

14 CFR Part 385

[Regulation OR-188; Organization Regs.
Amdt. No. 117 to Part 385; Docket 38023]

Delegations and Review of Action Under Delegation; Nonhearing Matters; Registration of Foreign Charter Operators

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates authority to the Director of the Bureau of International Aviation to take actions with respect to registration of foreign charter operators.

DATES: Adopted: November 3, 1981;
Effective: March 18, 1982.

FOR FURTHER INFORMATION CONTACT:
David Schaffer, Office of the General
Counsel, Civil Aeronautics Board, 1825
Connecticut Avenue, N.W., Washington,
D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: By SPR-179, issued today, the Board added a new Subpart F to 14 CFR Part 380 requiring foreign citizens to be registered by the Board before arranging or selling charter trips originating in this country. This replaced the permit procedure under section 402 of the Act. Under the new procedures, one must submit a registration application form to the Board. The Board may register the applicant, with or without conditions, reject the application, request additional information or set the matter for hearing.

By this notice the Board is delegating to the Director, Bureau of International Aviation, the authority to take some of these actions. The Director is given the authority to approve the registration, reject the application for failure to comply with the filing requirements of Subpart F of Part 380, request additional information from the applicant, or notify the applicant that the matter is being set for further procedures or analysis, or for formal Board action.

Under § 380.66(a) of the new rule, the registration of a foreign charter operator will be cancelled if it files a written notice with the Board that it is discontinuing charter operations. This notice also delegates to the Director the authority to cancel a registration in this situation.

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Accordingly, the Board amends 14 CFR Part 385, *Delegations and Review of Action under Delegation; Nonhearing Matters*, as follows:

1. The authority for Part 385 is:

Authority: Secs. 102, 204, 401, 402, 403, 407, 418, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 766, 771, 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1377, 1386; Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. A new paragraph (bb) is added to § 385.26, to read:

§ 385.26 Delegation to the Director, Bureau of International Aviation.

(bb) With respect to the procedures for the registration of foreign charter operators under Subpart F of Part 380 of this chapter:

(1) Approve the registration application under § 380.64(a)(1);

(2) Reject the registration application under § 380.64(a)(4);

(3) Request additional information from the applicant under § 380.64(a)(2);

(4) Notify the applicant under § 380.64(a)(3) that its application will require further analysis or procedures, or is being referred to the Board for formal action;

(5) Cancel the registration of a foreign charter operator under § 380.66(a) if it files a written notice with the Board that it is discontinuing its charter operations;

(6) Waive provisions of Subpart F of Part 380 of this chapter under § 380.69.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-33300 Filed 11-17-81; 8:45 am]

BILLING CODE 6320-01-M

POSTAL SERVICE

39 CFR Part 111

Express Mail, Insurance Eligibility Requirements; Permanent Implementing Regulations

AGENCY: Postal Service.

ACTION: Final implementing rule.

SUMMARY: By separate notice published elsewhere in this issue, the Postal Service announced the revision of the mail classification schedule provisions for Express Mail insurance claims eligibility requirements under the authority of 39 U.S.C. 3625. The changes become effective at 12:01 a.m. on November 22, 1981.

The revision is designed to streamline the processing of Express Mail insurance claims and provide more equitable adjudication of those claims.

In order to fully implement those mail classification schedule changes, the Postal Service also adopts on a permanent basis, revisions to parts 149,

294, and 295 of the Domestic Mail Manual.

EFFECTIVE DATE: 12:01 a.m., November 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Frederick W. Ganley, Jr., (202) 245-4565.

SUPPLEMENTAL INFORMATION: Express Mail insurance claims eligibility requirements have been changed by the Postal Service to eliminate the limitation that a mailer who does not declare the value of an Express Mail item at the time of mailing is limited to an indemnity of \$15 for goods lost, damaged, or rifled. This revision will make indemnity available for the actual cash value of an Express Mail item up to \$500, except for mailings valued at \$15 or less, for negotiable items, or currency or bullion, in which case the indemnity is limited to \$15. In addition, the Express Mail insurance claims eligibility requirements are revised to allow either the addressee or the mailer to file claims for damage or partial loss of an Express Mail item. In order to implement these revisions, appropriate changes in postal regulations must be made effective at the same time the changes in the mail classification schedule become effective, November 22, 1981.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service ordinarily invites comments from the public whenever it proposes substantive changes in its regulations. In this case, however, publishing these rules as proposals, with a comment period of 30 days, would delay implementation of these revisions to Express Mail insurance claims eligibility requirements and procedures to the disadvantage of mailers who might otherwise utilize these revisions.

We also note that these revisions were fully considered by the Postal Rate Commission and adopted by the Governors of the Postal Service on November 6, 1981, as explained in the separate notice of that action published elsewhere in this issue.

Accordingly, the Postal Service finds it unnecessary and contrary to the public interest to follow its customary practice of publishing these rules as proposed rules before they become effective. See 5 U.S.C. 553(d).

The Postal Service revises sections 149.511, 149.513b, 149.514a, 294.3 and 295 of the Domestic Mail Manual to implement the changes in the mail classification schedule announced elsewhere in this issue. Sections 294.3 and 295 of the Domestic Mail Manual

are revised so that indemnity for merchandise lost, damaged or rifled will be paid on the actual cash value of the Express Mail item at the time of mailing, up to \$500, except for mailings valued at \$15 or less, for negotiable items, or currency or bullion, in which case the indemnity is limited to \$15. These revisions eliminate the limitation that unless the mailer declared the value of the item at the time of mailing, the indemnity was limited to \$15. Sections 149.511, 149.513b, 149.514a and 295 are revised to allow either the addressee or the mailer, to file an indemnity claim for damage or partial loss of an Express Mail item. Currently, only the mailer may file such a claim. These revised sections retain the provision that only the mailer may file a claim for complete loss. In addition, these revisions specify what documentation is necessary to support a claim which is filed by the addressee.

In view of the considerations discussed above, the Postal Service hereby adopts the following revisions of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

Part 149—Indemnity Claims

1. Section 149.511 is amended to read as follows:

149.5 Express Mail Claims.

.51 How To File.

.511 Who May File. Claims for complete loss may be filed only by the mailer. Claims for damage or partial loss may be filed by either the mailer or the addressee. See 294 and 295.

2. Section 149.513b is amended to read as follows:

.513 When To File.

* * *

b. *Damage Claims.* Claims for damage or partial loss should be filed immediately, but must be filed no later than 60 days from the date of mailing. Claims filed by the addressee must be returned to the post office of mailing for signature by the mailer, designation of the payee by the mailer, and inclusion of the customer receipt copy of the mailing label.

3. Section 149.514a is amended to read as follows:

.514 Required Information.

a. *General.* The mailer or addressee must present the damaged article and packaging at the post office when the claim is filed. The mailer must also provide the customer receipt copy of the mailing label at the time the claim is filed, or when the claim is returned from the post office of address for signature by the mailer. The customer receipt copy

of the mailing label must be attached to the claim form at the time the claim is filed. See 295.

Part 294—Insurance and Indemnity

4. Section 294.3 is amended to read as follows:

294.3 Merchandise Insurance.

.31 Parcels are insured against loss, damage, or rifling; coverage is limited to \$500.

.32 Subject to 294.33, indemnity will be paid on the basis of the value at the time of mailing. The mailer must submit evidence establishing the value in accordance with 149.242.

.33 For mailings valued at \$15.00 or less, for negotiable items, or currency or bullion, the indemnity will be \$15.00.

Part 295—Claims Procedures

5. Part 295 is amended to read as follows:

295 Claims Procedures.

295.1 Claims for Refunds of Postage.

Claims for refunds of postage shall be made by application at the originating office within 60 days of the date of mailing. Such claims may be filed only by the mailer. Use Form 3533, *Application and Voucher for Refund of Postage and Fees*. Mailer's original receipt copy of the mailing label must be presented.

295.2 Claims for Insurance. Insurance claims must be filed within 60 days of the date of mailing. The mailer's original receipt copy of the mailing label must be included with the claim file. Use Form 5690, *Express Mail Application for Indemnity*, and forward to the Director, Postal Data Center, Box 14632, 1720 Market Street, St. Louis, Missouri 63180. See 149.51.

295.3 Indemnity Claims.

.31 Who May File.

a. Claims for complete loss may be filed only by the mailer. Claims for damage or partial loss may be filed by the mailer or the addressee. Claims filed by the addressee for damage or partial loss must be sent to the post office of mailing for completion. The Express Mail Coordinator at the post office of mailing must have the mailer sign the claim form and designate the payee.

b. The following supporting documentation must be included with all Express Mail claims: evidence of value for merchandise insurance, except as provided for in 294.33; reconstruction costs for document reconstruction; and the

customer receipt copy of the mailing label.

.32 Claims for damage or partial loss must be supported by the presentation of the article and its packaging at the time the claim is filed. The article with the packaging will be retained at the post office for 90 days and then sent to the appropriate dead parcel branch. See 159.561b. Use Form 3831, *Receipt for Article(s) Damaged in the Mails*. If the customer's claim is denied, the article must be returned on request.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of these changes will be published in the Federal Register as provided in 39 CFR 111.3.

(39 U.S.C. 401, 403, 404, 3621, 3623)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 81-33259 Filed 11-17-81; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1981-5]

Approval and Promulgation of Implementation Plans (Connecticut Revision—Sulfur-in-Fuel Regulations)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Connecticut were submitted to EPA on October 23, 1981 and November 4, 1981. The purpose of this Notice is to approve revisions to two regulations raising the statewide sulfur-in-fuel limit from 0.5 to 1 percent by weight and repealing the state's secondary sulfur dioxide (SO₂) ambient air quality standards.

EFFECTIVE DATE: November 18, 1981.

ADDRESSES: Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C.; the Office of the Federal Register, 1100 L Street NW., Room 9401, Washington, D.C.; and the Connecticut Department of

Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06115.

FOR FURTHER INFORMATION CONTACT: Sarah Simon, Air Branch, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-4448.

SUPPLEMENTARY INFORMATION: On September 11, 1981, EPA proposed approval in the Federal Register (46 FR 45378) of portions of revisions to the Connecticut State Implementation Plan (SIP) proposed by the Connecticut Department of Environmental Protection (DEP) under EPA's concurrent state and federal rulemaking procedure known as "parallel processing." These revisions, incorporating specific changes specified in EPA's Notice of Proposed Rulemaking (NPR), were submitted to EPA by the Commissioner of the Connecticut DEP on October 23, 1981 and November 4, 1981.

The first revision amends Regulation 19-508-19, Control of Sulfur Compound Emissions, to raise the statewide sulfur-in-fuel limitation for all sources burning residual fuel oil from 0.5 percent to 1.0 percent, to provide certain source specific exemptions from this limit, and to update definitions. The second revision repeals the state's 24-hour and annual secondary air quality standards. Revisions to two other regulations governing total suspended particulate matter emissions and volatile organic compounds controls, which had been cited in the NPR, were not included in this submission and will be addressed in separate federal rulemaking actions.

A thorough discussion of the SIP revisions, their technical support, and EPA's reasons for approval or disapproval were presented in the NPR and will not be repeated here. Two letters of comment generally in favor of the revisions, have been received and are addressed in this Notice. EPA is now taking final action on the sulfur control revisions.

I. Revisions to Regulation 19-508-19, Control of Sulfur Compound Emissions

A. The 1 Percent Sulfur-in-Oil Revision

The NPR described the technical analyses which were performed to determine the air quality impacts of the statewide use of 1.0 percent sulfur oil. Although these analyses demonstrated that National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration (PSD) increments for SO₂ generally were not jeopardized, 17 fuel burning sources were identified as not meeting the 24 hour or 3 hour NAAQS based on the conservative screening analysis performed to assess their impacts.

Accordingly, EPA proposed to approve the revision to burn 1.0 percent sulfur oil for all sources, provided that for the 17 listed sources, further modeling demonstrations or federally enforceable source operating restrictions that ensure NAAQS compliance were presented to EPA.

Further state review of twelve of these sources, with operating conditions imposed in some cases, has demonstrated compliance with the NAAQS. These reviews were included in the DEP's SIP revision submittal, and EPA is approving these sources to burn higher sulfur fuel oil based on the state's technical demonstrations. Necessary source operating restrictions have been specified in state orders and are incorporated into the SIP as part of this rulemaking. These sources are:

1. Allegheny Ludlum Steel Corporation (Wallingford).
 2. American Thread Company (Willimantic).
 3. Combustion Engineering Incorporated (Windsor).
 4. Connecticut Paperboard Company (Uncasville).
 5. Federal Paperboard (Sprague).
 6. Kimberly-Clark Corporation, (New Milford).
 7. Nestle Enterprises Incorporated (New Milford).
 8. New Departure Hyatt Bearings (Bristol).
 9. Northeast Utilities, Connecticut Light and Power (Montville).
 10. Plasticrete Corporation (North Haven).
 11. Uniroyal Chemical Incorporated (Naugatuck).
 12. University of Connecticut (Storrs).
- As to the remaining five sources, no demonstration of NAAQS compliance has been presented. Therefore, EPA is withholding final action for these sources until the DEP completes and submits its evaluation to EPA. At that time, EPA will issue a notice of final rulemaking. Until then, these sources must continue to meet the existing SIP limit of 0.5 percent sulfur.

During the public comment period, one commenter noted that this revision represents a generic sulfur limitation under which the Commissioner must restrict sources that jeopardize the NAAQS and that a Federal rulemaking process should not be required for sources that make the necessary compliance demonstration to the Commissioner. The commenter suggested EPA's role should be limited to providing technical guidance on acceptable modeling methodologies when requested.

EPA cannot approve a SIP relaxation unless it will ensure air quality

standards and PSD increment protection. Therefore, although a state may prepare a general SIP revision, federal approval must exclude any source or situation for which protection of standards has not been demonstrated. EPA is proceeding with approval for the 12 sources in Connecticut whose compliance demonstrations have been submitted since publication of EPA's NPR, but is reserving final action on 5 sources until the required demonstrations are made and submitted to EPA. Review and final rulemaking for these remaining sources will then be completed expeditiously.

Final action. EPA is approving the 1.0 percent sulfur limitation for Connecticut's residual oil burning sources, excluding the five sources listed below:

- (1) Northeast Utilities, HELCO Power Station in Middletown.
- (2) United Technologies Corporation, Pratt and Whitney Aircraft Division in Middletown.
- (3) United Technologies Corporation, Sikorsky Aircraft Division in Stratford.
- (4) United Technologies Corporation, Pratt and Whitney Aircraft Division in North Haven.
- (5) Dow Chemical U.S.A. in Gale's Ferry.

B. Other Provisions of Regulation 19-508-19

1. Coal and Other Solid Fuels. Connecticut's 1.0 percent sulfur regulation also governs solid fuels. In the NPR, EPA proposed to approve the use of solid fuels with an emission rate no greater than 1.1 pounds SO₂ per million Btu heat input, but stated that the use of solid fuels with a 1.0 percent sulfur content could not be approved until the state demonstrates that there will be no violations of the NAAQS or any applicable PSD increments.

In response, the state's submittal distinguishes the use of solid fuels (including coal) with SO₂ emissions equivalent to those of 1.0 percent sulfur residual oil (i.e., 1.1 pounds SO₂ per million Btu heat input or approximately equivalent to use of 0.75 percent sulfur coal) from use of solid fuels containing up to 1.0 percent sulfur (i.e., emitting more than 1.1 pounds SO₂ per million Btu). The state's regulation allows use of up to 1.0 percent sulfur coal but additionally requires a permit when solid fuel burning emissions will exceed 1.1 pounds SO₂ per million Btu. This permitting process, described in the SIP narrative, is identical to that approved by EPA for Connecticut's Air Pollution Control/Energy Trade Program (46 FR 43418). It requires a demonstration of

compliance with NAAQS and PSD requirements and a public comment period. The permits will be submitted by the DEP for inclusion in the federal SIP as individual SIP revisions.

EPA is approving the procedural framework described above for use of solid fuels with emissions greater than 1.1 pounds SO₂ per million Btu. Opportunity for public comment on individual sources will be afforded in each instance that Connecticut permits a source and submits the permit for inclusion in the SIP.

The NPR also noted other deficiencies in the solid fuel burning segment of the high sulfur fuel regulation. One commenter urged EPA approval of the solid fuel burning provisions, conditioned on future correction of these deficiencies. However, these have already been addressed by the DEP. The regulation and narrative have been amended to define an instantaneous maximum of 1 percent sulfur by weight for all fuels, and compliance testing methods for an instantaneous limit are already included in the SIP.

Final action. EPA approves regulation 19-508-19, Subsection (a)(2)(i), allowing the use of solid fuels with an emission rate of 1.1 pounds SO₂ per million Btu heat input. EPA also approves the procedural framework allowing individual sources to use solid fuel with a sulfur content of no more than 1.0 percent provided each state permit is submitted to EPA for inclusion in the SIP.

2. Energy Trade Program. The regulatory and narrative formats of the Energy Trade Program are consistent with the program approved by EPA on August 28, 1981 (46 FR 43418). Inconsistencies noted in the NPR have been corrected. As to the requirement specified in the NPR that amendments be made to ensure that no source will be approved if it would violate an applicable PSD increment, the DEP has included provisions to this effect in the SIP narrative. As noted in the NPR, individual source approvals by the state under this program must be submitted to EPA as SIP revisions. Since EPA will take final rulemaking action on each such approval, inclusion of the PSD provision in the narrative rather than regulatory section of the SIP is acceptable.

Final action. EPA is approving the regulatory amendments to subsections a(1) and a(3)(i) of Regulation 19-508-19, provided each state permit issued under this program is submitted to EPA for inclusion in the SIP.

3. Other. Subsection (a)(2)(ii) allows the Commissioner to approve emergency

fuel relaxations. EPA is taking no action on this subsection.

Subsection (a)(3)(ii) allows the Commissioner to approve the combustion of fuels which contain more than 1.0 percent sulfur, provided that the emissions from any piece of fuel burning equipment do not exceed 1.1 pounds per million Btu of heat input. EPA is approving this subsection. Any approvals granted by the state under this subsection will be forwarded to EPA and will represent the revised SIP limits for the affected sources.

Subsection (a)(3)(iii) has been amended to require the Commissioner to limit emissions of SO₂ from any source if it would violate the NAAQS. The subsection had previously contained merely discretionary authority for the Commissioner and has been corrected as specified in the NPR. The subsection is now acceptable. Any emission limitations issued by the Commissioner under this subsection will be forwarded to EPA and will represent the revised SIP limits for the affected sources.

Subsection (a)(4) allows the Commissioner to permit fuel merchants to sell fuel with greater than 1.0 percent sulfur content to approved users. However, this subsection would also allow the Commissioner to permit fuel merchants to sell fuel with greater than 1.0 percent sulfur content to users who have not been approved by EPA to burn such fuel. EPA is approving this subsection excluding the latter provisions.

Subsection (a)(9) regulates 1.5 percent sulfur coal at educational and historical exhibits. Because it allows for exemption without a prior determination of compliance with the NAAQS or PSD increments, this subsection cannot be approved.

Miscellaneous clarifications and wording changes to Regulation 19-508-19(b) have been made.

Typographical errors in the SIP narrative, which were noted in the NPR, have been corrected.

Final action. EPA approves revisions to subsections a(3)(ii), a(3)(iii), (a)(4) excluding (a)(4)(iii)(C) and (a)(4)(iii)(E), and (b) of regulation 19-508-19 and the accompanying narrative.

EPA disapproves subsection (a)(9) of regulation 19-508-19, regulating coal use at historical and educational exhibits and subsections (a)(4)(iii)(c) and (a)(4)(iii)(E) regulating fuel merchants.

EPA is taking no action on subsection a(2)(ii) of regulation 19-508-19.

II. Revision to Regulations 19-508-24(e): State Secondary SO₂ Standards

Connecticut has repealed its 24 hour and annual secondary SO₂ standards.

The state's SO₂ ambient standards are now identical to the NAAQS.

Final action. EPA approves the revision to 19-508-24(e) eliminating the state 24 hour and annual standards.

After evaluation of the state's submittal, the Administrator has determined that these Connecticut revisions meet the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, these revisions are approved as revisions to the Connecticut SIP.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities (46 FR 8709, January 27, 1981). The attached rules constitute SIP approvals under section 110 within the terms of the January 27 certification. This action only approves state actions and it imposes no new requirements. Any disapprovals in this rule merely preserve the status quo.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. These regulations are not Major because they either approve state actions or preserve the status quo and add no new requirements.

These regulations were submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The Agency finds that good cause exists for making this action effective immediately since these implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden.

Under section 307(b)(1) of the Clean Air Act, judicial review of this 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 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. 110(a) and section 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Note.—Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1981.

Dated: November 13, 1981.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart H—Connecticut

1. Section 52.370, paragraph (c) is amended by adding subparagraph (18) as follows:

§ 52.370 Identification of plan.

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

(18) Revisions to Regulation 19-508-19 (Control of Sulfur Compound Emissions), Regulation 19-508-24 (Connecticut Primary and Secondary Standards), and accompanying narrative submitted by the Commissioner of the Connecticut Department of Environmental Protection on October 23, 1981 and November 4, 1981.

2. Section 52.373 is amended by adding paragraph (a) as follows:

§ 52.373 Approval status.

(a) The Administrator approves the general procedures of the state's sulfur control regulations (19-508-19) and accompanying narrative submitted on October 23, 1981, and November 4, 1981 and identified under § 52.370, paragraph (c)(18), provided that any individual source approvals granted by the state under the Air Pollution Control/Energy Trade Option and solid fuel burning permitting system are submitted to EPA as SIP revisions.

3. Section 52.380, paragraph (d) is amended by removing and reserving subparagraphs (1) and (2) and adding subparagraphs (9) and (10). Section 52.380 is further amended by adding subparagraph (e) as follows:

§ 52.380 Rules and regulations.

(d) Non-Part D—No Action.

- (1) [Reserved]
- (2) [Reserved]

(9) Use of 1 percent sulfur content fuel by the following residual oil burning sources, identified under § 52.370, paragraph (c)(18).

(i) Northeast Utilities, HELCO Power Station in Middletown,

(ii) United Technologies Corporation, Pratt and Whitney Aircraft Division in Middletown.

(iii) United Technologies Corporation, Sikorsky Aircraft Division in Stratford.

(iv) United Technologies Corporation, Pratt and Whitney Aircraft Division in North Haven.

(v) Dow Chemical U.S.A. in Gale's Ferry.

(10) Emergency Fuel Variance provisions of Regulation 19-508-19

(a)(2)(iii) identified under § 52.370 paragraph (c)(18).

(e) *Disapprovals.* (1) Regulation 19-508-19(a)(9) concerning coal use at educational and historical exhibits and demonstrations, identified under § 52.370, (c)(18).

(2) Regulation 19-508-19, subsection (a)(4)(iii)(C) and (a)(4)(iii)(E) concerning fuel merchants, identified under § 52.370, paragraph (c)(18).

[FR Doc. 81-33434 Filed 11-17-81; 8:45am]

BILLING CODE 6560-01-M

40 CFR Part 86

[AH-FRL 1966-4]

Application for Waiver of Effective Date of 1981 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles; Request for Public Comments and Opportunity for Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for public comments and notice of opportunity for a hearing.

SUMMARY: This notice requests public comment and provides interested parties with an opportunity to request a hearing to consider an application that General Motors Corporation (GM) submitted to EPA on October 5, 1981. The application is for a waiver of the 1981 model year carbon monoxide (CO) exhaust emission standard for its 6.0 liter (L) Modulated Displacement (M-D) engine family. Based on information currently before me, and assuming the public comments and testimony, if any, do not persuade me to the contrary, I am inclined to grant a waiver for this engine family because it appears to qualify according to the same rationale under which EPA has granted waivers to other engine families.

DATES: EPA has scheduled a public hearing on November 30, 1981, beginning at 9:00 a.m. to consider GM's waiver application. Parties desiring to testify should notify the Manufacturers Operations Division, as noted below, not later than November 25, 1981.

Interested parties may also submit written comments to the public docket on this waiver request until December 2, 1981, to insure that I can consider these comments in my evaluation of this waiver application. If no party testifies at the hearing, EPA will consider the waiver request based on written submissions to the record.

ADDRESSES: The hearing will be held at the Manufacturers Operations Division Conference Room, 499 South Capitol Street SW., 3rd floor, Washington, D.C. 20460. Parties wishing to testify at the hearing should notify Mr. Michael Chernekoff as noted below. Parties wishing to submit written comments should direct their submissions to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Information submitted by GM, as well as any comments received from interested parties, will be available for public inspection and copying in EPA Public Docket EN-81-6, located in EPA's Central Docket Section (A-130), Gallery I, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), 401 M Street SW., Washington, D.C. 20460, (202) 382-2495.

SUPPLEMENTARY INFORMATION: Section 202(b)(5) of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b), authorizes EPA to waive application of the 1981 and 1982 model year statutory CO emission standard applicable to light-duty motor vehicles and engines upon the request of a manufacturer for a specific vehicle model if the Administrator makes certain findings specified under section 202(b)(5)(C) of the Act.

On October 5, 1981, GM submitted an application for a waiver of the 1981 model year statutory CO standard for its 6.0L M-D engine family. The GM application asserted that this engine family qualifies for a waiver under the same rationale EPA used to grant waivers in EPA's other waiver decisions. After my initial review of GM's submission it appears that GM's 6.0L M-D engine family will likely qualify for a waiver under that rationale.

GM states that field information indicates that vehicles of this engine family are experiencing unanticipated problems in complying with the statutory CO emission standard. Specifically, GM explains that this engine family's fuel-metering control calibrations during cold-starting at