areas). The U.S. Environmental Protection Agency (EPA) or the Agency published these lists in the Federal Register on March 3, 1978 (43 FR 8962) and invited the public to submit comments to the Agency by May 2, 1978.

EPA Region IX received numerous comments on the March 3, 1978 rulemaking, particularly concerning California designations. Consequently, EPA asked the State of California Air Resources Board (ARB) to review and respond to these comments. The comments and ARB's responses for them were made available for public inspection because of the public interest and further comments on all these materials were solicited by EPA for 30 days (43 FR 39101, September 1, 1978).

Certain issues raised in these comments were similar to those raised by others throughout the nation. These issues were addressed in the EPA national rulemaking of September 11, 1978 (43 FR 40412), and include the following:

1. The impact of designations on individual sources;
2. The State determination of geographic boundaries for designation purposes;
3. The effect of designations on new source review (NSR) and prevention of significant deterioration (PSD) requirements;
4. The use of projected future violations for nonattainment designation purposes;
5. The adequacy of TSP monitoring sites;
6. The EPA procedures in promulgating March 3, 1978 designations; and
7. The State procedures in determining attainment status designations.

The discussion of these issues in the national rulemaking is incorporated here by reference. Additional issues which are specific to the states in EPA Region IX are addressed in this action. Based on the information provided by several commenters, EPA is revising certain designations to unclassified or attainment. In a separate notice of proposed rulemaking, EPA is proposing to revise certain other Region IX designations to nonattainment and public comments are being solicited.

On January 26, 1979, EPA established a new NAAQS for ozone of 0.12 ppm (primary and secondary) to replace the photochemical oxidant standard of 0.10 ppm. Because of the change, some areas designated as non-attainment with respect to the oxidant standard will become candidates for redesignation as attainment areas by the States. Region IX will review the status of specific areas at the request of interested state and local governments to determine whether they should be attainment areas under the new standard. Any changes to the designations which are currently in effect and those which are promulgated here will be published in a future Federal Register.

For good cause, the designations revised by this rulemaking are effective immediately. As discussed in the EPA national rulemaking, the primary purpose of these designations is to identify problem areas for which State planning must be completed by a statutory deadline. These designations impose no obligation on any source. There would therefore be no point in delaying these revisions. The issues raised in the comments are discussed by state in the following paragraphs.

**California**

Several commenters criticized the State of California's procedure whereby the Executive Officer of the ARB designated nonattainment areas and the effects of designations on the oxidation status. They had been inadvertently designated nonattainment because the original designation was later invalid dated by the State. They had been inadvertently designated nonattainment because the remaining valid data in the County record secondary, but not primary, standard violations. Tuolumne County should be designated unclassified because sufficient valid data is presently not available to determine the County's attainment status. Sonoma County (the North Coast Air Basin portion) should be designated attainment because the valid data recorded no violations of the TSP standards.

EPA has reviewed the supporting data for requested TSP designation changes described above and agrees with the rationale for each change. The designations are revised as recommended by the State of California. Comments are received on the siting of monitoring stations and the validity of the air quality data used to support the TSP nonattainment designation of Butte County. The designation was based on air quality data that failed to confirm numerous TSP violations. EPA has reviewed the air quality data and information regarding the monitoring sites, and confirms the TSP nonattainment designation of Butte County.

**Sulfur Dioxide (SO2)**

Several commenters questioned the SO2, nonattainment designation of the South Coast Air Basin portion of Los Angeles County. The State of California commented that the original nonattainment designation had been based on an incomplete emission inventory. Projections based on a complete inventory indicate the SO2 standard violations in these counties in recent years.

Yolo County should be designated nonattainment (secondary) because the State has recorded violations of secondary, but not primary, TSP standards.

Monterey County and the Air Quality Maintenance Area (AQMA) portions of Placer and Santa Barbara Counties should be designated attainment. They had been inadvertently designated nonattainment by the State because recorded data exceeded the annual average concentration "guide" (40 CFR 50.7(a)) 60 μg/m3, but not the annual standard of 75 μg/m3.

Humboldt, Tuolumne, and Sonoma (North Coast Air Basin portion) Counties should be redesignated because monitoring data used to make the original designation was later invalidated by the State. Humboldt County should be designated nonattainment (secondary) because the remaining valid data in the County recorded secondary, but not primary, standard violations. Tuolumne County should be designated unclassified because sufficient valid data is presently not available to determine the County's attainment status. Sonoma County (the North Coast Air Basin portion) should be designated attainment because the valid data recorded no violations of the TSP standards.

EPA has reviewed the supporting data for requested TSP designation changes described above and agrees with the rationale for each change. The designations are revised as recommended by the State of California. Comments are received on the siting of monitoring stations and the validity of the air quality data used to support the TSP nonattainment designation of Butte County. The designation was based on air quality data that failed to confirm numerous TSP violations. EPA has reviewed the air quality data and information regarding the monitoring sites, and confirms the TSP nonattainment designation of Butte County.

**Total Suspended Particulates (TSP)**

The State of California recommended that the TSP designations of 13 areas in California be changed and provided supporting information to document their requested changes. These recommended designations are briefly discussed below.

Colusa County should be designated unclassified because the limited amount of data available recorded no violations of the TSP standards.

Marin, Napa, and San Mateo Counties and the portions of Solano and Sonoma counties within the San Francisco Bay Area Air Basin should be redesignated attainment because the State has recorded violations of secondary, but not primary, TSP standards.
SO2 designation of the South Coast Air Basin portion of Los Angeles County is revised to attainment.

Several commenters questioned the SO2 nonattainment designations of the San Joaquin Valley Air Basin portion of Kern County. These commenters were submitted by several oil companies, the Western Oil and Gas Association (WOGA), and the Kern County Air Pollution Control District. The State of California based its designation on projected SO2 emissions growth resulting in future violations of the annual SO2 standard. As discussed in the EPA national rulemaking, projections of future violations can provide the basis for a nonattainment designation. The projection technique used by the State is consistent with EPA estimating procedures. The State’s projection of nonattainment is further supported by air quality dispersion modeling conducted for an oil company which shows future violations of the annual SO2 standard.

The conformity of the State’s method of projecting increased SO2 emission levels in Kern County and claimed that new source review (NSR) and prevention of significant deterioration (PSD) requirements will result in decreased SO2 emissions in the future. Kern County’s new source review rule does not apply to new minor point sources, area or mobile sources, or existing sources. Therefore, many new or modified sources not subject to NSR or offset requirements be classified by the State’s rationale and is not acceptable.

Based on a review of the available information, there is insufficient documentation to justify a change in the SO2 nonattainment designation for the San Joaquin Valley Air Basin portion of Kern County.

CARBON MONOXIDE (CO)

The State recommended that the CO designation of Sutter County be changed to unclassified because no CO monitoring has been conducted in the County for several years. EPA agrees with the State’s recommendation and designates Sutter County unclassified for CO.

Two commenters questioned the CO nonattainment designation of Contra Costa County in view of the fact that no CO violations have been recorded there in recent years. The State of California chose to designate the entire Sacramento Valley Air Basin, of which Contra Costa County is a part, as nonattainment for CO. This basin-wide designation is acceptable under Section 107(d) of the Act since designations can be defined in terms of air quality control regions, or portions thereof. Numerous CO violations have been recorded in the Air Basin and motor vehicles account for about 85 percent of the CO emissions. Because the CO problem in the Air Basin is primarily transportation related, it needs to be addressed on a regional basis. The State commented that a regional planning approach has been initiated in the San Francisco Bay Area and should be continued to solve the problem. EPA agrees with the State’s rationale and is not revising the CO nonattainment designation for the San Francisco Bay Area Air Basin, including Contra Costa County.

Commenters recommended that CO nonattainment boundaries in the Santa Barbara AQMA, Fresno and Butte Counties be reduced to either a metropolitan area or a business district since violations had not been recorded beyond those areas. The State of California commented that CO is generally regarded as an automobile related pollution problem. Motor vehicles from outside the central city contribute to the CO problem when they travel to the central area and, therefore, efforts to develop pollutant control strategies should be for a broad geographical area as is reasonable. EPA agrees with the State’s rationale and notes again that the State has the authority under Section 107(d) to determine designation boundaries. No change in the CO nonattainment area boundaries of the Santa Barbara AQMA, Fresno County, or Butte County are being made at this time.

One commenter questioned the siting of a monitoring station and the validity of the air quality data used to support the CO nonattainment designation of Butte County. The State of California designated Butte County nonattainment on the basis of numerous violations of the 8-hour CO standard. A review of the air quality data and information regarding the monitoring station does not support a change in the nonattainment designation.

PHOTOCHEMICAL OXIDANTS (O3)

One commenter questioned the Ox nonattainment designation for Glenn County since there is no Ox monitoring station in the County. The entire Sacramento Valley Air Basin, which includes Glenn County, was designated nonattainment by the State. The basin-wide designation was made because of the physical nature of oxidant formation and transport, the common geography and meteorology within the Valley, and because every oxidant monitor in the Valley has recorded violations of the standard.

Since Ox violations are a basinwide problem, it is reasonable to address the problem on a regional air quality planning. Therefore, the Ox nonattainment designation of Glenn County is not being revised at this time.

One commenter questioned the validity of the air quality data and the monitoring station in the Ox nonattainment designation of Butte County. The State of California chose to designate the entire Sacramento Valley Air Basin, which includes Butte County, as nonattainment. As previously noted, Ox violations have been recorded throughout...
the Sacramento Valley Air Basin, including numerous violations in Butte County. A review of the air quality data and information regarding the monitoring stations does not support a change in the Ox nonattainment designation.

Two comments questioned the nonattainment designation of Butte County because there was less air pollution there than in other areas. Since the designation is based on measured violation of the standard and not on comparisons of relative air quality between geographic areas, no change is being considered in the Ox designation of Butte County.

NEVADA

Two commenters questioned the geographic boundaries of nonattainment areas in Nevada. The State of Nevada chose to designate areas based on air quality measurements made in certain portions of air quality control regions, which is consistent with Section 107(d) of the Act. EPA reaffirms the State's boundary designations since the State has selected these as the most reasonable planning areas.

HAWAII

TOTAL SUSPENDED PARTICULATES (TSP)

On March 3, 1978, EPA designated Maui Island and Hawaii Island as "unclassified" for TSP. The State of Hawaii commented that the designations should be attainment because no recent violations have been reported on either island. A review of 1977 air quality data shows that the annual TSP standard is violated at Kahului, Maui Island. This information will be considered in a separate notice of proposed rulemaking. While no monitored violations have been reported on Hawaii Island in recent years, there is inadequate information to support revising the current designation. EPA reaffirms the unclassified TSP designation of Hawaii Island.

GUAM

TOTAL SUSPENDED PARTICULATES (TSP)

On March 3, 1978, EPA designated Guam nonattainment for TSP. The Government of Guam commented that the designation for the Island should not be nonattainment since the monitors recording recent violations are unduly influenced by reentrained road dust. EPA has reviewed the monitoring sites and agrees that reentrained dust may contribute to the violations. Since there is insufficient data from other monitors to determine Guam's attainment status at this time, the Island's designation for TSP is changed to unclassified.

SULFUR DIOXIDE (SO2)

On March 3, 1978, EPA designated Guam nonattainment for SO2. The Government of Guam commented that the Island's designation should be attainment because there have been no violations in recent years. A review of monitoring data supports this claim. However, the Pitt power plant uses a supplementary control system (SCS) which involves switching to low-sulfur fuel during certain wind conditions to avoid violations of the SO2 standards. Sections 123 and 302 of the Act do not allow standards to be met through the use of dispersion techniques, i.e., SCS. As discussed in the EPA national rulemaking of September 11, 1978, sources employing dispersion control techniques to prevent SO2 violations are to be designated nonattainment. Therefore, no change in the SO2 nonattainment designation of Guam is being made at this time.

ARIZONA

The attainment status designations for Arizona were prepared and promulgated by EPA on March 3, 1978 because the State did not submit its designations to EPA in time to comply with the requirements of Section 107(d) of the Act. The State subsequently submitted designations on August 15, 1978. This rulemaking will address only the State's designations concerning NOx, CO, and oxidants. The State's designations for SO2 and TSP are being analyzed by EPA and will be considered in a separate rulemaking.

NITROGEN DIOXIDE (NOx)

The State of Arizona designated the whole State as "cannot be classified or better than national standards" for NOx. Since no violations of the NOx standard have been recorded in Arizona, EPA concurs with the State's designation and notes that it is identical to EPA's promulgation of March 3, 1978.

CARBON MONOXIDE (CO)

The State of Arizona has designated two areas as nonattainment for CO: (1) That portion of Maricopa County known as the MAG Urban Planning Area; and (2) That portion, within Pima County, of the area described by connecting the following geographical coordinates:

Latitude 32°38.5' N, longitude 111°24.0' W
Latitude 32°28.5' N, longitude 110°47.5' W
Latitude 31°49.5' N, longitude 110°25.5' W
Latitude 31°40.5' N, longitude 110°50.5' W
Latitude 31°32.5' N, longitude 111°12.5' W

Excepting Townships T11S, R11E and T12S, R11E. The State has designated the remainder of the State as "cannot be classified or better than national standards." The two nonattainment areas are located in Phoenix and Tucson where CO violations have been recorded. EPA has reviewed the CO data from Arizona and concurs with the State's designations.

One commenter recommended that the Ox nonattainment area in Maricopa County be limited to major traffic corridors in Phoenix. The State of Arizona chose to designate the MAG Urban Planning Area as the CO nonattainment area. The basis for this area is that motor vehicles are the major source of CO emissions. Much of the traffic that causes high emissions in the downtown area comes from the suburbs and outlying areas and a regional planning approach is needed to solve the problem. Therefore, no change is being made to the State of Arizona's designated nonattainment boundary which is the MAG Urban Planning Area.

PHOTOCHEMICAL OXIDANTS (OX)

The State of Arizona has designated the Phoenix and Tucson areas (as described above) as nonattainment for Ox. The remainder of the State has been designated as "cannot be classified or better than national standards." EPA has reviewed the air monitoring data and concurs with the State's designations.

One commenter recommended that the Ox nonattainment area in Maricopa County be limited to major traffic corridors in Phoenix. The State of Arizona chose to designate the MAG Urban Planning Area as nonattainment since oxidant is an area-wide problem which requires a regional planning approach. Limiting the designations to the major traffic corridors would not be consistent with the physical nature of oxidant formation and transport. Therefore, no change is being made to the State of Arizona's designated nonattainment boundary which is the MAG Urban Planning Area.

Two commenters recommended that nonattainment areas in Pima County should be either countywide or based on air sheds as defined by mountain peaks and topographic ridgelines between them. The State of Arizona has elected to define nonattainment boundaries in terms of townships and straight line segments between peaks. The commenter did not provide sufficient technical data to support revising the Ox nonattainment boundaries in Pima County. Therefore, no change to the State of Arizona's designated boundary is being considered at this time.
2. In 81.305—California, the attainment designation tables are amended as follows:

A. The tables for TSP are revised in their entirety.

B. That portion of the table for SO2 beginning with "South Central Coast Air Basin: San Luis Obispo County" and ending with "South Coast Basin Portion of Riverside County" is revised.

C. The table for CO beginning with "San Joaquin Valley Air Basin: Fresno County" and ending with "Sacramento Valley Air Basin: Tehama County" is revised.

D. The table for CO beginning with "Los Angeles County (Portion within S.E. Desert AQMA)" and ending with "Tahoe Air Basin" is revised.

The amended portions of the tables for 81.305—California read as set forth below:

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FEDERAL REGISTER, VOL. 44, NO. 54—MONDAY, MARCH 19, 1979
## RULES AND REGULATIONS
### CALIFORNIA—TSP—Continued

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<tr>
<td>Solano County (SVAB Portion)</td>
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<td>Yolo County</td>
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<td>Butte County</td>
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<td>Glenn County</td>
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<tr>
<td>Shasta County (SVAB Portion)</td>
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<td>Sutter County</td>
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<td>Tehama County</td>
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<tr>
<td>Los Angeles County (S.E. Desert Air Basin Portion)</td>
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<tr>
<td>Riverside County (S.E. Desert AQMA Portion)</td>
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<tr>
<td>San Bernardino (non-AQMA Portion)</td>
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<tr>
<td>Riverside County (non-AQMA Portion)</td>
<td></td>
<td></td>
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<tr>
<td>San Bernardino (non-AQMA Portion)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. In §81.353—Guam, the attainment designation table is revised.

§81.353 Guam.

### GUAM—TSP

<table>
<thead>
<tr>
<th>Designated area</th>
<th>Does not meet primary standards</th>
<th>Does not meet secondary standards</th>
<th>Cannot be classified</th>
<th>Better than national standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whole State</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

EPA designation replaces State designation.

[FEDERAL REGISTER, VOL. 44, NO. 54—MONDAY, MARCH 19, 1979]
ACTION: Final rule.

SUMMARY: The action is a publication of a technical amendment to Part 86 of the Motor Vehicle Certification Regulations. The amendment corrects an error introduced into the regulations by a prior regulatory action. The amendment is described below.

DATE: This amendment is effective March 19, 1979.

FOR FURTHER INFORMATION CONTACT:

SUPPLEMENTARY INFORMATION:
On November 14, 1978, 43 FR 52922, a change was made requiring that the exhaust gas analyzer response be within 20 to 100 percent of full scale during sampling. This change was made to ensure a high degree of accuracy while analyzing the pollutants of a vehicle during emissions tests for certification and other purposes. Manufacturers have commented that this specification would entail a great deal of work and expense creating new analyzer ranges with little increase in accuracy. EPA did not anticipate such consequences; therefore, the requirement is deleted. This matter will be studied further to determine what improvements can be made without unnecessary burdens.

By issuing the following technical amendment as a final rule, EPA is foregoing the prior issuance of a notice of proposed rule making (NPRM) and the opportunity for public comment. The issuance of a proposal and opportunity for public comment is unnecessary in this case. The amendment deletes a requirement that would have caused the manufacturers to expend considerable financial and human resources but would not have appreciably improved certification testing accuracy. For these reasons, EPA finds good cause to dispense with public comment in accordance with 5 U.S.C. § 553(b).

The Environmental Protection Agency has determined that this document is not a "significant" regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

DOUGLAS M. COSTLE, Administrator.

Section 8.6140-78, Part 86, Chapter

RULES AND REGULATIONS

1. Title 40 of the Code of Federal Regulations is amended as follows:

§ 86.140-78 Exhaust sample analysis.

(e) Measure HC, CO, CO₂, and NO₂ concentration of samples.

(42 U.S.C. §§ 7525, 7601(a).)

[FR Doc. 79-8261 Filed 3-16-79; 8:45 am]

[4110-35-M]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MEDICARE AND MEDICAID REGULATIONS

Conformance With Professional Standards Review Regulations on Review, Certification, and Payment Activities

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final regulation.

SUMMARY: These amendments revise a number of Medicare and Medicaid regulations to conform them to the review and certification requirements contained in final Professional Standards Review Organization (PSRO) regulations published in the Federal Register, February 22, 1978 (43 FR 7400-7412). The PSRO regulations established policies and procedures that provide for (1) PSRO assumption of review responsibility for determining the medical necessity, quality, and appropriateness of health services for which payment may be made under the Medicare and Medicaid programs; (2) the conclusive effect of PSRO determinations on Medicare and Medicaid claims payment; and (3) the correlation of PSRO activities to Medicare and Medicaid to preclude duplication of other review, certification, and payment activities. The amendments to the Medicare and Medicaid regulations eliminate duplicative requirements that will now be governed by the policies and procedures prescribed in the PSRO regulations. Three technical corrections are also made in the PSRO regulations.

DATES: These regulations are effective on February 22, 1978. However, we will consider any written comments received by April 18, 1979, and revise the regulations later as appropriate.

ADDRESS: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. In commenting, please refer to MAB-49-R. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 5231 of the Department's offices at 330 C Street, S.W., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202) 245-0950.

JAY SOLOMON, Administrator of General Services.

[FR Doc. 79-8262 Filed 3-16-79; 8:45 am]