Dated: January 17, 1980.

Terence Harvey,

Acting Director, Bureau Veterinary Medicine.

[FR Doc. 80-2227 Filed 1-24-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-80-762]

Property Improvement and Mobile Home Loans

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule permits the following increases: (1) On a single-wide mobile home, the maximum loan amount is increased from $16,000 to $18,000 and the maximum maturity period remains the same; (2) On a double-wide mobile home, the maximum loan amount is increased from $24,000 to $27,000 and the maximum maturity period remains the same. The subject increases regarding mobile home loan amounts were authorized by Sec. 313 of the Housing and Community Development Amendments of 1979.

EFFECTIVE DATE: January 25, 1980.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Title I Insured and 312 Loan Servicing Division, Room 9172, 451 7th Street, S.W., Washington, D.C. 20410. (202) 755-6880. This is not a toll free number.

SUPPLEMENTARY INFORMATION: The subject increases regarding mobile home loan amounts were authorized by Sec. 313 of the Housing and Community Development Amendments of 1979.

The Secretary has determined that, in light of the current economic situation, it is urgent that the benefits afforded by these increases be made available as soon as possible. Publishing a notice of proposed rulemaking and giving the public an opportunity to comment on these increases would cause a substantial delay in making the benefits available. Therefore, the Secretary finds that notice and public procedure on these increases would be contrary to the public interest. Since this rule relieves restrictions contained in the present regulations, it is not necessary to delay the effective date of the rule for the 30-day period provided in 5 U.S.C. § 533(d). Accordingly, this rule will become effective upon publication in the **Federal Register.**

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding is available in the Office of the Rules Docket Clerk at the above cited address.

Accordingly, 24 CFR Part 201 is amended by revising § 201.530(a) as follows:

§ 201.530 Maximum loan amount.

(a) Basic limitation. The mobile home loan proceeds shall not exceed the lesser of $18,000 ($27,000 where the mobile home is composed of two or more modules) * * *

* * * * *

(Authority: Section 7(d) 79 Stat. 670 (12 U.S.C. 3535(d); Section 2, 48 Stat. (12 U.S.C. 1703) as amended.)

Issued at Washington, D.C., January 16, 1980.

Morton A. Baruch,

Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-2523 Filed 1-24-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 15, 16, 20, 25, 31, 36, 41, 44, 45, 46, 47, 48, 49, 53, 144, 145, 154, 301 and 400

[T.D. 7665]

Removal of Statutory Sections From Title 26 of the Code of Federal Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document removes from Title 26 of the Code of Federal Regulations those regulation sections which recite verbatim provisions of the Internal Revenue Code of 1954. The purpose of this document is to complete the process, initiated about 2 years ago, of removing Internal Revenue Code provisions from Title 26 of the Code of Federal Regulations. The reproduction of Code provisions in Title 26 is considered to be unnecessary and their removal will significantly reduce the volume of Internal Revenue Service regulations. No substantive change in the rules is intended by this document. Certain conforming changes to other sections of the regulations, made necessary by this removal of Code provisions, are also made.

DATE: These amendments to the regulations are effective January 25, 1980.

FOR FURTHER INFORMATION CONTACT: Jonathan P. Marget of the Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3651 (not a toll-free number).

DRAFTING INFORMATION: The principal author of this document was Jonathan P. Marget of the Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing this document.

Adoption of Amendments to the Regulations

Accordingly, amendments to the regulations (26 CFR) are hereby adopted as set forth below:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The following sections are deleted from 26 CFR, Part 1: §§ 1.1, 1.2, 1.3, 1.4, 1.11, 1.21, 1.31, 1.32, 1.33, 1.34, 1.35, 1.36, 1.37, 1.38, 1.39, 1.40, 1.44, 1.45, 1.46, 1.47, 1.48, 1.49, 1.50, 1.50A, 1.50B, 1.51, 1.61, 1.71, 1.72, 1.73, 1.74, 1.75, 1.76, 1.77, 1.78, 1.79, 1.82, 1.101, 1.102, 1.103, 1.104, 1.105, 1.106, 1.107, 1.108(a), 1.108(b), 1.109, 1.110, 1.111, 1.112, 1.113, 1.114, 1.115, 1.116, 1.117, 1.118, 1.119, 1.120, 1.121, 1.123, 1.124, 1.141, 1.142, 1.143, 1.144, 1.145, 1.151, 1.152, 1.153, 1.161, 1.162, 1.163, 1.164, 1.166, 1.167(a), 1.167(b), 1.167(c), 1.167(d), 1.167(e), 1.167(f), 1.167(g), 1.167(h), 1.167(i), 1.167(j), 1.167(*l*), 1.167(m), 1.168, 1.169, 1.170, 1.170A, 1.171, 1.172, 1.173, 1.174, 1.175, 1.176, 1.177, 1.178, 1.179, 1.180, 1.182, 1.183, 1.185, 1.186, 1.187, 1.211, 1.212, 1.213, 1.214, 1.214A, 1.215, 1.216, 1.217, 1.218, 1.241, 1.242, 1.243, 1.244, 1.245, 1.246, 1.247, 1.248, 1.249, 1.250, 1.261, 1.262, 1.263(a), 1.263(b), 1.263(c), 1.263(d), 1.263(e), 1.263(f), 1.264, 1.265, 1.266, 1.267(a), 1.267(b), 1.267(c), 1.267(d), 1.268, 1.269, 1.270, 1.271, 1.272, 1.273, 1.274, 1.275, 1.276, 1.278, 1.279, 1.281, 1.301, 1.302, 1.303, 1.304, 1.305, 1.307, 1.311, 1.312, 1.316, 1.317, 1.318, 1.331, 1.332, 1.333, 1.334, 1.336, 1.337, 1.338, 1.341, 1.342, 1.346, 1.351, 1.355, 1.357, 1.361, 1.362, 1.363, 1.367, 1.368, 1.381(a), 1.381(b), 1.381(c)(1), 1.381(c)(2), 1.381(c)(3), 1.381(c)(4), 1.381(c)(5), 1.381(c)(6), 1.381(c)(7), 1.381(c)(8), 1.381(c)(9), 1.381(c)(10), 1.381(c)(11), 1.381(c)(12), 1.381(c)(13), 1.381(c)(14), 1.381(c)(15), 1.381(c)(16), 1.381(c)(17), 1.381(c)(18), 1.381(c)(19), 1.381(c)(20), 1.381(c)(21), 1.381(c)(22), 1.381(c)(23), 1.381(c)(24), 1.381(d), 1.382(a), 1.382(b), 1.382(c), 1.383, 1.402(a), 1.402(b), 1.402(c), 1.402(d), 1.402(e), 1.403(a), 1.403(b), 1.404(f), 1.405, 1.421, 1.422, 1.423, 1.424, 1.425, 1.441, 1.442, 1.443, 1.446, 1.454, 1.455, 1.456, 1.461, 1.471, 1.472, 1.481, 1.482, 1.483, 1.501(a), 1.501(b), 1.501(c)(1), 1.501(c)(2), 1.501(c)(3), 1.501(c)(4), 1.501(c)(5), 1.501(c)(6), 1.501(c)(7), 1.501(c)(8), 1.501(c)(9), 1.501(c)(10), 1.501(c)(11), 1.501(c)(12), 1.501(c)(13), 1.501(c)(14), 1.501(c)(15), 1.501(c)(16), 1.501(c)(17), 1.501(c)(18), 1.501(c)(19), 1.501(d), 1.501(e), 1.502, 1.503(a), 1.503(b), 1.503(c), 1.503(d), 1.503(e), 1.503(f), 1.507, 1.508, 1.509(a), 1.509(b), 1.509(c), 1.509(d), 1.509(e), 1.511, 1.512(a), 1.512(b), 1.512(c), 1.513, 1.514(a), 1.514(b), 1.514(c), 1.514(d), 1.514(e), 1.514(f), 1.514(g), 1.514(h), 1.515, 1.521, 1.522, 1.526, 1.531, 1.532, 1.533, 1.534, 1.535, 1.536, 1.537, 1.541, 1.542, 1.543, 1.544, 1.545, 1.546, 1.547, 1.551, 1.552, 1.553, 1.554, 1.555, 1.556, 1.557, 1.558, 1.561, 1.562, 1.563, 1.564, 1.565, 1.581, 1.582, 1.583, 1.584, 1.586, 1.591, 1.592, 1.594, 1.595, 1.596, 1.601, 1.611, 1.612, 1.613, 1.614, 1.615, 1.616, 1.617, 1.621, 1.631, 1.632, 1.636, 1.638, 1.641(a), 1.641(b), 1.642(a)(1), 1.642(a)(2), 1.642(a)(3), 1.642(b), 1.642(c), 1.642(d), 1.642(e), 1.642(f), 1.642(g), 1.642(h), 1.642(i), 1.643(a), 1.643(b), 1.643(c), 1.643(d), 1.651(a), 1.651(b), 1.652(a), 1.652(b), 1.652(c), 1.661(a), 1.661(b), 1.661(c), 1.662(a), 1.662(b), 1.662(c), 1.663(a), 1.663(b), 1.663(c), 1.664, 1.665(a)A, 1.665(b)A, 1.665(c)A, 1.665(d)A, 1.665(e)A, 1.665(f)A, 1.665(g)A, 1.665(a), 1.665(b), 1.665(c), 1.665(d), 1.665(e), 1.666(a)A, 1.666(b)A, 1.666(c)A, 1.666(d)A, 1.666(a), 1.666(b), 1.666(c), 1.667, 1.667(a)A, 1.667(b)A, 1.668(a)A, 1.668(b)A, 1.668(a), 1.668(b), 1.669(a)A, 1.669(b)A, 1.669(c)A, 1.669(d)A, 1.669(e)A, 1.669(f)A, 1.669(a), 1.669(b), 1.671, 1.672(a), 1.672(b), 1.672(c), 1.672(d), 1.673(a), 1.673(b), 1.673(c), 1.673(d), 1.674(a), 1.674(b), 1.674(c), 1.674(d), 1.675, 1.676(a), 1.676(b), 1.677(a), 1.677(b), 1.678(a), 1.678(b), 1.678(c), 1.678(d), 1.681(a), 1.681(b), 1.682(a), 1.682(b), 1.682(c), 1.683, 1.691(a), 1.691(b), 1.691(c), 1.691(d), 1.691(e), 1.691(f), 1.701, 1.702, 1.703, 1.704, 1.705, 1.706, 1.707, 1.708, 1.721, 1.722, 1.723, 1.731, 1.732, 1.733, 1.734, 1.735, 1.736, 1.741, 1.742, 1.743, 1.751, 1.752, 1.753, 1.754, 1.755, 1.761, 1.771, 1.801, 1.802, 1.803, 1.804, 1.805, 1.806, 1.807, 1.809, 1.810, 1.811, 1.812, 1.813, 1.815, 1.816, 1.817, 1.818, 1.819, 1.820, 1.821, 1.822, 1.823, 1.824, 1.825, 1.826, 1.831, 1.832, 1.841, 1.842, 1.843, 1.851, 1.852, 1.853, 1.854, 1.855, 1.856, 1.857, 1.858, 1.863, 1.864, 1.871A, 1.871, 1.872, 1.873, 1.874, 1.875, 1.876, 1.877, 1.878, 1.881, 1.882, 1.883, 1.884, 1.892, 1.893, 1.894, 1.895, 1.896, 1.902, 1.903, 1.904, 1.905, 1.911, 1.912, 1.921, 1.922, 1.931, 1.932, 1.933, 1.934, 1.935, 1.941, 1.942, 1.943, 1.951, 1.952, 1.953, 1.954, 1.955, 1.956, 1.957, 1.958, 1.959, 1.960, 1.961, 1.962, 1.963, 1.964, 1.970, 1.971, 1.972, 1.981, 1.991, 1.992, 1.993, 1.994, 1.995, 1.996, 1.997, 1.1001, 1.1002, 1.1011, 1.1012, 1.1013, 1.1014, 1.1015, 1.1016, 1.1017, 1.1018, 1.1019, 1.1020, 1.1021, 1.1022, 1.1031(a), 1.1031(b), 1.1031(c), 1.1031(d), 1.1031(e), 1.1032, 1.1033(a), 1.1033(b), 1.1033(c), 1.1033(d), 1.1033(e), 1.1033(f), 1.1033(g), 1.1033(h), 1.1034, 1.1035, 1.1036, 1.1037, 1.1038, 1.1039, 1.1051, 1.1052, 1.1053, 1.1054, 1.1055, 1.1056, 1.1071, 1.1081, 1.1082, 1.1083, 1.1091, 1.1101, 1.1102, 1.1103, 1.1201, 1.1202, 1.1212, 1.1221, 1.1222, 1.1223, 1.1231, 1.1232, 1.1233, 1.1234, 1.1235, 1.1236, 1.1237, 1.1238, 1.1240, 1.1241, 1.1242, 1.1243, 1.1244(a), 1.1244(b), 1.1244(c), 1.1244(d), 1.1244(e), 1.1245, 1.1247, 1.1248, 1.1249, 1.1250, 1.1251, 1.1252, 1.1301, 1.1302, 1.1303, 1.1304, 1.1305, 1.1311(a), 1.1311(b), 1.1312, 1.1313(a), 1.1313(b)–(c), 1.1314(a), 1.1314(b), 1.1314(c), 1.1314(d)–(e), 1.1315, 1.1321, 1.1331, 1.1332, 1.1333, 1.1334, 1.1335, 1.1336, 1.1337, 1.1341, 1.1342, 1.1346, 1.1347, 1.1348, 1.1361, 1.1371, 1.1372, 1.1374, 1.1375, 1.1376, 1.1377, 1.1378, 1.1381, 1.1382, 1.1383, 1.1385, 1.1388, 1.1401, 1.1402(a), 1.1402(b), 1.1402(c), 1.1402(d), 1.1402(e), 1.1402(f), 1.1402(g), 1.1402(h), 1.1403, 1.1441, 1.1442, 1.1443, 1.1451, 1.1461, 1.1462, 1.1463, 1.1464, 1.1465, 1.1471, 1.1481, 1.1491, 1.1492, 1.1493, 1.1494, 1.1501, 1.1503, 1.1504, 1.1505, 1.1551, 1.1552, 1.1562, 1.1563, 1.1564, 1.6001, 1.6012, 1.6013, 1.6014, 1.6015(a), 1.6015(b), 1.6015(d), 1.6015(e), 1.6015(f), 1.6015(g), 1.6015(h), 1.6015(i), 1.6015(j), 1.6016, 1.6017, 1.6031, 1.6032, 1.6034, 1.6035, 1.6036, 1.6037, 1.6038, 1.6039, 1.6041, 1.6042, 1.6043, 1.6044, 1.6045, 1.6046, 1.6049, 1.6050, 1.6052, 1.6056, 1.6061, 1.6062, 1.6063, 1.6065, 1.6071, 1.6073, 1.6074, 1.6102, 1.6151, 1.6152, 1.6153, 1.6154, 1.6161, 1.6162, 1.6164, 1.6165, 1.6302, 1.6411, 1.6414, 1.6425, 1.6428, 1.6655, and 1.7476.

PART 15—TEMPORARY INCOME TAX REGULATIONS RELATING TO EXPLORATION EXPENDITURES IN THE CASE OF MINING

§ 15.1 [Deleted]

Par. 2. Section 15.1 is deleted.

PART 16—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1962

§ 16.3 [Deleted]

Par. 3. Section 16.3 is deleted.

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

Par. 4. Section 20.0–1(c) is revised to read as follows:

§ 20.0–1 Introduction.

* * * * *

(c) *Arrangement and numbering.* Each section of the regulations in this part (other than this section and § 20.0–2) is designated by a number composed of the part number followed by a decimal point (20.); the section of the Internal Revenue Code which it interprets; a hyphen (-); and a number identifying the section. By use of these designations one can ascertain the sections of the regulations relating to a provision of the Code. For example, the regulations pertaining to section 2012 of the Code are designated § 20.2012–1.

Par. 5. Sections 20.2001, 20.2002, 20.2011, 20.2012, 20.2013, 20.2014, 20.2015, 20.2016, 20.2031, 20.2032, 20.2033, 20.2034, 20.2035, 20.2036, 20.2037, 20.2038, 20.2040, 20.2041, 20.2042, 20.2043, 20.2044, 20.2051, 20.2052, 20.2053, 20.2054, 20.2055, 20.2056(a), 20.2056(b), 20.2056(c), 20.2056(d), 20.2056(e), 20.2101, 20.2102, 20.2103, 20.2104, 20.2105, 20.2106, 20.2107, 20.2108, 20.2201, 20.2202, 20.2203, 20.2204, 20.2205, 20.2206, 20.2207, 20.2208, 20.2209, 20.6001, 20.6011, 20.6018, 20.6036, 20.6061, 20.6065, 20.6071, 20.6075, 20.6081, 20.6091, 20.6151, 20.6161, 20.6163, 20.6165, 20.6166, 20.6314, 20.6322, 20.6323, 20.6324, 20.6325, 20.6601, 20.6905, 20.7101, and 20.7404 are deleted.

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Par. 6. Section 25.0–1(d) is revised to read as follows:

§ 25.0–1 Introduction.

* * * * *

(d) *Arrangement and numbering.* Each section of the regulations in this part (other than this section) is designated by a number composed of the part number followed by a decimal point (25.); the section of the Internal Revenue code which it interprets; a hyphen (-); and a number identifying the section. By use of these designations one can ascertain the sections of the regulations relating to a provision of the Code. For example, the regulations pertaining to section 2521 of the Code are designated § 25.2521–1.

Par. 7. Sections 25.2501, 25.2502, 25.2503, 25.2504, 25.2511, 25.2512, 25.2513, 25.2514, 25.2515, 25.2516, 25.2521, 25.2522(a), 25.2522(b), 25.2522(c), 25.2522(d), 25.2523(a), 25.2523(b), 25.2523(c), 25.2523(d), 25.2523(e), 25.2523(f), 25.2524, 25.6001, 25.6011, 25.6019, 25.6061, 25.6065, 25.6075, 25.6081, 25.6091, 25.6151, 25.6161, 25.6165, 25.6321, 25.6322, 25.6323, 25.6324, 25.6601, 25.6905, and 25.7101 are deleted.

PART 31—EMPLOYMENT TAXES; APPLICABLE ON OR AFTER JANUARY 1, 1955

Par. 8. The following sections are deleted: §§ 31.3101, 31.3102, 31.3111, 31.3112, 31.3113, 31.3121(a), 31.3121(a)(1), 31.3121(a)(2), 31.3121(a)(3), 31.3121(a)(4), 31.3121(a)(5), 31.3121(a)(6), 31.3121(a)(7), 31.3121(a)(8), 31.3121(a)(9), 31.3121(a)(10), 31.3121(a)(11), 31.3121(a)(12), 31.3121(a)(13), 31.3121(a)(14), 31.3121(a)(15), 31.3121(b), 31.3121(b)(1), 31.3121(b)(2), 31.3121(b)(3), 31.3121(b)(4), 31.3121(b)(5), 31.3121(b)(6), 31.3121(b)(7), 31.3121(b)(8), 31.3121(b)(9), 31.3121(b)(10), 31.3121(b)(11), 31.3121(b)(12), 31.3121(b)(13), 31.3121(b)(14), 31.3121(b)(15), 31.3121(b)(16), 31.3121(b)(17), 31.3121(b)(18), 31.3121(b)(19), 31.3121(c), 31.3121(d), 31.3121(e), 31.3121(f), 31.3121(g), 31.3121(h), 31.3121(i), 31.3121(j), 31.3121(k), 31.3121(*l*), 31.3121(m), 31.3121(n), 31.3121(o), 31.3121(p), 31.3121(q), 31.3121(r), 31.3122, 31.3123, 31.3124, 31.3125, 31.3126, 31.3201, 31.3202, 31.3211, 31.3212, 31.3221, 31.3231(a), 31.3231(b), 31.3231(c), 31.3231(d), 31.3231(e), 31.3231(f), 31.3231(g), 31.3232, 31.3233, 31.3301, 31.3302(a), 31.3302(b), 31.3302(c), 31.3302(d), 31.3302(e), 31.3303, 31.3304, 31.3305, 31.3306(a), 31.3306(b), 31.3306(b)(1), 31.3306(b)(2), 31.3306(b)(3), 31.3306(b)(4), 31.3306(b)(5), 31.3306(b)(6), 31.3306(b)(7), 31.3306(b)(8), 31.3306(b)(9), 31.3306(b)(10), 31.3306(c), 31.3306(c)(1), 31.3306(c)(2), 31.3306(c)(3), 31.3306(c)(4), 31.3306(c)(5), 31.3306(c)(6), 31.3306(c)(7), 31.3306(c)(8), 31.3306(c)(9), 31.3306(c)(10), 31.3306(c)(11), 31.3306(c)(12), 31.3306(c)(13), 31.3306(c)(14), 31.3306(c)(15), 31.3306(c)(16), 31.3306(c)(17), 31.3306(c)(18), 31.3306(d), 31.3306(e), 31.3306(f), 31.3306(g), 31.3306(h), 31.3306(i), 31.3306(j) 31.3306(k), 31.3306(*l*), 31.3306(m), 31.3306(n), 31.3307, 31.3308, 31.3309, 31.3401(a), 31.3401(a)(1), 31.3401(a)(2), 31.3401(a)(3), 31.3401(a)(4), 31.3401(a)(5), 31.3401(a)(6), 31.3401(a)(6)A, 31.3401(a)(7), 31.3401(a)(8)(A), 31.3401(a)(8)(B), 31.3401(a)(8)(C), 31.3401(a)(9), 31.3401(a)(10), 31.3401(a)(11), 31.3401(a)(12), 31.3401(a)(13), 31.3401(a)(14), 31.3401(a)(15), 31.3401(a)(16), 31.3401(b), 31.3401(c), 31.3401(d), 31.3401(e), 31.3401(f), 31.3402(a), 31.3402(b), 31.3402(c), 31.3402(d), 31.3402(e), 31.3402(f)(1), 31.3402(f)(2), 31.3402(f)(3), 31.3402(f)(4), 31.3402(f)(5), 31.3402(f)(6), 31.3402(g), 31.3402(h)(1), 31.3402(h)(2), 31.3402(h)(3), 31.3402(h)(4), 31.3402(i), 31.3402(j), 31.3402(k), 31.3402(*l*), 31.3402(m), 31.3402(n), 31.3402(o), 31.3402(p), 31.3403, 31.3404, 31.3501, 31.3502, 31.3503, 31.3504, 31.3505, 31.6001, 31.6011(a), 31.6011(b), 31.6051, 31.6053, 31.6061, 31.6065(a), 31.6071(a), 31.6081(a), 31.6091, 31.6101, 31.6109, 31.6151, 31.6157, 31.6161(a)(1), 31.6201(b), 31.6205, 31.6302(b), 31.6302(c), 31.6317, 31.6402(a), 31.6404(a), 31.6413(a), 31.6413(b), 31.6413(c), 31.6413(d), 31.6414, 31.6513(e), 31.6601(k), 31.6652, 31.6674, 31.6682, and 31.7805.

PART 36—CONTRACT COVERAGE OF EMPLOYEES OF FOREIGN SUBSIDIARIES

§ 36.3121 [Amended]

Par. 9. Section 36.3121(l)–O(c) is revised by deleting the third sentence thereof which reads: "Each section of the regulations is preceded by the provision of the Code which it interprets."

Par. 10. Sections 36.3121(*l*)(1), 36.3121(*l*)(2), 36.3121(*l*)(3), 36.3121(*l*)(4), 36.3121(*l*)(5), 36.3121(*l*)(6), 36.3121(*l*)(7), 36.3121(*l*)(8), 36.3121(*l*)(9), and 36.3121(*l*)(10) are deleted.

PART 41—EXCISE TAX ON USE OF CERTAIN HIGHWAY MOTOR VEHICLES

Par. 11. Section 41.0–1(c) is revised to read as follows:

§ 41.0-1 Introduction.

* * * * *

(c) *Arrangement and numbering.* Each section of the regulations in this part (other than subpart A) is designated by a number composed of the part number followed by a decimal point (41.); the section of the Internal Revenue Code which it interprets; a hyphen (-); and a number identifying the section. By use of these designations one can ascertain the sections of the regulations relating to a provision of the Code. For example, the regulations pertaining to section 4481 of the Code are designated § 41.4481–1, § 41.4481–2, and § 41.4481–3.

Par. 12. Sections 41.4483, 41.4484, 41.6001, 41.6011(a), 41.6071(a), 41.6081(a), 41.6091, 41.6101, 41.6109, 41.6151(a), 41.6156, 41.6161(a)–(1), 41.6302(b), 41.7701, and 41.7805 are deleted.

PART 44—TAXES ON WAGERING; EFFECTIVE JANUARY 1, 1955

Par. 13. Section 44.0–1(c) is revised to read as follows:

§ 44.0-1 Introduction.

* * * * *

(c) *Arrangement and numbering.* Each section of the regulations in this part (other than subpart A) is designated by a number composed of the part number followed by a decimal point (44.); the section of the Internal Revenue Code which it interprets; a hyphen (-); and a number identifying the section. By use of these designations one can ascertain the sections of the regulations relating to a provision of the Code. For example, the regulations pertaining to section 4401 of the Code are designated § 44.4401–1, § 44.4401–2, and § 44.4401–3.

Par. 14. Sections 44.4401, 44.4402, 44.4403, 44.4404, 44.4405, 44.4411, 44.4412, 44.4413, 44.4414, 44.4421, 44.4422, 44.4423, 44.4901, 44.4902, 44.4904, 44.4905, 44.4906, 44.6001, 44.6011(a), 44.6071, 44.6091, 44.6151, 44.6419, 44.7262, 44.7272, 44.7701, and 44.7805 are deleted.

PART 45—MISCELLANEOUS STAMP TAXES

Par. 15. Section 45.0–1(c) is revised to read as follows:

§ 45.0-1 Introduction.

* * * * *

(c) *Arrangement and numbering.* Each section of the regulations in this part (other than subpart A) is designated by a number composed of the part number followed by a decimal point (45.); the section of the Internal Revenue Code which it interprets, a hyphen (-); and a number identifying the section. By use of these designations one can ascertain the sections of the regulations relating to a provision of the Code. For example, the regulations pertaining to section 4901 of the Code are designated § 45.4901–1.

Par. 16. Sections 45.4461, 45.4462, 45.4463, 45.4464, 45.4591, 45.4592(a), 45.4593(a), 45.4801, 45.4802, 45.4803, 45.4804, 45.4805, 45.4806, 45.4811, 45.4812, 45.4813, 45.4814, 45.4815(a), 45.4815(b), 45.4816, 45.4817, 45.4818, 45.4819, 45.4821, 45.4822, 45.4826, 45.4831, 45.4832, 45.4833, 45.4834, 45.4836, 45.4841, 45.4842, 45.4846, 45.4851, 45.4852, 45.4853, 45.4854, 45.4861, 45.4862, 45.4863, 45.4864, 45.4865, 45.4871, 45.4872, 45.4873, 45.4874, 45.4875, 45.4876, 45.4877, 45.4901, 45.4902, 45.4903, 45.4904, 45.4905, 45.4906, 45.4907, 45.6001, 45.6061, 45.6065, 45.6071, 45.6081(a), 45.6091, 45.6101, 45.6109, 45.6151, 45.6161(a)(1), 45.6804, 45.6805, 45.6806, 45.7011, 45.7208, 45.7209, 45.7233, 45.7234, 45.7235, 45.7236, 45.7239, 45.7263, 45.7264, 45.7265, 45.7266, 45.7267, 45.7271, 45.7272, 45.7273, 45.7274, 45.7303, 45.7326(a), 45.7328, 45.7492, 45.7493, 45.7510, 45.7641, 45.7701, and 45.7805 are deleted.

PART 46—REGULATIONS RELATING TO MISCELLANEOUS EXCISE TAXES PAYABLE BY RETURN

Par. 17. Section 46.0–1(c) is revised to read as follows:

§ 46.0-1 Introduction.

* * * * *

(c) *Arrangement and numbering.* Each section of the regulations in this part (other than subpart A) is designated by a number composed of the part number followed by a decimal point (46.); the section of the Internal Revenue Code which it interprets, a hyphen (-); and a number identifying the section. By use of these designations one can ascertain the sections of the regulations relating to a provision of the Code. For example, the regulations pertaining to section 4371 of the Code are designated § 46.4371–0, § 46.4371–1, and § 46.4371–2.

Par. 18. Sections 46.4371, 46.4372, 46.4373, 46.4374, 46.4375, 46.4501, 46.4502, 46.4503, 46.4504, 46.4881, 46.4882, 46.4883, 46.4884, 46.4885, 46.4886, 46.6001, 46.6011(a), 46.6061, 46.6065, 46.6071(a), 46.6081(a), 46.6091, 46.6101, 46.6109, 46.6151, 46.6161(a)(1), 46.6302(b), 46.6302(c), 46.6402(a), 46.6404(a), 46.6412(d), 46.6417, 46.6418, 46.6511(e), 46.7420, 46.7654, 46.7701, and 46.7805 are deleted.

PART 47—DOCUMENTARY STAMP TAXES

Par. 19. Section 47.0–1(c) is revised to read as follows:

§ 47.0-1 Introduction.

* * * * *

(c) *Arrangement and numbering.* Each section of the regulations in this part (other than subpart A) is designated by a number composed of the part number followed by a decimal point (47.); the section of the Internal Revenue Code which it interprets; a hyphen (-); and a number identifying the section. By use of these designations one can ascertain the sections of the regulations relating to a provision of the Code. For example, the regulations pertaining to section 4371 of the Code are designated § 47.4371–0, § 47.4371–1, and § 47.4371–2.

Par. 20. Sections 47.4301, 47.4302, 47.4303, 47.4304, 47.4305, 47.4311, 47.4312, 47.4313, 47.4314, 47.4315, 47.4321, 47.4322, 47.4323, 47.4324, 47.4331, 47.4332, 47.4333, 47.4341, 47.4342, 47.4343, 47.4344, 47.4345, 47.4346, 47.4351, 47.4352, 47.4353, 47.4354, 47.4361, 47.4362, 47.4363, 47.4371, 47.4372, 47.4373, 47.4374, 47.4375, 47.4381, 47.4382, 47.4383, 47.4384, 47.6001, 47.6801, 47.6802, 47.6804, 47.6805, 47.7208, 47.7209, 47.7270, 47.7271, 47.7701, and 47.7805 are deleted.

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

§§ 48.4218 and 48.4219 [Deleted]

Par. 21. Sections 48.4218 and 48.4219 are deleted.

PART 49—FACILITIES AND SERVICES EXCISE TAXES

Par. 22. Section 49.0–1(c) is revised to read as follows:

§ 49.0-1 Introduction.

* * * * *

(c) *Arrangement and numbering.* Each section of the regulations in this part (other than subpart A) is designated by a number composed of the part number followed by a decimal point (49.); the section of the Internal Revenue Code which it interprets, a hyphen (-); and a number identifying the section. By use of these designations one can ascertain the sections of the regulations relating to a provision of the Code. For example, the regulations pertaining to section 4261 of the Code are designated § 49.4261–1, § 49.4261–2, § 49.4261–3, § 49.4261–4, § 49.4261–5, § 49.4261–6, § 49.4261–7, § 49.4261–8, § 49.4261–9, and § 49.4261–10.

Par. 23. Sections 49.4241, 49.4242, 49.4243, 49.4251, 49.4252, 49.4253, 49.4254, 49.4261, 49.4262(a), 49.4262(b), 49.4262(c), 49.4263, 49.4264(a), 49.4264(b), 49.4264(c), 49.4264(d), 49.4264(e), 49.6264(f), 49.4286, 49.4287, 49.6011(a), 49.6071(a), 49.6091, 49.6109, 49.6151, and 49.6302(c) are deleted.

PART 53—FOUNDATION AND SIMILAR EXCISE TAXES

Par. 24. Sections 53.4941(a), 53.4941(b), 53.4941(c), 53.4941(d), 53.4941(e), 53.4942, 53.4944, 53.4945, 53.4946, 53.4947, 53.4948, 53.6001, 53.6011, 53.6061, 53.6065, 53.6071, 53.6081, 53.6091, 53.6151, 53.6161, 53.6165, 53.6601, 53.6651, and 53.7101 are deleted.

PART 144—TEMPORARY EXCISE TAX REGULATIONS RELATING TO TAX ON TIRES AND TUBES DELIVERED TO MANUFACTURER'S RETAIL OUTLET (26 CFR Part 144)

§ 144.1 [Deleted]

Par. 25. Section 144.1 is deleted.

PART 145—TEMPORARY REGULATIONS IN CONNECTION WITH THE EXCISE TAX REDUCTION ACT OF 1965

§§ 145.3 and 145.4 [Deleted]

Par. 26. Sections 145.3 and 145.4 are deleted.

PART 154—TEMPORARY REGULATIONS IN CONNECTION WITH THE AIRPORT AND AIRWAY REVENUE ACT OF 1970

§§ 154.1–154.4 [Deleted]

Par. 27. Sections 154.1, 154.2, 154.3 and 154.4 are deleted.

PART 301—PROCEDURE AND ADMINISTRATION

Par. 28. The following sections are deleted: §§ 301.6001, 301.6011, 301.6012, 301.6013, 301.6014, 301.6015, 301.6016, 301.6017, 301.6018, 301.6019, 301.6020, 301.6021, 301.6031, 301.6032, 301.6033, 301.6034, 301.6035, 301.6036, 301.6037, 301.6038, 301.6039, 301.6040, 301.6041, 301.6042, 301.6043, 301.6044, 301.6045, 301.6046, 301.6047, 301.6048, 301.6049, 301.6050, 301.6051, 301.6052, 301.6061, 301.6062, 301.6063, 301.6064, 301.6065, 301.6071, 301.6073, 301.6074, 301.6075, 301.6081, 301.6091, 301.6096, 301.6101, 301.6102, 301.6103(a), 301.6103(b), 301.6103(c), 301.6103(d), 301.6103(e), 301.6103(f), 301.6104, 301.6105, 301.6106, 301.6108, 301.6109, 301.6111, 301.6151, 301.6152, 301.6153, 301.6154, 301.6155, 301.6156, 301.6157, 301.6161, 301.6162, 301.6163, 301.6164, 301.6165, 301.6166, 301.6201, 301.6202, 301.6203, 301.6204, 301.6205, 301.6206, 301.6207, 301.6211, 301.6212, 301.6213, 301.6214, 301.6215, 301.6216, 301.6301, 301.6302, 301.6303, 301.6304, 301.6311, 301.6312, 301.6313, 301.6314, 301.6315, 301.6316, 301.6317, 301.6321, 301.6322, 301.6323(a), 301.6323(b), 301.6323(c), 301.6323(d), 301.6323(e), 301.6323(f), 301.6323(g), 301.6323(h), 301.6323(i), 301.6324, 301.6325, 301.6326, 301.6331, 301.6332, 301.6333, 301.6334, 301.6335, 301.6336, 301.6337, 301.6338, 301.6339, 301.6340, 301.6341, 301.6342, 301.6343, 301.6344, 301.6401, 301.6402, 301.6403, 301.6404, 301.6405, 301.6406, 301.6407, 301.6411, 301.6412, 301.6413, 301.6414, 301.6415, 301.6416, 301.6417, 301.6418, 301.6419, 301.6420, 301.6421, 301.6422, 301.6423, 301.6425, 301.6501(a), 301.6501(b), 301.6501(c), 301.6501(d), 301.6501(e), 301.6501(f), 301.6501(h), 301.6501(i), 301.6501(j), 301.6501(k), 301.6501(l), 301.6501(m), 301.6501(o), 301.6502, 301.6503(a), 301.6503(b), 301.6503(c), 301.6503(d), 301.6503(e), 301.6503(f), 301.6503(g), 301.6504, 301.6511(a), 301.6511(b), 301.6511(c), 301.6511(d), 301.6511(e), 301.6511(f), 301.6512, 301.6513, 301.6514(a), 301.6514(b), 301.6515, 301.6521, 301.6531, 301.6532, 301.6533, 301.6601, 301.6602, 301.6611, 301.6612, 301.6621, 301.6651, 301.6652, 301.6653, 301.6654, 301.6655, 301.6656, 301.6657, 301.6658, 301.6659, 301.6671, 301.6672, 301.6673, 301.6674, 301.6675, 301.6676, 301.6678, 301.6679, 301.6682, 301.6684, 301.6685, 301.6688, 301.6801, 301.6802, 301.6803, 301.6804, 301.6805, 301.6806, 301.6807, 301.6808, 301.6851, 301.6861, 301.6862, 301.6863, 301.6864, 301.6871(a), 301.6871(b), 301.6872, 301.6873, 301.6901, 301.6902, 301.6903, 301.6904, 301.6905, 301.7001, 301.7011, 301.7012, 301.7101, 301.7102, 301.7103, 301.7121, 301.7122, 301.7123, 301.7201, 301.7202, 301.7203, 301.7204, 301.7205, 301.7206, 301.7207, 301.7208, 301.7209, 301.7210, 301.7211, 301.7212, 301.7213, 301.7214, 301.7215, 301.7216, 301.7231, 301.7232, 301.7233, 301.7234, 301.7235, 301.7236, 301.7237, 301.7238, 301.7239, 301.7240, 301.7261, 301.7262, 301.7263, 301.7264, 301.7265, 301.7266, 301.7267, 301.7268, 301.7269, 301.7270, 301.7271, 301.7272, 301.7273, 301.7274, 301.7275, 301.7301, 301.7302, 301.7303, 301.7304, 301.7321, 301.7322, 301.7323, 301.7324, 301.7325, 301.7326, 301.7327, 301.7328, 301.7329, 301.7341, 301.7342, 301.7343, 301.7344, 301.7401, 301.7402, 301.7403, 301.7404, 301.7405, 301.7406, 301.7407, 301.7421, 301.7422, 301.7423, 301.7424, 301.7425, 301.7426, 301.7427, 301.7441, 301.7442, 301.7443, 301.7444, 301.7445, 301.7446, 301.7447, 301.7448, 301.7451, 301.7452, 301.7453, 301.7454, 301.7455, 301.7456, 301.7457, 301.7458, 301.7459, 301.7460, 301.7461, 301.7462, 301.7463, 301.7471, 301.7472, 301.7473, 301.7474, 301.7476, 301.7481, 301.7482, 301.7483, 301.7484, 301.7485, 301.7486, 301.7487, 301.7491, 301.7492, 301.7493, 301.7501, 301.7502, 301.7503, 301.7504, 301.7505, 301.7506, 301.7507, 301.7508, 301.7509, 301.7510, 301.7512, 301.7513, 301.7514, 301.7515, 301.7516, 301.7601, 301.7602, 301.7603, 301.7604, 301.7605, 301.7606, 301.7607, 301.7609, 301.7621, 301.7622, 301.7623, 301.7641, 301.7651, 301.7652, 301.7653, 301.7654, 301.7655, 301.7701, 301.7801, 301.7802, 301.7803, 301.7804, 301.7805, 301.7806, 301.7807, 301.7808, 301.7809, 301.7810, 301.7851, and 301.7852.

PART 400—TEMPORARY REGULATIONS UNDER THE FEDERAL TAX LIEN ACT OF 1966

§§ 400.1–400.5 [Deleted]

Par. 29. Sections 400.1, 400.2, 400.3, 400.4, and 400.5 are deleted.

This Treasury decision removes recitations of provisions of the Internal Revenue Code of 1954 from Title 26 of the Code of Federal Regulations and makes necessary conforming changes in the regulations to reflect this action. Because this Treasury decision does not change any existing rules, it is found unnecessary to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

Jerome Kurtz,

Commissioner of Internal Revenue.

Approved: January 8, 1980.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 80-2361 Filed 1-24-80; 8:45am]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Wage and Hour Division

29 CFR Part 511

Wage Order Procedure for Puerto Rico, the Virgin Islands, and American Samoa; Compensation of Committee Members

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: This document increases from $130 to $146 a day the per diem allowance to which members of industry committees in Puerto Rico, the Virgin Islands and American Samoa are entitled. The industry committees, whose members include representatives of employees, employers and public as appointed by the Secretary of Labor, meet periodically to review the wage rates in various industries and to recommend wage increases where appropriate. The Committees meet pursuant to the Fair Labor Standards Act, which authorizes the establishment of minimum wage rates in Puerto Rico, the Virgin Islands and American Samoa which are lower than the mainland minimum wage rate.

EFFECTIVE DATE: January 25, 1980.

FOR FURTHER INFORMATION CONTACT: Josephine C. Stein, Labor Economist, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-3028, Washington, DC 20210, 202-523-7642.

SUPPLEMENTARY INFORMATION: It is the standard practice to adjust compensation for Industry Committee members in accordance with changes in General Schedule salary rates. The purpose of this amendment is to increase the compensation of each member of an industry committee from $130 to $146 for each day spent in the work of the committee. It accords with changes in General Schedule salary rates effective October 7, 1979, for regular employees of the U.S. Department of Labor.

As this amendment concerns only a rule of agency practice, and is not substantive notice of proposed rule making, opportunity for public participation and delay in effective date are not required by 5 U.S.C. 553. It does not appear that such participation or delay would serve a useful purpose. Accordingly, this revision shall be effective immediately.

This document was prepared under the direction and control of the Administrator, Wage and Hour Division.

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp. p. 1004), I hereby revise 29 CFR 511.4 to read as follows:

§ 511.4 Compensation of committee members.

Each member of an industry committee will be allowed a per diem of $146 for each day actually spent in the work of committee, and will, in addition, be reimbursed for necessary transportation and other expense incident to traveling in accordance with Standard Government Travel Regulations then in effect. All travel expenses will be paid on travel vouchers certified by the Administrator or his authorized representative. Any other necessary expenses which are incidental to the work of the committee may be incurred by the committee upon approval of, and shall be paid upon certification of the Administrator or his authorized representative.

(Sec. 5, 52 Stat. 1062, as amended; 29 U.S.C. 205)

Signed at Washington, D.C. this 18th day of January, 1980.

C. Lamar Johnson,

Deputy Administrator, Wage and Hour Division.

[FR Doc. 80-2326 Filed 1-24-80; 8:45 am]

BILLING CODE 4510-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1398-6]

Approval and Promulgation of Implementation Plans; Kentucky: Approval of 1979 Ozone Revisions

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of the State Implementation Plan (SIP) revisions which the Kentucky Department of Natural REsources and Environmental Protection submitted pursuant to requirements of Part D of

Title I of the Clean Air Act, as amended in 1977, for ozone nonattainment areas. EPA's approval is given on condition that certain deficiencies be corrected by June 1980. If the deficiencies are not corrected by June 1980, EPA will then disapprove the affected portions of the revisions.

DATE: These actions are effective January 25, 1980.

ADDRESSES: Copies of the materials submitted by Kentucky and the comments received in response to the proposal notice of November 15, 1979 (44 FR 65781), 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: Barry Gilbert, EPA, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30308, 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION:

Background

In the November 15, 1979, **Federal Register** (44 FR 65781) EPA proposed approval of the Kentucky SIP revisions for the following areas designated nonattainment for ozone:

A. Northern Kentucky (Cincinnati Area)—Boone, Kenton, and Campbell Counties
B. Daviess County
C. Fayette County
D. Henderson County
E. Jefferson County
F. McCracken County
G. Boyd County

EPA on November 2, 1979 (44 FR 63104), redesignated Daviess and McCracken Counties attainment. Revisions for the remaining areas were submitted for EPA's approval on June 29, 1979.

The Kentucky revisions have been reviewed by EPA in light of the Clean Air Act (CAA), 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. Supplements to the April 4 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53716), and November 23, 1979 (44 FR 67182); these involve, among other things, conditional approval.

EPA is conditionally approving the revisions since the deficiencies are minor and the Commonwealth has provided assurance that it will submit corrections by the June 1980 deadline specified (June 30 for I/M legislation, June 1 for other corrections needed).

A discussion of conditional approval and its practical effect appears in supplements to the General Preamble, 44 FR 38583 (July 2, 1979) and November 23, 1979 (44 FR 67182). The conditional approval requires the Commonwealth to submit additional materials by the deadline specified in today's notice. EPA will follow the procedures described below when determining if the Commonwealth has satisfied the conditions.

1. If the Commonwealth submits the required additional documentation according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the Commonwealth's submission to determine if the condition is fully met. After review is complete, a **Federal Register** notice will be published proposing or taking final action either to find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan. If the plan is disapproved the Section 110(a)(2)(I) restrictions on construction will be in effect.

3. If the Commonwealth fails to submit in a timely manner the required materials needed to meet a condition, EPA will publish a **Federal Register** notice shortly after the expiration of the time limit for submission. The notice will announce that the conditional approval is withdrawn, the SIP is disapproved and Section 110(a)(2)(I) restrictions on growth are in effect.

In addition to the implementation plan revisions for the nonattainment areas required under Part D of Title I of the CAA, the Commonwealth's submittal contains changes related to other portions of the CAA, including changes in the New Source Performance Standard (NSPS) regulations, regulations concerning prevention of significant deterioration, and other emission standards. Thus, Kentucky has identified other measures necessary to provide for attainment before the end of 1987. These topics will be dealt with in a separate **Federal Register** notice.

General Discussion

Section 172(b) of the CAA contains the requirements for nonattainment State Implementation Plans. The following is a listing of these requirements accompanied by a discussion of the contents and adequacies of the Kentucky submittals.

172(b)(1) (SIP provision shall) be adopted by the State (or promulgated by the Administrator under Section 110(c)) after reasonable notice and public hearing;

Public hearings were held throughout the Commonwealth on the adopted material following 30 days public notice. Public hearings were conducted January 9, 10, and 17, April 16, and June 7, 1979. These SIP provisions were adopted by the Commonwealth on June 6 and 29, 1979, and by the Jefferson County Board on June 18, 1979.

172(b)(2) (SIP provision shall) provide for the implementation of all reasonably available control measures as expeditiously as practicable;

For discussion of reasonably available control measures including Reasonable Available Control Technology (RACT) see the discussion after Section 172(b)(3) below.

172(b)(3) (SIP provisions shall) require, in the interim, reasonable further progress (as defined in Section 171(l)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology;

The plan provides for volatile organic compounds (VOC) reductions from major VOC sources in Kentucky to which Control Techniques Guidelines (CTGs) apply. This reduction represents reasonable further progress (RFP) towards attaining and maintaining the National Ambient Air Quality Standards (NAAQS). RFP for ozone nonattainment areas requires reductions from stationary and mobile sources sufficient to attain the primary NAAQS on or before December 31, 1982, in all areas except Louisville and Northern Kentucky. The Commonwealth has requested an extension to the end of 1987 for meeting the ozone and carbon monoxide NAAQS in Louisville (Jefferson Co.) and the ozone NAAQS in Northern Kentucky (Boone, Kenton and Campbell Counties). Therefore, a mandatory inspection and maintenance (I/M) program for motor vehicles, other transportation control measures, and a new source review program consistent with Section 172(b)(11) must be implemented. As a requirement for the extension to 1987, the SIP must include:

A. An adequate inspection and maintenance program for motor vehicles. This must include the following:

"Inspection/Maintenance" (I/M) as it is used in Section 172(b)(11)(B), refers to a program whereby motor vehicles receive periodic inspections to assess the functioning of their exhaust emission control systems. Vehicles which have excessive emissions must then undergo mandatory maintenance. Generally, I/M programs include passenger cars, although other classes may be included as well.

Operation of noncomplying vehicles is prohibited. This is most effectively accomplished by requiring proof of compliance in order to purchase license plates or to register a vehicle. In certain cases, a windshield sticker system can be used, much like many motor vehicle safety inspection programs. Section 172 of the Clean Air Act requires that State Implementation Plans for States which include non-attainment areas must meet certain criteria. For areas which demonstrate that they will not be able to attain the ambient air quality standards for ozone or carbon monoxide by the end of 1982, despite the implementation of all reasonably available measures, an extension to 1987 will be granted. In such cases Section 172(b)(11)(B) requires that: "the plan provisions shall establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program * * *"

EPA issued guidance on February 24, 1978, on the general criteria for SIP approval including I/M, and on July 17, 1978, regarding the specific criteria for I/M SIP approval. Both of these notices are part of the SIP guidance material referred to in the General Preamble for Proposed Rulemaking 44 FR 20372, n 6. Although the July 17, 1978, guidance should be consulted for details, the key elements for I/M SIP approval are as follows:

- *Legal Authority.* States or local governments must have adopted the necessary statutes, regulations, ordinances, etc., to implement and enforce the inspection/maintenance program. (Section 172(b)(10).)
- *Commitment.* The appropriate governmental unit(s) must be committed to implement and enforce the I/M program. (Section 172(b)(10).)
- *Resources.* The necessary finances and resources to carry out the I/M program must be identified and committed. (Section 172(b)(7).)
- *Schedule.* A specific schedule to establish the I/M program must be included in the State Implementation Plan. (Section 172(b)(11)(B).) Interim milestones are specified in the July 17, 1978, memorandum in accordance with the general requirement of 40 CFR 51.15(c).
- *Program Effectiveness.* As set forth in the July 17, 1978 guidance memorandum, the I/M program must achieve a 25% reduction in passenger car exhaust emissions of hydrocarbons and a 25% reduction for carbon monoxide. This reduction is measured by comparing the levels of emission projected to December 31, 1987, with and without the I/M program. This policy is based on Section 172(b)(2) which states that "the plan provisions * * * shall * * * provide for the implementation of all reasonably available control measures * * *"

Specific detailed requirements of these five provisions are discussed below.

To be acceptable, I/M authority must be adequate to implement and effectively enforce the program and must not be conditioned upon further legislative approval or any other substantial contingency. However, the legislation can delegate certain decision making to an appropriate regulatory body. For example, a state department of environmental protection or department of transportation may be charged with implementing the program, selecting the type of test procedure as well as the type of program to be used, and adopting all necessary rules and regulations. I/M legal authority must be included with any plan revision which must include I/M (i.e., a plan which establishes an attainment date beyond December 31, 1982) unless an approved extension to certify legal authority is granted by EPA. The granting of such an extension, however, is an exceptional remedy to be utilized only when a state legislature has had no opportunity to consider enabling legislation.

Written evidence is also required to establish that the appropriate governmental bodies are "committed to implement and enforce the appropriate elements of the plan." (Section 172(b)(10).) Under Section 172(b)(7), supporting commitments for the necessary financial and manpower resources are also required.

A specific schedule to establish an inspection/maintenance program is required. (Section 172(b)(11)(B).) The July 17, 1978, guidance memorandum established as EPA policy the key milestones for the implementation of the various I/M programs. These milestones meet the general SIP requirement for compliance schedules as governed by 40 CFR 51.15(c). That section requires that increments of progress be contained in compliance schedules of over one year in length.

To be acceptable, an I/M program must achieve the requisite 25% reductions in both hydrocarbon (HC) and carbon monoxide (CO) exhaust emissions from passenger cars by the end of calendar year 1987. The Act mandates "Implementation of all reasonably available control as expeditiously as practicable." Section 172(b)(2). At the time of passage of the Clean Air Act Amendments of 1977, several inspection/maintenance programs were already operating, including mandatory programs in New Jersey and Arizona operating at about a 20% stringency. (The stringency of a program is defined as the initial proportion of vehicles which would have failed the program's standards if the affected fleet had not undergone I/M before initial testing.

Because some motorists tune their vehicles before I/M tests, the actual proportion of vehicles failing is usually a smaller number than the stringency of the program.) Depending on program type (private garage or centralized inspection) a mandatory I/M program may be implemented as late as December 31, 1982 and the attainment date may be as late as December 31, 1987. Based on an implementation date of December 31, 1982 and a 20% stringency factor, EPA predicts the reductions of both CO and HC exhaust emissions of 25% can be achieved by December 31, 1987. Earlier implementation of I/M will produce greater emission reductions. Thus, because of the Act's requirement for the implementation of all reasonably available control measures and because New Jersey and Arizona have effectively demonstrated practical operation of I/M programs with 20% stringency factors, it is EPA policy to use a 25% emission reduction as the criterion to determine compliance of the I/M portion with Section 172(b)(2)). (See Jefferson County (Louisville) for discussion of the above points)

B. A program for selecting a package of transportation control measures (and any other necessary measures) to attain the emission reductions target ascribed in the SIP. The package should include an adopted schedule for expeditious implementation of currently planned reasonable transportation control measures, and schedules for analysis and adoption of additional transportation control (and other necessary) measures (Ref. CAA Section 110(a)(3)(D), Section 172(b)(2), (7), (10), and (11)(C)).

C. A commitment to establish, expand, or improve public transportation needs as expeditiously as practicable, including a commitment to use necessary federal grants and State and local funds (Ref. CAA, Section 110(a)(3)(D), and Section 172(b)(2)).

Jefferson County (Louisville): The Commonwealth has calculated that a 39% reduction in hydrocarbon emissions is needed to meet the ozone standard. It has applied and adopted all reasonably available control measures and made a proper demonstration that the standard cannot be attained by December, 1982. The Commonwealth has requested and

EPA is approving an extension to 1987 to attain the ozone NAAQS.

The requirements for this extension are stated above and in the discussion of Section 172(b)(11) requirements. The Commonwealth has submitted in the SIP an opinion from the Attorney General of the Commonwealth regarding its legal authority to implement and enforce I/M and the ability under Kentucky law of local governments to adopt authority to implement and enforce I/M. Since efforts to adopt legal authority to implement and enforce a mandatory I/M program at the local level have not been successful, the Commonwealth has assumed the responsibility for implementing the program. In the SIP, the Commonwealth made a commitment to implementing an I/M program by including a schedule of future actions which would lead to implementation of the program by December 31, 1982, and a commitment to use the I/M program to obtain the emission reductions necessary to attain and maintain the ambient standards by 1987. This commitment satisfies the requirement for a commitment to a 25% reduction in hydrocarbon and carbon monoxide exhaust emissions by 1987. However, upon review of the SIP, it was found that the I/M legal authority does not exist. Therefore, to assure themselves and EPA of adequate legal authority, legislative action by the Kentucky Legislature will be required. In response to the deficiency, the Governor of Kentucky on June 29, 1979, committed the Commonwealth to attempt to pass enabling legislation in the regular 1980 General Assembly session. Because the deadline for certification of adequate legal authority was July 1, 1979, for the SIP to be conditionally approved an extension of the deadline is necessary.

In order for the Governor's request to be granted, it must be demonstrated that the legislature had inadequate opportunity to consider the needed legal authority. In a letter dated November 2, 1979, the Secretary of the Kentucky Department of Natural Resources and Environmental Protection reaffirmed the Governor's request for an extension and indicated that the legislative session of 1980 will be the first session at which the Kentucky Legislature can consider legislative action.

It should be noted that the last time that the General Assembly met in regular session was in January-March, 1978. At that time, the Agriculture and Natural Resources Committee tabled enabling I/M legislation, because it was not known at that time if any areas in the Commonwealth would require an I/M program. The Secretary in his letter stated that Kentucky meets only every other year so that the next opportunity for legislative consideration is 1980. While there was a special session called by the Lieutenant Governor from January 8–February 14, 1979, to consider budgetary action, the Secretary pointed out that no legislative action was considered.

Therefore, EPA believes that there has been inadequate opportunity for the Kentucky legislature to consider necessary legal authority for I/M, and grants an extension for certification of adequate legal authority to June 30, 1980. EPA also conditionally approves the I/M portion of the SIP, conditioned on the certification of adequate legal authority by June 30, 1980. Should new legal authority change the characteristics of the program in the SIP, the SIP should be revised accordingly.

If the Commonwealth does not certify adequate I/M legal authority, the SIP will be disapproved and the Commonwealth will be liable to growth restrictions and funding limitations contained in the CAA. EPA reviewed the Transportation Control Plan (TCP) according to the requirements listed in the CAA and found that the submittal adequately addresses all of those issues except for the following:

1. In Appendix F (Kentuckian Regional Planning and Development Agency (KIPDA), p. 74–78) certain transportation control measures (TCM's) are identified as "adopted but not yet implemented". Each of these TCM projects must include commitments from the appropriate agencies for implementation and enforcement. Schedules for initiation and completion or implementation of the measures must be contained in the SIP.

2. The appropriate agency(ies) must examine the air quality benefits from all projects in the long-term as well as short-term to insure that a project will continue to have air quality benefits throughout its lifetime. EPA will accept for inclusion in the SIP only those measures meeting this criterion. EPA also requires that the projected emission reductions must be verified through the annual reporting requirements related to the Reasonable Further Progress Curve.

3. Section 108(f) requires EPA to publish and make available information documents on transportation control measures that are reasonably available for implementation in order to reduce emissions from transportation sources. EPA considers all Section 108(f) measures to be reasonably available. The Commonwealth submission lacks a commitment to justify a decision not to implement any measures found reasonably available but difficult to implement. The submittal does not contain the schedule for analysis of packages of *all* the Section 108(f) measures with a commitment to implement expeditiously the measures that are found feasible for implementation.

Boone, Kenton and Campbell Counties (Northern Kentucky): The Commonwealth has calculated that a 49% reduction in VOC emissions is needed to meet the ozone standard. They have applied all reasonable available measures and made a proper demonstration that the standard cannot be attained by December 1982. The Commonwealth has requested and EPA is granting an extension to 1987 to attain the ozone NAAQS. The requirements for this extension are stated in the General Discussion section of this notice. The comments relating to the mandatory I/M program for Jefferson County also apply to these counties. EPA's review of the Northern Kentucky area's TCP has revealed the following deficiencies:

1. In Table 7–4 of Appendix G (Ohio-Kentucky-Indiana Report), certain transportation control measures are identified for implementation during 1980–1983. EPA requirements concerning measures contained in a TCP include the following:

a. A commitment must be made from the responsible agency(ies) to the enforcement of measures where appropriate.

b. The appropriate agency(ies) must examine the air quality benefits from all TCM projects in the long-term as well as short-term to insure that such project will continue to have air quality benefits throughout its lifetime. EPA will accept for inclusion into the SIP only those measures meeting this criterion. EPA also requires that the projected emissions reductions must be verified through the annual reporting requirements related to the Reasonable Further Progress Curve.

2. The SIP (Appendix G) did not contain a commitment to justify the infeasibility of any Section 108 alternative measures not adopted. Ohio-Kentucky-Indiana Regional Council of Governments (OKI) has replied to an EPA comment stating that this decision will be justified by the studies. EPA finds this commitment to be sufficient provided that the studies are based upon the procedures and criteria for the analysis of alternatives outlined in the June 1978 *EPA/DOT Transportation Air Quality Planning Guidelines* and are subject to the planning procedures called for in the Section 174 of the CAA.

3. Table 7–5 of Appendix G listed completion dates for the study of the Section 108 measures going beyond the

June 30, 1980, deadline. OKI has indicated that this deficiency will be addressed through its Section 175 work program which includes the schedule for the analysis of alternative measures to be done by June 30, 1980.

4. In Appendix G certain public transit oriented TCM projects are listed for implementation through the FY 1979 Transit Operating Subsidy and other funding sources. These TCM projects must include dates for initial and final construction (where appropriate) along with commitments from the appropriate agencies to implement and enforce them.

Boyd, Fayette, and Henderson Counties: These ozone nonattainment areas are all classified as non-urban, with metropolitan areas having less than 200,000 population. A demonstration of attainment is not required for non-urban areas. The SIP includes a VOC inventory and regulations that require control of major stationary VOC sources for which Control Techniques Guidelines (CTG) have been published. Additional sufficient reductions in emissions will be obtained through the Federal Motor Vehicle Control Program.

Daviess and McCracken Counties: These two counties were designated nonattainment due to the more stringent (0.08 ppm) NAAQS in effect at the time of designation. Ambient monitoring data for ozone indicates these areas have not experienced violations of the revised (0.12 ppm) NAAQS. EPA redesignated these areas as attainment on November 2, 1979 (44 FR 63104).

General Ozone Conclusions

Several counties in Kentucky were designated nonattainment for ozone. As discussed under the Ozone Control Strategy in the General Preamble of April 4, 1979 (44 FR 41255), EPA requires only that RACT requirements for VOC sources covered by CTGs be adopted. The Commonwealth of Kentucky has responded and has adopted RACT regulations for all sources covered by CTGs (applicable Statewide except in attainment areas) which EPA had issued by January 1978, and committed to adopt additional RACT categories as they are developed by EPA. For categories covered by CTGs of sources controlled by presently adopted regulations which contain compliance schedules include:

(1) Surface coating including, (a) coil coating, (b) paper coating, (c) fabric and vinyl coating and (d) can coating; (2) metal furniture coating; (3) large appliance surface coating; (4) petroleum liquid storage; (5) bulk gasoline plants; (6) bulk gasoline terminals; (7) gasoline dispensing facility (Stage I); (8) solvent metal cleaning; (9) cutback asphalt; (10) automobile and light duty truck manufacturing; (11) magnet wire coating; and (12) petroleum refinery sources.

The CTGs provide information on available air pollution control techniques, and contain recommendations of what EPA calls the "presumptive norm" for RACT. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the Commonwealth regulations are not supported by the information in the CTGs, and the Commonwealth must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs. EPA's review of the Kentucky revisions revealed a number of deficiencies related to attainment of the ozone NAAQS in addition to those related to transportation control measures.

Regulations 401 KAR 59:095 and 61:045 apply to new and existing oil-effluent water separators. Sources which handle petroleum products with a Reid vapor pressure less than 0.5 PSIA are exempt from the Kentucky regulations. This exemption must be removed or justified. In addition the Commonwelath may show that the emissions from the stated exemptions differ no more than five (5) percent from expected emission reductions resulting from CTG recommended RACT control of oil-effluent water separators in refineries. The Commonwealth also has the option of proving that it would not be economically justifiable to control sources of the size that would be exempted under the regulation.

EPA is conditionally approving the SIP revision for the following nonattainment areas because of deficiencies in the ozone portion of the plan:

1. Jefferson County (Louisville) is deficient due to inadequacies in the transportation control portion of the SIP (see Jefferson Co.) and VOC regulations which are listed above.

2. Boone, Kenton and Campbell Counties (Northern Ky.) are deficient due to inadequacies in their transportation control portion of the SIP as addressed above (see discussion for Boone, Kenton, and Campbell Counties).

3. Boyd County is deficient due to VOC regulation inadequacies listed above.

In the remaining nonattainment counties the Commonwealth has certified there are no sources to which the VOC regulations listed above apply.

172(b)(4) (SIP provisions shall) include a comprehensive, accurate, current inventory of actual emissions from all sources (as provided by rule of the Administrator) of each such pollutant for each such area which is revised and resubmitted as frequently as may be necessary to assure that the requirements of paragraph (3) are met and to assess the need for additional reductions to assure attainment of each standard by the date required under subsection (a);

Appropriate comprehensive emissions inventories for ozone (the inventory is for hydrocarbons which react with sunlight to form ozone) have been submitted. Future reporting requirements for updating these inventories annually are included. EPA approves this portion of the plan.

172(b)(5) (SIP provisions shall) expressly identify and quantify the emissions, if any, of any such pollutant which will be allowed to result from the construction and operation of major new or modified stationary sources for each such area;

Identification and quantification of emissions from major new or modified sources have been provided through an accommodative SIP. The mechanism for tracking these reductions and allowing growth in nonattainment areas is provided in the Kentucky Air Pollution Control Regulations. EPA approves this portion of the plan.

172(b)(6) (SIP provisions shall) require permits for the construction and operation of new or modified major stationary sources in accordance with Section 173 (relating to permit requirements);

The Commonwealth requires permits for the construction and operation of new or modified major stationary sources in accordance with Section 173 (Kentucky Regulation 401 KAR 50:035 and 401 KAR 51). In particular, Kentucky will utilize an "offset" policy that will ensure reasonable further progress. The State's definitions of "lowest achievable emission rate" and of "owner or operator" of a proposed new or modified source are consistent with Section 173 (2) and (3), respectively, and the permit requirements include a provision that the owner must demonstrate that sources owned or operated by it (or by any entity controlling it) are in compliance (or on a schedule for compliance) with all applicable emission limitations and standards under the Act. EPA, therefore, fully approves this portion of the plan.

172(b)(7) (SIP provisions shall) identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection;

The Commonwealth has identified and committed adequate financial and manpower resources necessary to carry out the provisions of this SIP revision. In Chapter XI—(Resources) of the SIP, the

Commonwealth projected the amount of manpower and funding which will be expended to carry out the requirements of the SIP. EPA approves this portion of the plan.

172(b)(8) (SIP provisions shall) contain emission limitations, schedules of compliance and other such measures as may be necessary to meet the requirements of this section;

This revision package contains the necessary emission limitations and schedules of compliance for stationary sources of VOC where appropriate. These provisions are contained in Appendix I, *Air Pollution Control Regulations*, (June 6, 1979) of the Commonwealth of Kentucky, Department of Natural Resources and Environmental Protection, as necessary emission limits to attain the NAAQS in all areas of Kentucky. The Commonwealth submitted Appendix N, *Air Pollution Control District of Jefferson County Regulations* (as amended June 13, 1979), to be also effective in Jefferson County with certain exceptions. Only provisions relating to the ozone plan are being considered in this notice.

Certain regulations of Appendix N were not included in the official submittal, however. These are as follows:

1. Regulation 3.04, Ambient Air Quality Standards; Section 1, Primary Standards, (d)(i), Photochemical Oxidants; Section 2, Secondary Standards, (d), Photochemical Oxidants; and, (h), Hydrogen Sulfide.
2. Regulation 4, Emergency Episodes.
3. Regulation 6, Existing Affected Facilities, 04, Control of Objectionable Odors in the Ambient Air.
4. Regulation 6, Existing Affected Facilities, 05, Control of Fugitive Particulate Emissions; Section 2, Standard of Fugitive Particulate Matter, (c), concerning an opacity limit, and Section 3 through Section 11, concerning unpaved roads and unpaved parking areas, earth moving activities, etc.
5. Regulation 6, Existing Affected Facilities, 17, Standard of Performance for Existing Automobile and Light Duty Truck Surface Coating Activities.
6. Regulation 6, Existing Affected Facilities, 22, Standard of Performance for Existing Volatile Organic Materials Loading Facilities.
7. Regulation 7, New Affected Facilities, 03, Control of Objectionable Odors in the Ambient Air.
8. Regulation 7, New Affected Facilities, 04, Control of Fugitive Particulate Emissions; Section 2, Standard for Particulate Matter, (c), concerning unpaved roads and unpaved parking areas, earth moving activities, etc.
9. Regulation 7, New Affected Facilities, 22, Standards of Performance for New Volatile Organic Materials Loading Facilities.

Appendix N to the SIP also states, "Those portions of the regulations which are legally adopted by the Air Pollution Control District of Jefferson County (APCDJC) and which are at least as stringent as the State regulations applicable to Jefferson County, are made a part of this State Implementation Plan as Appendix N. If the Kentucky Department for Natural Resources and Environmental Protection determines that provisions of the local regulations are not as stringent as State regulations the Department for the Natural Resources and Environmental Protection will enforce the State regulations (Appendix I) applicable to Jefferson County which would, by law, preempt the local regulations in such situations. Moreover, if the APCDJC fails to implement any provisions of the SIP applicable to Jefferson County the DNREP will enforce the State regulations applicable to Jefferson County". The following APCDJC regulations were determined by the Commonwealth to be less stringent than DNREP regulations (Appendix I) and are also not submitted as part of the SIP:

1. Regulation 2, Permit Requirements, 02, Registration and Minor Source Exemption; Section 2, Exemptions, exempts some sources from registration which are not exempted by the DNREP regulation 401 KAR 50:030.
2. Regulation 4, Emergency Episodes, 02, Episode Criteria, Section 2, Air Pollution Alerts, (b), Pollutant Alert Levels, does not have an alert level for NO_2 as contained in DNREP regulation 401 KAR 55:010.
3. Regulation 6, Existing Affected Facilities, 05, Control of Fugitive Particulate Emissions; Section 2, Standard for Fugitive Particulate Matter, paragraph (a) and Regulation 7, New Affected Facilities, 04, Control of Fugitive Particulate Emissions; Section 2, Standard for Particulate Matter, paragraph (a) do not prohibit the discharge of fugitive dust beyond the property line as required by DNREP regulation 401 KAR 63;010.
4. Regulation 6, Existing Affected Facilities, 09, Standard of Performance for Existing Process Operations; Section 3(c), Standard for Particulate Matter, contains an exemption which is not contained in DNREP regulation 401 KAR 61:020.
5. Regulation 6, Existing Affected Facilities, 11, Standard of Performance for Existing Iron and Steel Plants; Section 3, Standard for Particulate Matter, for emissions and opacity for steel plants other than basic oxygen process furnaces are less stringent than DNREP regulation 401 KAR 61:075.
6. Regulation 6, Existing Affected Facilities, 11, Standard of Performance for Existing Iron and Steel Plants, does not contain testing and monitoring procedures as are contained in DNREP regulation 401 KAR 61:075.
7. Regulation 7, New Affected Facilities 05, Control of Open Burning; Section 2, Prohibition of Open Burning, paragraph (e), does not contain an opacity standard for flares as required DNREP regulation 401 KAR 63:015.

EPA approves, except where otherwise noted herein, the regulations of the DNREP for the entire Commonwealth. These regulations (Appendix I) were submitted by DNREP and reviewed by EPA and demonstrate the attainment and maintenance of the NAAQS as expeditiously as practicable. Also approved for Jefferson County, except where otherwise noted herein, are those portions of the regulations of the APCDJC which have been officially submitted as part of the plan. These regulations (Appendix N) are at least as stringent as the DNREP regulations. This is because any local (APCDJC) regulations which are less stringent are preempted by DNREP regulations. Since the DNREP regulations are sufficient and the local regulations are at least as stringent, the local regulations are also sufficient. EPA will enforce both sets of regulations since they both now become part of the SIP. In effect this means that EPA will enforce the stricter of the State and local regulations applicable in Jefferson County since compliance with the stricter limit assures compliance with the other limit. EPA approves this portion of the SIP relating to Section 172(b)(8), except for those related portions contained in the discussion under Section 172(b)(3).

Various regulations submitted in the plan allow the DNREP to modify requirements contained in the SIP. The regulations are contained in Appendix I, *Air Pollution Control Regulations*, and pertain to variances, alternative emission reduction options (bubble concept), RACT determinations on a site specific basis, etc. A few specific examples are found within regulations 401 KAR 50:055, 51:015, 59:010, 59:180, 61:015, 61:056, 61:085, and 61:090. If a regulation is modified by the DNREP, the new regulation is considered a revision of the plan and must be submitted for approval by EPA.

172(b)(9) (SIP provisions shall) contain evidence of public, local government, and

State legislative involvement and consultation in accordance with Section 174 (relating to planning procedures) and include (A) an identification and analysis of the air quality, health, welfare, economic energy and social effects of the plan provisions required by this subsection and of the alternatives considered by the State, and (b) a summary of the public comment on such analysis;

Consultation with the public, local governments and Commonwealth legislative involvement is evidenced by information presented in Chapter 12 of the SIP. The Commonwealth's analysis of the air quality, health, welfare, economic, energy, and social effects determines that the impact of the SIP will be beneficial, and EPA approves this portion of the SIP.

172(b)(10) (SIP provisions shall) include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose, have adopted by statute, regulation, ordinance, or other legally enforceable documents, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan;

In the Commonwealth of Kentucky, the Division of Air Pollution Control of the Department of Natural Resources and Environmental Protection has full statutory authority for enforcing the SIP revisions submitted except for I/M. The Department adopted on June 6, and 29, 1979, the necessary regulatory portion of the SIP submitted. Timetables for compliance with I/M requirements are addressed in Section 172(b) (3) and (8). EPA approves this portion of the SIP except for I/M legal authority (see discussion under Section 172(b)(3) above).

172(b)(11) (SIP provisions shall) in the case of plans which make a demonstration pursuant to paragraph (2) of subsection (a),

(A) establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis, of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed sources significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(B) Establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and

(C) Idenfity other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987.

Paragraph (11) of subsection 172(b) applies to the Northern Kentucky (Cincinnati) nonattainment area for ozone and the Louisville nonattainment area for carbon monoxide and ozone. The alternatives analysis for new sources required by subparagraph (A) above has been submitted in the SIP for both areas as a revision to the State's permitting regulation (401 KAR 51.050).

The schedule for the implementation of an I/M program for both areas has been included in the SIP. For necessary legal authority see the discussion in Section 172(b)(3). EPA approves this portion of the plan except for those related portions which are proposed to be conditionally approved under Section 172(b)(3).

The Section 172(b)(11)(C) requirement for identification of additional measures necessary to attain national ambient standards, is addressed in the discussion of Section 172(b)(3), concerning additional transportation control measures.

Comments

Comment: One comment received asserts that if the SIP were approved, Kentucky, like many other States which the commenter believes clearly contribute to unhealthful levels of ozone pollution throughout the nation, would be freed from the duty to prepare and implement control strategies designed to reduce ambient ozone pollution to acceptable levels. If this plan is approved, according to the commenter, New Jersey and other northeastern States, which have been properly designated as "nonattainment" areas for ozone, will bear an undue burden of ozone control due to the transport of uncontrolled pollution into their territories if Kentucky and other States do not enact comprehensive ozone control programs.

Specifically, the commenter states that Kentucky's SIP, to the extent that it does not require RACT Statewide for all existing sources of hydrocarbon emissions, Lowest Achievable Emission Rate (LAER) and offsets for major new sources of Volatile Organic Compounds, as well as the implementation of reasonably available transportation control measures, including a comprehensive inspection and maintenance program to reduce pollution from mobile sources, does not meet the standards of Section 110 and Part D of the Clean Air Act as amended.

Response: EPA does not agree with the assertions made in this comment and each is addressed in turn.

Reasonable Available Control Technology: The State has adopted regulations for all categories covered in the first series of CTG documents (see Page 65787 of the November 15, 1979, **Federal Register**) and has also committed to adopting regulations for all additional CTG documents as they are published.

The regulations have been applied Statewide with the exception of two counties. The State has demonstrated by its plan that the ozone standard will be attained in Kentucky. In addition, the commenter argues as it did in objecting to the Administrator's ozone nonattainment area designations that entire States should be designated nonattainment, thereby, requiring Part D SIP revisions Statewide. The Administrator considered all of the commenters objections to the designations and responded in the document entitled, "Technical Support Document for Agency Policy Concerning Designations of Attainment, Unclassifiable and Nonattainment Areas for Ozone" (January, 1979). Availability of this document was announced in the February 1, 1979, **Federal Register** (44 FR 6395). This document and the Administrator's response to these comments are incorporated herein by reference.

LAER and Offset Requirements for New Sources: The Commonwealth's accommodative SIP, through control of sources in unclassified areas, with potential emissions of 100 tons per year, has provided sufficient offsets for the State's new growth. The Commonwealth also requires permits for the construction and operation of new or modified major stationary sources in accordance with Section 173 of the CAA. Lowest Achievable Emission Rate (LAER) controls are required on new or modified major sources that impact a nonattainment area (Regulations 401 KAR 50:035 and 401 KAR 51).

Transportation Control Measures Including I/M: Kentucky will implement a motor vehicle inspection and maintenance program and certain other Transportation Control Measures (TCMs). Therefore, Kentucky's current efforts including TCMs will benefit and not harm downwind States in their efforts to achieve the ozone standards.

Comment: One Commenter stated that the SIP should not require RACT for VOC sources in unclassifed areas. He stated that such SIP regulations are not authorized by the Kentucky statutes because the Commonwealth statute only allows regulation of "air pollution", that statute does not allow regulations which are more stringent than required under the Clean Air Act, and because the regulations conflict with various aspects of the Kentucky Constitution.

Response: The Kentucky statutory definition of "air pollution" is:

* * * the presence in the outdoor atmosphere of one (1) or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.

EPA believes that this definition of "air pollution" is sufficiently general to justify regulations requiring RACT for VOC sources in unclassified areas.

However, the Kentucky statute does not limit regulatory authority to regulations dealing with "air pollution". It also enables the DNREP to develop a comprehensive program for the management of air resources (K.R.S. 224.033(4)) and provides that the Kentucky General Assembly finds it necessary to maintain a reasonable degree of air purity now and in the future (K.R.S. 224.320), among other authority. These sections also provide a basis for regulations requiring RACT for VOC sources in unclassified areas.

The second point this commenter makes is that the Kentucky statute does not allow regulations which are more stringent than required under the Clean Air Act and thus does not allow the SIP to require RACT for VOC sources in unclassified areas. As addressed in the General Preamble to all Clean Air Act, Part D, SIP revisions (44 FR 20372 to 20375, April 4, 1978), a State plan for attaining national ambient standards within the State as expeditiously as practicable is mandatory under Section 172(a) of the CAA.

A portion of the strategy to meet the mandatory "as expeditiously as practicable" requirement provides that for SIPs with attainment dates after 1982, RACT must be applied in urbanized areas to all sources covered by the CTGs, and in rural areas to all major sources covered by CTGs Id., at 20376. Kentucky has met this requirement. Another portion of the mandatory strategy requires one or both of two strategies to be used. The first is to require offsets for major new sources or modifications. The second is to allow emissions from major sources or modifications to be accommodated by the emissions growth allowance (the extent to which SIP-required emissions reductions are ahead of the reasonable further progress schedule for the area), Id., at 20378. Kentucky has chosen this latter approach, which is an alternative strategy of a mandatory requirement. EPA, therefore, takes the position that the Kentucky regulations requiring RACT for VOC sources in unclassified areas, is not more stringent than mandatory Clean Air Act requirements and thus does not violate the Kentucky statute.

The third contention made by this commenter is that for several reasons the complained of regulations conflict with the Kentucky Constitution. This contention is also the subject of a lawsuit brought by the commenter in the Franklin Circuit Court in Kentucky. Unless there is a final decision to the contrary, EPA assumes that these Kentucky regulations do not offend the Kentucky Constitution.

The CAA requires RACT for VOC sources in nonattainment areas and the Kentucy regulations substantially satisfy this requirement. Kentucky has decided to require these regulations on VOC sources in unclassified areas as well. The CAA, under Section 116, specifically allows the State to adopt stricter requirements than those required by the CAA. Therefore, the Kentucky submission is adequate for approval under Part D and any questions as to the Commonwealth's authority to apply these regulations to unclassifiable areas is a matter for State judicial determination.

Comments: A national environmental group made several comments which are summarized below with EPA's responses:

Comment 1: I/M-The commenter feels the implementation schedule is too slow to be "expeditious as practicable."

Response: The State legislature of Kentucky has not had an adequate opportunity to consider necessary enabling legislation because they only meet bi-annually. The 1980 session will be the first opportunity to consider legislation. Further, as discussed in 172 (b)(3) above EPA has granted an extension to Kentucky.

Since they are proposing to implement a centralized program, which requires more time than a decentralized program, and do not have existing legal authority, the December 1982 date for implementing a centralized I/M program will be expeditious as practicable".

Comment 2: I/M-The commenter feels the RFP curve needs to be adjusted to reflect reductions occurring in conjunction with implementation date of I/M program.

Response: EPA agrees with the above comment and will monitor the annual reporting of the RFP to assure reductions will take place before emissions reduction credits are claimed. Further, when the 1982 SIP revisions are submitted, EPA will assure that the RFP curve is corrected.

Comment 3: TCM-The commenter feels the assessment of the transportation needs of Jefferson County as pertains to public transportation is inadequate.

Response: EPA policy, as stated in the General Preamble (44 FR 20375 April 4, 1979) and in the Assistant Administrator's July 28, 1978, memorandum on Public Transportation requirements, is that the SIP must contain a commitment from the appropriate agency(s) to establish, expand, or improve public transportation measures to meet basic transportation needs as expeditiously as practicable. This commitment is contained in the Kentucky SIP on pages 53–66.

Comment 4: TCM-The commenter feels that Kentucky's commitment and schedule for the study and implementation of TCMs is inadequate.

Response: EPA policy requires evidence of projects contained in an urban non-attainment area's Annual Element of their Transportation Improvement Program which have air quality benefits to be included in the SIP along with an implementation schedule for these projects. Under Jefferson County, EPA has identified the deficiencies in the Kentucky SIP on the above matters with the exception of the funding and schedule for the analysis of alternatives which is to be addressed through KIPDA's Section 175 grant work program.

Comment: Another commenter was concerned about the **Federal Register** notice of proposed rulemaking language on regulations set forth in Appendix N (enacted by the Jefferson County Agency, APCDJC). That notice stated that the Appendix N SIP regulations were supplemental to the State (DNREP) regulations, were not essential to the control strategy, and thus were not reviewed by EPA. That notice continued with the statement that EPA would enforce the stricter of the (State and local) regulations (applicable) in Jefferson County. The commenter then urged EPA not to enforce the local regulations since they were not essential to achieve CAA standards.

Response: Section 116 of the CAA essentially states that nothing in the CAA precludes a State or locality from adopting an air emission standard or limitation or air pollution abatement requirement, that is more stringent than an EPA requirement under Section 110, 111, or 112 of the CAA. Thus, EPA may not disapprove a requirement submitted as a SIP revision on the basis that the requirement may be more stringent than necessary (and thus not "essential" or mandatory) under the Clean Air Act. Since the local APCDJC Appendix N SIP revisions are at least as stringent as the approvable DNREP regulations for

Jefferson County, the Appendix N regulations relating to ozone are also approved under the SIP. Further, as approved portions of the SIP, they are both enforceable by EPA.

Comment: One commenter stated that the Kentucky exemption of "temporary emission sources" from the offset requirements should not be approved by EPA.

Response: That exemption, found in 401 KAR 51:050, Section 5(2), is also contained in Section IV.B. of the EPA Offset Policy. See 44 FR 3274, 3284 (January 16, 1979). Since Part D SIPs need only meet certain requirements of that Offset Policy (See 44 FR 20372, 20379 (April 4, 1979)), the Kentucky exemption is acceptable as not less stringent than the Offset Policy.

Comment: One commenter stated that the Kentucky provision (401 KAR 51:050, Section 3), limiting offset requirement applicability to sources with allowable emissions above specified minimum levels, should be deleted. Deletion of the similar applicability cutoff in the EPA Offset Policy was proposed in 44 FR 51924 (September 5, 1979).

Response: The proposed deletion of that requirement was the result of the (first) decision in *Alabama Power* v. *Costle*, 606 F.2.d. 1068 (5th Cir. 1979). Since the effect of that opinion has presently been stayed, the Kentucky regulation is presently approvable. Changes will be required in all SIPs after EPA regulatory revisions resulting from *Alabama Power* have been finalized.

Comment: One commenter submitted comments concerning Kentucky's "bubble policy."

Response: The Kentucky bubble policy is not now part of the federally approved SIP. Furthermore, a bubble policy is not required by Part D of the Act. EPA, therefore, will provide a notice and opportunity for comment when Kentucky submits a particular alternative reduction (bubble) to EPA as a SIP revision.

One commenter stated that EPA must ensure that legally enforceable measures are in effect during the period of a conditional approval to prevent the issuance of a permit not strictly conforming to Section 173 of the Act. EPA does not agree. EPA has conditionally approved Kentucky's new source review program because the defects in the program are relatively minor and the program as a whole substantially meets the requirements of Section 173 of the Act. For these same reasons, any permits issued under Kentucky's new source review program, at least while the conditional approval remains in effect, are not defective.

National Comments and Responses

Comment and Response: One commenter submitted extensive comments which it requested be considered part of the record for each State plan. Each of the points raised by the commenter and EPA's response follow. Although some of the issues raised are not relevant to provisions in Kentucky's submission, EPA is notifying the public of its response to these comments at this time.

1. The commenter asked that comments it has previously submitted on the Emission Offset Interpretative Ruling as revised on January 16, 1979 (44 FR 3274), be incorporated by reference as part of their comments on each State plan. EPA will respond to those comments in its response to comments on the Offset Ruling.

2. The commenter objected to general policy guidance issued by EPA, on grounds that EPA's guidance is more stringent than required by the CAA. Such a general comment concerning EPA's guidance is not relevant to EPA's decision to approve or disapprove a SIP revision since that decision rests on whether the revision satisfies the requirements of Section 110(a)(2). However, EPA has considered the comment and concluded that its guidance conforms to the statutory requirements.

3. The commenter noted that the recent court decision on EPA's regulations for prevention of significant deterioration (PSD) of air quality 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). In the commenter's view, the court's rulings on the definition of "source", "modification," and "potential to emit", should apply to Part D as well as PSD programs. In addition, the commenter believes that the court decision precludes EPA from requiring Part D review of sources located in designated clean areas.

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 plans under Part D. (44 FR 3275 col. 3 through 3276 col. 1, January 16, 1979.) In proposed rules published in the **Federal Register** on September 5, 1979, (44 FR 51924), EPA explained its views on how the *Alabama Power* decision affects NSR requirements for State Part D plans. The September 5, 1979 proposal addressed some of the issues raised by the commenter. To the extent necessary, EPA will respond in greater detail to the commenters' concerns in its response to comments on the September 5, 1979, proposal and/or its response to comments on the Offset Ruling.

As part of the September 5, 1979, proposal, EPA proposed regulations for Part D plans in 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. Prior to promulgation of final regulations, EPA proposed to approve State-submitted relaxations of previously-submitted SIPs, so long as the revised SIP meets all proposed EPA requirements. To the extent EPA's final regulations are more stringent than the existing or proposed requirements, States will have nine months, as provided in Section 406(d) of the CAA, to submit revisions after EPA promulgates the final regulations. Since the Kentucky NSR program satisfies existing [or proposed] requirements for Part D, it is now being approved.

In some instances, EPA's approval of a State's NSR provisions, as revised to be consistent with EPA's proposed or final regulations, may create the need for the State to revise its growth projections and provide for additional emission reductions. States will be allowed additional time for such revisions after the new NSR provisions are approved by EPA.

4. The commenter questioned EPA's alternative emission reduction options policy (the "bubble" policy). As the commenter noted, EPA has set forth its proposed bubble policy in a separate **Federal Register** publication, 44 FR 3720 (January 18, 1979). EPA will respond to the comments on the "bubble" approach in the final "bubble" policy statement.

5. The commenter questioned EPA's requirement for a demonstration that application of all reasonably available control measures (RACM) would not result in attainment any faster than application of less than all RACM. In EPA's view, the statutory deadline is that date by which attainment can be achieved as expeditiously as practicable. If application of all RACM results in attainment more expeditiously than application of less than all RACM, the statutory deadline is the earlier date. While there is no requirement to apply more RACM than is necessary for attainment, there is a requirement to apply controls which will ensure attainment as soon as possible. Consequently, the State must select the mix of control measures that will achieve the standards most expeditiously, as well as assure reasonable further progress.

The commenter also suggested that all RACM may not be "practicable." By definition, RACM are only those measure which are reasonable. If a measure is impractical, it would not constitute a reasonably available control measure.

6. The commenter found the discussion in the General Preamble of RACT for VOC sources covered by CTGs to be confusing in that it appeared to equate RACT with the guidance in the CTGs. EPA did not intend to equate RACT with the CTGs.

The CTGs provide recommendations to the States for determining RACT, and serve as a "presumptive norm" for RACT, but are not intended to define RACT. Although EPA believes its earlier guidance was clear on this point, the Agency has issued a supplement to the General Preamble clarifying the role of the CTGs in plan development. See 44 FR 53761 (September 17, 1979).

7. The commenter suggested that the revision of the ozone standard justified an extension of the schedule for submission of Part D plans. This issue has been addressed in the General Preamble, 44 FR 20377 (April 4, 1979).

8. The commenter questioned EPA's authority to require States to consider transfers of technology from one source type to another as part of LAER determinations. EPA's response to this comment will be included in its response to comments on the revised Emission Offset Interpretative Ruling.

9. The commenter suggested that if a State fails to submit a Part D plan, or the submitted plan is disapproved, EPA must promulgate a plan under Section 110(c), which may include restrictions on construction as provided in Section 110(a)(2)(I). In the commenter's view the Section 110(a)(2)(I) restrictions cannot be imposed without such a federal promulgation.

EPA has promulgated regulations which impose restrictions on construction on any nonattainment area for which a State fails to submit an approvable Part D plan. *See* 44 FR 38583 (July 2, 1979). Section 110(a)(2)(I) does not require a complete federally-promulgated SIP before the restrictions may go into effect.

Comment: Another commenter, a national environmental group, stated 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 CAA must apply.

Response: To be fully approved under Section 110(a)(2) of the CAA, 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 in developing 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 not 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 CAA.

Attainment Dates

The 1978 edition of 40 CFR Part 52 lists in the subpart for Kentucky the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the CAA. For each nonattainment area where a revised plan provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on Kentucky's attainment date chart in 40 CFR Part 52. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 CAA Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new attainment dates 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. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those 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 Congress' intention that sources remain subject to preexisting plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 CAA Amendments. EPA cannot approve such compliance date extensions even though a Section 172 plan revision with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a violation of an ambient standard or a PSD increment. (See General Preamble for Proposed Rulemaking, 44 FR 20373–74, April 4, 1979.)

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

Reference should be made to the 1978 edition of Title 40 of the Code of Federal Regulations (40 CFR 52.926) to determine the applicable deadline for attainment under Section 110(a)(2)(A) of the CAA.

Actions

The Administrator approves Kentucky's 1979 revision for ozone nonattainment areas on the condition that deficiencies noted in transportation control measures and volatile organic compound regulations be corrected by June 1, 1980, and that certification of adequate legal authority to implement I/M be submitted by June 30, 1980. These actions are effective immediately. EPA finds good cause to make this conditional approval immediately effective, because the Clean Air Act restricts new construction where plans are not approved after June 30, 1979.

Making the conditional approval immediately effective will terminate the restriction as soon as possible and they impose no requirement that is not already in effect at the State level.

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.

(Secs. 110, 172, Clean Air Act (42 U.S.C. 7410, 7502))

Dated: January 21, 1980.

Douglas M. Costle,

Administrator.

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

Subpart S—Kentucky

1. Section 52.920 is amended by adding a subparagraph (12) to paragraph (c) as follows:

§ 52.920 Identification of plan.

* * * * *

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

* * * * *

(12) 1979 revisions for Part D requirements for ozone nonattainment areas, submitted on June 29, 1979, by the Kentucky Department for Natural Resources and Environmental Protection.

2. Section 52.922 is amended by assigning the paragraph designation "(a)" to the existing section and by adding paragraphs (b) and (c). As amended, § 52.922 reads as follows:

§ 52.922 Extensions.

(a) The Administrator hereby extends for two years the attainment date for the primary standards for sulfur oxides in the Kentucky portion of the Louisville Interstate Region.

(b) The Administrator hereby extends until December 31, 1987, the attainment date for the national standards for ozone in Jefferson County.

(c) The Administrator hereby extends until December 31, 1987, the attainment date for the national standards for ozone in Boone, Campbell, and Kenton Counties.

3. Section 52.923 is revised to reads as follows:

§ 52.923 Approval status.

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

4. Section 52.926 is revised to read as follows:

§ 52.926 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 Kentucky's ozone plan, except where noted.

Air quality control region	Pollutant: Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Appalachian Intrastate	c	*c*	b	b	b	b	b
Bluegrass Intrastate:							
a. Fayette County†	a	*c*	b	b	b	b	*g*
b. Rest of AQCR	a	*c*	b	b	b	b	b
Evansville (Indiana)-Owensboro-Henderson (Kentucky) Interstate:							
a. Henderson County†	c	*c*	a	e	b	b	*g*
b. Rest of AQCR	c	*c*	a	e	b	b	b
Huntington (West Virginia)—Ashland (Kentucky)—Portsmouth-Ironton (Ohio) Interstate:							
a. Boyd County†	c	*c*	b	b	b	b	*g*
b. Rest of AQCR	c	*c*	b	b	b	b	b
Louisville Interstate†	c	*c*	e	e	b	*d*	h
Metropolitan Cincinnati Interstate:							
a. Boone, Campbell, and Kenton Counties†	c	*c*	a	d	b	*d*	h
b. Rest of AQCR	c	*c*	a	*d*	b	*d*	c
North Central Kentucky Intrastate	a	*c*	b	b	b	b	b
Paducah (Kentucky)—Cairo (Illinois) Interstate	c	*c*	a	f	b	b	b
South Central Kentucky Intrastate	b	b	b	b	b	b	b

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. April 1975.
d. July 1975.
e. July 1977.
f. July 1978.
g. December 31, 1982.
h. December 31, 1987.

†See 81.318 of this chapter.

NOTE.—Dates or footnotes in italics are prescribed by the Administrator because the plan did not provide a specific date or the dates provided were not acceptable. Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.926 (1978 edition).

5. A new § 52.930 is added as follows:

§ 52.930 Control strategy: Ozone.

(a) *Part D—conditional approval*—(1) *Jefferson County nonattainment area.* The 1979 ozone revisions for this area are approved on condition that the following be submitted:

(i) By June 30, 1980, certification of adequate legal authority to implement a vehicle inspection and maintenance program.

(ii) By June 1, 1980.

(*a*) Schedules and commitments for the implementation and enforcement of transportation control measures specified in Appendix F of the plan.

(*b*) Demonstration that all transportation control measures of Appendix F of the plan will have continued air quality benefits.

(*c*) Schedules for the analysis of alternative transportation control measures considered pursuant to Section 108(f) of the Clean Air Act and a commitment to implement those measures found reasonably available. The SIP must also contain a commitment to justify any decisions not to implement measures found to be unreasonable.

(iii) By June 1, 1980: revision of regulations 401 KAR 59:095 and 61:045 to remove the exemption, for oil-effluent water separators, of petroleum products with a Reid vapor pressure less than 0.5 psia; or, show that emissions from the stated exemptions differ no more than five (5) percent from expected emission reductions resulting from CTG recommended RACT control of oil-effluent water separators in refineries; or, demonstration that it is not economically justifiable to control sources of the size exempted under these regulations.

(2) *Boone, Campbell, and Kenton Counties nonattainment area.* The 1979 ozone revisions for this area are approved on condition that the following be submitted:

(i) By June 30, 1980, certification of adequate legal authority to implement a vehicle inspection and maintenance program.

(ii) By June 1, 1980,

(*a*) Schedules and commitments for the implementation and enforcement of transportation control measures specified in Appendix G of the plan as funded under the FY 79 Transit Operating Subsidy and other funding sources.

(*b*) Commitments to the enforcement of measures specified in Appendix G of the plan for implementation during 1980–1983.

(*c*) Demonstration that all transportation control measures specified in Appendix G of the plan for implementation during 1980–1983 will have air quality benefits throughout their lifetime.

(*d*) Demonstration, in the studies of alternative transportation control measures pursuant to Section 108(f) of the Clean Air Act, that the studies are consistent with the procedures and criteria contained in the *EPA/DOT Transportation Air Quality Planning Guidelines.*

(*e*) Commitment to justify the decision not to implement measures found infeasible pursuant to the analysis required under (*d*).

(3) *Boyd County nonattainment area.* The 1979 ozone revisions for this area are approved on condition that the following be submitted by June 30, 1980: revision of regulations 401 KAR 59:095 and 61:045 to remove the exemption, for oil-effluent water separators, of petroleum products with a Reid vapor pressure less than 0.5 psia; or, show that emissions from the stated exemptions differ no more than five (5) percent from expected emission reductions resulting from CTG recommended RACT control of oil-effluent water separators in refineries; or, demonstration that it is not economically justifiable to control sources of the size exempted under these regulations.

[FR Doc. 80-2437 Filed 1-24-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 13973; Docket No. OAQPS-79-09]

National Visibility Goal for Federal Class I Areas; Identification of Mandatory Class I Federal Areas Where Visibility Is an Important Value; Correction

AGENCY: U.S. Environmental Protection Agency.

ACTION: Correction to final rule.

SUMMARY: On November 30, 1979 at 44 FR 69122, the Environmental Protection Agency promulgated a list of 156 mandatory class I Federal areas identified as having visibility as an important value. There were several minor errors found in the listing. The purpose of this notice is to correct those errors.

FOR FURTHER INFORMATION CONTACT: Johnnie L. Pearson, Standards Implementation Branch, Control Programs Development Division, Office of Air Quality Planning and Standards, Environmental Protection Agency (MD-15), Research Triangle Park, North Carolina 27711. Phone: (919) 541–5497.

Dated: January 17, 1980.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

Part 81 of Chapter I of Title 40 appearing on page 69126 is corrected as follows:

1. Section 81.417 is corrected by changing USDE–FS to USDA–FS as follows:

§ 81.417 Montana.

* * * * *

Mission Mountains Wild	73,877	93-632	USDA-FS

2. Section 81.428 is corrected by changing superscript a to superscript b and vice versa, by changing USDA–NPS to USDA–FS, and by changing, in the footnote, 3932 to 3832 as follows.

§ 81.428 Tennessee.

* * * * *

Great Smoky Mountains NP[b]	241,207	69-268	USDI-NPS
Joyce Kilmer-Slickrock Wild[a]	3832	93-622	USDA-FS

[a] Joyce Kilmer Slickrock Wilderness 14,033 acres overall, of which 10,201 acres are in North Carolina, and 3,832 acres are in Tennessee.

[b] Great Smoky Mountains National Park, 514,758 acres overall, of which 273,551 acres are in North Carolina, and 241,207 acres in Tennessee.

[FR Doc. 80-2406 Filed 1-24-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 7E2008/R229; FRL 1399-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Dimethyl (2,2,2-Trichloro-1-Hydroxyethyl) Phosphonate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate on birdsfoot trefoil hay at 90 parts per million (ppm). The amendment was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of the subject insecticide on birdsfoot trefoil hay, including chaff.

EFFECTIVE DATE: January 25, 1980.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW, Washington, DC (202/426-0223).

SUPPLEMENTARY INFORMATION: On November 19, 1979, the EPA published a notice of proposed rulemaking in the **Federal Register** (44 FR 66217) in response to a pesticide petition (PP 7E2008) submitted to the Agency by the Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of New York and Vermont. This petition proposed that 40 CFR 180.198 be amended by the establishment of a tolerance for residues of the insecticide dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate in or on the raw agricultural commodity birdsfoot trefoil hay including its byproduct chaff at 90 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.198 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before February 25, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on the date of publication in the **Federal Register**, Part 180, Subpart C, § 180.198 is amended by adding a tolerance for residues of dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate on birdsfoot trefoil hay at 90 ppm as set forth below.

Dated: January 21, 1980.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Part 180, Subpart C, § 180.198 is revised by editorially reformatting the section into an alphabetized columnar listing and alphabetically inserting birdsfoot trefoil hay at 90 ppm as follows:

§ 180.198 Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate; tolerances for residues.

Tolerances are established for residues of the insecticide dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate in or on the following raw agricultural commodities:

Commodity:	Parts per million
Alfalfa	60
Alfalfa, hay	90
Artichokes	0.1(N)
Bananas (NMT 0.2 ppm will be present after the peel is removed)	2
Barley, forage	50
Barley, grain	0.1(N)
Barley, straw	1
Beans, dried	0.1(N)
Beans, lima (reflecting 0.1 ppm (N) in or on the shelled beans)	12
Beans, lima vine hay	12
Beans, lima vines	12
Beans, snap	0.1(N)
Beans, vines	1
Beets	0.1(N)
Beets, sugar	0.1(N)
Beets, sugar, tops	12
Birdsfoot trefoil, hay	90
Brussels sprouts	0.1(N)
Cabbage	0.1(N)
Carrots	0.1(N)
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Cauliflower	0.1(N)
Citrus fruit	0.1(N)
Clover	60
Clover, hay	90
Collards	0.1(N)
Corn, fodder	30
Corn, forage	30
Corn, fresh (including sweet K+CWHR)	0.1(N)
Corn, grain	0.1(N)
Cottonseed	0.1(N)
Cowpeas	0.1(N)
Cowpeas, vines	1
Flax, straw	1
Flaxseed	0.1(N)
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Grass, pasture	60
Grass, pasture, hay	90
Grass, range	240
Grass, range, hay	240
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)
Horses, meat	0.1(N)
Lettuce	0.1(N)
Milk	0.01(N)
Oats, forage	50
Oats, grain	0.1(N)
Oats, straw	1
Peanuts	0.05(N)
Peanuts, vine hay	4
Peanuts, vine hulls	4
Peppers	0.1(N)
Pumpkins	0.1(N)
Safflower seed	0.1(N)
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Tomatoes	0.1(N)
Wheat, forage	50
Wheat, grain	0.1(N)
Wheat, straw	1

[FR Doc. 80-2436 Filed 1-24-80; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Chapter 101

[FPMR Temp. Reg. B-3, Supp. 1]

Federal Property Management; Declassification of and Public Access to National Security Information

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends the expiration date of FPMR Temporary Regulation B-3 which concerned the declassification of and public access to national security information to March 1, 1980. Temporary Regulation B-3 was published in the **Federal Register** on March 28, 1979 at 44 FR 18492.

DATES:

Effective date: January 25, 1980.
Expiration date: March 1, 1980.

FOR FURTHER INFORMATION CONTACT: Adrienne C. Thomas, Director, Planning and Analysis Division, Office of the Executive Director, National Archives and Records Service, General Services Administration (NAA), Washington, DC 20408 (202-523-3214).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

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

In 41 Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter B.

Note.—Supplement 1 to FPMR Temporary Regulation B-3 is filed with the original document, and its text does not appear in this volume.

[FR Doc. 80-2393 Filed 1-24-80; 8:45 am]

BILLING CODE 6820-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 79-880]

Delegation of Authority to the Chief, Common Carrier Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission adopts a rule change which extends delegated authority to the Chief, Common Carrier Bureau to act on petitions to suspend and investigate. The Bureau now has delegated authority to act on petitions to reject and petitions to suspend and investigate.

EFFECTIVE DATE: December 19, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Coffey, Common Carrier Bureau, 202-632-6387.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

Adopted: December 19, 1979.

Released: January 18, 1980.

In the matter of amendment of Part 0 of the Commission's Rules with respect to delegation of authority to the Chief, Common Carrier Bureau.

By the Commission:

1. Under current Commission rules, the Chief, Common Carrier Bureau is, among other things, delegated authority to make determinations regarding the lawfulness of carrier-initiated tariff filings. Included in this panoply of responsibilities is authority to exercise the rejection power conferred by Section 203(d) of the Communications Act, 47 U.S.C. § 203(d), either in response to a petition by any person, or on his own