

removal of the main gearbox fairing assemblies.

The FAA has determined that Amendment 39-3786 must be amended to provide an additional inspection procedure for the main transmission support beams with the 76070-20012-012 kit installed. The additional inspection procedure requires that the inspection be performed through an opening provided by the removal of the passenger compartment cabin ceiling interior lining and inspecting all accessible flanges and webs on the outboard side of the main transmission support beams.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-3709, 45 FR 15174, AD 80-02-10, as amended by Amendment 39-3786, 45 FR 37808, AD 80-06-01, as follows:

(1) By revising paragraph 1.a. to read:

"a. Gain access to the 76209-03001-041 and -042 main transmission support structure fittings as follows:"

(2) By adding new paragraphs 1.a.i. and 1.a.ii. as follows:

"i. For aircraft without the 76070-20012-012 kit installed, remove the 76205-08001 main gearbox fairing assemblies to obtain access to the 76209-03001-041 and -042 main transmission support structure fittings.

"ii. For aircraft serial numbers 760055, 760074, 760077, and subsequent and aircraft retrofitted with the 76070-20012-012 kit, remove the passenger compartment cabin ceiling interior lining to obtain access to the 76209-03001-041 and -042 main transmission support structure fittings and the 76070-20012-012 kit."

(3) By adding the following Note after paragraph 1.a.ii.:

Note.—Installation of the 76070-20012-012 kit obscures the inboard sides of the main transmission support beams if the inspections are performed from above the main transmission support structure fittings. Therefore, the inspections on aircraft with the kit installed are to be performed from below the main transmission support structure fittings on the outboard sides of the main transmission support beams.

(4) By revising paragraph 1.c., except the Note, as follows:

"c. Using a light and mirror, visually inspect for cracks all accessible flanges and webs of the transmission support structure

fittings, including areas that must be inspected through the inspection holes in the 76070-20011-107 and -108 inner skins, if installed."

(5) By revising paragraph 1.d. as follows:

"d. If a crack is found, replace the cracked main transmission support fitting, 76209-03001, and the 76070-20012-012 kit, if installed, with serviceable components prior to the next flight in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, New England Region. Also, if a cracked mold line skin is found, repair prior to further flight."

This amendment becomes effective September 22, 1980.

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

A historical file on this AD is maintained by the FAA at its Headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Massachusetts.

Note.—Due to the emergency nature of this AD, it is impracticable to follow the regulatory procedures prescribed by Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This determination was made by the Engineering and Manufacturing Branch. In accordance with the DOT guidelines, a regulatory evaluation is being prepared and will be placed in the public docket for this action.

Issued in Burlington, Massachusetts, on September 9, 1980.

Lawrence C. Sullivan,

Acting Director, New England Region.

(FR Doc. 80-28963 Filed 9-19-80; 8:45 am)

BILLING CODE 5910-13-M

14 CFR Part 71

[Airspace Docket No. 80-NE-30]

Alteration of Newburyport, Mass., 700-foot Transition Area; Designation of Federal Airways, Area Low Routes, Controlled Airspace and Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the description of the Newburyport, Massachusetts, 700-foot Transition Area so as to provide additional airspace for aircraft executing the VOR Runway 10, Standard Instrument Approach Procedure (SIAP), Plum Island Airport, Newburyport, Mass.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: Charles Taylor, Operations Procedures and Airspace Branch, ANE-538, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803; telephone (617) 273-7285.

SUPPLEMENTARY INFORMATION: On Monday, July 14, 1980, a Notice of Proposed Rulemaking was published in the Federal Register, Volume 45, No. 136, stating that the Federal Aviation Administration proposed to amend the Newburyport, Massachusetts, 700-foot Transition Area so as to provide additional airspace for aircraft executing the VOR Runway 10, SIAP, Plum Island Airport.

Interested persons were invited to participate in this rulemaking process by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by amending the description of the Newburyport, Massachusetts, 700-foot Transition Area to read as follows:

"That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Plum Island Airport (Lat. 42°47'45"N., Long. 70°50'30"W.) extending 2 miles either side of the center line of the Lawrence VOR 073T radial (089 MAG) extending from the 5-mile radius area to the Lawrence VOR, excluding that portion which coincides with the Boston and Haverhill, MA., 700-foot transition areas."

(Sections 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 USC 1348(a) and Section 6(c) of the Department of Transportation Act (49 USC 1655(c) and 14 CFR 11.69))

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation guidelines (44 FR 11034; February 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Burlington, Massachusetts, on September 6, 1980.

John B. Roach,

Acting Director, New England Region.

(FR Doc. 80-28967 Filed 9-19-80; 8:45 am)

BILLING CODE 4910-13-M

14 CFR Part 71**[Airspace Docket No. 80-ASO-38]****Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Federal Airways, Orlando, Fla.****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment alters Victor Airways V-3, V-152, V-159, V-267 and V-441 in the vicinity of Orlando, Fla. Alteration of these routes will provide a "bypass" airway system for the congested Orlando terminal area. This will reduce controller/pilot workload and reduce radio frequency congestion.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: C. Horne, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION: On August 14, 1980, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter Victor Airways V-3, V-152, V-159, V-267 and V-441 in the vicinity of Orlando, Fla. (45 FR 54074). Alteration of these routes provides a "bypass" airway system for the congested Orlando terminal area and will reduce radio frequency congestion. The primary use of the "bypass" airway system will be for routing low altitude en route aircraft around the Herndon and Orlando International Airports, and areas of nonlimited radar coverage during peak traffic periods.

Interested persons were invited to participate in the rulemaking procedures by submitting comments on the proposal to the FAA. The only comments received expressed no objections.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 307) is amended, effective 0901 GMT, October 30, 1980, as follows:

Under V-3, after "Ormond Beach, Fla.," add "including a W alternate from Vero Beach to Ormond, via INT Vero Beach 341" and Melbourne, Fla., 321" radials, INT Melbourne 321" and Ormond Beach 211" radials;"

Under V-152, all after "St. Petersburg, Fla.,"

is deleted and "via INT St. Petersburg 062" and Ormond Beach, Fla., 211" Orlando, Fla.; INT Orlando 049" and Ormond Beach 161" radials;" is substituted therefor.

Under V-159, after "Ocala, Fla.," add "including a S alternate from INT Vero Beach 319" and Melbourne, Fla., 299" radials, to Ocala via INT Melbourne 299" and Ocala 146" radials;"

Under V-267, after "Jacksonville, Fla.," delete "including an E alternate from Orlando to INT Ormond Beach, Fla., 308" and Jacksonville 174" radials via Ormond Beach;"

Under V-441, delete "Ocala 171" radials," and substitute "Ocala 182," therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C. on September 18, 1980.

Charles V. Hannan,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-29187 Filed 9-19-80; 8:45 am]

BILLING CODE 4910-12-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Office of the Assistant Secretary for Housing—Federal Housing Commissioner****24 CFR Part 200****[Docket No. R-80-633]****Revision to Thermal Requirements for HUD Minimum Property Standards (MPS) for One- and Two-Family Dwellings; Correction**

AGENCY: Housing and Urban Development/Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Notice of correction.

SUMMARY: On September 11, 1980 (45 FR 59857) HUD published a final rule that increases the thermal insulation requirements under HUD Minimum Property Standards for One- and Two-Family Dwellings. The effective date of the rule was indicated to be October 1, 1980; however, that date erroneously

fails to allow adequate opportunity for providing copies of the new standard to persons affected by it.

Accordingly, the effective date of the rule published in 24 CFR Part 200 at 45 FR 59857 is corrected to read November 11, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Mervin Dizenfeld (202) 755-6590.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., September 18, 1980.

Harwood G. Martin,

Deputy Director, Office of Regulations.

[FR Doc. 80-29188 Filed 9-19-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 235**[Docket No. R-80-864]****Preference for Displaced Families; Eligibility of Cooperative Housing Units and Existing Condominium Units**

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

ACTION: Interim rule.

SUMMARY: This rule implements Section 213 (a) and (b) of the Housing and Community Development Amendments of 1979 which provides that in making Section 235 assistance available, the Secretary of HUD shall give preference to low income families who would be likely to be involuntarily displaced without such assistance. In addition, this rule amends the existing Section 235 regulations to permit Section 235 assistance on behalf of qualified families acquiring membership in a cooperative housing association or on behalf of certain eligible displaced families purchasing existing condominium units.

EFFECTIVE DATE: November 20, 1980.

COMMENTS DUE DATE: Comments must be received on or before November 21, 1980, 60 days after publication.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of the General Counsel, Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection during regular business hours at the above address. The interim rule may be changed on the basis of comments received.

FOR FURTHER INFORMATION CONTACT:

John J. Coonts, Director, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, D.C. 20410, Telephone: (202) 755-6720. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Section 213 (a) and (b) of the Housing and Community Development Amendments of 1979 (signed into law on December 21, 1979) directs the Secretary of HUD in providing Section 235 assistance to give preference to eligible families who, without such assistance, would be likely to be involuntarily displaced (including those who would be likely to be displaced from rental units which are to be converted into a condominium project). Such assistance may include the acquisition of a condominium or membership in a cooperative association. This rule implements the new legislation.

In addition, this rule removes certain restriction on the types of properties for which Section 235 assistance payments can be made. On January 6, 1976, HUD adopted final regulations for a revised Section 235 program which precluded Section 235 assistance payments in connection with cooperative housing members or the purchase of existing housing units unless substantial rehabilitation were involved. Because the number of units which can be assisted is limited, this rule will remove that restriction, but only with respect to eligible mortgagors who are likely to be involuntarily displaced from their present dwelling unit. In addition, with respect to condominium units, this rule removes the present restriction which limits eligible dwellings to those which were financed with a project mortgage which is or has been insured by HUD.

Finally, certain editorial changes have been made to § 235.15 to reflect only properties which are currently eligible for Section 235 assistance.

The Department is exercising limited policy discretion in implementing the statutory change mandated by the Congress. Furthermore, there is an urgent need to put the Congressional mandate into operation as soon as possible. It has been determined, therefore, that prior notice and public comment would be impracticable and contrary to public interest and that this rule should be made effective on an interim basis as soon as possible. However, the Department will entertain public comment subsequent to the rule's effective date and will consider such comments in issuing a final rule.

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 of Inapplicability will be available for public inspection during regular hours in the Office of the Rules Docket Clerk at the address listed above.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12221.

Accordingly, it is proposed that Part 235 of Chapter II, 24 CFR be amended as follows:

1. By adding a new paragraph (e) to § 235.2 as follows:

§ 235.2 Basic program outline.

(e) In making assistance available, the Secretary shall give preference to low-income families who, without such assistance, would be likely to be involuntarily displaced from their present dwelling unit.

2. By revoking and reserving § 235.5(b)

§ 235.5 Definitions used in this subpart

(b) [Reserved]

3. By amending § 235.15 as follows:

§ 235.15 Eligible types of dwellings.

(a) The mortgage shall involve one of the following types of dwellings:

(1) A single family dwelling concerning which the application for insurance is approved by the Secretary prior to the beginning of construction or prior to the beginning of rehabilitation.

(2) A single family dwelling which has never been previously occupied and is covered by a consumer protection or warranty plan acceptable to the Secretary and satisfies all requirements which would have been applicable if such dwelling and had been approved for mortgage insurance prior to the beginning of construction.

(3) A one-family unit in a condominium project (together with an undivided interest in the common areas and facilities serving the project) which is released from a multifamily project, the construction or substantial rehabilitation of which shall have been completed not more than two years prior to the filing of the application for assistance payments under Subpart C of this part. The family unit shall have had no previous occupant other than the mortgagor.

(4) A single family dwelling or a one-family unit in a condominium project

(together with an undivided interest in the common areas and facilities serving the project), the construction of which shall have been completed at least one year prior to the filing of the application for assistance payments under Subpart C of this Part and which meets such standards as the Secretary may prescribe, provided that the property is to be occupied by a mortgagor who, without such assistance, would be likely to be involuntarily displaced from the dwelling or, in the case of a condominium, from a unit in the project. Provided, That any family (i) which, by virtue of threatened displacement from a unit in a project, would be eligible for assistance under this provision for a one-family unit in the resulting condominium project, and (ii) which is precluded from the purchase of such condominium unit because of a rule of the condominium association, may be entitled to assistance under this section in connection with a single family dwelling or a one-family unit in another condominium (together with an undivided interest in the common areas and facilities serving the project), which otherwise meets the standards of this subsection and which is located in the same market area as the converted project.

(5) A substantially rehabilitated single family dwelling that is security for a mortgage which was endorsed for mortgage insurance under § 203.50 not more than twelve months prior to the application for a firm commitment.

(b) The marketability of all lots or units to be developed or rehabilitated must be established.

§ 235.10 [Amended]

4. By amending paragraph (a) of § 235.20 by deleting the period and adding at the end thereof the following words "nor to units identified in § 235.15(a)(4)."

5. By amending § 235.325 to read as follows:

§ 235.325 Qualified cooperative members.

The following cooperative members shall qualify for assistance payments subject to the requirement of this Subpart C:

(a) A member of a cooperative association which operates a housing project financed with a mortgage insured under §§ 213.1 through 213.280 or §§ 221.502 through 221.790 of this chapter pursuant to Section 221(d)(3) of the National Housing Act provided:

(1) The housing project has been constructed or substantially

rehabilitated not more than two years prior to the filing of the application for assistance payments and the dwelling unit had no previous occupant, or

(2) The cooperative member acquired membership and occupancy rights from one who was receiving assistance payments, or

(3) The cooperative member meets one of the following qualifications:

(i) The member's family is displaced from an urban renewal area, or as a result of a governmental action, or as a result of a major disaster as determined by the President.

(ii) The member's family shall include five or more minor persons.

(iii) The member's family shall have been occupying low-rent public housing at the time the application for assistance payments is filed, or

(4) That, without such assistance, the cooperative member would be likely to be involuntarily displaced from a dwelling in the project in connection with its conversion from rental to cooperative housing. Provided, That any family (i) which, by virtue of threatened displacement from a unit in a housing project to be operated by a cooperative association would be eligible for assistance under this provision in order to occupy a one-family unit in the resulting housing project, and (ii) which is precluded from such occupancy and membership in the cooperative association because of a rule of the association, may be entitled to assistance under this section in connection with a single family dwelling or a one-family unit in another housing project to be operated by a cooperative association, which otherwise meets the standards of this subsection and which is located in the same market area.

(b) A member of a cooperative association which operates a housing project which is financed under a State or local program providing assistance through loans, loan insurance or tax abatements, and which prior to completion of construction or rehabilitation is approved for receiving the benefits of this Section.

(The provisions of this Part 235 issued under Secs. 211, 235, National Housing Act, as amended; 12 U.S.C. 1715b, 1715z)

Issued at Washington, D.C., August 22, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-29940 Filed 9-19-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Parts 811, 880 and 881

[Docket No. R-80-867]

Low-Income Housing; Housing Assistance for New Construction and Substantial Rehabilitation; Tax Exemption

AGENCY: Department of Housing and Urban Development (HUD), Office of the Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Final rule.

SUMMARY: This rule conforms to regulations on Section 8 housing assistance for new construction and Section 8 housing assistance for substantial rehabilitation to the regulations on tax exemption, Subpart B and makes a technical correction to the existing regulations on tax exemption Subpart A. As a result of the publication of the new Part 811 regulations, references to Part 811 in the regulations for Section 8 new construction and substantial rehabilitation regulations (Parts 880 and 881) require clarification. Certain sections are being revised to distinguish between tax-exempt financing under 24 CFR Part 811 Subparts A and B.

EFFECTIVE DATE: November 21, 1980.

FOR FURTHER INFORMATION CONTACT: Lynda M. Murphy, Director, Office of State Agency and Bond Financed Programs, Room 6138, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 426-7113 (this is not a toll-free number.)

SUPPLEMENTARY INFORMATION: As a result of the publication of the new Part 811 Subpart B regulations, references to Part 811 in the regulations for Section 8 new construction and substantial rehabilitation regulations (Parts 880 and 881) require clarification. Sections 880.208 and 881.208 are revised to distinguish between tax-exempt financing under 24 CFR Part 811 Subparts A and B.

Section 811.117, Subpart A, includes a reference to Section 8(e)(4) of the U.S. Housing Act of 1937 which has been misinterpreted as restricting the applicability of the regulation to situations where there is a separate pledge of the Section 8 contract for housing assistance payments. The reference is being deleted to clarify the provision since it is the Department's position that the provision is applicable irrespective of whether there is a separate pledge. An explicit reference to 24 CFR Part 811, Subpart A has also been added to Section 811.117 to avoid confusion with 24 CFR Part 811, Subpart B.

A finding of inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

The legislative review provisions of Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o) have been met.

This Rule is not included in the Department's Agenda of Significant Rules published in accordance with Executive Order 12044.

This rule does not change existing policies or practices of the Department. It is a technical clarification to explain the applicability of 24 CFR Part 811 Subparts A and B.

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

1. Accordingly, 24 CFR 880.208(b) (1), (2), and (3) and 881.208(b) (1), (2), and (3) are changed to read as follows:

§§ 880.208 and 881.208 [Amended]

(b)* . . .

(1) An issuer of obligations that are tax-exempt under any provision of Federal law or regulation, the proceeds of the sale of which are to be used to purchase GNMA mortgage-backed securities issued by the mortgagee of the Section 8 project, will be subject to 24 CFR Part 811, Subpart B.

(2) Issuers of obligations that are tax-exempt under Section 11(b) of the U.S. Housing Act of 1937 will be subject to 24 CFR Part 811, Subpart A if paragraph (b)(1) of this section is not applicable.

(3) Issuers of obligations that are tax-exempt under any provision of Federal law or regulation other than Section 11(b) of the U.S. Housing Act of 1937 will be subject to 24 CFR 811, Subpart A if paragraph (b)(1) of this section is not applicable, except that such issuers that are State Agencies qualified under 24 CFR Part 883 are not subject to 24 CFR Part 811 Subpart A and are subject solely to the requirements of 24 CFR Part 883 with regard to the approval of tax-exempt financing.

PART 811—TAX EXEMPTION OF OBLIGATIONS OF PUBLIC HOUSING AGENCIES AND RELATED AMENDMENTS

2. Accordingly, § 811.117, is amended to read as follows:

§ 811.117 Applicability to tax exemption other than under section 11(b).

Issuers of obligations that are tax-exempt under any provision of Federal law or regulation other than Section 11(b) of the Act (except for State Agencies qualified under, 24 CFR Part 883) must submit all documents required by 24 CFR 811.107, 811.108, 811.109, and 811.110 to the Field Office for review and approval. The terms and use of these obligations and the operation of the project will comply with the requirements of 24 CFR Part 811 Subpart A.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., September 5, 1980.

Lawrence B. Simons,
Assistant Secretary for Housing, Federal
Housing Commissioner.

[FR Doc. 80-26606 Filed 9-19-80; 8:45 am]

BILLING CODE 4210-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1425

Mediation Assistance in the Federal Service

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Final rule.

SUMMARY: Pursuant to section 7134 of Title VII of the Civil Service Reform Act, Federal Mediation and Conciliation Service promulgates a final regulation for mediation assistance in the federal service.

DATES: This final rule will be effective October 22, 1980.

FOR FURTHER INFORMATION CONTACT: Nancy B. Broff, Assistant General Counsel, Office of the General Counsel, (202) 653-5305.

SUPPLEMENTARY INFORMATION: As directed by Section 7134 of Title VII of the Civil Service Reform Act, Federal Mediation and Conciliation Service promulgates the following regulations concerning its role in Federal Sector Labor Relations. These regulations would supercede the existing regulations.

The Service published an advance notice of proposed rulemaking (44 FR

40354) and proposed regulation (45 FR 12164) soliciting comment from interested parties.

A number of comments were received and have been considered.

The regulations provide that FMCS may provide its services in negotiation disputes in the Federal Sector on its own motion or at the request of one or both parties. The Service may set time limits on its participation and may make suggestions to the parties for settlement where it determines such procedures to be appropriate.

The regulations require that the initiating party notify FMCS of negotiations at least 30 days prior to the termination or modification date of an existing agreement. In initial negotiations, the parties must notify FMCS within 30 days after commencing negotiations. These requirements do not apply to mid-term or impact bargaining. The parties have a duty to participate fully and promptly in meetings called by the Service.

If the mediation process is unsuccessful, the Service or the parties may request consideration of the matter by the Federal Services Impasses Panel. However, the Service will not refer a case to the FSIP until the mediation process has been completed.

In response to a number of comments, the word "recommendations" has been eliminated from the final regulation. Commenters expressed concern that the word would create confusion about the functions of the Service and those of the Federal Service Impasses Panel. Therefore, the regulation now makes reference to "suggestions for settlement" rather than recommendations.

This rule is issued under the authority of the Civil Service Reform Act, Public Law 95-454, Section 7134.

Federal Mediation and Conciliation Service revised Part 1425 of Title 29 of the "Code of Federal Regulations" as set forth below.

Dated: September 15, 1980.

Robert P. Gajdys,
Director of Administration.

Part 1425 is revised as follows:

PART 1425—MEDIATION ASSISTANCE IN THE FEDERAL SERVICE

Sec.

1425.1 Definitions.

1425.2 Notice to Service of agreement negotiations.

1425.3 Functions of the Service under Title VII of the Civil Service Reform Act.

1425.4 Duty of parties.

1425.5 Referral to FSIP.

1425.6 Use of third-party mediation assistance.

Authority: 5 U.S.C. 7119, 7134.

§ 1425.1 Definitions.

As used in this part:

(a) "The Service" means Federal Mediation and Conciliation Service.

(b) "Party" or "Parties" means (1) any appropriate activity, facility, geographical subdivision, or combination thereof, of an agency as that term is defined in 5 U.S.C. 7103(3), or (2) a labor organization as that term is defined in 5 U.S.C. 7103(4).

(c) "Third-party mediation assistance" means mediation by persons other than FMCS commissioners.

(d) "Provide its services" means to make the services and facilities of the Service available either on its own motion or upon the special request of one or both of the parties.

§ 1425.2 Notice to the Service of agreement negotiations.

In order that the Service may provide assistance to the parties, the party initiating negotiations shall file a notice with the Regional Director of the region in which the negotiations will take place at least thirty (30) days prior to the expiration or modification date of an existing agreement. Parties entering negotiations for an initial agreement shall file such notice within 30 days after commencing negotiations. Parties engaging in mid-term or impact bargaining need not submit a notice.

The following form, FMCS Form F-53, has been prepared by the Service for use by the parties:

BILLING CODE 6732-01-M

FMCS FORM F-53
Revised July 1979Form Approved
OMB No. 023R 0006**NOTICE TO FEDERAL MEDIATION AND CONCILIATION SERVICE**

(Pursuant to FMCS Regulations Published in CFR 1425.3)

Date

To: Regional Office, FEDERAL MEDIATION AND CONCILIATION SERVICE

1. You are hereby notified that we desire to (check one):

- ☐ Enter into an initial agreement
- ☐ Amend, modify, or terminate an existing agreement

2. Name of Agency

Name of Bureau or Activity

Agency Official to be Contacted

Address

Telephone (AC) (NO.)

3. Name of Union and Local No.

Union Official to be Contacted

Address

Telephone (AC) (NO.)

4. Date exclusive recognition granted

5. Number of employees in bargaining unit(s)

6. Agreement expiration /OR/ reopening date

7. Name of official filing this notice

Title of official

Address

Telephone (AC) (NO.)

8. Check on whose behalf this notice is filed: Union Agency

.....
(Signature)

Receipt of this notice does not constitute a request for mediation nor does it commit the agency to offer its facilities. This particular form of notice is not legally required. Receipt of notice will not be acknowledged in writing by the Federal Mediation and Conciliation Service.

Original Copy—To appropriate FMCS regional office
(see list on reverse of copy 5)

§ 1425.3 Functions of the Service under Title VII of the Civil Service Reform Act.

(a) The service may provide its assistance in any negotiation dispute when earnest efforts by the parties to reach agreement through direct negotiation have failed to resolve the dispute. When the existence of a negotiation dispute comes to the attention of the Service through a specific request for mediation from one or both of the parties, through notification under the provisions of § 1425.2, or otherwise, the Service will examine the information concerning the dispute and if, in its opinion, the need for mediation exists, the Service will use its best efforts to assist the parties to reach agreement.

(b) The Service may, at the outset of negotiations or at any time in the dispute, set time limits on its participation. If no settlement of the dispute is reached by the expiration of the time limits, the Service may make suggestions for settlement to the parties. If suggestions for settlement made by the Service are not accepted by the parties within time limits set by the Service, the matter may be referred to the Federal Services Impasses Panel (FSIP).

§ 1425.4 Duty of parties.

It shall be the duty of the parties to participate fully and promptly in any meetings arranged by the Service for the purpose of assisting in the settlement of a negotiation dispute.

§ 1425.5 Referral to FSIP.

If the mediation process has been completed and the parties are at a negotiation impasse, the Service or the parties may request consideration of the matter by the Federal Services Impasses Panel. The Service shall not refer a case to FSIP until the mediation process has been exhausted and the parties are at a negotiation impasse.

§ 1425.6 Use of third-party mediation assistance.

If the parties should mutually agree to third-party mediation assistance other than that of the Service, both parties shall immediately inform the Service in writing of this agreement. Such written communication shall be filed with the regional director of the region in which the negotiation is scheduled, and shall state what alternate assistance the parties have agreed to use.

[FR Doc. 80-20195 Filed 9-19-80; 8:45 am]

BILLING CODE 6732-01-M

VETERANS ADMINISTRATION

38 CFR Part 26

Environmental Effects of VA Actions

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: This rule establishes Veterans Administration (VA) policies and procedures to supplement the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act, November 29, 1978 (40 CFR Parts 1500-1508). These CEQ Regulations provide that Federal agencies shall adopt implementing procedures and guidance to VA components and assigns responsibility, as required by the CEQ Regulations.

EFFECTIVE DATE: September 17, 1980.

FOR FURTHER INFORMATION CONTACT: Willard S. Sitler, P.E. (003A), Director, Office of Environmental Affairs (202-389-2526).

SUPPLEMENTARY INFORMATION: It was first published in the Federal Register on August 17, 1979 (44 Fed. Reg. 48281 (1979)) and is republished with corrections and amplification of the categorical exclusions listed under Annex A.

Approved: September 17, 1980.

By direction of the Administrator:

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

The VA revised Title 38, CFR by publishing a new Part 26 to read as follows:

PART 26—ENVIRONMENTAL EFFECTS OF VA ACTIONS

Sec.

26.1 Reissuance and purpose.

26.2 Applicability and scope.

26.3 Definitions.

26.4 Policy.

26.5 Responsibilities.

Enclosure: VA Implementing Procedures.

Authority: 42 U.S.C. 4231 et seq., Executive Order 11514, as amended by EO 11991.

§ 26.1 Reissuance and purpose.

The purpose of these rules is to implement the Council on Environmental Quality (CEQ) Regulations (National Environmental Policy Act Regulations, 40 CFR Parts 1500-1508) and to provide policy and procedures for Veterans Administration (VA) officials to be informed of, and to take into account, environmental considerations when authorizing or approving VA actions that effect the environment in the United States. The Council on Environmental Quality

Regulations implement the procedural provisions, Section 102(2) of the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321 et seq.), and Executive Order 11514, as amended (35 FR 4247 [1970]), amended by Executive Order 11991, (42 FR 26967 [1977]).

§ 26.2 Applicability and scope.

Provisions of this Part apply to the Veterans Administration, and to "VA Components".

§ 26.3 Definitions.

(a) "United States" means all states, territories, and possessions of the United States; and all waters and air space subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(b) "VA Components" means VA operating departments, including Department of Medicine & Surgery, Department of Memorial Affairs, and Department of Veterans Benefits.

(c) Other terms used in this Part are defined in Part 1508 of the CEQ Regulations.

§ 26.4 Policy.

(a) The Veterans Administration must act with care in carrying out its mission of providing services for veterans to assure that it does so by complying with national environmental policies. Care must be taken to assure that all practical means and measures are used to protect, to restore, and to enhance the quality of the environment; to avoid or to minimize adverse environmental consequences, consistent with other consideration of national policy; and to attain the following objectives:

(1) Achieving the fullest possible use of the environment without degradation, or undesirable and unintended consequences.

(2) Preserving important historical, cultural, and natural aspects of our national heritage, and maintaining, where possible, an environment that supports diversity and variety of individual choice.

(3) Achieving a balance between resource use and development within the sustained carrying capacity of the ecological system involved.

(4) Enhancing the quality of renewable resources and working toward the maximum attainable recycling of depletable resources.

(b) The Veterans Administration and VA Components shall:

(1) Assess environmental consequences of VA actions that affect the environment in accordance with CEQ Regulations for implementing the procedural provisions of the National Environmental Policy Act.

(2) Use a systematic, interdisciplinary approach to assure the integrated use of the natural and social sciences, and environmental considerations, in making plans and decisions with a potential for environmental impact.

(3) Assure that presently unmeasured environmental amenities are considered during the decision-making process.

(4) Consider reasonable alternatives for a course of action in any proposal that involves conflicts concerning alternative uses of resources.

(5) Make available to states, counties, municipalities, institutions, and individuals any advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

§ 26.5 Responsibilities.

(a) The Assistant Deputy Administrator (Director, Office of Environmental Affairs) shall:

(1) Function as the responsible official for all VA environmental matters.

(2) Modify or supplement the enclosures of this Part, as required.

(3) Provide assistance in the preparation of environmental assessments and statements and assign lead Component responsibility in preparing environmental documentation, when more than one VA Component is involved.

(4) Direct the preparation of environmental documents.

(5) Provide appropriate, consolidated VA comments requested by other Federal agencies on draft and final environmental impact statements.

(6) Review actions of the VA that have environmental implications.

(7) Maintain liaison with the Council on Environmental Quality, the Environmental Protection Agency, the Office of Management and Budget, other Federal agencies, and State and local groups, concerning environmental analyses for VA actions affecting the environment.

(b) The General Counsel, VA, shall provide advice and assistance in meeting the requirements of this Part.

(c) The heads of the VA Components shall:

(1) Assess environmental consequences of proposed and continuing programs and actions within their respective VA Component.

(2) Prepare and process environmental documents as required by this Part.

(3) Integrate environmental considerations into their decisionmaking process.

(4) Assure that regulations and other major policy statements are reviewed for consistency with the requirements of this Part.

(5) Provide comments on environmental impact statements for actions within their area of knowledge or concern.

(6) Designate a single point of contact for environmental issues.

Enclosure 1—VA Implementing Procedures

A. General.

1. Part 1507.3 of the Council on Environmental Quality Regulations (National Environmental Policy Act Regulations, 40 CFR Parts 1500-1508) directs all Federal agencies to adopt procedures to implement the CEQ Regulations. This enclosure provides detailed VA implementing procedures to supplement the CEQ Regulations.

2. Provisions of this Part must be read together with those of the CEQ Regulations and the Act as a whole when applying the NEPA process.

3. This enclosure is organized sequentially from early planning to the final implementation of a VA action. Section references throughout this enclosure refer to appropriate sections in the CEQ Regulations.

B. Planning Consideration.

1. *Early Planning.* VA Components shall integrate the NEPA process with other planning activities at the earliest possible time to assure that planning and decisions reflect environmental values, to avoid delays later in the process, and to avoid potential conflicts.

2. *Lead Agency.* To determine the lead VA Component or other lead Federal or State agency for actions when more than one VA Component or another Federal agency is involved, VA Components shall apply the criteria defined in Parts 1501.5 and 1501.6 and forward a request for lead agency determination to the Assistant Deputy Administrator (Office of Environmental Affairs).

a. The Assistant Deputy Administrator (Office of Environmental Affairs) will determine lead agency responsibility among VA Components.

b. In environmental issues involving a VA Component and another Federal agency, the Assistant Deputy Administrator (Office of Environmental Affairs) will seek to resolve the differences. If this is not possible, the Assistant Deputy Administrator (Office of Environmental Affairs) will file a request for determination with the Council on Environmental Quality.

3. *Assistance to Applicants.* Part 1501.2(d) provides for advising private applicants or other non-federal groups when VA involvement is reasonably foreseeable. Such reasonably foreseeable actions involve applications to a VA Component by private persons or State and local agencies and pertain primarily to permits, leases, and requests for financial assistance and grants, and related actions involving the use of VA land and property.

a. The following actions are initiated by private persons, State or local agencies, and other non-VA groups for which VA involvement may be reasonably foreseeable:

(1) Easements and right-of-ways on VA land.

(2) Petroleum, grazing and timber leases.

(3) Permits, licenses, use agreements or other grants of real property for use by non-VA groups.

(4) Application for subdivision approval from Home Loan Guaranty Program.

(5) Application for grants-in-aid for acquisition, construction, expansion or improvement of State veterans' health care facilities and cemeteries.

b. Public notices or other means used to inform or solicit applicants for permits, leases, or related actions will describe the studies or information foreseeably required for later action by VA Components, and will advise of the assistance available to applicants by the VA Component.

c. When VA owned land is leased or otherwise provided to non-VA groups, the VA Component will initiate the NEPA process as early as possible and assure that appropriate consideration is given to environmental conservation factors such as waste disposal, necessary mitigation and long term restoration measures.

d. When VA grant funds are requested by a State agency, the VA Component will, in cooperation with the State, A-95 Clearinghouse, initiate the NEPA process as early as possible, to assure full compliance with environmental and other State and local regulations, before the proposed action is approved.

4. *Determination of Requirement for EIS.* Determining whether to prepare an environmental impact statement is the first step in applying the NEPA process. Early VA determination will assure that necessary environmental documentation is prepared and integrated within the decision-making process. In deciding whether to prepare an environmental impact statement, a VA Component will determine whether the proposal is one that:

a. Normally requires an environmental impact statement.

b. Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

c. Normally requires an environmental assessment, but not necessarily an environmental impact statement.

5. *Actions That Normally Require an EIS.* VA Components shall perform an environmental assessment to determine if a proposal requires an environmental impact statement. However, it may be readily apparent that a proposed action will have a significant impact on the environment; in such cases, an environmental assessment is not required and the VA Component will immediately begin to prepare the environmental impact statement. To assist in determining if an action normally requires the preparation of an environmental impact statement, the following criteria and categories of action are provided:

a. *Criteria.* Criteria used to determine categories of action that normally require an

environmental impact statement are described in Part 1508.27 and include:

(1) Potential for significant degradation of environmental quality, including historic or cultural resources, park lands, prime farmlands, wetlands, or ecologically critical areas.

(2) Significant alteration of VA owned or leased real estate except properties acquired under the home loan guaranty program (Chapter 37, Title 38 U.S.C.).

(3) Potential for threat or hazard to the public, or involving highly uncertain risks to the human environment.

(4) Potential for loss or destruction of significant scientific, cultural or historic resources.

(5) Potential for conflict with Federal, state or local environmental protection laws or requirements.

(6) Similarity to previous actions that required an environmental impact statement.

b. *Categories of Action.* The following categories of action normally require an environmental impact statement:

(1) Construction of major VA facilities.

(2) Major land acquisition, disposal, development of a VA facility or other action that significantly changes land use patterns.

(3) Subdivision approval in connection with the Home Loan Guaranty Program with a flexible threshold determination, as set forth below in TABLE 1, for over 500 housing units within a Standard Metropolitan Statistical Area (SMSA), as a SMSA is defined by the Bureau of the Census.

Table 1—Flexible Environmental Impact Statement Thresholds

SMSA population range	Threshold—housing units
1,500,000+	2,500
1,000,000 to 1,499,999	2,100
750,000 to 999,999	1,800
600,000 to 749,999	1,500
500,000 to 599,999	1,200
400,000 to 499,999	1,000
300,000 to 399,999	900
200,000 to 299,999	800
100,000 to 199,999	700
50,000 to 99,999	600
Under 50,000	500

c. When a proposed action normally requires an environmental impact statement, a VA Component may prepare an environmental assessment to determine if an environmental impact statement is required.

6. *Categorical Exclusion.* The CEQ Regulations provide for the categorical exclusion (Part 1506.4) of actions that do not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required for such actions. Full implementation of this concept will permit VA Components to avoid unnecessary or duplicative effort and to concentrate their resources on significant environmental issues.

a. *Criteria.* Criteria used to determine those categories of action that normally do not require either an environmental impact statement or an environmental assessment include:

(1) Minimal or no effect on environmental quality.

(2) No significant change to existing environmental conditions.

(3) No significant cumulative environmental impact.

(4) Similarity to actions previously assessed that have no significant environmental impact.

b. *List of Categorical Exclusions.*

Categories of action, identified in Annex A to this enclosure, have been determined by the VA to have no significant effect on the human environment; and are therefore categorically excluded from the preparation of environmental impact statements and environmental assessments.

c. *Changes to the List of Categorical Exclusion.*

(1) The VA List of Categorical Exclusion will be continually reviewed and refined as additional categories are identified and as experience is gained in the categorical exclusion process. VA Components may, at any time, recommend additions or changes to the VA List of Categorical Exclusion.

(2) VA Components are encouraged to develop, in their procedures implementing this Part, additional categories of exclusion necessary to meet their unique operational and mission requirements. Categories of exclusion identified by a VA Component will be submitted to the Assistant Deputy Administrator (Office of Environmental Affairs) for review and approval, and for amendments to this part, following public comment and review by the Council on Environmental Quality.

d. *Extraordinary Circumstances.*

Determining if a proposal can be categorically excluded is a three step process in which the VA Component will:

(1) Determine the scope of the proposal and identify elements that may affect the environment.

(2) Determine if the proposal is included in one of the categories of action on the VA Component list of categorical exclusion.

(3) Determine if extraordinary circumstances may cause a significant environmental impact. If so, an environmental assessment will be prepared. Extraordinary circumstances that may have a significant environmental impact include:

(a) Greater scope or size than normally experienced for a particular category of action.

(b) Actions in highly populated or congested areas.

(c) Potential for degradation, although slight, of already existing poor environmental conditions.

(d) Use of unproven technology.

(e) Presence of endangered species, archeological remains, or other protected resources.

(f) Use of hazardous or toxic substances.

7. *Actions That Normally Require an Environmental Assessment.* If a project is not one that normally requires an environmental impact statement, and does not qualify for categorical exclusion, the VA Component will prepare an environmental assessment.

a. *Criteria.* Criteria used to determine those categories of action that normally require an environmental assessment, but not

necessarily an environmental impact statement, include:

(1) Potential for minor degradation of environmental quality.

(2) Potential for cumulative impact on environmental quality.

(3) Presence of hazardous or toxic substances.

(4) Potential for violation of pollution abatement laws.

(5) Potential for impact on protected resources.

b. *Categories of Action.* The following categories of action normally require the preparation of an environmental assessment. VA Components may identify other categories of action that normally require an environmental assessment. An environmental assessment will normally be required if the proposed action:

(1) Involves acquiring or disposing of land.

(2) Involves land located in a wetland or a flood plain.

(3) Involves storm-water run-off and retainage.

(4) Conflicts with local zoning and planning regulations.

(5) Dislocates persons or residences, or causes major population shifts.

(6) Affects protected wildlife or vegetation.

(7) Involves new VA construction of more than 10,000 square feet.

(8) Increases off-site traffic flow by more than 10 per cent.

(9) Significantly alters off-site traffic flow.

(10) Involves an historically designated building or area.

(11) Conflicts with local, State, or Federal air and water emission and toxic substance standards.

(12) Conflicts with local or State regulations.

(13) Overloads available utility system capacities.

(14) Involves the cumulative use of pesticides.

(15) Disposal of VA real estate other than properties acquired or rehabilitated under the VA Home Loan Program. Other categories of action that normally require an environmental assessment include preparation of regulations, directives, manuals, or other guidance that have a potential for significant impact on the environment.

C. *Environmental Assessment Phase.*

1. *When to Prepare.* VA Components will begin the preparation of an environmental assessment as early as possible after it is determined to be required. VA Components may prepare an environmental assessment at any time to assist planning and decision-making.

2. *Content and Format.* An environmental assessment is a concise public document to determine whether to prepare an environmental impact statement. An environmental assessment aids in complying with the Act when no environmental impact statement is necessary, and it facilitates the preparation of an environmental impact statement, if one is necessary. The environmental assessment shall contain brief discussions of the following topics:

a. *Purpose and need for the proposed action.*

- b. Description of the proposed action.
- c. Alternatives considered.
- d. Environmental impact of the proposed action and alternative actions.
- e. Listing of agencies and persons consulted.

f. Mitigating measures to avoid or to minimize environmental harm considered in analyzing the proposed action and alternative actions.

g. Conclusion about the need to prepare an environmental impact statement.

3. *Public Participation.* The VA Components shall include the participation of environmental agencies, applicants, and the public, to the extent practicable, in preparing environmental assessments. In determining "to the extent practicable," VA Components will consider:

- a. Magnitude of the proposal.
- b. Likelihood of public interest.
- c. Need to act quickly.
- d. Potential of meaningful public comment.
- e. Need for permits.

f. Statutory authority of Federal, State, and local environmental agencies related to the proposal.

4. *Finding of No Significant Impact.* If a VA Component completes an environmental assessment and determines that an environmental impact statement is not required, then the VA Component shall prepare a finding of no significant impact in accordance with Part 1501.4(e). The finding of no significant impact shall be made available to the public by the VA Component as specified in part 1506.8. A finding of no significant impact is not required when the decision not to prepare an environmental impact statement is based on categorical exclusion.

5. *Notice of Intent.* When a VA Component decides to prepare an environmental impact statement, it shall publish a notice of intent in the Federal Register in accordance with Parts 1501.7 and 1506.10. The notice of intent shall be published before initiation of the scoping process.

D. Environmental Impact Statement Phase.

1. *Scoping.* After determining that an environmental impact statement will be prepared and publishing the notice of intent, the VA Component will initiate the scoping process in accordance with Part 1501.7.

2. *Preparation.* Based on the scoping process, the VA Component will begin to prepare the environmental impact statement. Procedures for preparing the environmental impact statement are set forth in Part 1502, CEQ Regulations.

3. *Supplemental Environmental Impact Statements.* VA Components may supplement a draft or final environmental impact statement at any time. VA Components shall prepare a supplement to either the draft or final environmental impact statement when required under the criteria contained in Part 1502.9(c). VA Components will prepare, circulate, and file a supplement to an environmental impact statement in the same fashion as a draft or final statement, and will introduce the supplement into their formal administrative record.

4. *Information on the NEPA Process.* Information or status reports on environmental impact statements and other

elements of the NEPA process shall be provided to interested persons upon request.

a. Each VA Component shall designate, in its procedures implementing this Part, where interested persons can get such information.

b. For those actions related to the Administrator of the Veterans Administration, the VA Office of Environmental Affairs, or VA Components, information is available by writing the Assistant Deputy Administrator (Office of Environmental Affairs), Veterans Administration, 810 Vermont Ave., N.W., Washington, D.C. 20420.

5. *Circulation of Environmental Impact Statements.* VA Components shall circulate draft and final environmental impact statements as prescribed in Part 1502.19. VA Components shall also provide necessary copies of each draft and each final statement to the Assistant Deputy Administrator (Office of Environmental Affairs).

E. Pre-implementation Actions.

1. *Decisionmaking.* VA Components shall assure that decisions are made in full compliance with the policies and procedures of the Act and that the NEPA process is integrated into the decisionmaking process. Proposals and actions may be initiated at any level including the facility level. Similarly, review and approval authority may be exercised at various levels depending on the nature of the action, available funding, and statutory authority. VA Components may provide further guidance, commensurate with their programs and organization, for integration of environmental considerations into the decisionmaking process. In accordance with Part 1505.1, such guidance shall include the following procedures:

a. VA Components, as a minimum, shall consider environmental effects at the following major decision points:

(1) Decision by the initiating organization or facility to forward a proposal to the approval authority.

(2) Decision by any intermediate review authority to forward a proposal to the approval authority.

(3) Decision by the approval authority to implement a proposal shall include:

(a) Relevant environmental documents, comments, and responses that shall be made part of the record.

(b) Relevant environmental documents, comments, and responses that shall accompany a proposal through existing VA Component review processes, so that VA Component decisionmakers use the environmental documents in making their decisions.

(c) Alternative actions considered by the decisionmaker that shall include the range of alternatives discussed in relevant environmental documents. The decisionmaker shall consider the alternatives described in the environmental impact statement.

2. *Record of Decision.* In actions requiring an environmental impact statement, VA Components shall prepare a concise public record of the decision at the time of their decision or, when their recommendation is submitted to Congress, if appropriate. The record of decision is not intended to be an extensive, detailed document justifying the

decision. Rather, it is a concise document that describes the decision, the alternatives, and relevant factors considered, as specified in Part 1505.2.

3. *Mitigation.* Throughout the NEPA process, VA Components shall consider mitigating measures to avoid or minimize environmental harm. Mitigating measures or programs will be identified, when appropriate, in the environmental impact statement and made available to all decisionmakers. Mitigating and other conditions established in the environmental impact statement, or during its review, and committed as part of the decision, shall be implemented by the VA Component.

4. *Monitoring.* If a VA Component determines that monitoring is required for an established mitigating action or program, then a monitoring program will be adopted to assure that the mitigating measures are accomplished. VA Components shall provide monitoring information, upon request, as specified in Part 1505.3. However, this does not include standing or blanket requests for periodic reporting.

5. *Emergencies.* If an emergency occurs, VA Components may be required to take immediate action with significant environmental impact. VA Components shall notify the Assistant Deputy Administrator (Office of Environmental Affairs) of the emergency action at the earliest possible time to permit the Assistant Deputy Administrator to consult with the Council. VA Components shall not delay any emergency action required to preserve human health.

Annex A—VA List of Categorical Exclusion

1. Preparation of regulations, directives, manuals, or other guidance that implement, but do not substantially change, the regulations, directives, manuals, or other guidance of higher organizational levels or another Federal agency.

2. Preparation of regulations, directives, manuals, and other guidance related to actions that qualify for categorical exclusion.

3. Procurement activities for goods and services for routine facility operations, maintenance, and support.

4. Routine facility maintenance and ground keeping activities.

5. Minor construction conducted in accordance with approved facility master plans and construction projects on the interiors of buildings including:

a. Safety and Fire Deficiencies (Relocate and Update Fire Alarm System) (Dead-End Corridor Stairs).

b. Air Conditioning/Patient Privacy and Support.

c. Additional Elevators.

d. Primary Distribution System. Secondary Generator-VA Form 10-1193a will be completed and kept in file by the submitting hospital (Medical Center).

e. Air, Oxygen, Vacuum Systems.

f. Heat Run Around System.

g. Automatic Sprinkling Systems.

h. Electrical Deficiencies.

i. Smoke Partitions.

j. Seismic Corrections.

k. Interior Wiring.

l. Interior Renovation: Modifications, modernization of buildings, Operating Rooms, Spinal Cord Injury Units, and Supply Centers.

6. Reduction in force resulting from workload adjustments, reduced personnel or funding levels, skill imbalances, or other similar causes.

7. Studies that involve no commitment of resources other than manpower and funding.

[FR Doc. 80-29295 Filed 9-19-80; 9:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1609-5]

Approval and Promulgation of Sulfur Dioxide State Implementation Plan Revisions—Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) announces today final rulemaking on the Sulfur Dioxide (SO₂) State Implementation Plan (SIP) revisions for the State of Illinois. USEPA published a notice of proposed rulemaking on these revisions on December 26, 1979 (44 FR 76308). Based on its review of the State's response and the public comments, USEPA takes final rulemaking action to approve, and disapprove specific portions of the Illinois SO₂ revisions to the federally approved SIP.

EFFECTIVE DATE: This final rulemaking becomes effective on September 22, 1980.

ADDRESSES: Copies of the SIP revision, public comments on the Notice of Proposed Rulemaking (44 FR 76308), and USEPA's evaluation and response to comments are available for inspection at the following addresses:

U.S. Environmental Protection Agency,
Region V, Air Programs Branch, 230
South Dearborn Street, Chicago,
Illinois 60604.

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

FOR FURTHER INFORMATION CONTACT:
Judy Kertcher, Regulatory Analysis
Section, Air Programs Branch, Region V,
U.S. Environmental Protection Agency,
230 South Dearborn Street, Chicago,
Illinois 60604. (312) 886-6038.

SUPPLEMENTARY INFORMATION: On December 14, 1978, the Illinois Pollution Control Board (IPCB) adopted revisions to Rules 101 and 204 of Chapter II Part II of the Illinois Air Pollution Control Regulations. These regulations control SO₂ emissions from fuel combustion sources located outside the Chicago,

Peoria and St. Louis major urban areas, and also control SO₂ emissions from existing processes designed to remove sulfur compounds from flue gases of petroleum and petrochemical processes. The revised rules were submitted to USEPA by the State of Illinois SIP under Section 110 of the Clean Air Act (42 U.S.C. 7410) on March 21, 1979. Supplemental information was submitted by the State on September 19, 1979. It should be noted that rules 204(a)(1) and 204(c)(1)(A) have been remanded by a State Appellate Court. USEPA cited the Illinois SIP as being deficient as a result of the remand on July 17, 1979 (44 FR 40723).

In the December 26, 1979 notice of proposed rulemaking, USEPA described the provisions of the SO₂ regulations, specified areas of the SIP submittal which in USEPA's judgement did not comply with the requirements of the Clean Air Act and needed either clarification or correction by the State, and invited public comment. On January 17, 1980, the State requested and was granted a two week extension of the public comment period until February 8, 1980. The State submitted additional information on January 17, 1980 and on February 7, 1980, to clarify some of the provisions in the submittal. In addition, USEPA received several public comments on the Illinois submittal and on USEPA's proposed action on it. Significant comments and USEPA's response to them are discussed where applicable in this notice.

The following chart summarizes the actions taken by USEPA today on the Illinois SO₂ SIP revisions:

Approval

(1) Rule 101—definitions for Clean Air Act and Prevention of Significant Deterioration increment.

(2) Rule 204(c)(2)(C)

(3) Rule 204(e)(3)

(4) Rule 204(i)

(5) Rules 204(c)(1)(B), 204(c)(1)(C), 204(e)(1) and 204(e)(2) for those sources for which these rules *do not* represent a relaxation of the federally enforceable SIP.

(6) Rule 204(h) for those same sources for which USEPA proposed approval of rules 204(c) and 204(e).

Disapproval

(1) Rules 204(c)(1)(B), 204(c)(1)(C), 204(e)(1) and 204(e)(2) for those sources for which these rules represent a relaxation of the federally enforceable SIP.

(2) Rule 204(e)(4)

(3) Rule 204(f)(1)(D)

(4) Rule 204(h) for all sources not approved under Rule 204(c) and 204(e).

Rule 101—Definitions

In the December 26, 1979 Federal Register (44 FR 76308), USEPA proposed approval of the revised definitions for Clean Air Act and Prevention of Significant Deterioration (PSD) increment. No comments were received regarding these definitions. Therefore, USEPA approves Rule 101. As noted in the December 26, 1979 notice, PSD increment has been defined only with respect to SO₂, and this definition will have to be expanded to include the other criteria pollutants prior to USEPA approval of the Illinois SIP for PSD.

Rule 204(c)—Sulfur Dioxide Emissions for Existing Fuel Combustion Sources

Rule 204(e)—Fuel Combustion Emission Sources Located Outside of the Chicago, St. Louis (Illinois) and Peoria Major Metropolitan Areas

In the December 26, 1979 Federal Register (44 FR 76308), USEPA pointed out that rules 204(c) and 204(e) represent significant relaxations of the Illinois SO₂ SIP, and can be approved by USEPA only if it is shown that such relaxations can continue to provide for attainment and maintenance of the SO₂ National Ambient Air Quality Standards (NAAQS). In addition, such relaxations must be shown not to violate any applicable PSD increment.

The State of Illinois did not submit a detailed computer dispersion modeling study to predict the ambient air quality impact of these rules. USEPA found the State's rationale supporting these relaxations of the SO₂ SIP to be inadequate, and explained the reasons for its determination in the December 26, 1979 Federal Register notice. At that time, USEPA proposed to approve revised rules 204(c)(1)(B), 204(c)(1)(C), 204(e)(1) and 204(e)(2) for only those specific sources for which these rules *do not* represent a relaxation of the federally enforceable SIP upon certification by the State of Illinois of the names and locations of such sources, the sources' current federally enforceable SIP emissions limitation, and the sources' emission limitations under the revised rule. The State of Illinois was given until the close of the public comment period to submit this certification.

State response: On January 17, 1980, and February 7, 1980 the State submitted the following certified list of the names and locations, as well as emissions data, of sources for which rule 204 does not represent a relaxation of the federally enforceable SIP as requested in the proposed rulemaking (44 FR 76308, 76310):

Sources of 10 Million Btu per hour or more not increasing Allowable Sulfur Dioxide Emissions as a Result of Record Rules 204(c) and 204(e) Because New Allowable Emissions Rate is Same as or Less Than Old Allowable Rate Pounds per Hour (Pounds per Million Btu)

County	Name	Emissions formerly allowable ¹	Emissions now allowable without new permit application ²
Boone	Chrysler	1,750 (4.4)	1,760 (4.4)
Champaign	Chrysler Air Base	1,317 (3.0)	1,317 (3.0)
Crawford	CIPS	8,242 (5.1)	8,242 (5.1)
Douglas	USI Chemicals	8,022 (5.3)	8,022 (5.3)
Fulton	Freeman Coal	22.2 (1.2)	22.2 (1.2)
LaSalle	Del Monte	296 (3.9)	296 (3.9)
Massac	EET Joppa	36,665 (3.6)	36,665 (3.6)
Montgomery	CIPS	55,555 (5.8)	55,555 (5.8)
Morgan	CIPS	24,000 (6.0)	20,800 (5.2)
Putnam	Illinois Power	17,051 (5.6)	17,051 (5.6)
Randolph	Illinois Power ³	81,339 (4.6)	81,339 (4.6)
Rock Island	International Harvester	1,843 (4.35)	1,843 (4.35)
Williamson	Marion Correctional	396 (5.7)	396 (5.7)

¹ 6.0 lbs/MMBtu of existing coal fired capacity or total 204(e)(2) emissions less actual oil fired and NSPS emissions, whichever is lower.

² Maximum allowable emissions for existing coal fired capacity according to revised rules 204(c) and 204(e) consolidated, usually equally equaling total emissions as given by 204(e)(2) less actual oil fired NSPS emissions. (In the one case wherein the new allowable limit is less than that given by 204(e)(2) the allowable emissions were determined by 204(e)(1) with which the source is required to comply.)

³ Source is in compliance per 204(e)(3).

CIPS—Central Illinois Public Service.

EET—Electric Energy Incorporated.

Public comment: One utility company submitted a comment on USEPA's proposed rulemaking on Rule 204(e)(1) outlined in the December 26, 1979 Federal Register (44 FR 76310). The company requested a six month grace period to submit the necessary modeling studies to support the relaxed emission limitations reflected in revised Rule 204(e)(1).

USEPA Response: The State has provided the information requested by USEPA in the proposed rulemaking (44 FR 76308, 76310).

The USEPA cannot approve a six month grace period for all Illinois SO₂ sources realizing a relaxation of emission limitations under the sections of Rule 204 mentioned above. The affected sources must be in compliance with Rule 204 as approved by USEPA on May 31, 1972 (37 FR 10862) until such time as a technical study is performed by or submitted to the State to technically support the relaxed emission limitations for the affected sources. The State should submit these modeling studies to USEPA as SIP revisions to be reviewed and approved by USEPA.

USEPA Final Determination: USEPA approves revised rules 204(c)(1)(B), 204(c)(1)(C), 204(e)(1) and 204(e)(2) for the above listed sources, and disapproves rules 204(c)(1)(B), 204(c)(1)(C), 204(e)(1) and 204(e)(2) for all other sources. USEPA will consider revised emission limitations for individual sources on a case by case basis if they are accompanied by air

quality studies which show attainment and maintenance of the NAAQS and protection of the PSD increment. USEPA will reconsider this action if, at a future date, additional technical support is submitted by the State of Illinois which demonstrates that the relaxed emission limitations will not cause or contribute to violations of NAAQS or violate the applicable PSD increments. This additional technical support can take the form of areawide or statewide modeling studies performed by the State, or individual air quality impact assessments adequate to support a SIP relaxation for an individual source. The above noted studies must be carried out in accordance with USEPA modeling guidelines.

USEPA proposed approval of revised rule 204(c)(2)(C) in the December 26, 1979 notice (44 FR 76308, 76310). This rule codifies the waiver granted to the State of Illinois under section 110(f) of the Clean Air Act during the winter fuel emergency of 1977.

State Response: None.

Public Comment: None.

USEPA Final Determination: USEPA approves rule 204(c)(2)(C) of the Illinois SO₂ SIP.

USEPA proposed approval of rule 204(e)(3) in the December 26, 1979 notice (44 FR 76310) as a process by which Illinois can set alternative SO₂ emission limitations upon a showing that the proposed emission rate will not cause or contribute to a violation of the NAAQS on any applicable PSD increment. At

that time, however, USEPA stated that each such emission limitation, along with technical support, must be submitted to USEPA for review and approval. The emission limitation contained in the federally approved SIP will remain in effect and federally enforceable for the source in question until such time as the revised emission limitation is submitted to and approved by USEPA.

State Response: None.

Public Comment: None.

USEPA Final Determination: USEPA approves rule 204(e)(3) for those sources able to show that the proposed emission rate will not cause or contribute to a violation of the NAAQS. The State must submit these emission limitations, along with the technical support to USEPA for approval.

USEPA proposed disapproval of rule 204(e)(4) in the December 26, 1979 notice (44 FR 76310) as not being adequate to protect the NAAQS. Rule 204(e)(4) does not require an air quality impact assessment or a showing the NAAQS and applicable PSD increments will be protected when sources increase allowable emissions from 6.0 pounds SO₂/MMBtu to a less restrictive allowable emission limitation derived under federally approved rule 204(e).

State Response: None.

Public Comment: None.

USEPA Final Determination: USEPA disapproves rule 204(e)(4).

Rule 204(f)—Sulfur Standards and Limitations for Process Emission Sources

In the December 26, 1979 notice (44 FR 76310) USEPA proposed disapproval of rule 204(f)(1)(D) because the rule as written deregulates SO₂ emission from existing processes designed to remove sulfur compounds from the flue gases of petroleum and petrochemical processes. This rule does not require an assessment of the ambient air quality impact of SO₂ emissions from these sources, or a showing that increasing the allowable emissions from these sources will not cause or contribute to violations of NAAQS or any applicable PSD increment.

State Response: Illinois EPA has indicated in its letter of February 7, 1980 that upon final rulemaking action by USEPA disapproving the revised Rule 204(f)(1)(D), Illinois EPA will take corrective action by reinstating the equations of Rule 204(e) into Rule 204(f)(1)(D) to provide for specific emission limitations for the affected sources.

Public Comment: Several comments on this rule and USEPA's proposed disapproval were received, including letters from five oil companies. The old rule 204(f)(1)(D) specified that SO₂ emissions from sulfur compound recovery processes shall not exceed the emissions level determined by the equations of Rule 204(e). These 204(e) formulas, specifically Rule 204(e)(2) provide the basis for current operating permit conditions. These commentors believe that the Illinois EPA operating permit system will prevent SO₂ emissions from increasing above the current maximum allowable level. Therefore, the commentors recommended that USEPA approve revised rule 204(f)(1)(D) for those sources which can demonstrate, through permit conditions, that no relaxation of the SO₂ SIP will occur.

One other public comment was received from a public interest group supporting USEPA's disapproval of rule 204(f)(1)(D). The commentor agreed with USEPA position that technical analyses demonstrating attainment and maintenance of the NAAQS should be required for sources seeking relaxation of emission limits.

USEPA Final Determination: Rule 204(f)(1)(D) applies to SO₂ emissions for existing sulfur recovery processes associated with petrochemical and petroleum facilities.

USEPA proposed to disapprove revised Rule 204(f)(1)(D) because the revised rule as written completely deregulates SO₂ emissions for existing sulfur recovery processes associated with petrochemical and petroleum facilities. USEPA believes that the State needs to include a mechanism in Rule 204(f)(1)(D) by which emission limitations can be determined for the affected facilities. Such a mechanism could take the form of Rule 204(e) formulas to set appropriate emission limitations for the affected facilities provided these emission limitations do not represent relaxations of the existing SO₂ SIP. In cases where emission limitations determined by the Rule 204(e) formulas represent SIP relaxations, air quality modeling analyses must be required to determine whether such relaxations will cause violations of the SO₂ NAAQS.

USEPA will consider revised emission limitations for individual sources on a case by case basis if they are accompanied by air quality studies which show attainment and maintenance of the NAAQS and protection of the PSD increment.

Therefore, USEPA disapproves rule 204(f)(1)(D).

Rule 204(h)—Compliance Dates

In the December 26, 1979 Federal Register notice (44 FR 76310), USEPA proposed approval of rule 204(h) for those same sources for which USEPA proposed approval of rules 204(c) and 204(e). USEPA proposed disapproval for all other sources.

State Response: None.

Public Comment: None.

USEPA Final Determination: USEPA approves rule 204(h) for those same sources for which USEPA approves rules 204(c) and 204(e), and disapproves rule 204(h) for all other sources.

Rule 204(i)—Dispersion Enhancement Techniques

Also in the December 26, 1979 notice (44 FR 76310), USEPA proposed approval of rule 204(i). This rule governs the use of dispersion enhancement techniques, and USEPA finds rule 204(i) to be consistent with section 123 of the Clean Air Act.

State Response: None.

Public Comment: None.

USEPA Final Determination: USEPA approves rule 204(i).

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 final action 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 (date of publication). 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.

This notice of final rulemaking is issued under the authority of Sections 110(a), 172 and 301(a) of the Clean Air Act, as amended [42 U.S.C. § 7410(a), 7502, 7601(a)].

Dated: September 15, 1980.

Douglas Costle,
Administrator.

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

1. Section 52.720(c) is amended by adding new subparagraphs (22) and (23) to read as follows:

§ 52.720 Identification of plan.

• • • • •

(c) * * *

(22) On March 21, 1979, the State of Illinois submitted to the USEPA revised regulations for control of sulfur dioxide emissions. On September 19, 1979, the State submitted additional information on these revised regulations to the USEPA.

(23) On January 17, 1980 and on February 7, 1980 the State submitted further information and clarifications to Rule 204.

2. Section 52.724 is amended by adding new paragraphs (b)-(f) to read as follows:

§ 52.724 Control strategy: sulfur dioxide.

• • • • •

(b) Part D—Disapproval—USEPA disapproves Rules 204(c)(1)(B), Rule 204(c)(1)(C), Rule 204(e)(1) and Rule 204(e)(2) for those sources for which these rules represent a relaxation of the federally enforceable State Implementation Plan. Rule 204(c)(1)(B), Rule 204(c)(1)(C), Rule 204(e)(1) and Rule 204(e)(2) are approved as not representing relaxations of the State Implementation Plan for the following sources:

Sources of 10 Million Btu per Hour or More Not Increasing Allowable Sulfur Dioxide Emissions as a Result of Record Rules 204(c) and 204(e) Because New Allowable Emissions Rate is Same as or Less Than Old Allowable Rate Pounds per Hour (Pounds per Million Btu)

County	Name	Emissions formerly allowable ¹	Emissions now allowable without new permit application ²
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Fulton	Freeman Coal	22.2 (1.2)	22.2 (1.2)
La Salle	Dal Monte	296 (3.9)	296 (3.9)
Messac	EEL Joppe	36,865 (3.6)	36,865 (3.6)
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¹ 6.0 lb/MMBTU of existing coal fired capacity or total 204(e)(2) emissions less actual oil fired and NSPS emissions, whichever is lower.

² Maximum allowable emissions for existing coal fired capacity according to revised rules 204(e) and 204(f) consolidated, usually equaling total emissions as given by 204(e)(2) less actual oil fired NSPS emissions. (In the one case wherein the new allowable limit is less than that given by 204(e)(2) the allowable emissions were determined by 204(e)(1) with which the source is required to comply.)

³ Source is in compliance per 204(e)(3).

CIPS—Central Illinois Public Service.

EEl—Electric Energy Incorporated.

This disapproval does not in and of itself result in the growth restrictions of section 110(a)(2)(I).

(c) Disapproval—USEPA disapproves Rule 204(e)(4) as not being adequate to protect the NAAQS. This disapproval does not in and of itself result in the growth restrictions of section 110(a)(2)(I).

(d) Disapproval—USEPA disapproves Rule 204(f)(1)(D) as completely deregulating SO₂ emissions from existing processes without providing an assessment of the ambient air quality impact or a showing that increasing the allowable emissions from these sources will not cause or contribute to violations of the NAAQS or PSD increments. This disapproval does not in and of itself result in the growth restrictions of section 110(a)(2)(I).

(e) Disapproval—USEPA disapproves Rule 204(h) for those sources for which USEPA has disapproved rules 204(c) and 204(e). This disapproval does not in and of itself result in the growth restrictions of section 110(a)(2)(I).

(f) Approval—USEPA approves rule 204(e)(3) for those sources able to show that the proposed emission rate will not cause or contribute to a violation of the NAAQS. The State must submit these emission limitations, along with the technical support to USEPA for approval.

[FR Doc. 80-20273 Filed 9-19-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1612-1]

Approval and Promulgation of Illinois State Implementation Plan

AGENCY: United States Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces final rulemaking approving the deadlines by which the State of Illinois has committed itself to remedy conditionally approved portions of its State Implementation Plan (SIP) and on the additional deadlines proposed by the United States Environmental Protection

Agency (USEPA). USEPA proposed rulemaking on the deadlines on March 17, 1980 (45 FR 17043).

EFFECTIVE DATE: This final rulemaking is effective as of September 16, 1980.

ADDRESSES: Copies of the Illinois SIP and public comments on the proposed deadlines are available for inspection at the following addresses:

U.S. Environmental Protection Agency,
Air Programs Branch Region V, 230
South Dearborn Street, Chicago,
Illinois 60604.

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

FOR FURTHER INFORMATION CONTACT:

Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 886-6029.

SUPPLEMENTARY INFORMATION: On February 21, 1980, USEPA announced final rulemaking on revisions to the Illinois State Implementation Plan (45 FR 11472). Illinois submitted these revisions to satisfy the requirements of Part D of the Clean Air Act, as amended in 1977 (Act). In the final rulemaking, USEPA conditionally approved certain revisions to the Illinois SIP. A conditional approval requires the State to remedy identified deficiencies by specified deadlines. A discussion of conditional approval and its practical effect appears in the July 2, 1979 *Federal Register* (44 FR 38583) and the November 23, 1979 *Federal Register* (44 FR 67182).

During negotiations with the USEPA, the State of Illinois committed itself to remedy conditionally approved portions of the SIP on a specific schedule. USEPA proposed approval of the deadlines in that schedule on March 17, 1980 (45 FR 17043). In order to satisfy some of the conditions, the State made commitments to submit proposed regulations to the Illinois Pollution Control Board (IPCB) by a specified date but could not assure USEPA when or if the regulations would be promulgated. As discussed in the Notice of Proposed Rulemaking, USEPA recognizes that the State cannot legally

prejudge the outcome of the IPCB's statutorily mandated proceedings. Therefore, USEPA proposed dates by which the State must promulgate and submit the regulations to USEPA. USEPA believes that these final dates are necessary to ensure that deficiencies are timely and appropriately addressed enabling the SIP to satisfy the requirements of the Act.

USEPA received public comments on the Notice of Proposed Rulemaking from several steel companies, a public interest group, and the State of Illinois.

Some of the comments generally addressed the use of conditional approval and conditional approval schedules. Other comments related specifically to the schedules for particulates, New Source Review (NSR), and nitrogen oxide. These comments are discussed below. No comments were received specifically addressing the schedules for the correction of deficiencies in the Illinois SIP for sulfur dioxide, ozone, carbon monoxide, and transportation control plans. Therefore, USEPA approves the schedules for correcting conditionally approved portions of the plan for sulfur dioxide, and carbon monoxide. USEPA also approves the schedules for correcting conditionally approved portions of the plan for ozone and transportation control, as discussed below.

In the final rulemaking of February 21, 1980 (45 FR 11472, 11485), USEPA stated that the State must correct all deficiencies in the transportation control plans for Peoria, and several of the deficiencies for the Northeast Illinois (Chicago) area within six months of final rulemaking. In USEPA's notice of proposed rulemaking on Illinois' schedules for remedying conditional approval items (45 FR 17043, 17044), the date for submittal of the Peoria and Chicago transportation control plan requirements were incorrectly listed as July 31, 1980. The correct date is August 31, 1980.

Also in the notice of final rulemaking (45 FR 11472, 11482) USEPA conditionally approved Illinois Rule 205(k) and Rule 205(n) with the condition that the State conduct studies to demonstrate whether these rules represent reasonably available control technology (RACT). If necessary the State must submit revised regulations representing RACT to the Illinois Pollution Control Board. Illinois committed itself to fulfill these