

than those which a reconnaissance inspection suggests may be prime farmland.

(5) Section 208.14(b) to the extent it allows the regulatory authority to forfeit and keep the entire amount of a bond where the entire amount is not needed to complete the reclamation.

(6) Section 216.115 to the extent it requires an operator who proposes range or pasture as the post-mining land use to actually use the land for grazing for the last two years of bond liability.

(7) Sections 223.11(c), 223.15(b), and 223.15(c) to the extent they require an operator on prime farmland to actually return the land to crop production.

(8) Section 216.116(b) to the extent that it states that an operator's responsibility for successful revegetation is not commenced until the vegetation reaches 90 percent of the natural cover in the area.

(9) Section 216.133(c) to the extent it requires an operator to provide "letters of commitment" for proposed land use changes or for proposed cropland use.

(10) Sections 185.17(a)(3) and 223.14(c), concerning excessive soil compaction.

(11) Sections 216.42 (a)(1) and (a)(7) to the extent they apply effluent standards to the reclamation phase of a surface coal mining operation.

(12) Section 216.42(b), relating to effluent standard exemptions during major storm periods.

(13) Section 216.46(b), concerning sediment storage volume in sediment ponds.

(14) Section 216.46(c) concerning detention time for water in sediment ponds.

(15) Section 216.46(d) to the extent it requires dewatering devices to have a discharge rate to achieve and maintain the theoretical detention time for sediment ponds.

(16) Section 216.46(h), concerning sediment removal from sediment ponds.

(17) Section 216.65(f) requiring special approval prior to blasting within 1,000 feet of certain buildings and 500 feet of other facilities and which restricts blasting at distances greater than 300 feet.

(18) Section 216.83, concerning coal processing waste banks, to the extent it precludes a possible exemption from the underdrain requirement where the operator can demonstrate that an alternative would ensure structural integrity of the waste bank and protection of water quality.

(19) Section 216.95, concerning air resources protection, to the extent it applies to air pollution not caused by erosion.

(20) Sections 216.150-176, concerning performance standards for three classes of roads.

(21) Section 101.5(93), the definition of "roads" that is used in Sections 216.150-176.

(22) Section 185.17(a)(8) to the extent that it requires prime farmland reclamation target yields to be based on estimated yields under a high level of management rather than a level of management equivalent to that used on prime farmlands in the surrounding area.

(23) Section 101.11(c)(1) (i) and (ii) relating to exemptions for existing structures, to the extent that the exemptions are not mandatory after the appropriate findings are made.

(24) Sections 176.5(b)(3) and 176.11(a)(3) concerning the requirements for maps of the proposed exploration area.

(25) Sections 176.5(b)(5) and 176.11(a)(5), concerning the requirement that operators explain their basis for entering the development area when the surface is owned by a person other than the operator.

(26) Section 216.133(b)(1) to the extent it does not allow restoration of lands to the conditions they were capable of supporting prior to any mining.

(27) Section 206.12(e)(6)(iii) to the extent it requires cessation of operations upon the insolvency of a surety.

(28) Section 216.103(a)(1) to the extent it does not provide operators the option of treating acid-forming and toxic-forming material in lieu of covering such materials.

(29) Sections 245.13 and 245.14 to the extent they impose a civil penalty point system.

(30) Section 100.11(b), concerning the two-acre exemption, insofar as it applies to any operation by the person who affects or intends to affect more than two acres at physically unrelated sites within one year when the area affected at each site does not exceed two acres.

(31) Section 100.5(85), the definition of "public road."

[FR Doc. 80-31764 Filed 10-9-80; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 1632-2]

Approval and Promulgation of Implementation Plans: State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of submittal to satisfy conditions of plan approval.

SUMMARY: In order to satisfy the requirements of Part D of the Clean Air Act, as amended, the State of Missouri revised its State Implementation Plan in 1979. On April 9, 1980, EPA conditionally approved certain elements of Missouri's plan (45 FR 24140). On September 5, 1980, the State submitted documentation that one of these conditions has been fulfilled. This condition involves a requirement that one of the Missouri regulations governing the emission of volatile organic compounds (VOC) be changed to agree with EPA's guidelines.

The purpose of this notice is to advise the public that the State of Missouri has made a submission involving this condition. EPA is reviewing the material submitted and intends to issue a notice of final rulemaking after the review is completed. Until final action is published in the *Federal Register*, the conditional approval of the SIP is being continued.

ADDRESSES: Copies of the state submission are available for inspection during normal business hours at the following locations: EPA, Air Support Branch, 324 East 11th Street, Kansas City, Missouri 64108; EPA Public Information Reference Unit, Room 2922, 401 M Street S.W., Washington, D.C. 20460; Missouri Department of Natural Resources, 2010 Missouri Boulevard, Jefferson City, Missouri, 65101.

FOR FURTHER INFORMATION CONTACT: Wayne G. Leidwanger at 816-374-3791 (FTS 758-3791).

SUPPLEMENTARY INFORMATION: On April 9, 1980, EPA conditionally approved certain elements of Missouri's SIP with regard to the requirements of Part D of the Clean Air Act, as amended. A detailed discussion of the action can be found in the *Federal Register* notice published on that date (45 FR 24140).

EPA conditionally approved Missouri Rule 10 CSR 10-2.260, Control of Petroleum Liquid Storage, Loading and Transfer, as part of the Part D plan revision for the Kansas City ozone nonattainment area. The State is required to submit a revision to this regulation which contains limits that agree with the recommendations of EPA's Control Technique Guideline (CTG) or the state must submit enforceable compliance orders which assure that the CTG recommended limits are met. This submission is required by February 1, 1981.

On September 5, 1980, the State submitted revisions to Rule 10 CSR 10-2.260 for the purpose of meeting the

condition promulgated in EPA's final rulemaking on April 9, 1980. The purpose of this notice is to inform the public that the state has made a submission by the required deadline. EPA is reviewing the submission to determine if it complies with the requirements of the Clean Air Act and the condition promulgated by EPA. A preliminary review indicates that the condition has been met and therefore, EPA intends to issue a notice of final rulemaking. EPA's conditional approval of the Missouri SIP is being continued until final action on the submittal is published in the *Federal Register*.

Dated: October 1, 1980.

Kathleen Camin,

Regional Administrator.

[FR Doc. 80-31740 Filed 10-9-80; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Parts 52, 81

[A9-FRL 1607-5]

Arizona Plan Revision: Redesignation of Air Quality Control Regions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA takes final action to approve the redesignation of the Air Quality Control Regions (AQCR's) in Arizona, as requested by the Governor. The intended effect of this redesignation is "to improve the coordination and management of ongoing air, water, and transportation planning programs by the state and six Arizona Councils of Government."

EFFECTIVE DATE: November 10, 1980.

ADDRESS: A copy of the redesignation request is located at: The Office of the Federal Register, 1100 "L" Street NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, EPA Region IX, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

Under section 107 of the Clean Air Act, four AQCR's located partly or entirely in Arizona were designated by the Administrator. Those AQCR's were described in the following sections of Title 40 of the CFR, and included the Arizona counties listed in parentheses:

Sect.

- 81.36 Phoenix-Tucson Intrastate AQCR. (Gila, Maricopa, Pima, Pinal, Santa Cruz)
- 81.80 Clark-Mohave Interstate AQCR. (Mohave, Yuma)
- 81.99 Arizona-New Mexico Southern Border Interstate AQCR. (Cochise, Graham, Greenlee)
- 81.121 Four Corners Interstate AQCR. (Apache, Coconino, Navajo, Yavapai)

Altogether, the AQCR's listed above included the entire State of Arizona, plus portions of four adjoining States.

On July 8, 1970, the Governor's Executive Order 70-2 established six Arizona Planning Districts, which comprise the entire State, as follows:

- District 1—Maricopa County
- District 2—Pima County
- District 3—Apache, Coconino, Navajo, and Yavapai Counties
- District 4—Mohave and Yuma Counties
- District 5—Gila and Pinal Counties
- District 6—Cochise, Graham, Greenlee, and Santa Cruz Counties

On February 4, 1980 (45 FR 7544) the EPA, at the request of the Governor of Nevada, redesignated the Nevada portion (Clark County) of the Clark-Mohave Interstate AQCR as the Las Vegas Intrastate AQCR and the Arizona portion (Mohave and Yuma Counties) as the Mohave-Yuma Intrastate AQCR.

The Redesignation

In a January 26, 1979 letter to the Administrator, the Governor of Arizona requested that the AQCR's in Arizona be redesignated to conform to the boundaries of the six Arizona Planning Districts. As a result of this redesignation, Arizona will no longer share AQCR's with the neighboring States of Colorado, New Mexico, and Utah.

Section 107(e)(2) of the Clean Air Act, as amended, requires the consent of the Governors of those neighboring States for the redesignation to take effect. The Governors of Colorado, New Mexico, and Utah have consented to the redesignation.

Effects of Redesignation

The redesignation of AQCR's in Arizona should result in improved coordination and management of air, water, and transportation planning throughout the State, since the same District organizations now involved in wastewater management and transportation planning will also be responsible for air quality planning.

In addition, numerous administrative changes are being made to Title 40, Part 52 of the CFR as a result of the redesignation. These changes are

necessitated by revisions being made in 40 CFR Part 81 (Designation of areas for air quality planning purposes), where all of the Arizona AQCR descriptions are being revised.

In Part 81, the names and descriptions of the AQCR's in §§ 81.36, 81.99, and 81.121 are being revised, and new AQCR's are being added.

On February 8, 1980 (45 FR 8670) the EPA published a Notice of Proposed Rulemaking, proposing to approve the redesignation and inviting public comments on the proposal. One letter, from the Arizona Department of Health Services, was received. The Department supports the redesignation and states that all six Arizona Councils of Government also support the proposal.

The EPA is approving this redesignation because it meets the requirements of section 107(e) of the Clean Air Act, as amended, which requires, in effect, that the redesignation be for purposes of improved air quality management, and that it have the consent of the Governors of all affected states.

The EPA has determined that this action is "specialized" and therefore not subject to the procedural requirements of Executive Order 12044.

(Secs. 107, 110, 301(a), Clean Air Act, as amended (42 U.S.C. 7407, 7410, 7601(a)))

Dated: October 2, 1980.

Douglas M. Costle,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Arizona was approved by the Director of the Federal Register on July 1, 1980.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart D—Arizona

1. Section 52.120, paragraph (c)(30) is added as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *
(30) Redesignation of AQCR's in Arizona, submitted on January 26, 1979, by the Governor.

* * * * *

2. Section 52.121 is revised to read as follows:

§ 52.121 Classification of regions.

The Arizona plan is evaluated on the basis of the following classifications:

AQCR (constituent counties)	Classifications					[In pounds per hour]			
	PM	SO _x	NO _x	CO	O ₃	Process weight rate	Emission rate	Process weight rate	Emission rate
Maricopa Intrastate (Maricopa).....	I	III	III	I	I	50.....	0.36	60,000	29.60
Pima Intrastate (Pima).....	I	II	III	III	III	100.....	0.55	80,000	31.19
Northern Arizona Intrastate (Apache, Coconino, Navajo, Yavapai).....	I	III	III	III	III	500.....	1.53	120,000	33.28
Mohave-Yuma Intrastate (Mohave, Yuma).....	I	III	III	III	III	1,000.....	2.25	160,000	34.85
Central Arizona Intrastate (Gila, Pinal).....	I	IA	III	III	III	5,000.....	6.34	200,000	36.11
Southeast Arizona Intrastate (Cochise, Graham, Greenlee, Santa Cruz)...	I	IA	III	III	III	10,000.....	9.73	400,000	40.35
						20,000.....	14.99	1,000,000	46.72

3. In § 52.125, the first and third sentences of paragraph (a), and paragraphs (b), (c), (c)(1), (d), (d)(1)(i), (d)(2)(i), and (g)(1) are revised to read as follows:

§ 52.125 Control strategy and regulations: Sulfur oxides.

(a) The requirements of §§ 51.13 and 51.22 of this chapter are not met since the plan does not impose specific emission limitations on copper smelters in the Pima, Central Arizona, and Southeast Arizona Intrastate Regions. In addition, the plan does not require permanent control of emissions from copper smelters necessary to achieve all national standards for sulfur oxides. Therefore, Regulation 7-1-4.1 (copper smelters) of the Arizona Rules and Regulations for Air Pollution Control, as it pertains to existing copper smelters, is disapproved for the Pima, Central Arizona, and Southeast Arizona Intrastate Regions.

(b) The requirements of §§ 51.13 and 51.22 of this chapter are not met since the plan does not provide the degree of control necessary to attain and maintain the national standards for sulfur oxides in the Northern Arizona Intrastate Region. Therefore, Regulation 7-1-4.2(C) (fuel burning installations) of the Arizona Rules and Regulations for Air Pollution Control, as it pertains to existing sources, is disapproved in the Northern Arizona Intrastate Region for steam power generating installations having a total rated capacity equal to or greater than 6,500 million B.t.u. per hour.

(c) *Replacement regulation for Regulation 7-1-4.2(C) (Fossil fuel-fired steam generators in the Northern Arizona Intrastate Region).* (1) This paragraph is applicable to the fossil fuel-fired steam generating equipment designated as Units 1, 2, and 3 at the Navajo Power Plant in the Northern Arizona Intrastate Region (§ 81.270 of this chapter).

(d) *Regulation for control of sulfur dioxide emissions (Pima, Central Arizona, and Southeast Arizona Intrastate Regions).* (1)(i) The owner or operator of any copper smelter located

in the Pima Intrastate Region or in the Central Arizona Intrastate Region and identified in this paragraph shall comply with all the requirements of this paragraph.

(2)(i) The owner or operator of any copper smelter located in the Southeast Arizona Intrastate Region and identified in this paragraph shall comply with all the requirements of this paragraph.

(g)(1) The requirements of § 51.13 of this chapter are not met since the plan does not demonstrate that the emission limitations applicable to existing fuel burning equipment producing electrical energy will provide for the attainment and maintenance of the national standards in the Pima Intrastate Region (§ 81.269 of this chapter).

4. In § 52.126, paragraphs (a), (b), (b)(1), and (b)(3), and the first sentence of paragraph (c) are revised to read as follows:

§ 52.126 Control strategy and regulations: Particulate matter.

(a) The requirements of §§ 51.13 and 51.22 of this chapter are not met since the plan does not provide the degree of control necessary to attain and maintain the national standards for particulate matter in Gila, Maricopa, Pima, Pinal, and Santa Cruz Counties. Therefore, Regulation 7-1-3.6 (process industries) of the Arizona Rules and Regulations for Air Pollution Control is disapproved for Gila, Maricopa, Pima, Pinal, and Santa Cruz Counties.

(b) *Replacement regulation for Regulation 7-1-3.6 of the Arizona Rules and Regulations for Air Pollution Control (Gila, Maricopa, Pima, Pinal, and Santa Cruz Counties).* (1) No owner or operator of any stationary process source in Gila, Maricopa, Pima, Pinal, or Santa Cruz County shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in the following table for the process weight rate identified for such source:

(3) No owner or operator of a Portland cement plant in Gila, Maricopa, Pima, Pinal, or Santa Cruz County with a process weight rate in excess of 250,000 lb/hr shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the amount specified in § 60.62 of this chapter.

(c) The requirements of § 51.22 of this chapter are not met since the plan does not contain regulations for Mohave and Yuma Counties in the Mohave-Yuma Intrastate Region or Pinal-Gila Counties in the Central Arizona Intrastate Region which provide enforceable and reproducible test procedures for the determination of compliance with the emission standards. * * *

5. In § 52.129, paragraphs (b) and (c)(1) are revised to read as follows:

§ 52.129 Review of new sources and modifications.

(a) [Reserved]

(b) *National standards not met.* The requirements of § 51.18(c) of this chapter are not met in the Pima Intrastate Region since the Rules and Regulations of the Pima County Air Pollution Control District are not adequate to prevent construction or modification of a source which would interfere with the attainment or maintenance of the national standards.

(c) * * * (1) The requirements of this paragraph are applicable to any stationary source in the Pima Intrastate Region (§ 81.269 of this chapter), the construction or modification of which is commenced after the effective date of this regulation.

6. In § 52.130, paragraphs (a) and (c)(1) and the first sentence of paragraph (e) are revised to read as follows:

§ 52.130 Source surveillance.

(a) The requirements of § 51.19(a) of this chapter are not met since the plan does not contain legally enforceable procedures for requiring sources in the Northern Arizona, Mohave-Yuma, Central Arizona, and Southeast Arizona Intrastate Regions to maintain records

of and periodically report on the nature and amounts of emissions.

(c) * * * (1) The owner or operator of any stationary source in the Northern Arizona, Mohave-Yuma, Central Arizona, or Southeast Arizona Intrastate Region (§§ 81.270, 81.268, 81.271, and 81.272 of this chapter) shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(e) The requirements of § 51.19(e) of this chapter are not met since the plan does not provide sufficient regulations to meet the minimum specifications of Appendix P in the Maricopa Intrastate Region. * * *

Subpart DD—Nevada

7. Section 52.1484 is revised to read as follows:

§ 52.1484 Control strategy: Carbon monoxide

(a) The requirements of § 51.14 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standards for carbon monoxide in the Las Vegas Intrastate Region (§ 81.80 of this chapter).

8. Section 52.1486 is revised to read as follows:

§ 52.1486 Control strategy: Hydrocarbons and ozone.

(a) The requirements of § 51.14 of this chapter are not met since the plan does not provide for the attainment and maintenance of the national standard for ozone in the Las Vegas Intrastate Region (§ 81.80 of this chapter).

Subpart GG—New Mexico

§ 52.1621 [Amended]

9. In § 52.1621, the table is revised by changing the name of the "Arizona-New Mexico Southern Border Interstate" AQCR to the "New Mexico Southern Border Intrastate" AQCR.

10. In § 52.1624, paragraphs (a)(1) and (b) are revised to read as follows:

§ 52.1624 Control strategy and regulations: Sulfur oxides.

(a) * * *

(1) The plan does not provide for attainment and maintenance of the secondary standards for sulfur oxides in the New Mexico Southern Border Intrastate Region.

(b) The following emission limitations in New Mexico's "Air Quality Control Regulations" are disapproved for the indicated reasons:

(1) Regulation 652.A (emission limitation for sulfur from existing nonferrous smelters) adopted by the State of New Mexico on January 10, 1972, is disapproved since it does not provide for the degree of control necessary to attain and maintain the secondary standards for sulfur oxides in the New Mexico Southern Border Intrastate Region. Regulation 652.A is approved for attainment and maintenance of the primary standards.

§ 52.1630 [Amended]

11. In § 52.1630, the table is revised by changing the "Arizona-New Mexico-Southern Border Interstate" AQCR to the "New Mexico Southern Border Intrastate" AQCR.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart B—Designation of Air Quality Control Regions

12. Section 81.36 is revised to read as follows:

§ 81.36 Maricopa Intrastate Air Quality Control Region.

The Phoenix-Tucson Intrastate Air Quality Control Region has been renamed the Maricopa Intrastate Air Quality Control Region (Arizona) and has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Maricopa County.

13. Section 81.99 is revised to read as follows:

§ 81.99 New Mexico Southern Border Intrastate Air Quality Control Region.

The Arizona-New Mexico Southern Border Interstate Air Quality Control Region has been renamed the New Mexico Southern Border Intrastate Air Quality Control Region and has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section

302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of New Mexico: Grant County, Hidalgo County, Luna County.

14. Section 81.121 is revised to read as follows:

§ 81.121 Four Corners Interstate Air Quality Control Region.

The Four Corners Interstate Air Quality Control Region (Colorado-New Mexico-Utah) has been revised to consist of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Colorado: Archuleta County, Dolores County, La Plata County, Montezuma County, San Juan County.

In the State of New Mexico: San Juan County (in its entirety); Rio Arriba County (that portion lying west (Pacific slope) of the Continental Divide, and all portions of the Jicarilla Apache Indian Reservation lying east (Atlantic slope) of the Continental Divide); Sandoval County (that portion lying west (Pacific slope) of the Continental Divide, and all portions of the Jicarilla Apache Indian Reservation lying east (Atlantic slope) of the Continental Divide); McKinley County (that portion lying west (Pacific slope) of the Continental Divide); Valencia County (that portion lying within the Zuni and Ramah Navajo Indian Reservations).

In the State of Utah: Emery County, Garfield County, Grand County, Iron County, Kane County, San Juan County, Washington County, Wayne County.

15. Section 81.269 is added as follows:

§ 81.269 Pima Intrastate Air Quality Control Region.

The Pima Intrastate Air Quality Control Region (Arizona) consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Pima County.

16. Section 81.270 is added as follows:

§ 81.270 Northern Arizona Intrastate Air Quality Control Region.

The Northern Arizona Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as

defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Apache County, Coconino County, Navajo County, Yavapai County.

17. Section 81.271 is added as follows:

§ 81.271 Central Arizona Intrastate Air Quality Control Region.

The Central Arizona Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Gila County, Pinal County.

18. Section 81.272 is added as follows:

§ 81.272 Southeast Arizona Intrastate Air Quality Control Region.

The Southeast Arizona Intrastate Air Quality Control Region consists of the territorial area encompassed by the boundaries of the following jurisdictions or described area (including the territorial area of all municipalities (as defined in section 302(f) of the Clean Air Act, 42 U.S.C. 1857h(f)) geographically located within the outermost boundaries of the area so delimited):

In the State of Arizona: Cochise County, Graham County, Greenlee County, Santa Cruz County.

[FR Doc. 80-31319 Filed 10-9-80; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 81

[A5-FRL 1628-1]

Designation of Areas for Air Quality Planning Purposes Attainment Status Designations: Wisconsin

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: This rulemaking changes the attainment status for portions of Milwaukee and Green Bay, Wisconsin, from attainment and unclassifiable, respectively, to nonattainment of the primary National Ambient Air Quality Standards (NAAQS) for sulfur dioxide. This change is required by recorded violations of the SO₂ NAAQS in both Milwaukee and Green Bay.

DATE: This designation is effective as of November 10, 1980.

ADDRESSES: Copies of the Wisconsin request to redesignate, the technical support material, and the public comments are available for public inspection during normal business hours at:

U.S. Environmental Protection Agency, Air Programs Branch, 230 S. Dearborn St., Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M. Street, SW., Washington, D.C. 20460

Bureau of Air Management, Department of Natural Resources, 4610 University Avenue, Box 7921, Madison, Wisconsin 53707

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air Programs Branch, U.S. Environmental Protection Agency, 230 S. Dearborn St., Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: This notice of final rulemaking is issued under the authority of section 107 of the Clean Air Act, as amended. Section 107(d)(1) of the Clean Air Act required states to submit to the Administrator a list identifying all air quality control areas, or portions thereof, that had not attained the National Ambient Air Quality Standards (NAAQS). The Act further required that the Administrator promulgate this list, with such modifications as he deemed necessary. On March 3, 1978, the Administrator promulgated nonattainment designations for Wisconsin for total suspended particulates (TSP), sulfur dioxide (SO₂), carbon monoxide (CO), photochemical oxidants and nitrogen dioxide (NO₂) (43 FR 8962, 40 CFR 81.350). Section 107(d)(5) of the Act provides that a state, from time to time, may review and revise its designations list and submit these revisions to the Administrator for promulgation. The criteria and policy guidelines governing these revisions and the Administrator's review of them are identical to those used in the original designations and are summarized in the Federal Register on March 3, 1978 (43 FR 8962), September 11, 1978 (43 FR 40412) and October 5, 1978 (43 FR 45993).

On May 3, 1979, the Secretary of the Wisconsin Department of Natural Resources (DNR), acting for the Natural Resources Board, recommended redesignating portions of Green Bay and Milwaukee. This redesignation request included a technical support document which recommends that portions of Milwaukee and Green Bay be changed from attainment and unclassifiable designations respectively, to nonattainment for SO₂. The technical document was based on observed

monitoring violations of the primary standard in Green Bay and Milwaukee. This document was the subject of public hearings on February 12 and 13, 1979, in Green Bay and Milwaukee; and the Board approved it in March 1979. On September 14, 1979, the EPA proposed for public comment rulemaking approving Wisconsin's redesignation request [44 FR 53547].

Only one corporation responded to this proposal with comments. These comments and EPA's response to them follow:

Comment: The Wisconsin DNR and the EPA should use block averages rather than continuous running averages for ascertaining SO₂ concentrations. Further, the EPA should delay redesignation until the U.S. Court of Appeals for the District of Columbia Circuit has reviewed the averaging issue in "PPG Industries vs. Costle" (File No. 79-1708).

EPA Response: It is the EPA's policy to report continuous air quality monitoring data as running average concentrations. Running averages are specified in the "Guidelines for Interpretation of Air Quality Standards" (February 1977). Continuous running averages represent actual air quality better than discrete block averages because people breathe in SO₂ from the ambient air on a continuous basis rather than in midnight "blocks". If EPA used block averages, it would evaluate for fewer 24-hour periods and would risk overlooking violations of the NAAQS.

Under either averaging procedure, however, the annual 1978 SO₂ monitoring data indicate that there are 2 or more exceedances of the 24 hour SO₂ NAAQS. The SO₂ NAAQS is violated if there is more than 1 exceedance annually. Therefore, on a technical basis the averaging issue is moot in this redesignation.

In regard to delaying redesignation pending the Court's review of the averaging issue, it is EPA policy to assume its procedures are valid until they are overturned by a court. Once the court has rendered a decision in any such case, appropriate steps can be taken regarding the SIP.

Comment: The commentator claims that most of the measured exceedances of the SO₂ NAAQS upon which the Wisconsin DNR based its nonattainment redesignation request for Milwaukee are invalid because of quality assurance problems.

EPA Response: The monitored SO₂ air quality data was measured at sites on the University of Wisconsin at Milwaukee North Campus (UWM) and Jones Island. The EPA has determined that these sites meet (or satisfy) the

applicable standards which are contained in the "Guidance for Air Quality Monitoring Network Design and Instrument Siting" (OAQPS 1.2-012R2, September 1975). Wisconsin, in a memorandum from the State submitted by the commenter, determined that the data are valid.

Comment: The commenter alleges that statements and data contained in the Wisconsin DNR's Milwaukee technical support document, which provides the basis for the redesignation request, are not the actual values recorded at the site. The commenter provided what it believes are the correct monitored SO₂ concentrations for the UWM and Jones Island sites.

EPA Response: As discussed above, the EPA has determined that the measured SO₂ concentrations provided by the State for the UWM and Jones Island sites are valid for evaluating air quality status. Further, monitored SO₂ concentrations submitted by the commenter are greater than the NAAQS.

Comment: The commenter recommends that "marginal" exceedances (within 10%) of the SO₂ NAAQS should not be counted because of the known imprecision of the monitoring techniques.

EPA Response: EPA policy is to assume that monitored values obtained with proper quality control are accurate. Therefore, all concentrations greater than the appropriate NAAQS must be accounted for in addressing the attainment/nonattainment status for an area. This is because the NAAQS were set recognizing the imprecision of the methodology. Obviously, the monitored ambient SO₂ levels could equally well be above the measured value as below, and the 10% criterion could also be utilized to argue that levels 10% below (329 µg/m³) the NAAQS should constitute a violation. EPA's position is that statistically the monitored value is the most probable value of being correct and, therefore, must be used.

Comment: No monitored violation of the SO₂ NAAQS were recorded in Milwaukee in 1979. The EPA should use these most recent data and maintain the area's attainment designation.

EPA Response: As discussed above, data before the EPA demonstrate that there were two or more exceedances of the SO₂ standard in 1978. EPA generally requires that designations be based on eight continuous quarters of monitored data. Thus, EPA must consider the exceedances recorded in 1978. EPA can base a designation on four quarters of data showing no violation only if these data reflect real legally enforceable emission reductions. Although no

violations were recorded in 1978, the commenter did not provide documentation that the reductions were the result of a legally enforceable SO₂ emissions control program. Therefore, there is nothing to prevent the violations as recorded in 1978 from reoccurring, and the EPA finds that the nonattainment designation is appropriate.

Comment: The State did not conduct field investigations after each exceedance.

EPA Response: No field investigation is required under the Clean Air Act and, concomitantly, under the EPA's guidance and policy.

After examining the submitted comments, the EPA has determined that the original proposed designations of nonattainment are appropriate. Under the Part D requirements of the Clean Air Act Amendments of 1977, Wisconsin has 12 months from the effective date of these designations to develop an enforceable plan to attain the SO₂ NAAQS. Although the designations were developed from analyses of ambient air data, the State has committed itself to utilizing computer dispersion modeling in addition to ambient data in the development of its attainment strategies. If the State determines that a source significantly contributes to nonattainment, the State has committed itself to requiring a SO₂ emission limitation on the source sufficient to attain and maintain the SO₂ NAAQS, irrespective of whether such

source is located within the designated nonattainment area.

Under Executive Order 12044, USEPA 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. USEPA 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.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this redesignation is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 107(d), 171(2), 301(a), Clean Air Act, as amended (42 U.S.C. 7407(d), 7502, 7601(a)))

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Title 40 of the Code of Federal Regulations, Chapter I, Part 81 is amended as follows:

Section 81.305 is amended by revising AQCR 237 and 239 for SO₂ to read as follows:

§ 81.350 Wisconsin.

Wisconsin—SO₂

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standard
AQCR 237:				
Brown County (city of Green Bay):				
Subcity area defined as follows:	X			
North: Green Bay.				
West: W. Mason St. and Ashland Ave., along Ashland north to Matter St., west to Crocker St., north on Crocker St. to Bylsby St., then to Green Bay.				
South: W. Mason St. and Ashland Ave., east along Mason to Irwin Ave.				
East: W. Mason St., and Irwin Ave., along Irwin Ave. north to Green Bay.				
Remainder of Corporate Limits of Green Bay			X	
Remainder of Brown County				X
AQCR 239:				
Milwaukee County (city of Milwaukee):				
Subcity area defined as follows:	X			
North: Milwaukee River and Capitol Drive up to Lake Michigan.				
West: South along Milwaukee River to St. Paul, west along St. Paul to 16th St., south on 16th St. to Pierce, then east along Pierce to 6th St., again south on 6th St. to Becher St.				

Wisconsin—SO₂—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standard
South: 6th and Becher to the Lake. East: Lake Michigan. Remainder of Milwaukee County				X

Dated: October 2, 1980.

Douglas M. Costle,
Administrator.

[FR Doc. 80-31705 Filed 10-9-80; 8:45 am]

BILLING CODE 6560-25-M

40 CFR Part 180

[PH-FRL 1630-6; PP 7E1965/R271]

Tolerances and Exemptions From
Tolerances for Pesticide Chemicals in
or on Raw Agricultural Commodities,
MethoxychlorAGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide methoxychlor in or on the raw agricultural commodity horseradish at 1 part per million (ppm). This regulation was requested by the Interregional Research Project No 4 (IR-4). This regulation will establish the maximum permissible level for residues of the insecticide on horseradish.

EFFECTIVE DATE: Effective on October 10, 1980.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3700 (A-110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher, Rm. E-124, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202-755-2196).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of July 23, 1980 (45 FR 49117) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had filed a pesticide petition (pp 7E1965) with the EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Illinois. The petition proposed the establishment of a tolerance of 1 ppm for methoxychlor in or on the raw agricultural commodity horseradish.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The metabolism of methoxychlor is adequately understood and an adequate analytical method (gas chromatography using a microcoulometric detector (MCGC)) is available for enforcement purposes. There is no expectation of residues in meat, milk, poultry, and eggs, since horseradish is not an animal feed item. There are presently no actions pending against the continued registration of this chemical. Tolerances have previously been established for a variety of commodities at levels ranging from 1 ppm to 100 ppm.

Any person adversely affected by this regulation on or before November 10, 1980, file written objections with the Hearing Clerk, EPA, Rm. M-3708, (A-110), 401 M Street, SW, Washington, DC 20460. Such objections should be submitted in quintuplicate 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 proposed rule 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 date: October 10, 1980.
(Sec. 408(e), 68 Stat. (21 U.S.C. 346(e)))

Dated: October 1, 1980.

Edwin L. Johnson

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by alphabetically inserting "horseradish" at 1.0 ppm under § 180.120 to read as follows:

§ 180.120 Methoxychlor; tolerances for residues.

1 part per million in or on horseradish

[FR Doc. 80-31686 Filed 10-9-80; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES
ADMINISTRATION

41 CFR Parts 1-3 and 1-15

[FPR Amendment 208]

Cost Principles and Price Negotiation
PolicyAGENCY: General Services
Administration.

ACTION: Final rule.

SUMMARY: The Federal Procurement Regulations are amended to update Subpart 1-15.7—Grants and Contracts with State and local Governments, and Subpart 1-3.8—Price Negotiation Policies and Techniques. The bases for the revisions are (1) an April 11, 1980, Office of Management and Budget (OMB) revision to Federal Management Circular 74-4, (2) a transfer of functions from the General Services Administration (GSA) to OMB, and (3) Office of Federal Procurement Policy (OFPP) direction regarding administratively imposed blanket fee limitations. The intended effect is to implement OMB and OFPP policy.

EFFECTIVE DATE: November 12, 1980.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703-557-8947).

SUPPLEMENTARY INFORMATION: The significant changes introduced in this amendment are as follows:

(1) The Financial Management Branch of OMB is substituted for GSA as the agency responsible for certain approval and advisory functions pertaining to the negotiation and approval of indirect cost proposals for State and local governments. This revision reflects the transfer of functions and responsibilities in this area from GSA to OMB. In addition, regulatory references to the Department of Health, Education, and