

The errors are corrected to read as follows:

1. On page 14114, second column, first paragraph of the Summary of Comments and Responses, the last sentence is changed to read, "The old section numbers are followed by the new section numbers in parentheses."

2. On page 14115, first column, sixth paragraph, second line, the section number § 657.33(c) is changed to read § 657.40(b).

3. On page 14115, first column, last paragraph, last line, the section number § 656.10(a)(3) is changed to read § 656.10(a)(2).

4. On page 14115, third column, the fourth paragraph is changed to read as follows: *Response*. Section 658.36 is deleted. The duration of a project is covered by Direct Grant Programs, 34 CFR 75.250.

(Catalog of Federal Domestic Assistance Number 84.015, International Studies Centers and Foreign Language and Area Studies Fellowships; 84.016, International Studies Program and 84.017, Foreign Language and Area Studies Research)

Dated: May 3, 1982.

Daniel Oliver,

General Counsel.

[FR Doc. 82-12979 Filed 5-12-82; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-2072-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA today is approving a revision to the Vigo County, Indiana sulfur dioxide (SO₂) State Implementation Plan (SIP). Indiana submitted this revision in response to Part D of the Clean Air Act (CAA). EPA proposed approval of this revision on September 1, 1981 (46 FR 43855), received comments from six groups, and is responding to their comments in today's notice.

EFFECTIVE DATE: This final rulemaking becomes effective on May 13, 1982.

ADDRESSES: Copies of this revision to the Indiana SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating

to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Robert B. Miller at (312) 886-6031 before visiting the Region V Office).

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

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

Indiana Air Pollution Control Division,
Indiana State Board of Health, 1330
West Michigan Street, Indianapolis,
Indiana 46206

Air Pollution Control, Vigo County
Health Department, 120 S. Seventh
Street, Terre Haute, Indiana 47807

FOR FURTHER INFORMATION CONTACT:
Robert B. Miller, Air Programs Branch,
Environmental Protection Agency,
Region V, Chicago, Illinois 60604, (312)
886-6031.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the CAA, EPA designated certain areas in each Region V State as nonattainment with respect to the National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP), SO₂, carbon monoxide, ozone, and nitrogen dioxide.

Part D of the CAA requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary SO₂, NAAQS by December 31, 1982.

These SIP revisions must also demonstrate attainment of the secondary NAAQS as expeditiously as practicable. The requirements for an approvable SIP are described in a Federal Register notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

In response to Part D of the CAA, on June 26, 1979, the State of Indiana submitted revised SO₂ control strategies and Air Pollution Control Regulation 13 (APC-13) to EPA. This submittal included a control strategy for Vigo County that was developed by the Indiana Air Pollution Control Division and regulations which were promulgated by the State on June 19, 1979.

While the State developed its SO₂ plan for the County, an industrial task force developed its own control strategy.

The Wabash Valley Environmental Association (WVEA), an organization of 20 local firms, submitted its county-wide plan to the Indiana Air Pollution Control Board (IAPCB) in September 1979. After reviewing the WVEA plan, the State agreed to substitute the WVEA plan for the State plan in APC-13. Consequently, on October 4, 1979, the IAPCB officially withdrew its control strategy for Vigo County, including the portion of APC-13 pertaining to Vigo County. On January 7, 1980, the State promulgated the WVEA SO₂ plan for Vigo County, including a revised APC-13 which incorporated the new Vigo County emission limitations.

On February 11, 1980, the State submitted to EPA its newly promulgated SO₂ control strategy for Vigo County. Technical support materials were submitted in September 1979, on December 10, 1979 and on May 30, 1980. The September 1979 submittal included the technical rationale for the new control strategy for SO₂ in Vigo County. The later submittals provided additional analyses to correct technical deficiencies in the initial submittal. The State recodified its SO₂ regulation APC-13 as 325 IAC Article 7 and submitted it to EPA on October 6, 1980. EPA proposed to approve the Vigo County SO₂ strategy on September 1, 1981 (46 FR 43855).

The Vigo County strategy consists of a general, statewide regulation, 325 IAC Article 7, and an appendix to the regulation (325 IAC 7-1-8) which establishes specific emission limitations for certain Vigo County sources, as well as for sources in other counties. On March 27, 1980, EPA proposed to approve, in part, the general, statewide SO₂ regulation, APC-13 (45 FR 20743). EPA proposed no action at that time on the Vigo County portion of APC-13. EPA has recently approved the recodified regulation, 325 IAC Article 7, with certain exceptions: it took no action on either the Vigo County strategy or the 30-day compliance method contained in the general regulation.

Today, EPA is approving the Vigo County portion of the SO₂ strategy. As with EPA's action on the general regulation, however, and as discussed more fully below, EPA will presently take no action on the 30-day averaging provision in the Vigo County strategy. EPA's detailed analysis of the Vigo County strategy is contained in an EPA technical memorandum and in the September 1, 1981 notice of proposed rulemaking. Both of these are available for review at the above addresses.

Public Comments

In response to its Notice of Proposed Rulemaking, EPA received comments from Indiana, three other States, Vigo County, and a local utility. Following is a summary of the significant comments and EPA's responses to each:

Comment: One commentator raised the following questions concerning the 10% derating of the Public Service Indiana (PSI) Wabash River power plant: a) is the derating enforceable; b) will the derating involve any physical changes; and c) can the load reduction be offset by increasing hours of operation?

Response: The 10% derating of the Wabash River power plant is contained in the State regulation and will become part of the federally approved SIP for Vigo County. EPA and the State maintain that the 10% derating in the capacity of the plant is properly enforceable, even though no physical changes to the plant are required, because compliance can be determined by reviewing charts, logs, and records kept by PSI. Because the plant was modeled assuming 24-hour continuous operations to determine its air quality impacts, any possible increase in the hours of operation will not affect attainment of the SO₂ standards.

Comment: PSI notified EPA that the new stack at its Wabash River plant will not be completed until July 1984. 325 IAC 7-1-6 requires compliance with the new regulations by December 1981, but allows the State to extend this deadline up to December 1982 under certain circumstances. The State has extended the compliance schedule for this plant until December 31, 1982. In PSI's comments, it requested an EPA extension of the compliance deadline or an exemption until July 1984.

Response: 325 IAC 7-1-6 requires that compliance be achieved by no later than December 31, 1981, except as noted above. EPA has no authority in the context of this rulemaking to extend the compliance date beyond that allowed by 325 IAC 7-1-6 or to exempt the Wabash River power plant from the compliance deadline. Any such request would have to be initiated by the State and would have to be the subject of separate rulemaking. Furthermore, EPA's Continuity Policy, as discussed in more detail below, does not normally allow a source additional time to come into compliance with a new, less stringent emission limitation.

The SIP relaxation to a 4.04 lbs/MMBTU emission limit for the Wabash River plant is based upon a new, taller stack. If the attainment demonstration had been based on the existing stacks, a different, probably more stringent,

emission limit would be required for this plant. Therefore, EPA cannot approve the 4.04 lbs/MMBTU emission limit without also requiring that the new stack be in place. EPA is today approving the 4.04 lbs/MMBTU emission limitation for the Wabash River power plant, to be effective when the new stack is in place. Until that time, the existing SIP emission limit of 1.2 lbs/MMBTU remains applicable.

Comment: Several commentators urged EPA to approve the 30-day averaging provision in 325 IAC 7-1-3.

Response: EPA recognizes the problem of sulfur variability. Consequently, on February 14, 1980, EPA published a Federal Register Notice notifying the public that EPA had begun a review of its policies and procedures for regulating large coal-fired boilers. Among the issues under review are: a) compliance test methods; b) sulfur variability; c) modeling guidelines; and d) averaging periods for emission limitations. This review will address 30-day averaging, appropriate methods for evaluating 30-day averages, and protection of the NAAQS. Based on its review, EPA will make any necessary modifications in its policies. Until this review is complete, EPA will not rulemake on 30-day averaging in Vigo County. EPA has also announced its intention to proceed under an interim enforcement policy for Indiana, which will be used to establish the Agency's enforcement priorities (December 31, 1981, 46 FR 63270).

Comment: One commentator questioned the application of the RAM-urban model to Vigo County. The commentator claimed that this model is inappropriate because it does not consider terrain effects and because there was no analysis of the urban/rural status of the area. The commentator also asked if the model was calibrated.

Response: Prior to the modeling analysis, EPA classified the area as urban based on the general characteristics of the City of Terre Haute (i.e., city size, source density, and land use), where the majority of the sources are located. This procedure was consistent with the EPA urban/rural policy at the time the modeling began. Furthermore, since the terrain in the area is gently rolling (i.e., no significant terrain differences), EPA additionally determined that the reference model for Vigo County at that time should be RAM-urban. No calibration of the short-term RAM-urban model was attempted. This is appropriate because calibration of short-term models requires much more data than that which is available for most areas, including Vigo County. Uncertainties in Vigo County source and

meteorological data restrict the ability to estimate the measured concentration at an exact location during a specific increment of time. These uncertainties prevent the calibration of short-term models, such as RAM-urban.

Comment: One commentator claimed that the modeling analysis was deficient because it used only one year of meteorological data, not five years as required by EPA guidelines.

Response: EPA has reviewed the issue of meteorological data and has determined that because EPA's policy required only one year of meteorological data for the Part D SIPs which were to be submitted by January 1, 1979, EPA is not requiring the State to remodel using 5 years of meteorological data. However, 5 years of appropriate meteorological data are currently available, and all future Vigo County modeling must use 5 years of data.

Comment: One commentator objected to the absence of area sources in the modeled emission inventory. The commentator maintained that the inclusion of area sources should increase the predicted annual concentrations enough to cause violations of the annual standard.

Response: Area sources were not modeled because an inventory was not available. Area sources are not expected to have a significant impact on Vigo County. All point sources in the County were considered, however, the impact from area sources was still included indirectly in the analysis through calculations of the background concentration. The derived background accounted for the impacts due to distant SO₂ sources, nearby area and small point sources, and natural sources. Consequently, inclusion of an area source inventory would be double-counting these source impacts and is, therefore, unnecessary.

Comment: One commentator claimed that the modeled concentrations should be running averages, not block averages.

Response: EPA modeling guidelines state that block averaging times should continue to be used for modeling purposes. Thus, modeled running averages are not required.

Comment: The States of New York and Connecticut raised a number of issues related to the potential interstate impacts of EPA's approval of the Vigo County plan. These States expressed a general concern that the Vigo County emissions, in combination with the SO₂ emissions from other midwest sources, will have a serious, detrimental impact on interstate air pollution levels. They also made the following additional, specific comments: 1) Approval of the

Vigo County strategy will result in increased SO₂ and TSP emissions. This will adversely affect the pollution levels in other states and thus an EPA approval would violate sections 110(a)(2)(E) and 126 of the CAA. 2) EPA and Indiana inappropriately utilized only short-range air pollution dispersion models, which are incapable of assessing long-range pollutant transport. 3) EPA should have modeled the SO₂ emissions for their effect on the particulate matter levels in other States. 4) Approval of the Vigo County plan will result in increased downwind sulfate concentrations. 5) If EPA does not disapprove the Vigo County plan, it must defer its decision until the completion of certain proceedings now pending under Section 126 of the CAA.

Response: EPA's review and approval of the Indiana SO₂ SIP revision will not result in increased SO₂ and TSP levels, and thus is consistent with Sections 110(a)(2)(E) and 126 for several reasons. Because the emission limitations for Vigo County generally reflect status quo emissions or restrictions, no significant increase in SO₂ or TSP emissions and, consequently, no increase in net impact is expected. In addition, the J.I. Case and Anaconda Aluminum stack height changes are only minor increases up to 30 meters (m). EPA has determined that stack heights of up to 65 m may automatically be credited to most significant sources of SO₂ without violating section 123 of the CAA (February 8, 1982, 47 FR 5864). These two increases are well below EPA's de minimis stack height of 65 m. Further, because the PSI stack height change is accompanied by a derating requirement and a reduction from maximum status quo emissions, the expected net effect of today's rulemaking is to reduce PSI's actual impacts.

With regard to comments on the use of EPA reference models, EPA has not yet established any techniques which evaluate impacts beyond 50 kilometers (km) from a source. Consequently, contrary to the commentor's claim, there are no EPA-approved regulatory tools currently available to assess long-range impacts.

Pursuant to Section 110(a)(2)(E), EPA has reviewed this action for potential interstate impacts to the extent that EPA's modeling allows. The only State within 50 km of Vigo County is Illinois. There are no SO₂ nonattainment areas in Illinois within 50 km. There is only one county in Illinois within 50 km where the baseline date has been triggered. As discussed below, there are no problems concerning PSD increment

consumption or violations of the NAAQS in Illinois.

The largest SO₂ source in Vigo County is the PSI Wabash River Plant, located about 13.5 km east of the Illinois State line. Modeling predicts the highest SO₂ concentrations to occur in the vicinity of the Wabash River Plant. The highest, second high 24-hour modeled concentration was 362 µg/m³ and occurred at a receptor located 3 km east of the Plant. West of the Plant (towards Illinois), the high, second high impact was 323 µg/m³, located 1.5 km WNW of the Plant and 12.5 km east of the State line. The predicted concentrations west of this receptor decrease to approximately 200 µg/m³ within 10 km of the State line. Furthermore, a conservative screening analysis demonstrated that maximum concentrations in Illinois due to Vigo County sources are less than 90 µg/m³. Because the concentrations are decreasing away from Vigo County in Illinois and concentrations due to Vigo County sources in Illinois are well below the NAAQS, no violations due to Vigo County sources are expected to occur in Illinois.

The closest major source in Illinois to the Indiana Border is outside the modeling range of 50 km. Consequently, EPA was unable to consider possible source interaction in Illinois. However, beyond 50 km the Illinois sources would almost certainly contribute far more than Indiana sources to ambient SO₂ concentrations.

EPA has also considered under section 110(a)(2)(E) whether revision of the emission limits for the named sources interferes with measures "required to be included in the applicable implementation plan for any other State under Part C to prevent significant deterioration of air quality * * *". A conservative screening analysis demonstrated that the net effect of the Vigo County plan would be to reduce PSI's actual impact on the Illinois PSD area. Therefore, EPA has concluded that the revised SIP will not interfere with Illinois' ability to prevent significant deterioration of its air quality.

With respect to Connecticut's claim that EPA should have modeled the SO₂ emissions for their effect on the particulate matter levels in other States, EPA's currently approved models are not capable of such an analysis. EPA models estimate ground-level SO₂ concentrations caused by a plant's SO₂ emissions. Similarly, EPA models estimate ground-level particulate concentrations caused by a source's particulate matter emissions. Although

models capable of estimating the impact of SO₂ emissions on ground-level particulate matter concentrations have been developed by researchers, EPA is still evaluating their predictive accuracy as part of an overall revision to its Modeling Guidelines. Application of these models at this time, therefore, is premature. For the purposes of section 110(a)(2)(E), EPA notes that the commentor has not submitted any information which demonstrates that the SO₂ emissions from the Vigo County sources contribute or impact particulate pollution in other States.

The sulfate question raised by the commentors is a complex one. To date, EPA has not established a national ambient air quality standard for sulfates. However, the sulfate issue is being evaluated as part of EPA's current review, under section 109(d)(1) of the CAA, 42 U.S.C. 7409(d)(1), of the criteria and national standards for sulfur oxides and particulate matter (see "Second External Review Draft Air Quality Criteria for Particulate Matter and Sulfur Oxides," and notice announcing comment period on draft, 46 FR 15569 (March 6, 1981)). At present, in the absence of a national standard for sulfates, EPA need not consider the impact of the Indiana SO₂ plan on sulfate levels.

On June 18 and 19, 1981, as a result of petitions filed by the States of New York and Pennsylvania under section 126 of the CAA, EPA held a hearing in Washington, D.C. to consider the possible interstate impact of a number of proposed and final SO₂ revisions for sources located in Indiana, Tennessee, Ohio, and West Virginia. (Docket No. A-81-9) To the extent that New York and Connecticut's comments to the Vigo County proposal relate to the same aggregate air quality impact issues as in the section 126 action, they will be addressed in the Agency's Section 126 determination. EPA is not required to delay a plan revision until it reaches a decision on a Section 126 petition. *Connecticut vs. EPA*, 902 F.2d 656 (2d Cir. 1981). In light of the congressional mandate to act expeditiously under Part D of the Act, EPA does not believe that it would be appropriate to withhold the Vigo County rulemaking until EPA acts on the Section 126 petitions. At the time the Agency makes such a determination and to the extent necessary, EPA can and will reevaluate the adequacy of the Vigo County plan.

Based on its review, EPA approves, in part, the revised Vigo County SO₂ strategy as a revision to the SIP. The compliance dates contained in the current federally approved APC-13

(May 14, 1973) will continue to apply to those sources for which the revised SO₂ strategy contains less stringent emission limitations. In those cases where the revised SO₂ strategy requires more stringent emission limitations, the compliance timetables listed in Section 6 of 325 IAC Article 7 are approved in Vigo County. Section 6 requires final compliance by December 31, 1981. Sources subject to the plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements until such time as they come into compliance with the new Part D plan requirements.

EPA is presently taking no action on 30-day averaging. This will not affect approvability of the Vigo County strategy as a whole, because 325 IAC Article 7 contains an approvable compliance method, stack testing in accordance with 40 CFR Part 60, Appendix A Method 6. Article 7 also permits the Indiana Air Pollution Control Board to approve alternate compliance methods. Any such methods approved by the Board must be submitted to EPA for its action.

EPA has determined that good cause exists for making these revisions immediately effective and deviating from the requirement of 5 U.S.C. 553(d) (the Administrative Procedures Act) that substantive rules be published thirty days before their effective date. By making this final rulemaking immediately effective, some of the restrictions on industrial growth contained in Section 110(a)(2)(I) of the Clean Air Act will be lifted from the State of Indiana. These restrictions are imposed for failure to have a SIP which meets the requirements of Part D after the final date for SIP approval specified in the Act. EPA has determined that the Vigo County SO₂ SIP on the whole, meets the requirements of Part D. Therefore, it would be contrary to the public interest to continue the restrictions on industrial growth for thirty days after the publication of this notice.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It will impose no new requirements.

This regulation was exempted from review by the Office of Management and Budget under Section 3 of Executive Order 12291.

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.

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

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

Dated: April 30, 1982.

Anne M. Gorsuch,
Administrator.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

1. Section 52.770(c) is amended by adding subparagraph (31) as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(31) On February 11, 1980, Indiana submitted a revised sulfur dioxide strategy for Vigo County. Technical information was submitted on December 10, 1979 and on May 30, 1980. On October 6, 1980, the State submitted a recodified version of the Vigo County Regulations, 325 IAC Article 7, which was promulgated by the State on August 27, 1980. EPA is not taking action on the 30-day averaging compliance method contained in 325 IAC 7-1-3 as it applies to Vigo County.

2. Section 52.773 is amended by revising paragraph (b) as follows:

§ 52.773 Approval status.

* * * * *

(b) The Administrator finds that the SO₂ strategies for Lake, LaPorte, Marion and Vigo Counties satisfy all requirements of Part D, Title I of the Clean Air Act as amended in 1977, except as noted below.

* * * * *

[FR Doc. 82-13052 Filed 5-12-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 52 and 81

[A-5-FRL-2063-6]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is approving the State of Ohio's sulfur dioxide (SO₂) emission limitations for portions of the following counties: Athens County: Columbus and Southern Ohio Electric (C&SOE)—Poston, Hamilton County: DuPont—Fort Hill, Montgomery County: Dayton Power and Light-Tait and Hutchings, Pike County: Southern Wood Piedmont, Seneca County: Union Carbide Fostoria Plant, and Wayne County: Orrville Municipal Power Plant. Additionally, EPA is redefining the SO₂ attainment area for Hamilton County into two distinct attainment areas. These revisions are based on the request and the supporting data submitted by the State of Ohio.

EFFECTIVE DATE: This final rulemaking becomes effective on June 14, 1982.

ADDRESSES: Copies of the Docket #5A-80-3 are on file for copying and inspection during normal business hours at the following address. (It is recommended that you telephone the contact person given below before visiting the Region V office).

Environmental Protection Agency,
Region V, Air Programs Branch, 230
South Dearborn Street, 11th Floor,
Chicago, Illinois 60604

Environmental Protection Agency,
Central Docket Section, West Tower
Lobby, Gallery 1, 401 M Street, SW.,
Washington, D.C. 20460

Copies of the Ohio Administrative Code (OAC) Rules for this SIP revision are available for inspection in the Docket #5A-80-3 cited above and at:

The Office of the Federal Register, 1100
L Street, NW., Room 8401,
Washington, D.C. 20460

Ohio Environmental Protection Agency,
Office of Air Pollution Control
Division of Authorization and
Compliance, 361 East Broad Street, 6th
Floor, Columbus, Ohio 43215

FOR FURTHER INFORMATION CONTACT:
Debra Marcantonio at 886-6088.

SUPPLEMENTARY INFORMATION: On November 13, 1981 (46 FR 55994), EPA proposed to approve the State of Ohio's sulfur dioxide emission limitations for the following sources: Athens County: Columbus and Southern Ohio Electric (C&SOE)—Poston, Hamilton County:

DuPont—Fort Hill, Montgomery County; Dayton Power and Light—Tait and Hutchings, Pike County; Southern Wood Piedmont, Seneca County; Union Carbide Fostoria Plant, and Wayne County; Orrville Municipal Power Plant. Additionally, EPA proposed to redefine the SO₂ attainment area for Hamilton County into two distinct attainment areas. The purpose of the redefinition is to restrict the size of the area that is affected by a previously established baseline date, pursuant to the Prevention of Significant Deterioration (PSD) Regulations (45 FR 52676) and section 107(d)(5) of the Clean Air Act.

Public Comment

EPA received three letters containing comments from the State of New York, the State of Connecticut and one affected industry.

Comment: EPA has failed to apply the best available modeling tools to assess the interstate impact of the Poston Power Plant.

Response: There are no models or modeling techniques approved by EPA that are currently available to assess long range impacts for regulatory purposes. EPA reference models, which are only valid to 50 kilometers (km) from the source, were used to evaluate the Poston plant.

Comment: EPA has failed to comply with section 110(a)(2)(E) and 126 of the Clean Air Act (CAA) in approving the Poston SIP revision.

Response: Pursuant to Sections 110(a)(2)(E) and 126 of the CAA, the EPA has reviewed its action for potential interstate impacts. The only state within 50 km of Poston is West Virginia. There are no SO₂ Non-attainment areas in West Virginia within 50 km of Poston. The Poston revision also causes no problem with PSD increment consumption since the baseline date has not been triggered in Athens County, Ohio or any other nearby attainment counties in which Poston may have a significant annual impact.

Specifically, the Poston Plant is 45 km from West Virginia in the southeastern modeling quadrant. The emission modeling data predict a 3-hour concentration of 400 ug/m³ at a distance of 12.5 km. The 3-hour concentrations decrease rapidly and are already well below the ambient standard 32.5 km from the West Virginia border. Consequently, no violations due to the Poston Plant are expected to occur in West Virginia.

In addition to Poston, EPA also reviewed the other six sources included in this rulemaking notice for potential

interstate impacts. For Southern Wood Piedmont, Union Carbide, Dayton Power & Light—Tait, and the Orrville Municipal Power Plant, the Ohio regulations represent either no change or a reduction in current allowable SO₂ emissions. Accordingly, the interstate impact from these four sources will not increase as a result of this revision.

For Dayton Power and Light—Hutchings, the Ohio regulations represent a net increase in allowable emissions. Indiana is the only State within 50 km of Hutchings. There are no Indiana PSD areas within 50 km. There is one Indiana SO₂ nonattainment area located 45 km away. An EPA reference screening analysis demonstrated, however, that the revision will not significantly increase Hutchings' impact in the Indiana nonattainment area.

For DuPont-Fort Hill, the Ohio regulations represent an increase in allowable emissions. Indiana and Kentucky are the only States within 50 km of DuPont. There are no Indiana PSD areas but there are some Kentucky PSD areas within 50 km. The revision will not consume any increment in Kentucky, however, since the Ohio SIP limit reflects DuPont's actual emissions during the Kentucky baseline year.

The DuPont revision will also not threaten the ambient standards in either Indiana or Kentucky. There are no SO₂ nonattainment areas in these two states within 50 km of DuPont. Furthermore, the Ohio EPA SIP modeling demonstrated that DuPont (and other southwest Hamilton County sources) will not cause any violations in Indiana or Kentucky. Therefore, EPA has determined the Ohio actions are consistent with section 110(a)(2)(E) and section 126.

Comment: The tall stack provisions of the Clean Air Act, as amended in 1977, were not properly applied to the Poston Power Plant.

Response: EPA maintains that the modeled stack height credits for the Poston stacks were appropriate. Review confirms the credits were based on the formula specified by current regulation (proposed Jan. 12, 1979 (44 FR 2610) and October 7, 1981 (46 FR 49814); finalized February 8, 1982 (47 FR 5864)). EPA maintains that the formula for determining the modeled stack height credit is consistent with section 123 of the Clean Air Act.

Comment: The EPA should have modeled the Poston SO₂ emissions for their effect on particulate matter levels in other states.

Response: EPA's current approved models are not capable of analyzing the effect of SO₂ emissions on particulate levels. These actions only affect SO₂

emission limits and the modeling results only characterize ground level SO₂ concentrations. Models capable of analyzing particulate impacts on SO₂ emissions are being developed, but their predictive accuracy is still under evaluation. Application of these models at the time would therefore be premature.

Comment: EPA actions are wrongfully increasing sulfate concentrations in downwind states.

Response: At the present time, there are no national standards for sulfates that EPA is authorized to consider in evaluating the impact of the Ohio SO₂ plan. However, sulfates are being evaluated as a part of EPA's review for sulfur oxides and particulate matter, pursuant to section 109(d)(1) of the CAA. Reference can be made to EPA's proposed criteria notice published March 6, 1981 at 46 FR 15569.

Comment: EPA has failed to develop a record on the interstate impacts or respond to earlier comments by various states.

Response: As set forth above, EPA has developed an adequate record on interstate impacts. EPA has also considered the previous comments submitted by various states in its development of this final action. Hearings on the specific topic of aggregate impact of midwestern SO₂ sources on acid rain and interstate transport have been held June 18-19, 1981 in Washington, D.C., pursuant to a section 126 petition filed by New York and Pennsylvania (No. A-10-09). EPA will, if necessary, reevaluate the adequacy of this SIP revision when the findings on New York's section 126 petition become available.

Comment: Is the redefinition of Hamilton County attainment areas being done to avoid analysis of PSD increment consumption?

Response: The redefinition of the Hamilton County attainment areas is appropriate and fully approvable. The redefinition of the areas obviated the need for PSD analysis and was authorized to more accurately reflect the true extent of the baseline area consistent with the current PSD regulations.

Comment: Why do the urban model dispersion rates produce higher concentrations in Montgomery County than the rural ones?

Response: There are several differences between EPA's urban and rural models, but one of the most significant is different dispersion coefficients. With the urban model there is both more horizontal and vertical dispersion. The difference between the

urban and rural vertical dispersion rates is greater than the difference between the two horizontal dispersion rates. This leads to greater maximum impacts with the urban model since the plume is predicted to reach the ground more quickly.

Comment: One commentor asked for further explanation of the status quo emission limit for Union Carbide.

Response: As discussed in the Technical Support Document for the Union Carbide SIP revision (July 31, 1981), OEPA intended to set a status quo limit for Union Carbide. Due to erroneous information, however, a much tighter limit was incorrectly set. Upon receipt of corrected data, OEPA performed a reference modeling analysis to demonstrate that the true status quo emission level would protect the NAAQS. Based on this attainment demonstration, EPA proposed to approve the revised emission limit for Union Carbide.

Comment: One commentor expressed displeasure with the lack of detail in EPA's Notice of Proposed Rulemaking.

Response: EPA maintains that the Federal Register notice provided an adequate summary of the proposed rulemaking actions and their technical bases. In addition, more detailed technical information relating to EPA rulemaking action was found in associated technical support documents which were available to the public, as mentioned in the November 13, 1981 notice. Furthermore, a contact person is provided in each notice in order to provide any additional information or answer any questions the public may have.

Final Determination

Based on EPA's review of the technical support data and the public comments received, EPA has determined that approval of the State of Ohio's emission limitations for the counties listed below will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide nor violate Section 110(a)(2)(E) of the Act. Therefore, EPA today takes final action to approve the emission limitations for the following portions of the Ohio SO₂ plan: Athens County (Columbus and Southern Ohio Electric (C&SOE)—Poston), Hamilton County (DuPont—Fort Hill), Montgomery County (Dayton Power and Light—Tait and Hutchings), Pike County (Southern Wood Piedmont), Seneca County (Union Carbide Fostoria Plant). Additionally, EPA approves the redefinition of the SO₂ attainment area for Hamilton County into two distinct attainment areas.

The measures proposed for promulgation today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally-approved SIP are different from the regulations currently being enforced by the State. In these situations, the present federally-approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally-approved regulations. Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemption granted will be reviewed and acted on by EPA.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It will impose no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation if promulgated is not Major because it merely approves regulations which are already effective in the State of Ohio.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

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.

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

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

Dated: April 30, 1982.

Anne M. Gorsuch,
Administrator.

List of Subjects

40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Title 40 of the Code of Federal Regulations Chapter I, Part 52, and Part 81 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

1. Section 52.1870(c) is amended by revising subparagraph (25) to read as follows:

§ 52.1870 Identification of plan.

* * * * *

(c) * * *

(25) The following information was submitted to USEPA regarding the Ohio Sulfur Dioxide Standards

(i) On February 12, 1980 the Director of the Ohio EPA submitted the Ohio Administrative Code (OAC) Rules 3745-18-01 to 3745-18-94, Sulfur Dioxide Standards adopted on November 14, 1979 effective December 28, 1979.

(ii) Ohio EPA sent technical support for the Ohio Sulfur Dioxide Standards on September 12, 1979, October 23, 1979, May 16, 1980, March 27, 1981, May 5, 1981, July 15, 1981 and September 24, 1981.

(iii) The following regulations were withdrawn by the Governor of Ohio on May 16, 1980: OAC Rules 3745-18-08(H), 3745-18-15(B), 3745-18-53(E), 3745-18-63(K), 3745-18-77(B) and 3745-18-80(C). These rules are applicable to the following plants: Cairo Chemical Corporation in Allen County, Crystal Tissue Company in Butler County, U.S. Steel Corporation, Lorain—Cuyahoga Works in Lorain County, Bergstrom

Paper Company in Montgomery County, Mead Corporation in Ross County and Shell Chemical Company in Washington, County.

(iv) The following regulations were withdrawn by the Governor of Ohio on December 19, 1980 only as it applies to the B.F. Goodrich Company, Avon Lake Chemical Plant in Lorain County; OAC 3745-18-53(A). These regulations are still applicable to other facilities in Lorain County.

(v) The following regulations were withdrawn by the Governor of Ohio on February 13, 1981; OAC Rules 3745-18-49(J) which is applicable to the Ohio Rubber Company in Lake County and 3745-18-80(D) which is applicable to the Union Carbide Corporation in Seneca County.

(vi) The Governor of Ohio submitted a revised OAC Rule 3745-18-80(D) which is applicable to the Union Carbide Corporation in Seneca County on April 30, 1981.

2. Section 52.1881(a) (4) and (8) is amended as follows:

§ 52.1881 Control strategy: Sulfur dioxide (sulfur dioxide).

(a) * * *

(4) Approval—USEPA approves the sulfur dioxide emission limits for the following counties: * * * Athens County, Auglaize County, * * * Hamilton County, Hancock County * * * Montgomery County (except Bergstrom Paper and Miami Paper), * * * Pike County (except Portsmouth Gaseous Diffusion Plant), Wayne County, Williams County * * *

(8) No Action—USEPA is neither approving nor disapproving the emission limitations for the following counties on sources pending further review: * * * Allen County (Cairo Chemical), Butler County, * * * Gallia County (Ohio Valley Electric Company—Kyger Creek, and Ohio Power—Gavin), Lake County * * * Montgomery County (Bergstrom Paper and Miami Paper), * * * Pike County (Portsmouth Gaseous Diffusion Plant), * * * Washington County (Shell Chemical Company and Ohio Power—Muskingum River), and Wood County * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

3. Section 81.336 is amended by adding reference to Hamilton County as follows:

§ 81.336 Ohio.

OHIO—SULFUR DIOXIDE

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Hamilton: The City of Cincinnati bounded on the west by I75 and U.S. Route 127, and on the south by the Ohio and Little Miami Rivers; the Cities of Norwood, Fairfax Silverton, Golf Manor, Amberly, Deer Park, Arlington Heights, Elwood Place, and St. Bernard. The remainder of Hamilton County				

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BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temp. Reg. E-79]

Adjustments; Shipping-Type Discrepancies in GSA or DOD Shipments

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation raises the minimum line item dollar values required for shipping-type discrepancies in GSA or DOD shipments to \$50 for reporting and \$100 for billing adjustments. This change is necessary because the costs associated with processing discrepancies have increased significantly.

DATES: Effective date: May 13, 1982.

Expiration date: April 22, 1983.

Comments due on or before: October 29, 1982.

ADDRESS: Comments should be addressed to: General Services Administration (FSR), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Mr. James W. Jeremiah, Director, Office of Requisition Processing and Control (703-557-0400).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has

determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net cost to society.

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

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E to read as follows:

General Services Administration,
Washington, D.C. 20405, April 14, 1982.

Federal Property Management Regulations; Temporary Regulation E-79

To: Heads of Federal agencies.
Subject: Adjustments.

1. **Purpose.** This temporary regulation raises the minimum line item dollar values required for reporting shipping-type discrepancies in General Services Administration (GSA) or Department of Defense (DOD) shipments and for the processing of billing adjustments.

2. **Effective date.** This regulation is effective upon publication in the Federal Register.

3. **Expiration date.** This regulation expires April 22, 1983 unless sooner revised or superseded.

4. **Applicability.** The provisions of this regulation apply to all civilian agencies authorized to requisition from GSA and DOD sources.

5. **Background.** The costs associated with reporting and processing discrepancies have increased significantly since \$25 was established as the cutoff point for reporting shipping and transportation-type discrepancies. In addition, DOD has raised the reporting requirement for shipping-type (item) and packaging discrepancies to values of more than \$50, and set the minimum for billing adjustments at \$100. Since these dollar criteria apply to net gains as well as net losses, the impact on agencies should be minimal in terms of overall adjustment dollars, but significant in terms of staff hour savings. Accordingly, a decision has been made to increase minimum line item dollar values in Subpart 101-26.8. Reporting requirements are set lower than adjustment levels to allow supply sources to accumulate quality of service records and to take remedial action as appropriate.

6. **Action required.** a. FPMR 101-26.803-2, Adjustments, is amended to read: