propagated into the exposed portion of the fitting at the root of the lugs.

Boeing Alert Service Bulletin A3364, dated June 29, 1979, was issued recommending a one-time close visual inspection of the forward and aft end fittings on the inboard and outboard nacelle strut diagonal brace for cracks on all 707 and 720 series airplanes with 7,500 or more flights. The FAA finds that this inspection is necessary to assure the continued nacelle-to-wing structural integrity and it is made mandatory by this amendment. If cracks are found, the fittings must be replaced or repaired prior to further flights.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure herein are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to be by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

Prior to the accumulation of 7500 landings, or within the next 250 landings after the effective date of this AD, whichever occurs later, unless already accomplished within the last 250 landings, inspect both the exposed portions of the nacelle strut diagonal brace assembly end fittings, and associated fittings, for cracks on all 707/720 series airplanes in accordance with Boeing Alert Service Bulletin A3364. Replace any cracked parts prior to further flight or repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Report inspection results to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region through the local FAA Principal Maintenance Inspector.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to the Boring Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, July 6, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 79-21806 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 201, and 259

[Release Nos. 33-6089; 34-16000; 35-21139; 39-537; IC-10762; IA-687]

Environmental Protection Procedures

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission is adopting new procedural regulations, and an amendment to the form for applications or declarations under the Public Utility Holding Company Act of 1935, to implement the procedural provisions of the National Environmental Policy Act ("NEPA"). These procedures will be applicable should compliance with NEPA's procedural requirements ever be appropriate for Commission action.

EFFECTIVE DATA: August 15, 1979.

FOR FURTHER INFORMATION CONTACT: Catherine Scanlon, Office of General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. (202) 755-1234.

SUPPLEMENTARY INFORMATION: As a general matter, the Commission believes that the actions it takes pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940 do not individually or cumulatively involve major federal action having a significant effect on the human environment and therefore may be categorically excluded from the applicability of the procedural provisions contained in Section 102(2) of NEPA [42 U.S.C. 4232(2)]. Extraordinary circumstances may arise under these Acts, however, which would involve major fedeal action significantly affecting the environment. In addition, it is possible that there may be instances where the Commission's exercise of its authority with respect to certain security transactions subject to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 (the "1935 Act") and certain acquisitions subject to Sections 9 and 10 of the 1935 Act may involve major federal action having a significant effect on the human environment. Accordingly, the Commission is adopting the following procedural regulations, as well as an amendment to Item 7 of Form U-1 under the 1935 Act, which will be applicable in those instances where Commission action involves major federal action significantly affecting the human environment.

Authority

The Commission is adopting the following procedural rules and the amendment to Form U-1 pursuant to its authority under Section 19(a) of the Securities Act of 1933 (15 U.S.C. 77s(a)); Section 23(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(a)(1)); Section 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79t); Section 319(a) of the Trust Indenture Act of 1939 (15 U.S.C. 77sss(a)); Section 38 of the Investment Company Act of 1940 (15 U.S.C. 80a-37); and Section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-11).

Pursuant to Section 23(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(a)(2)), the Commission has considered the effect that the rules would have on competition and is not aware at this time of any burden that the rules would impose on competition not necessary or appropriate in furtherance of the purposes of that Act.

Text of the Rules

Title 17 of the Code of Federal Regulations is amended by adding a new Subpart K to Part 200, by amending § 201.20, and by amending Form U-1, § 259.101, to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

* * * * *

Subpart K—Regulations Pertaining to the Protection of the Environment

Sec.
200.550 Purpose.
200.551 Applicability.
200.552 NEPA planning.
200.553 Draft, final and supplemental impact statements.
200.554 Public availability of information.

Authority: Sec. 23(a)(2) of the Securities and Exchange Act of 1934 (15 U.S.C. 78w(a)(2).

* * * * *

Subpart K—Regulations Pertaining to the Protection of the Environment

§ 200.550 Purpose.

This subpart sets forth the procedures the Commission will follow to ensure compliance with the goals of the National Environmental Policy Act ("NEPA") and with the procedures required by NEPA in the event that the Commission should take action subject to such procedural requirements.

§ 200.551 Applicability.

(a) Compliance with the procedures set forth in § 200.552 through § 200.554 shall be appropriate where Commission action taken with respect to security transactions subject to sections 6(b) and 7 of the Public Utility Holding Company Act of 1935 and acquisitions subject to sections 9 and 10 of that Act involves major federal action significantly affecting the quality of the human environment.

(b) In addition to the foregoing, in the event of extraordinary circumstances in which a Commission action not specified in paragraph (a) of this section may involve major federal action significantly affecting the quality of the human environment, the Commission shall follow the procedures set forth in § 200.552 through § 200.554, unless doing so would be inconsistent with its statutory authority under the federal securities laws.

§ 200.552 NEPA planning.

Where it is reasonably foreseeable by the Commission that it may be required to act on a matter specified in § 200.551 and that matter is likely to involve major federal action significantly affecting the quality of the human environment, the Commission shall:

(a) Advise the relevant persons as to information respecting the environment, if any, which may later be required to be submitted for Commission consideration should Commission action become necessary;

(b) Consult on any environmental factors involved with individuals, organizations, and state and local authorities interested in the planned action; and

(c) Begin implementing the procedures set forth in §§ 200.553 and 200.554 as soon as possible, *provided that* such procedures are not inconsistent with the Commission's authority under the federal securities laws.

§ 200.553 Draft, final and supplemental impact statements.

If the Commission determines that the requirements of section 102(2)(C) of NEPA for preparation of an environmental impact statement are applicable in connection with a proposed Commission action, it shall prepare such statement generally in accordance with the procedures specified in 40 CFR Parts 1500–1508, particularly Part 1502 concerning impact statement preparation and content, Part 1505.1 concerning decision-making procedures, and Part 1501.6 concerning the function of cooperating agencies, to the extent that such procedures do not conflict with the Commission's statutory responsibilities and authority under the federal securities laws.

§ 200.554 Public availability of information.

(a) Any environmental assessment or impact statement, and Commission responses pertaining to formal rulemaking proceedings or adjudicatory proceedings, shall be made part of the record in any such proceedings. In the case of formal adjudicatory proceedings, this shall be done in accordance with § 201.20 of this Chapter. In the case of formal rulemaking proceedings, this shall be done in accordance with the Commission's rules respecting such proceedings.

(b) The location of publicly available environmental impact statements will be 1100 L St., N.W., Washington, D.C.

(c) Interested persons may obtain information regarding and status reports on specific environmental impact statements and environmental assessments by contacting the division or office within the Commission which has responsibility for the particular proposed action.

PART 201—RULES OF PRACTICE

2. Section 201.20 is amended by revising paragraphs (a)(1) (xii) and (xiii) and by adding a new paragraph (a)(1)(xiv) as follows:

§ 201.20 Contents and certification of record.

(a) * * *

(1) * * *

(xii) Any proposed findings and conclusions;

(xiii) Any initial decision and any petition for review; and

(xiv) Any final environmental impact statement, and any supplement thereto, prepared in connection with the proceeding as well as any public comments received thereon and any Commission responses to such comments.

* * * * *

3. Form U-1 of § 259.101 is amended as follows:

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Subpart B—Forms for Applications and Declarations

§ 259.101 Form U-1, application or declaration under the Public Utility Holding Company Act of 1935.

* * * * *

Item 7. Information as to Environmental Effects.

When this form is used by a person filing an application or declaration or amendment thereto pursuant to Sections 6(b), 7, 9 or 10 of the Public Utility Holding Company Act of 1935, that person shall:

(a) Describe briefly the environmental effects of the proposed transaction in terms of the standards set forth in Section 102(2)(C) of the National Environmental Policy Act [42 U.S.C. 4232(2)(C)]. If the response to this item is a negative statement as to the applicability of Section 102(2)(C) in connection with the proposed transaction, also briefly state the reasons for that response.

(b) State whether any other federal agency has prepared or is preparing an environmental impact statement ("EIS") with respect to the proposed transaction. If any other federal agency has prepared or is preparing an EIS, state which agency or agencies and indicate the status of that EIS preparation.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

July 9, 1979.

[FR Doc. 79-21941 Filed 7-13-79;8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 211

[Release No. SAB-31-A]

Staff Accounting Bulletin No. 31-A; Interpretative Release

AGENCY: Securities and Exchange Commission.

ACTION: Amendment correcting the topic designation in Staff Accounting Bulletin No. 31.

SUMMARY: This amendment corrects Staff Accounting Bulletin No. 31 ("SAB No. 31"). SAB No. 31 inadvertently placed the subject caption "Notes and Other Receivables from Affiliates" under Topic 4-I rather than Topic 4-J.

DATE: July 11, 1979.

FOR FURTHER INFORMATION CONTACT: Howard P. Hodges, Jr. (202-755-1744), Division of Corporation Finance, or Eugene W. Green (202-755-0222), Office of the Chief Accountant, Securities and

Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,
Secretary.

July 11, 1979.

Staff Accounting Bulletin No. 31-A

The staff hereby amends Staff Accounting Bulletin No. 31 to place the caption "Notes and Other Receivables from Affiliates" under Topic 4-J. Topic 4-I, which had been previously used and designated "Limitation on payment of dividends by subsidiary banks to parent holding company", remains unchanged.

[FR Doc. 79-21942 Filed 7-13-79; 8:45 am]

BILLING CODE 8010-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2700

Rules of Procedure; Correction

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Correction of Typesetting Errors.

SUMMARY: The Federal Mine Safety and Health Review Commission has adopted Rules of Procedure. 44 FR 38226 (June 29, 1979). The Commission corrects typesetting errors in those rules.

EFFECTIVE DATE: July 30, 1979.

FOR FURTHER INFORMATION CONTACT: Donald Terry, Executive Director, 1730 K Street, NW., Sixth Floor, Washington, D.C. 20006, (202) 653-5625.

On June 29, 1979, the Commission adopted new rules of procedure. 44 FR 38226; FR Doc. 79-20149. The following changes are made to correct typesetting errors:

1. On page 38229, the last line of the statutory material quoted in § 2700.20(a) is corrected to add a closing parenthesis in the phrase "subsection (a)(3)".

2. On page 38230, § 2700.36(c) is corrected by striking the word "to" and substituting "of".

3. On page 38231, the title of § 2700.54(a) is corrected to capitalize the first letter of "judge"; thus, "Powers of Judges." In § 2700.54 (a)(2) and (a)(6), the words "subpoenas" and "simplification" were misspelled.

4. On page 38231, on the last line of § 2700.55(a), the word "initiated" was misspelled.

5. On page 38232, strike the comma after "district courts" in § 2700.58(b). In § 2700.58(d), the phrase "or payment of lawfully prescribed costs" is corrected to read "on payment of lawfully prescribed costs".

6. On page 38232, the word "entitled" in § 2700.61 was misspelled.

7. On page 38233, the word "if" in the last sentence of § 2700.72(a) is corrected to read "If".

8. On page 38233, the word "commission" in the last sentence of § 2700.74(a) is corrected to read "Commission".

Dated: July 9, 1979.

Jerome R. Waldie,
Chairman, Federal Mine Safety and Health Review Commission.

[FR Doc. 79-21831 Filed 7-13-79; 8:45 am]

BILLING CODE 6820-12-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 12-79-01R]

San Francisco Bay, San Francisco, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes the waters of San Francisco Bay in the vicinity of Coast Guard Station Fort Point, Presidio, San Francisco a safety zone. This safety zone is established because of the presence of a U.S. Navy barge carrying fireworks and the presentation of a fireworks display which could create a hazard to navigation.

EFFECTIVE DATE: This amendment is effective on July 4, 1979.

FOR FURTHER INFORMATION CONTACT: LT D. A. KIRKHAM, Marine Safety Office, Suite 309, One Embarcadero Center, San Francisco, California 94111.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication because good cause exists and public procedures on this amendment are impracticable due to insufficient advance notice.

DRAFTING INFORMATION: The principal person involved in drafting this rule is: LT KIRKHAM, Assistant Chief, Port Operations Department. In consideration of the foregoing, Part 165 of Title 33 of the Code of Federal Regulations is amended by adding paragraph 165.1200 to read as follows:

§ 165.1200 Twelfth Coast Guard District; Safety Zone.

That area of the waters of San Francisco Bay in a triangular area formed by the shoreline between the "Tower" at Crissy Field, Presidio of San Francisco (NOAA Chart 18650) and the west corner of the "Presidio Pier", a line bearing 073 Degrees True from the "Presidio Pier", and a line bearing 002 Degrees True from the "Tower" at "Crissy Field" is established as a safety zone from 1800T July 4, 1979 until 2200T July 4, 1979. (92 Stat 1475 (33 USC 1225); 49 CFR 1.46(n)(4))

Dated: 18 June 1979

Note.—Map filed as part of original document.

E. L. Murdock,
Captain, U.S. Coast Guard, Captain of the Port of San Francisco.

[FR Doc. 79-21837 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1257-1]

Approval and Promulgation of Implementation Plans; Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is approving a revision to the Massachusetts State Implementation Plan (SIP) permanently extending Massachusetts Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof" for the Central Massachusetts Air Pollution Control District (CMAPCD). The regulation permits the burning of higher sulfur content fuels by certain sources under specified conditions.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Victor M. Trinidad, Air Branch, EPA Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

SUPPLEMENTARY INFORMATION: On May 8, 1979, the Regional Administrator published a **Federal Register** (44 FR

26926) notice proposing approval of a revision to the Massachusetts SIP. The SIP revision, submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Department) on March 2, 1979, proposed a permanent extension to Massachusetts Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof" (formerly Regulation 5.1) for the CMAPCD. The CMAPCD has the same geographic boundaries as the Central Massachusetts Intrastate Air Quality Control Region (AQCR). The revision being approved today would allow certain fossil fuel burning facilities in the CMAPCD to burn higher sulfur content fuel permanently.

The original Massachusetts SIP was approved by EPA on May 31, 1972 (37 FR 10842). It established specific limits for the sulfur content of fuels, equivalent to 0.55 pounds per million Btu heat content. Pursuant to the enactment of Chapter 494 of the Acts of 1974, the Department was required to periodically review the control strategies and to relax any regulation more stringent than necessary to attain the National Ambient Air Quality Standards (NAAQS). The Department reviewed the sulfur in fuel regulations for each of its APCDs. As a result of that review the Department submitted initial revisions to its SIP to permit certain sources to burn higher sulfur content fuels.

On February 15, 1977 (42 FR 9176), EPA approved the initial SIP revision for CMAPCD allowing fuel users of over 100 million Btu per hour rated input capacity to burn fossil fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil) until July 1, 1978. Excluded from the revision were all sources located in the Cities of Worcester and Fitchburg and the following sources: Borden Incorporated, Chemical Division, Leominster; The Felters Company, Millbury; and Whitten Machine Works, Whitinsville. Later, on May 19, 1977 (42 FR 25730), EPA allowed two sources in Fitchburg to burn higher sulfur content fuel. State regulations permit such use only during April to September (off-heating season). These sources are: James River-Massachusetts Inc., and Fitchburg Paper Co. (only in those boilers which emit through the 55 meter stack). The last temporary extension to the subject regulation, until July 1, 1979, was approved by EPA on June 21, 1978 (43 FR 26574).

Permanent approval for four sources in the CMAPCD to burn higher sulfur fuel was proposed in the May 8, 1979 Federal Register. EPA reviewed modeling submitted by the Department, and found it consistent with EPA procedures and guidelines. No violations of the NAAQS were predicted. In addition, EPA has reviewed the sulfur dioxide (SO_2) levels recorded by State and private monitoring networks in the CMAPCD. No violations or exceedances of the SO_2 NAAQS were observed.

In accordance with the requirements of the Clean Air Act the Department has developed a SIP revision for the attainment of the primary total suspended particulate (TSP) NAAQS in Worcester, and has requested an 18-month extension to submit a SIP revision to attain the secondary TSP NAAQS in other parts of the Commonwealth. In the CMAPCD, the City of Fitchburg and the Town of Athol are designated non-attainment for the secondary TSP NAAQS. The present revision excludes all sources in the City of Worcester, and none of the approved sources impact the Town of Athol. A TSP exceedance was measured in December 1978 in the City of Fitchburg. Fitchburg is subject to the impact of two sources; James River-Massachusetts Inc. and Fitchburg Paper Co. The Department believes that the exceedance was caused by road dust and sand re-entrainment from a nearby highway. The Department will, however, address the increased TSP impact of higher sulfur fuel from those sources in its TSP secondary attainment plan. An 18-month extension has been requested by the Department to prepare the plan. The extension allows the Department until July 1, 1980 to submit the required plan. Therefore, EPA is approving today four sources in CMAPCD to burn fossil fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil). The sources are:

1. American Optical Company, Southbridge
2. Wyman Gordon Company, Grafton
3. James River-Massachusetts, Inc., Fitchburg [1]
4. Fitchburg Paper Company, Fitchburg [1] (only boilers which emit through the 55 meter stack).

With approval of this revision, sources outside of Worcester, with heat input rates specified over 100 million Btu per hour, can apply to the Department for permission to burn the higher sulfur fuel. Sources must demonstrate that they can burn higher sulfur fuel without violating other state regulations, including the particulate matter emission limitations and the opacity requirement. Stack testing may be required. At the Departments' discretion some sources are required to establish and operate an ambient air monitoring network in their vicinity. The data from these networks are submitted to the Department regularly and are used to evaluate the effect of burning higher sulfur fuels.

Since the revision being approved today is a permanent one, the State has established a procedure to review and re-analyze the burning of higher sulfur fuel by the approved sources not later than July 1, 1982, and at least every three years thereafter.

The SIP revision approved today is not subject to the requirements of 40 CFR 51.24 concerning Prevention of Significant Deterioration (PSD) of Air Quality. Because there was an approved revision which allowed use of the sulfur fuel before August 7, 1977, the allowable emissions from the sources covered are included in the "baseline concentration" and do not represent increased air quality deterioration over this baseline.

Three (3) letters of comment were received during the 30-day comment period. Two of the comments were not directed to either approval or disapproval of the sources and will be answered individually. The third comment was favorable to approval of the revision.

After evaluation of the Department's submittal, the Administrator has determined that this 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 State Implementation Plan.

The Agency finds that good cause exists for making this action effective immediately so as to prevent interruption of the burning of higher sulfur fuel by the named sources.

(Section 110(a)(2)A–K and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).)

Dated: July 6, 1979.

Barbara Blum,

Acting Administrator.

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

Subpart W—Massachusetts

1. In § 52.1120 paragraph (c) is amended by adding the following:

§ 52.1120 Identification of plan.

* * * * *

[1] Sources in Fitchburg are required to burn lower sulfur fuel (0.55 pounds per million Btu heat release potential) during the 5-month heating season, November through March.

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

* * * * *

(24) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) "Sulfur Content of Fuels and Control Thereof" for the Central Massachusetts APCD, submitted on March 2, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

2. Section 52.1126, paragraph (c) is revised to read as follows:

§ 52.1126 Control strategy: Sulfur oxides.

* * * * *

(c) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) which allows a relaxation of sulfur in fuel limitations for the Central Massachusetts Air Pollution Control District, except in the City of Worcester, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources are required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million BTU heat release potential (approximately equivalent to 1 percent sulfur content fuel oil).

American Optical Company, Southbridge, Wyman Gordon Company, Grafton, James River—Massachusetts Inc., Fitchburg, Fitchburg Paper Company, Fitchburg (only boilers which emit through the 55 meter stack).

* * * * *

[FR Doc. 79-21785 Filed 7-13-79; 8:45 am]
BILLING CODE 6560-01-M

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40 CFR Part 62

[FRL 1259-8]

Approval and Promulgation of State Plans for Designated Facilities; Emission Control of Existing Phosphate Fertilizer Plants

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act as amended, require states to submit to the Environmental Protection Agency plans to control fluoride emissions from existing phosphate fertilizer plants. Alternately, a state can submit to the Environmental Protection Agency a "negative declaration" which certifies that no phosphate fertilizer plants exist within the state's boundaries. In the March 21, 1979 Federal Register (44 FR 17193) the Environmental Protection Agency proposed approval of negative declarations submitted to it by the States of New York and New Jersey, the Commonwealth of Puerto Rico, and the Territory of the Virgin Islands. The purpose of this Federal Register notice is to announce final approval of these negative declarations.

DATES: This action becomes effective July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Alexander Salpeter, Planning Section, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, (212) 264-2517.

SUPPLEMENTAL INFORMATION: Section 111(d) of the Clean Air Act, as amended, and 40 CFR Part 62 require states to submit to the Environmental Protection Agency (EPA) plans to control emissions of designated pollutants from designated facilities. "Designated pollutants" are pollutants which are not included on a list published under the provisions of Section 108(a) of the Clean Air Act (National Ambient Air Quality Standards for Criteria Pollutants) or Section 112(b)(1)(A) of the Clean Air Act (Hazardous Air Pollutants), but which are pollutants for which standards of performance for new sources have been established under Section 111(b) of the Clean Air Act (New Source Performance Standards). A "designated facility" is an existing facility which emits a designated pollutant and which would be subject to a new source performance standard for that pollutant if the facility were new.

Fluoride emissions from phosphate fertilizer plants are the first of a series of designated pollutants and facilities for which control plans are required. The standard of performance for fluoride emissions went into effect on March 1, 1977 when the notice of the availability of the final guideline document on this subject was published in the Federal Register (40 FR 12022).

On March 21, 1979 (44 FR 17193) EPA proposed in the Federal Register approval of "negative declarations" relating to fluoride emission from existing phosphate fertilizer plants for the States of New York and New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands. In the proposal, EPA invited the public to submit written comments on its intent to approve the "negative declarations" consistent with the requirements of Section 111(d) of the Clean Air Act and 40 CFR Part 62; EPA received no comment. Therefore, EPA is hereby promulgating its approval of the "negative declarations" as submitted by the States of New York and New Jersey, the Commonwealth of Puerto Rico, and the Territory of the Virgin Islands without change. Furthermore, this action is being made effective immediately as it poses no hardship on any source.

Dated: July 6, 1979.

Barbara Blum,

Acting Administrator, Environmental Protection Agency.

Part 62, Subchapter C, Chapter I, Title 40 of the Code of Federal Regulations is amended by adding Subparts FF, HH, BBB, and CCC, §§ 62.7600, 62.8100, 62.13100 and 62.13350 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

Subpart FF—New Jersey

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.7600 Identification of plan—Negative declaration

The New Jersey Department of Environmental Protection submitted, on May 20, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

* * * * *

Subpart HH—New York

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.8100 Identification of plan—Negative declaration

The New York State Department of Environmental Conservation submitted, on May 12, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

* * * * *

Subpart BBB—Puerto Rico

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.13100 Identification of plan—Negative declaration

The Commonwealth Environmental Quality Board submitted, on January 31, 1978, a letter certifying that there are no existing phosphate fertilizer plants in Commonwealth subject to Part 60, Subpart B of this Chapter.

* * * * *