Dated: September 4, 1979.

John H. Shenefield,

Assistant Attorney General, Antitrust Division.

[FR Doc. 79-28867 Filed 9-17-79; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 0

[Memorandum 78-1]

Appendix to Subpart J—Civil Rights Division; Correction

AGENCY: Department of Justice.

ACTION: Final rule; correction.

SUMMARY: This corrects Civil Rights Division regulation 78-1, 43 FR 37686, concerning the delegation of authority to deny requests made under the Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act, 5 U.S.C. 552a. The Civil Rights Division is interested in eliminating gender-specific terminology wherever it is unnecessary. This correction is needed to eliminate such gender-specific language in Memorandum 78-1, as published in the **Federal Register** on August 24, 1978.

In FR Doc. 78-23842, published in the **Federal Register** on August 24, 1978, in paragraph 1, line 5, "his" should be corrected to read "his or her." In paragraph 2, line 5, "his" should be corrected to read "his or her."

EFFECTIVE DATE: September 18, 1979.

FOR FURTHER INFORMATION CONTACT: Salliann M. Dougherty, Freedom of Information/Privacy Act Officer, Civil Rights Division, U.S. Department of Justice, Washington, D.C. 20530 (202) 633-3925.

Date: January 11, 1979.

Drew S. Days III,

Assistant Attorney General, Civil Rights Division.

[FR Doc. 79-28897 Filed 9-17-79; 8:45 am]

BILLING CODE 4410-01-M

28 CFR Part 16

[AAG/A Order No. 30-79]

Production or Disclosure of Material or Information; Subpart E—Exemption of Records Systems Under the Privacy Act; Revocation of Exemptions

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: As explained in the Notice Section of today's **Federal Register**, the Criminal Division has rescinded system notices for six of its systems of records. These notices were most recently published in the Notice Section of the **Federal Register** on September 30, 1977 and had originally been published in the **Federal Register** on August 27, 1975. On that date (August 27, 1975) a rule was published in the Proposed Rules Section exempting four of these systems of records, i.e., JUSTICE/CRM-009, Narcotic and Dangerous Drug Witness Security Program File, JUSTICE/CRM-010, Organized Crime and Racketeering Information System, JUSTICE/CRM-011, Organized Crime and Racketeering Section File Check Out System, and JUSTICE/CRM-020, Requests to the Attorney General for Approval of Applications to Federal Judges for Electronic Interceptions in Narcotic and Dangerous Drug Cases, from certain provisions of the Privacy Act. Records in systems JUSTICE/CRM-010 and JUSTICE/CRM-011 have been destroyed. Records in systems JUSTICE/CRM-009 and JUSTICE/CRM-020 are being merged into other systems of records. Accordingly, certain portions of 28 CFR 16.91 are being revoked because they are unnecessary.

DATES: Revocation of the exemptions is effective September 5, 1979.

ADDRESSES: Administrative Counsel, Office of Management and Finance, Department of Justice, Washington, D.C. 20530 (202-633-4165).

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-4165).

SUPPLEMENTAL INFORMATION: In order to effect the changes in 28 Code of Federal Regulations, § 16.91, required by the revocation of these exemptions, it is necessary to amend existing subsections (c), (d), (e), (f), (o) and (p), to delete existing subsections (k) and (l), and to reletter existing subsections (m) through (t) as (k) through (r), respectively of § 16.91. The amendments to subsections (c) and (d) eliminate references to JUSTICE/CRM-009; the amendments to subsections (e) and (f) eliminate references to JUSTICE/CRM-011; the deletion of subsections (k) and (l) eliminates references to JUSTICE/CRM-010; and the amendments to existing sections (o) and (p) eliminate references to JUSTICE/CRM-020.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 793-78, 28 Code of Federal Regulations, § 16.91 is hereby amended as set forth below.

Dated: September 5, 1979.

William D. Van Stavoren,

Acting Assistant Attorney General for Administration.

Section 16.91 of Title 29 of the Code of Federal Regulations is amended as follows: Paragraph (c) is revised; the introductory to paragraph (d) is revised; paragraph (e) is revised; the introductory to paragraph (f) is revised; paragraphs (k) and (l) are deleted; paragraphs (m) through (t) are relettered as (k) through (r) respectively; relettered paragraph (m), formerly paragraph (o), is revised; and the introductory to relettered paragraph (n), formerly paragraph (p), is revised.

§ 16.91 Exemption of Criminal Division Systems—Limited access, as indicated.

* * * * *

(c) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j) (2) from subsection (c) (3) and (4), (d), (e) (1), (2) and (3), (e) (4) (G), (H) and (I), (e) (5) and (8), (f) and (g) of 5 U.S.C. 552a: Criminal Division Witness Security File System of Records (JUSTICE/CRM-002). These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(d) The system of records listed under paragraph (c) of this section is exempted, for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

* * * * *

(e) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (4) (G), (H) and (I), (f), and (g) of 5 U.S.C. 552a: Organized Crime and Racketeering Section, Intelligence and Special Services Unit, Information Request System of Records (JUSTICE/CRM-014). These exemptions apply to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(f) The system of records listed under paragraph (e) of this section is exempted for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

* * * * *

(m) The following system of records is exempted pursuant to the provisions of 5 U.S.C. 552a(j)(2) from subsections (c) (3) and (4), (d), (e) (2) and (3), (e) (4) (G), (H) and (I), (e) (8), (f) and (g) of 5 U.S.C. 552a: Requests to the Attorney General For Approval of Applications to Federal Judges For Electronic Interceptions System of Records (JUSTICE/CRM-019). These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(n) The system of records listed in paragraph (m) of this section is exempted for the reasons set forth, from the following provisions of 5 U.S.C. 552a:

* * * * *

[FR Doc. 79-28964 Filed 9-17-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 209

Administrative Procedures; Shipping Safety Fairways and Anchorages, Gulf of Mexico; Correction

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Correction.

SUMMARY: On 4 September 1979 (44 CFR 51586) the U.S. Army Corps of Engineers published final regulations in the Federal Register amending regulations which establish shipping safety fairways and anchorages in the Gulf of Mexico. The coordinates listed in the amended regulation contained an error in the second grouping. Latitude 29°12'18" should read 29°22'18".

EFFECTIVE DATE: September 18, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, (202)272-0200 or write: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: For clarity the regulations which establish the amended anchorage areas is corrected and republished in its entirety as set forth below:

§ 209.135 Shipping Safety Fairways and Anchorage Areas, Gulf of Mexico.

* * * * *

(c) The areas.

* * * * *

(11) Galveston Entrance Anchorage Areas. The areas inclosed by rhumb lines joining points at: Latitudes—29°18'10", 29°08'04", 29°03'13", 29°14'48", 29°18'10"; longitudes—94°39'16", 94°28'12", 94°36'48", 94°45'12", 94°39'16".

and rhumb lines joining points at: Latitudes—29°19'23", 29°22'18", 29°14'23", 29°13'24", 29°19'23"; longitudes—94°37'08", 94°32'00", 94°25'53", 94°27'33", 94°37'08".

30 Stat. 1151; 33 U.S.C. 403 & 43 U.S.C. 1333(e))

Dated: September 12, 1979.

Richard Edwards,

Acting Chief, Construction-Operations Division, Directorate of Civil Works.

[FR Doc. 79-28954 Filed 9-17-79; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1321-4]

Approval and Promulgation of Implementation Plans; Georgia: 1979 Plan Revisions

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of portions of the implementation plan revisions which the Georgia Environmental Protection Division submitted pursuant to the requirements of Part D of Title I of the Clean Air Act, as amended 1977, with regard to nonattainment areas.

Other portions of the State's 1979 revisions are given conditional approval. These portions contain minor deficiencies which the State has agreed to correct by February 15, 1980. The State and EPA has agreed that this date is reasonable and appropriate. Because the date was not proposed in the May 9th Federal Register, EPA is soliciting comments on its appropriateness at this time. After receipt of the supplementary submittal, they will be the subject of another notice of proposed rulemaking. The specific portions of the Georgia implementation plan revisions that EPA proposes to take final action on are described below in detail in the General Discussion.

DATE: These actions are effective September 18, 1979.

ADDRESSES: Copies of the materials submitted by Georgia and the comments received in response to the proposal notice of May 9, 1979 (44 FR 27184) may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia, 30308.

FOR FURTHER INFORMATION CONTACT:

Harriet Smith, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia, 30308, 404/881-3286 (FTS 257-3286).

SUPPLEMENTAL INFORMATION:

Background

In the May 9, 1979, **Federal Register** (44 FR 27184) EPA proposed approval of the Georgia SIP revision for the following designated nonattainment areas:

Total Suspended Particulate Matter (TSP)

A. That portion of Fulton County within the northwest section of Atlanta (primary and secondary standards).

B. That portion of Chatham County within the north central section of Savannah (primary and secondary standards).

C. That portion of the northern part of Walker County which includes Rossville (primary and secondary standards).

D. That portion of Washington County within the southern section of Sandersville (secondary standard).

Photochemical Oxidants (Ozone)

A. Atlanta area—Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry, Paulding and Rockdale Counties.

B. Muscogee County (Columbus)

Implementation plan revisions under Part D of the Clean Air Act Amendments (CAAA) were developed by the State for all the foregoing areas except Sandersville. These revisions were submitted for EPA's approval on January 17, 1979; additional information requested by EPA was submitted on March 9, 16, and 20, 1979. In the materials submitted, the State asserted that no violations of the secondary particulate standard have occurred in Sandersville since June 1977, and requested that the area be redesignated attainment. This request will be dealt with in a separate **Federal Register** notice.

Receipt of the Georgia revisions was first announced in the **Federal Register** of February 13, 1979 (44 FR 9424). The Georgia revisions have been reviewed by EPA in light of the CAAA of 1977, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the **Federal Register** on April 4, 1979 (44 FR 20372) and need not be repeated in detail here.

General Discussion

The Notice of Proposed Approval discussed each of the provisions of Section 172(b) of the CAAA of 1977. It was stated that EPA would review sources in the TSP nonattainment areas of Atlanta and Savannah before making a final determination that reasonably available control technology (RACT) is in place where needed. The review has been completed and based on EPA's evaluation of industrial/stationary sources; it appears that RACT has been applied to stack sources but not to all sources of fugitive emissions.

The State must, as a condition of approval of the TSP plan, by February 15, 1980:

(a) Inspect all sources which may impact the TSP areas in Atlanta and Savannah;

(b) Submit to EPA a report of their inspections describing the existing controls;

(c) Prescribe in the industries' permits, a schedule for implementing RACT.

Georgia's TSP nonattainment plans for Atlanta and Savannah are conditionally approved. If the above conditions are met, full approval will be promulgated. The State has adequate legal authority to require additional controls that may be needed on fugitive sources of particulates.

It has been determined that in order to meet the secondary standard in Atlanta and Savannah, the State will have to study and control nontraditional fugitive sources. The state is hereby granted an 18-month extension (until July 1, 1980) to submit a complete plan to show attainment of the secondary standard.

There has been no TSP air quality violation in Sandersville since June, 1977. The State has requested that EPA redesignate the area as attainment. It is the policy of EPA to designate an area as attainment only after at least two years of data with no violations have been collected.

According to information in the State submittal, violations of the primary standard in Rossville result from fugitive dust from a quarrying site and dust emissions from stockpiles and in-plant roads. The State proposes control of these emissions along with better maintenance and application of existing control devices on the quarrying operation and an asphalt plant. The TSP nonattainment plan for Rossville is approved. The State is hereby granted an 18-month extension (until July 1, 1980) to submit a plan demonstrating attainment of the secondary standard.

There were no public comments on the TSP portion of the SIP.

The State calculates that Columbus will achieve the ozone standard by early 1981 through the Federal Motor Vehicle Control Program and statewide regulations for volatile organic compounds (VOC).

There were no public comments concerning the ozone strategy for Columbus and it is approved.

The State projects that Atlanta will attain the ozone standard by late 1981 through the Federal Motor Vehicle Control Program and statewide VOC regulations. The following comment on this section was received from the National Wildlife Federation.

Comment: Georgia relied upon the most primitive and unreliable of the four modeling techniques (i.e., the rollback method) permitted by EPA in its analysis of the ozone plan for Atlanta.

Agency Response: The use of the linear rollback method for determining the level of control required to attain the national ambient standards is acceptable. While EPA recognizes the other models involve a more complex investigation of various pollutants, the rollback method is still applicable. See 44 FR 8234 (February 8, 1979), to be printed as 40 CFR 51.14(c)(iv).

The ozone strategy for Atlanta is approved.

The following discussion relates to the above mentioned VOC regulations. EPA has determined that methyl chloroform (1,1,1 trichloroethane) and trichlorotrifluoroethane (freon 113) are not photochemically reactive compounds. These VOCs, while not appreciably affecting ambient ozone levels, are potentially harmful. Methyl chloroform has been identified as mutagenic in bacterial and mammalian cell test systems, a circumstance which raises the possibility of human mutagenicity and/or carcinogenicity.

Furthermore, methyl chloroform and freon 113 both eventually migrate to the stratosphere where they are suspected of contributing to the depletion of the ozone layer. Since stratospheric ozone is the principal absorber of ultraviolet light (UV), the depletion could lead to an increase of UV penetration resulting in a worldwide increase in skin cancer.

With EPA's statement that methyl choloroform is not photochemically reactive, and its subsequent exemption, some sources, particularly existing degreasers, will be encouraged to utilize it in place of other more photochemically reactive degreasing solvents. Such substitution has already resulted in the use of methyl choloroform in amounts far exceeding that of other solvents. The use of this compound may be encouraged by exempting it in the SIP. This may further aggravate the resulting problems by increasing the emissions produced by existing primary degreasers and other sources. EPA has issued guidance to the States allowing them to exempt these compounds from control presently.

State officials and sources should be advised that there is a strong possibility of future regulatory action to control these compounds. Sources which choose to comply by substitution may well be required to install control systems as a consequence of these future regulatory actions. Georgia has indicated its intention to regulate these compounds when EPA takes final regulatory action requiring their control.

Also, EPA is in the process of proposing approval of the CO plan for Atlanta based on the State's submission of materials intended to correct the deficiencies outlined in the May 9th **Federal Register** notice.

General Comments

Atlanta Coalition on the Transportation Crisis—(ACTC)

Comment: The ACTC asserts that, contrary to the proposal notice in the **Federal Register**, the State has received public comments (from ACTC) on the SIP analysis of the air quality, health, welfare, economic, energy, and social effects of the plan . . . and of the alternatives considered.

Agency Response: The ACTC did submit comments to the State of Georgia to which the State responded. It was the opinion of the State that the comments addressed the SIP in general rather than the analysis of the air quality, health, welfare, economic, energy and social effects and the alternatives considered. The State submitted to EPA its letter responding to ACT's comments, as part of the State's summary of public comment.

Union Camp

The comments from Union Camp concern portions of the regulations dealing with fuel burning, opacity, the bubble concept, and fugitive dust. These topics are dealt with in an August 14, 1979 **Federal Register** notice (pg. 47557). In addition, Union Camp suggests relocating the sampler at Lathrop and Augusta Streets in Savannah. EPA has evaluated the sampler and found it to be consistent with NAMS siting criteria. Therefore, the agency will not suggest moving the sampler.

A number of comments were received from the National Wildlife Federation, the Atlanta Coalition on the Transportation Crisis, and the Atlanta Regional Commission concerning the carbon monoxide transportation portion of the SIP. As already noted EPA is proposing approval of the CO plan in a **Federal Register** separate notice. Those comments will be discussed in the final notice following the comment period.

Additional Comments

Comment: One commenter noted that the recent court decision of EPA's regulations for prevention of significant deterioration (PSD) affects EPA's new source review (NSR) requirements for Part D plans as well. (The decision is *Alabama Power Co. v. Costle*, 13 ERC 1225 (D.C. Cir., June 18, 1979). The court ruled that, among other things, (1) a "source" must be defined as a single building, structure, facility, or installation, although EPA may define those terms to include an entire plant; (2) "modifications" subject to NSR include only those source changes resulting in a net increase in potential emissions from the entire source; (3) the calculation of "potential to emit" for purposes of the tonnage cut-off must be calculated on the assumption that emission control equipment will function as anticipated; and (4) PSD requirements do not apply to sources within areas designated as nonattainment, except for sources with a substantial impact on a clean area of another state. In the commenter's view, the court's ruling on the definition of "source," "modification," and "potential to emit" should apply to Part D as well as PSD programs, and the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

Response: The preamble to the Emission Offset Interpretative Ruling, as revised January 16, 1979, explains that the interpretations in the Ruling of the terms "source," "major modification," and "potential to emit," and the areas in which NSR applies, govern State plants under Part D. (44 FR 3275 col. 3 through 3276 col. 1, January 16, 1979.) In a proposed rule signed by the Administrator on August 22, 1979, and published in the **Federal Register** on September 5, 1979 (44 FR 51925), EPA explained its views on how the *Alabama Power* decision affects NSR requirements for state Part D plans. As stated there, EPA agrees that the court's ruling on the definitions of "source," "modification," and "potential to emit" applies to NSR under Part D. EPA does not, however, view the court's ruling as determinative on the question of which areas are subject to Part D requirements.

As part of the proposed rules, EPA proposed regulations for Part D plans, to be set forth in a new section 40 CFR 51.18(j). EPA also proposed, for now, to approve a SIP revision if it satisfies either existing EPA requirements, or the proposed regulations. To the extent EPA's final regulations are more stringent than existing requirements, EPA proposed that States have additional time to submit revisions after EPA promulgates final regulations. EPA also proposed to approve state-submitted relaxations so long as the revised SIP meets all proposed, or final, EPA requirements. Since the Georgia NSR program satisfies existing requirements for Part D, it is now being approved.

Comment: A national environmental group commented that the requirements for an adequate permit fee system (section 110(a)(2)(K) of the Act), and proper composition of State boards (sections 110(a)(2)(F)(vi) and 128 of the Act) must be satisfied to assure that permit programs for nonattainment areas are implemented successfully. Therefore, while expressing support for the concept of conditional approval, the commenters argued that EPA must secure a State commitment to satisfy the permit fee and State board requirements before conditionally approving a plan under Part D. In those States that fail to correct the omission within the required time, the commenters urged that restrictions on construction under section 110(a)(2)(I) of the Act must apply.

Response: To be fully approved under section 110(a)(2) of the Act, a State plan must satisfy the requirements for State boards and permit fees for all areas, including nonattainment areas. Several States have adopted provisions satisfying these requirements, and EPA is working with other States to assist them to develop the required programs. However, EPA does not believe these programs are needed to satisfy the requirements of Part D. Congress placed neither the permit fee nor the State board provision in Part D. While legislative history states that these provisions should apply in nonattainment areas, there is no legislative history indicating that they should be treated as Part D requirements. Therefore, EPA does not believe that failure to satisfy these requirements is grounds for conditional approval under Part D, or for application of the construction restriction under section 110(a)(2)(I) of the Act.

Attainment Dates

Under Section 110(a)(2)(A) of the Act, State Implementation Plans adopted in the early 1970s were to have attained ambient standards in most Regions by 1975, with some exceptions until 1977. Under Section 172(a), plan revisions for areas that still violate the standards are to provide for attainment as expeditiously as practicable but for primary standards no later than the end of 1982, or the end of 1987 for very difficult ozone or carbon monoxide problems.

For each nonattainment area where a revised plan provides for attainment by the deadlines under Section 172(a) of the Act, the new deadlines are added to the chart of attainment dates in 40 CFR Part 52. However, the earlier deadlines under Section 110(a)(2)(A) found in the 1978 edition of the Code of Federal Regulations will still limit extensions and variances from compliance schedule dates.

Congress established new deadlines under section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. If these new deadlines were permitted to supersede the deadlines established prior to the 1977 Amendments, sources that failed to comply with pre-1977 plan requirements by the earlier deadlines would improperly receive more time to comply with those requirements. Congress, however, intended that the new deadlines apply only to new, additional control requirements and not to earlier requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

> Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable" but not later than three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under part D.
>
> (123 Cong. Rec. H 11958, daily ed. November 1, 1977)

To implement fully Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. Such variances would impermissibly relax existing requirements beyond the applicable section 110(a)(2)(A) attainment date under the plan. Therefore, for requirements adopted before the 1977 Amendments, EPA will not approve a compliance date extension beyond pre-existing 110(a)(2)(A) attainment dates, even though a section 172 plan revision with a later attainment date has been approved.

However, in certain exceptional circumstances, extensions beyond a pre-existing attainment date are permitted. For example, if a section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations, the pre-existing requirements and deadlines may be revised if a state makes a case-by-case demonstration that a relaxation or revocation is appropriate. In addition, an extension may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.[1]

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sections 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: September 10, 1979.

Douglas M. Costle,

Administrator.

This notice incorporates by reference provisions approved by the Director of the **Federal Register** on May 18, 1972. A copy of the incorporated material is on file in the Federal Register Library.

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

Subpart L—Georgia

1. In § 52.570, paragraph (c) is amended by adding subparagraph (17) as follows:

§ 52.570 Identification of plan.

* * * * *

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

* * * * *

(17) 1979 implementation plan revisions for nonattainment areas, submitted on January 17 and March 9, 16, and 20, 1979, by the Georgia Department of Natural Resources. (No action is taken on the following portions of the revisions: CO plan for Atlanta and TSP plan for Sandersville. Conditional approval is given to the following portions of the revisions: TSP plans for Atlanta and Savannah.)

2. Section 52.572 is revised to read as follows:

§ 52.572 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Georgia's plans for the attainment and maintenance of the national standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds the plans satisfy all requirements of Part D, Title I, of the Clean Air Act as amended in 1977, except as noted below.

3. A new § 52.573 is added as follows:

§ 52.573 Control strategy: particulate matter.

Part D, conditional approval. The control strategies submitted pursuant to Part D of Title I for the Atlanta and Savannah TSP nonattainment areas are approved on condition that the State accomplish the following by November 1, 1979:

(a) Inspect all sources which may impact the TSP areas in Atlanta and Savannah;

(b) Submit to EPA a report of their inspections describing the existing controls;

(c) Prescribe a schedule for implementing RACT where needed in the industries' permit.

4. Section 52.575 is revised to read as follows:

§ 52.575 Attainment dates for national standards.

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

5. A new § 52.577 is added as follows:

§ 52.577 Extensions.

The Administrator hereby extends for 18 months (until July 1, 1980) the statutory timetable for submission of Georgia's plans for attainment and maintenance of the secondary standards for particulate matter in the Atlanta and Savannah areas (40 CFR 81.311).

BILLING CODE 6560-01-M

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[1] *See* General Preamble for Proposed Rulemaking, 44 Fed. Reg. 20373–74 (April 4, 1979).

Air Quality Control Region and Nonattainment Area	Pollutant						
	TSP		SO_2		NO_2	CO	O_3
	Primary	Secondary	Primary	Secondary			
Augusta (Georgia)-Aiken (South Carolina Interstate)	*c*	*c*	a	*c*	b	b	b
Metropolitan Atlanta Intrastate							
a. Atlanta nonattainment areas+	d	f	*c*	*c*	b	g	d
b. Rest of AQCR	*c*	*c*	*c*	*c*	b	b	b
Chattanooga Interstate							
a. Rossville+	d	f	a	*c*	b	b	b
b. Rest of AQCR	*c*	*c*	a	*c*	b	b	b
Columbus (Georgia)-Phenix City (Alabama) Interstate							
a. Muscogee County	*c*	*c*	b	b	b	b	d
b. Rest of AQCR	*c*	*c*	b	b	b	b	b
Central Georgia Intrastate	*c*	*c*	*c*	*c*	b	b	b
Jacksonville (Florida) Brunswick (Georgia) Interstate	*c*	*c*	a	*c*	b	b	b
Northeast Georgia Intrastate	a	*c*	b	b	b	b	b
Savannah (Georgia)-Beaufort (South Carolina) Interstate							
a. Savannah+	d	f	*c*	*c*	b	b	b
b. Rest of AQCR	*c*	*c*	*c*	*c*	b	b	b
Southwest Georgia Intrastate	a	*c*	a	*c*	b	b	b

+For more precise delineation, see §81.311 of this chapter.

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

a Air quality levels presently below primary standards or area is unclassifiable
b Air quality levels presently below secondary standards or area is unclassifiable
c July, 1975
d December 31, 1982
e December 31, 1987
f 18-month extension granted
g To be determined at a later date

[FR Doc. 79-28952 Filed 9-17-79; 8:45 am]

BILLING CODE 6560-01-C

40 CFR Part 62

(FRL 1314-3)

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Negative Declarations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act require states to submit to EPA plans to control emissions for designated facilities and pollutants. Section 62.06 of 40 CFR Part 62 provides that when no such facilities exist within a state's boundaries, a letter of "negative declaration" may be submitted in lieu of a control plan. EPA is announcing final approval of negative declarations of fluoride emissions from phosphate fertilizer plants submitted by the states by Connecticut, Maine, Massachusetts, New Hamsphire, Rhode Island and Vermont, and negative declarations for sulfuric acid mist emissions from sulfuric acid production units for the states of Connecticut, New Hampshire, Rhode Island and Vermont.

EFFECTIVE DATE: These regulations shall become effective September 18, 1979.

FOR FURTHER INFORMATION CONTACT: John Courcier, Environmental Protection Agency, Air Branch, Region I, J.F.K. Federal Building, Boston, MA 02203 (617) 223-4448.

SUPPLEMENTARY INFORMATION: Section 111(d) of the Clean Air Act as amended, and 40 CFR Part 62 requires states to submit to EPA plans to control emissions for designated facilities and pollutants for which standards of performance for new sources have been established under Section 111(b) of the Act. Section 62.06 of 40 CFR Part 62 provides that when no such designated facility exists within a state it may submit a letter certifying that such is the case. The negative declarations are in lieu of a plan.

On May 9, 1979 EPA published in the **Federal Register** (44 FR 27189) a notice of proposed rulemaking for approval of negative declarations of fluoride emissions which were submitted by the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont and negative declarations for sulfuric acid mist emissions from sulfuric acid production units for the states of Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Interested parties were given a 30-day comment period regarding the proposed negative declarations.

No public comments were received, and the proposed negative declarations are hereby adopted without change and are set forth below. This action is being made effective immediately since no source is affected.

(Sec. 111 and 301(a), Clean Air Act as amended (42 U.S.C. 7413 and 7601))

Dated: September 10, 1979.

Douglas M. Costle,
Administrator.

Part 62 of Chapter I, Subchapter C, Title 40 of the Code of Federal Regulations is amended by adding new Subparts H, U, W, EE, OO, and UU as follows:

Subpart H—Connecticut

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.1600 Identification of plan—Negative declaration.

The State Department of Environmental Protection submitted on November 30, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to Part 60, Subpart B of this chapter.

Sulfuric Acid Mist Emissions From Sulfuric Acid Production Units

§ 62.1625 Identification of plan—Negative declaration.

The State Department of Environmental Protection submitted on November 30, 1977, a letter certifying that there are no existing sulfuric acid plants in the state subject to Part 60, Subpart B of this chapter.

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Subpart U—Maine

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.4850 Identification of plan—Negative declaration.

The State Department of Environmental Protection submitted on April 19, 1978, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to Part 60, Subpart B of this chapter.

* * * * *

Subpart W—Massachusetts

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.5350 Identification of plan—Negative declaration.

The State Department of Environmental Quality Engineering submitted on April 12, 1978, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to Part 60, Subpart B of this chapter.

* * * * *

Subpart EE—New Hampshire

Fluoride Emissions From Phosphate Fertilizer Plants.

§ 62.7350 Identification of plan—Negative declaration.

The State Air Pollution Control Agency submitted on November 29, 1978, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to Part 60, Subpart B of this chapter.

Sulfuric Acid Mist Emissions From Sulfuric Acid Production Units

§ 62.7375 Identification of plan—Negative declaration.

The State Air Pollution Control Agency submitted on November 29, 1978, a letter certifying that there are no existing sulfuric acid plants in the state subject to Part 60, Subpart B of this chapter.

* * * * *

Subpart OO—Rhode Island

Fluoride Emissions From Phosphate Fertilizer Plants.

§ 62.9850 Identification of plan—Negative declaration.

The State Department of Environmental Management submitted on November 14, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to Part 60, Subpart B of this chapter.

Sulfuric Acid Mist Emissions From Sulfuric Acid Production Units

§ 62.9875 Identification of plan—Negative declaration.

The State Department of Environmental Management submitted on November 14, 1977, a letter certifying that there are no existing sulfuric acid plants in the state subject to Part 60, Subpart B of this chapter.

* * * * *

Subpart UU—Vermont

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.11350 Identification of plan—Negative declaration.

The State Agency of Environmental Conservation submitted on April 11, 1978, a letter certifying that there are no existing phosphate fertilizer plants in the state subject to Part 60, Subpart B of this chapter.

Sulfuric Acid Mist Emissions From Sulfuric Acid Production Units

§ 62.11375 Identification of plan—Negative declaration.

The State Agency of Environmental Conservation submitted on April 11, 1978, a letter certifying that there are no existing sulfuric acid plants in the state subject to Part 60, Subpart B of this chapter.

[FR Doc. 79-28947 Filed 9-17-79; 8:45 am]

BILLING CODE 6560-01-M

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40 FR Part 62

[FRL 1322-1]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Louisiana Plan for Controlling Sulfuric Acid Mist

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves, with certain exceptions, Louisiana's plan for controlling sulfuric acid mist from existing sulfuric acid production facilities. Louisiana's plan was submitted in response to publication of emission control guidelines by the Administrator under section 111(d) of the Clean Air Act. The plan satisfies, in part, EPA's requirement for development, adoption, and submittal of a plan to control sulfuric acid mist.

DATES: This rulemaking is effective on October 18, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Environmental Protection Agency, Region 6, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: On July 18, 1978, the Governor of Louisiana, after adequate notice and public hearing submitted the State's plan for controlling sulfuric acid mist from existing sulfuric acid production facilities. The results of EPA's review of the plan were published in the **Federal Register** on March 28, 1979, as a proposed approval/disapproval action. Interested persons were invited to submit comments within 30 days on EPA's proposed action. No comments were received.

Current Action

The plan is being disapproved with respect to compliance test methods and procedures since it does not meet the requirements of 40 CFR 60.24(b)(2). The plan is being disapproved with respect to emission inventories since it does not meet the requirements of 40 CFR 60.25(a). The plan is also deficient with respect to requirements for disclosure of emission data under 40 CFR 60.25(c) and 60.26(a). Provisions are being promulgated by EPA to correct the regulation deficiency for emission data disclosure. The remainder of the plan is being approved.

A detailed discussion of the actions above was provided in EPA's proposed rulemaking of March 28, 1979. That discussion will not be repeated here since the actions are being promulgated as proposed.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order. Under EPA's final report implementing Executive Order 12044, approval of a Section 111(d) plan is not a significant regulation for the purposes of the Order. 44 FR 30988, 30990 (May 29, 1979).

This rulemaking is issued under the authority of Section 111(d) of the Clean Air Act, as amended, 42 U.S.C. 7411(d).

Dated: September 10, 1979.

Douglas M. Costle,

Administrator.

Part 62 of chapter I, title 40 of the Code of Federal Regulations is amended by adding a new subpart T—Louisiana, consisting of §§ 62.4620–62.4623 to read as follows:

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

Subpart T—Louisiana

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

Sec.

62.4620 Identification of plan.
62.4621 Emission standards and compliance schedules.
62.4622 Emission inventories, source surveillance, reports.
62.4623 Legal authority.
62.4624–62.4639 [Reserved]

Authority: Section 111(d) of the Clean Air Act, as amended, 42 U.S.C. 7411(d).

Subpart T—Louisiana

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

§ 62.4620 Identification of plan.

(a) Title of plan: "Control of Sulfuric Acid Mist from Existing Sulfuric Acid Production Units."

(b) The plan was officially submitted on July 18, 1978.

(c) Identification of sources: The plan includes the following sulfuric acid plants:

(1) Agrico Chemical Company in St. James Parish.

(2) Allied Chemical Corporation in Ascension and Iberville Parishes.

(3) Beker Industries in St. Charles Parish.

(4) Cities Services Oil Company in Calcasieu Parish.

(5) E. I. du Pont de Nemours & Company, Inc. in Ascension Parish.

(6) Freeport Chemical Company in St. James Parish.

(7) Freeport Chemical Company in Plaquemines Parish.

(8) Olin Corporation in Caddo Parish.

(9) Stauffer Chemical Company in East Baton Rouge Parish.

§ 62.4621 Emission standards and compliance schedules.

(a) The requirements of § 60.24(b)(2) of this chapter are not met since the test methods and procedures for determining compliance with the sulfuric acid mist emission standards are not specified.

(b) Emissions from sulfuric acid plants must be measured by the methods in Appendix A to Part 60, or by equivalent or alternative methods as defined in § 60.2 (t) and (u) respectively.

§ 62.4622 Emission inventories, source surveillance, reports.

(a) The requirements of § 60.25(a) of this chapter are not met since the emission inventories do not provide information as specified in Appendix D to Part 60.

(b) The requirements of § 60.25(c) of this chapter are not met since the plan does not provide for the disclosure of emission data, as correlated with applicable emission standards, to the general public.

(c) *Regulation for Public Availability of Emission Data.* (1) Any person who cannot obtain emission data from the agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any souce subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (c)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

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

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the State designated by the Regional Administrator.

§ 62.4623 Legal authority.

(a) The requirements of § 60.26(a) of this chapter are not met since the plan does not provide adequate legal authority for the State to make emission data, as correlated with applicable emissions standards, available to the general public.

§§ 62.4624–62.4639 [Reserved]

[FR Doc. 79-28949 Filed 9-17-79; 8:45 am]
BILLING CODE 6560-01-M

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40 CFR Part 65

[1316-5]

Delayed Compliance Order for B. F. Goodrich Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to B. F. Goodrich Company. The Order requires the Company to bring air emissions from its coal-fired steam generating boiler at Akron, Ohio into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). B. F. Goodrich Company's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect September 18, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On June 19, 1979 the Regional Administrator of U.S. EPA's Region V Office published in the **Federal Register** (44 FR 35277) a notice setting out the provisions of a proposed State Delayed Compliance Order for B. F. Goodrich Company. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to B. F. Goodrich Company by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places B. F. Goodrich Company on a schedule to bring its coal-fired steam generating boiler at Akron, Ohio into compliance as expeditiously as practicable with Regulations OAC 3745-17-07 and OAC 3745-17-10, a part of the federally approved Ohio State Implementation Plan. B. F. Goodrich Company is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit B. F. Goodrich Company to delay compliance with the SIP regulations covered by the Order until July 1, 1979.

Compliance with the Order by B. F. Goodrich Company will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated.

If the Administrator determines that B. F. Goodrich Company is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective September 18, 1979, because of the need to immediately place B. F. Goodrich Company on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: September 10, 1979.

Douglas M. Costle,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in § 65.401.

§ 65.401 U.S. EPA Approval of State Delayed Compliance Orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2), of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
*	*	*	*	*	*
B. F. Goodrich Co	Akron, Ohio	None	6/19/79	OAC 3745-17-07, OAC 3745-17-10.	7/1/79
*	*	*	*	*	*

[FR Doc. 79-28945 Filed 9-17-79; 8:45 am]
BILLING CODE 6560-01-M