

**ACTION:** Proposed rulemaking—correction.

**SUMMARY:** The notice of proposed rulemaking regarding the special permanent program permit application and performance standard rules for operations on prime farmland, published in the *Federal Register*, 47 FR 19076-19084 on May 3, 1982 inadvertently scheduled the public hearing at Springfield, Illinois for the wrong date. **DATES:** The date for the public hearing in Springfield, Illinois on the above parts will be June 23, 1982.

**FOR FURTHER INFORMATION CONTACT:** Donald F. Smith, Division of Technical Assistance, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202-343-5954.

Dated: May 17, 1982.

Dean Hunt,

*Assistant Director, Office of Surface Mining.*

[FR Doc. 82-14006 Filed 5-20-82; 8:45 am]

**BILLING CODE 4310-05-M**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

#### Florida; Bubble Action for General Portland, Inc., in Tampa

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** On August 11, 1981, the State of Florida submitted as a revision to their State Implementation Plan (SIP) an alternative emission control plan (bubble) for the General Portland, Inc. facility in Tampa, Florida. Under the revision, the facility would be allowed to increase the particulate emission rates of one kiln and one clinker cooler. The increased particulate emissions would be offset by a complete and permanent shutdown of two kilns, two clinker coolers, and supplemental storage and transfer sources. The State adopted emission limitations that apply to the General Portland, Inc., facility on April 7, 1981, as part of the State's SIP revision for nonattainment areas. The State has not yet submitted a complete control strategy for attaining secondary standards for particulate matter.

EPA is today proposing to approve the bubble for the General Portland, Inc. facility. EPA is also proposing to approve the portion of Florida's nonattainment SIP which limits particulate emissions from Portland cement plants as reasonably available control technology (RACT) for the

General Portland facility. The General Portland bubble is consistent with EPA's new Emissions Trading Policy Statement, which allows the use of source shutdowns in bubbles and which allows bubbles in areas that lack attainment demonstrations for secondary standards.

**DATES:** To be considered, written comments must be submitted on or before June 21, 1982.

**ADDRESSES:** Written comments should be addressed to Denise W. Pack of EPA, Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit,  
Library Systems Branch,  
Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460  
Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365  
Florida Department of Environmental Regulations, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blairstone Road, Tallahassee, Florida 32301.

**FOR FURTHER INFORMATION CONTACT:** Ms. Denise W. Pack, EPA Region IV, at the above listed address, telephone number 404/881-3286 (FTS-257-3286).

**SUPPLEMENTARY INFORMATION:** On April 7, 1981, the Florida Department of Environmental Regulation (DER) adopted the current emission limitations for General Portland as part of Florida's revised SIP for nonattainment areas. On August 11, 1981, Florida submitted an alternative emission control plan (bubble) for the General Portland facility. The bubble involves particulate emissions from Kilns Nos. 4, 5, 6, and Clinker Coolers Nos. 4, 5, and 6. Each of these emissions points has been permitted according to the applicable emission limitation of Florida's SIP. Under the bubble, the No. 6 Clinker Cooler and Kiln will operate at an emission limit higher than that permitted under the current emission limitations. Operations at the Nos. 4 and 5 Kilns and Clinker Coolers will be permanently discontinued.

Specifically, particulate emissions from Kiln No. 6 will increase from 74 pounds per hour to 95 pounds per hour when determined by EPA reference method 5. On the Kiln, the 95 pounds per hour emission limit will be verified by a stack test utilizing EPA test method 5. An additional test will also be required with an emission limit of 40 pounds per hour measured by EPA method 17. The existing procedure only requires EPA

method 5 for both kilns and coolers. The reason for requiring the additional test is to measure the amount of particulates generated as a secondary formation. Allowable particulate emissions from Clinker Cooler No. 6 will increase from 20 pounds per hour to 45 pounds per hour. These emission increases will be offset by the discontinued use of Kilns Nos. 4 and 5, for which the current emission limit is 50 pounds per hour, and by the discontinued use of Clinker Coolers Nos. 4 and 5, for which the current emission limit is 7.5 pounds per hour each. The ambient air quality impact of the revised emission limitations was evaluated using the CRSTER model.

In sum, air quality improvements are projected as a result of the proposed changes. The use of this alternative set of emission limitations will result in a net decrease in emissions of particulates as compared to the current limitations. Also, the company will cease operation of the supplemental storage and transfer systems for the Nos. 4 and 5 Kilns. General Portland is not seeking credit for eliminating the fugitive particulates generated at these supplemental systems.

**Action:** EPA is today proposing to approve: (1) Florida's current emissions limitations, adopted by DER on April 7, 1981, as reasonably available control technology (RACT) for the General Portland facility; and (2) the General Portland bubble.

The General Portland bubble is fully approvable under EPA's new Emissions Trading Policy Statement. 47 FR 15076 (April 7, 1982). The bubble plan, located at Florida Administrative Code 17-2.13(3)(a)(3), contains enforceable and quantifiable emission limitations. The emission reductions are permanent because they result from a source shutdown. Using the CRSTER model, an EPA-approved model, General Portland has demonstrated that the bubble will result in an ambient air quality impact equivalent to, if not less than, the current emission limitations.

The General Portland bubble implements two new provisions of EPA's Emissions Trading Policy Statement. First, the General Portland bubble uses emission reduction credits (ERCs) created by a source shutdown. EPA has already approved the use of shutdown credits in a Union Carbide Corporation bubble in Texas City, Texas (47 FR 21533, May 19, 1982). Second, the General Portland facility is located in an area that is designated as nonattainment for the secondary national ambient air quality standards (NAAQS) for particulate matter. Although a SIP

demonstrating attainment and maintenance is being developed, the area currently lacks a demonstration of attainment of the secondary particulate standards. The RACT limitations being proposed for approval today comprise one portion of Florida's future attainment demonstration.

Under EPA's new Emissions Trading Policy Statement, a source may use a bubble in limited circumstances when it is located in a nonattainment area lacking an attainment demonstration. In areas that are only nonattainment for secondary standards, a source can create surplus ERCs in either of two ways: (1) the source can use actual emissions as the baseline for trading increases and decreases in the bubble; or (2) the source can set RACT as the baseline. RACT can either be defined in the SIP or by agreement with the State and EPA. The General Portland bubble uses a RACT baseline, as adopted by DER and proposed for approval today.

States that exercise the option of using bubbles in areas where the applicable SIP fails to demonstrate attainment of ambient air quality standards are not relieved of their duty under the Clean Air Act to attain these standards by the statutory deadline. Thus, sources that use a bubble in these circumstances may be required to further reduce their total emissions if the State determines that attainment of ambient air quality standards, as consistent with reasonable further progress, cannot be achieved without such supplementary reductions. However, EPA encourages States not to reexamine agreed-upon emission levels where sources, such as General Portland, voluntarily agreed to RACT levels, unless it is necessary to satisfy the Clean Air Act.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified (46 FR 8709) that the proposed rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, it applies only to a single entity.

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 is not major because it imposes no new burden on sources. The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

#### List of Subjects in 40 CFR Part 52

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

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: October 5, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 82-13928 Filed 5-20-82; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 761

[OPTS-62024; TSH-FRL 2131-2]

#### Polychlorinated Biphenyls; Incorporations by Reference Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

**SUMMARY:** Certain test methods of the American Society for Testing and Materials (ASTM) that are incorporated by reference in EPA's Polychlorinated Biphenyls (PCB's) regulations have been revised. EPA is proposing to adopt these revisions as the new methodology to be used in meeting the requirements of these regulations.

**DATES:** Comments on this proposed amendment should be submitted by June 21, 1982.

**ADDRESS:** Address written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

EPA requests that written comments be submitted in triplicate. Comments should include the docket number OPTS-62024. Comments on this proposed amendment will be available for review from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays, in Rm. E-107, Environmental Protection Agency, 401 M St., SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

**SUPPLEMENTARY INFORMATION:** Elsewhere in this issue of the Federal Register complete incorporation by reference citations are being added to 40 CFR Part 761. The American Society for

Testing and Materials (ASTM) has revised nine of these tests. The revised tests are:

Old	New
ASTM D93-77	ASTM D93-80
ASTM D482-74	ASTM D482-80
ASTM D524-76	ASTM D524-81
ASTM D808-63	ASTM D808-81
ASTM D923-75	ASTM D923-81
ASTM D1266-70	ASTM D1266-80
ASTM D2158-65	ASTM D2158-80
ASTM D2784-70	ASTM D2784-80
ASTM D3278-73	ASTM D3278-78

EPA invites comment on the revised material, copies of which are available from the Document Control Officer (see ADDRESS reference above).

(Sec. 6, 90 Stat. 2020, (15 U.S.C. 2065))

#### List of Subjects in 40 CFR Part 761

Environmental protection, Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements.

Dated: May 14, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

#### PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

Therefore, it is proposed that Part 761 of Chapter I of Title 40, Subchapter R, be amended as follows:

1. In § 761.60, paragraph (a)(3)(iii)(B)(6) and paragraph (g)(1)(ii) and (2)(ii) are revised as follows:

#### § 761.60 Disposal requirements.

- (a) \* \* \*
- (3) \* \* \*
- (iii) \* \* \*
- (B) \* \* \*

(6) The concentration of PCBs and of any other chlorinated hydrocarbon in the waste and the results of analyses using the American Society of Testing and Materials (ASTM) methods as follows: carbon and hydrogen content using ASTM D-3178-73 (reapproved 1979), nitrogen content using ASTM E-258-67, sulfur content using ASTM D-2784-80, D-1266-80, or D-129-64, chlorine content using ASTM D-808-81, water and sediment content using either ASTM D-2709-68 or D-1796-68, ash content using D-482-80, calorific value using ASTM D-240-76 (reapproved 1980), carbon residue using either ASTM D-2158-80 or D-524-81, and flash point using ASTM D-93-80.

- (g) \* \* \*
- (1) \* \* \*

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common containers or the individual transformers to determine the PCB concentration, *Except that* if any PCBs at a concentration of 500 ppm or greater have been added to the container then the total container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of this subpart. For purposes of this paragraph, representative samples of mineral oil dielectric fluid are either samples taken in accordance with American Society of Testing and Materials method D-923-81 or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

(2) \* \* \*

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common container or individual containers to determine the PCB concentration *Except that* if any PCBs at a concentration of 500 ppm or greater have been added to the container then the total container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of this subpart. For purposes of this subparagraph, representative samples of waste oil are either samples taken in accordance with American Society of Testing and Materials D-923-81 method or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

2. In § 761.75, paragraph (b)(8)(iii) is revised to read as follows:

§ 761.75 Chemical waste landfills.

\* \* \* \* \*

(b) \* \* \*

(8) \* \* \*

(iii) Ignitable wastes shall not be disposed of in chemical waste landfills. Liquid ignitable wastes are wastes that have a flash point less than 60 degrees C (140 degrees F) as determined by the following method or an equivalent method: Flash point of liquids shall be determined by a Pensky-Martens Closed Cup Tester, using the protocol specified in ASTM Standard D-93-80, or the Setaflash Closed Tester using the

protocol specified in ASTM Standard D-3278-78.

[FR Doc. 82-13970 Filed 5-20-82; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[BC Docket No. 82-261; RM-4079]

### FM Broadcast Station in Soldotna, Alaska; Proposed Changes in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes the assignment of a Class A FM channel to Soldotna, Alaska, in response to a petition filed by Peninsula Communications, Inc. The proposed assignment could provide a first FM broadcast service to Soldotna.

**DATES:** Comments must be filed on or before July 1, 1982, and reply comments on or before July 19, 1982.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Mark N. Lipp, (202) 632-7792.

**SUPPLEMENTARY INFORMATION:**

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Soldotna, Alaska), BC Docket No. 82-261, RM-4079.

Adopted: May 10, 1982.

Released: May 17, 1982.

1. The Commission herein considers a petition for rule making filed March 10, 1982, by Peninsula Communications, Inc. ("petitioner") proposing the assignment of FM Channel 269A to Soldotna, Alaska, as that community's first FM channel.

2. Soldotna (population 2,320),<sup>1</sup> in the Kenai Peninsula Borough (population 25,282) of Kenai-Cook Inlet County, is located approximately 96 kilometers (60 miles) southwest of Anchorage, Alaska. It is served by a daytime-only AM station (KSRM).

3. Petitioner states that the economy is based on the oil and gas industry, sport fishing and tourism. It further states that Soldotna is a growing commercial center served by one daily newspaper, *The Peninsula Clarion*.

<sup>1</sup> Population figures are taken from the 1980 U.S. Census.

4. A site restriction of 2.2 miles southwest of Soldotna must be imposed to meet the mileage separation for existing Station KGOT (Channel 267), Anchorage, Alaska.

5. Since the proposed assignment could provide Soldotna with its first local FM broadcast service, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Soldotna, Alaska		269A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix below before a channel will be assigned.

7. Interested parties may file comments on or before July 1, 1982, and reply comments on or before July 19, 1982, and are advised to read the Appendix below for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment

which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

#### Appendix

[BC Docket No. 82-261, RM-4079]

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

#### 4. Comments and Reply Comments;

*Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply

comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-14000 Filed 5-20-82; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

[BC Docket No. 82-262; RM-4066]

#### FM Broadcast Station in Kingman, Ariz.; Proposed Changes in Table of Assignments

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed Rule.

**SUMMARY:** This action proposed the substitution of Channel 297 for Channel 224A at Kingman, Arizona, and modification of the license for Station KZZZ(FM) accordingly, in response to a petition filed by Mohave Sun Broadcasting.

**DATES:** Comments must be filed on or before July 1, 1982, and reply comments on or before July 19, 1982.

**ADDRESS:** Federal Communications Commission, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

#### SUPPLEMENTARY INFORMATION:

##### List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations (Kingman, Arizona), BC Docket No. 82-262, RM-4066.

Adopted: May 10, 1982.

Released: May 17, 1982.

1. A petition for rule making was filed on February 19, 1982, by Mohave Sun Broadcasting ("petitioner"), proposing to substitute Class C FM Channel 297 for Channel 224A at Kingman, Arizona, and modify the license for Station KZZZ(FM) (Channel 224A) to specify operation on Channel 297.

2. Kingman (population 9,257),<sup>1</sup> seat of Mohave County (population 55,693), is located approximately 264 kilometers (165 miles) northwest of Phoenix. It is served by fulltime AM Station KAAA and FM Station KZZZ (Channel 224A).

3. In support of the proposal, petitioner contends that Kingman has experienced an increase in its population of approximately 26 percent in the past decade. The nearest community of appreciable size (Needles, Arizona) is said to be some 40 miles away. Because of its isolation from major population centers, Kingman has become the regional trade and service center for ranchers, tourists and residents of the outlying communities. Petitioner adds that a Class C facility would substantially increase its coverage area, thereby providing service to the areas surrounding Kingman, which are beyond the primary service contour of a Class A station.

4. The information submitted by petitioner indicates that the assignment of Channel 297 to Kingman will cause preclusion on Channels 295, 296A, 297, 298, 299 and 300. The study was based on communities with a population in excess of 2,000. Petitioner lists twenty-one communities precluded by the proposal, eight of which have no FM service. A list of alternative available channels for these communities was also provided.

5. In accordance with our established policy, we shall also propose to modify the license of Station KZZZ(FM), Channel 224A, to specify operation on Channel 297. However, should another party indicate an interest in the Class C assignment, the modification could not be implemented. See *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

6. Mexican concurrence in the proposal must be obtained.

7. In view of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the rules, as it pertains to Kingman, Arizona, as follows:

City	Channel No.	
	Present	Proposed
Kingman, Ariz.....	224A	297

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

<sup>1</sup>Population figures are taken from the 1980 U.S. Census.