

Dated: May 19, 1982.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

PART 915—IOWA

1. 30 CFR 915.10 is revised to read as follows:

§ 915.10 State Regulatory program approval.

The Iowa program as submitted February 28, 1980, and as amended and clarified June 11, 1980 and December 15, 1980 was approved effective April 10, 1981. The amendments submitted October 1, 1981, are also approved effective upon publication. Copies of the approved program, as amended, are available at:

- (a) Iowa Department of Soil Conservation, Mines and Minerals Division, Wallace State Office Building, Des Moines, Iowa 50319
- (b) Office of Surface Mining Reclamation and Enforcement, 818 Grand Avenue, 5th Floor Scarritt Building, Kansas City, Missouri 64106, Telephone (816) 374-3920
- (c) Office of Surface Mining Reclamation and Enforcement, 1100 L Street, NW., Washington, D.C.

2. Section 915.11 is amended by removing and reserving paragraphs (a) and (c):

§ 915.11 Condition of state regulatory program approval.

- (a) [Reserved]
- (b) * * *
- (c) [Reserved]

[FR Doc. 82-14370 Filed 5-25-82; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL 2117-6]

Approval and Promulgation of State Implementation Plans: Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to unconditionally approve local air pollution control ordinances for the cities of Omaha and Lincoln, and for Lancaster County as revisions to the Nebraska State Implementation Plan (SIP). Action is also being taken to revoke federally promulgated rules for visible emissions. Proposed action on

these measures was published on September 15, 1977 at 42 FR 46371. No comments were received. Since publication of the proposed rulemaking the state has officially withdrawn portions of the ordinances which were either unapprovable or not appropriate for incorporation into the SIP.

DATES: Effective date: This action will be effective on July 26, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Comments should be directed to Eloise Reed, Air Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

The submitted SIP revisions are available for review during normal business hours at the following locations:

- Public Information Reference Unit, Environmental Protection Agency, Room 2922, 401 M Street S.W., Washington, D.C. 20460
- Air Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106
- Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509
- Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Eloise Reed, Air Planning and Development Section, Air Branch, Air and Waste Management Division, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-3791, FTS: 758-6525.

SUPPLEMENTARY INFORMATION: On May 31, 1972, the Administrator of EPA approved the Nebraska SIP, which included local ordinances for Lincoln and Omaha. On September 15, 1977, EPA proposed action on revisions to those local ordinances, the inclusion of ordinances for Lancaster County into the SIP, and the revocation of federally promulgated rules for visible emissions. No comments were received. The state has not adopted additional changes to any of these local ordinances since submittal.

The 1973 supplement of the Omaha Air Quality Control Ordinance rather than the 1974 supplement was inadvertently sent to EPA by the state and subsequently made available to the public in September 1977 at the time of proposed rulemaking. However, the state met all procedural requirements of 40 CFR 51.4 for the 1974 supplement

prior to adoption. The major differences in the two supplements are summarized below:

1. The 1974 supplement includes indirect source review procedures in section 45.04.050.

2. The 1974 supplement expands section 45.05.020, "Restriction of Sulfur Compounds", to include emission rates for sulfur dioxide from fossil fuel fired burning equipment, and maximum ground level concentrations for hydrogen sulfide.

On March 26, 1982, Governor Charles Thone of Nebraska officially withdrew from consideration as SIP revisions, Prevention of Significant Deteriorations regulations in Lincoln and Lancaster County; malfunction regulations in Omaha, Lincoln, and Lancaster County; and variance provisions in Omaha. These provisions are patterned after state regulations which either have been or are expected to be revised shortly for consistency with Federal requirements. All New Source Performance Standards in the ordinances were also withdrawn, because they are not appropriate for incorporation into the SIP.

The approved revisions to the SIP would incorporate the Lancaster County Air Pollution Control Resolution (effective January 4, 1977), the City of Omaha Air Quality Control Ordinance (effective September 24, 1974), and the City of Lincoln Air Pollution Control Ordinance and Regulations and Standards (effective June 21, 1976). The changes in the ordinances for incorporation into the Nebraska SIP, and the resulting revisions required for Part 52 of Title 40 of the Code of Federal Regulations (CFR) are summarized below.

SIP Revisions

1. **Legal authority.** Under the revised Lincoln Air Pollution Control Ordinance, the Department of Health now has the authority (1) to require installation of monitoring devices, (2) to make periodic tests and inspections of sources, and (3) to require the owners or operators of stationary sources to maintain records and make periodic reports on the nature and amount of emissions. Section 52.1424 which previously found Lincoln's legal authority for source surveillance inadequate is now revoked.

2. **Source surveillance.** Section 52.1429 is revoked and reserved in its entirety for the following reasons:

a. State procedures for source surveillance which are found inadequate in § 52.1429(a) have been revised by Nebraska and approved by EPA.

Through an omission the section was not revoked in the final rulemaking on the action on June 23, 1976, (41 FR 25898). It is now revoked.

b. Because Lincoln now has legal authority for source surveillance, as described above, § 52.1429 (c) and (e) which found Lincoln's legal authority inadequate are now revoked.

c. On February 22, 1974, applicability of state emission limitations was expanded from Douglas, Lancaster and Sarpy Counties to include the entire state. EPA promulgated approval of this action on September 9, 1975 (40 FR 41778). For this reason, the federally promulgated regulation for control of visible emissions for Jefferson, Thayer and Gage Counties, § 52.1429(g), which was inadvertently not revoked at 40 FR 41778, is now revoked.

d. Sections 52.1429 (b), (d), and (f), the remainder of § 52.1429, which were formerly reserved are now revoked.

3. *Indirect source review.* EPA approves the procedures for indirect source review included in the Lincoln, Omaha and Lancaster County ordinances. Under section 110(c) of the Act, EPA retains the authority to promulgate, implement and enforce regulations for indirect source review which apply only to federally assisted highways, airports, and other major federally assisted or federally owned or operated indirect sources. It may be necessary to require revisions to the local ordinances if they are affected by future promulgations under this authority.

EPA has determined that the SIP revisions meet the requirements of section 110 of the Clean Air Act and 40 CFR Part 51.

Action

EPA approves the submitted SIP revisions and incorporates them into the Nebraska SIP.

Because considerable time has elapsed since publication of the notice of proposed rulemaking and the wrong ordinance for Omaha was made available for public review in 1977, EPA is taking final action but providing a mechanism for additional public comment. The public should be advised that this action will be effective July 26, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

List of Subjects in 40 CFR Part 52

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

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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 26, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307(b)(2).)

This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: May 19, 1982.

Anne M. Gorsuch,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart CC—Nebraska

1. Section 52.1420 is amended by adding paragraphs (c) (23) and (24) to read as follows:

§ 52.1420 Identification of plan

* * * * *

(23) Revision to the SIP concerning the adoption of the Lancaster County Air Pollution Control Resolution was submitted by the governor on April 4, 1977.

(24) Revision to the SIP concerning the adoption of the revised local air pollution control ordinances for the cities of Omaha and Lincoln was submitted by the governor on December 27, 1977.

§ 52.1424 [Reserved]

Section 52.1424 is removed and reserved.

§ 52.1429 [Reserved]

Section 52.1429 is removed and reserved.

[FR Doc. 82-14170 Filed 5-25-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 62

[A-4-FRL 2114-7]

Kentucky: Plans for Control of Sulfuric Acid Mist, Total Reduced Sulfur, and Primary Aluminum Fluorides; Negative Declaration for Phosphate Fluorides

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to section 111(d) of the Clean Air Act and EPA's implementing guidelines, the Commonwealth of Kentucky has adopted and submitted to EPA plans for the control of "designated" pollutants. The Commonwealth's Department for Natural Resources and Environmental Protection (DNREP) submitted plans for the control of sulfuric acid mist, total reduced sulfur (TRS) and primary aluminum fluorides. These plans establish emission limits for the three subject pollutants emitted by the designated facilities. The Commonwealth has also submitted a negative declaration for fluorides from phosphate fertilizer plants. EPA today announces approval of the plans and the negative declaration.

EFFECTIVE DATE: This action will be effective on July 26, 1982, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the materials submitted may be examined during normal business hours at the following locations:

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

Environmental Protection Agency, EPA
Region IV, Air Programs Branch, 345
Courtland Street, N.E., Atlanta,
Georgia 30365

Kentucky Department for Natural
Resources and Environmental
Protection, Division of Air Pollution
Control, 18 Reilly Road, Bldg. #2 Fort
Boone Plaza, Frankfort, Kentucky
40601

FOR FURTHER INFORMATION CONTACT:
Mr. Melvin Russell, EPA Region IV, Air
Programs Branch, at the above listed
address or, phone 404/881-3286 or FTS
257-3286.

SUPPLEMENTARY INFORMATION: In
accordance with section 111 of the
Clean Air Act (amended August 1977,
Pub. L. No. 95-95), "Standards of
Performance for New Stationary
Sources," EPA has promulgated

standards of performance for criteria pollutants (those for which National Ambient Air Quality Standards have been published) and non-criteria pollutants. The standards apply to "new" sources (i.e., new, modified, or reconstructed sources) which commenced construction after the date on which EPA proposed standards for that particular source category.

Paragraph (d) of section 111 requires States to develop plans for the control of emissions of the same non-criteria, or designated, pollutants from existing sources which are regulated from the new source category. "Existing" sources were defined as those which are present prior to the date on which EPA proposed new source performance standards for that particular source category. The requirements for such plans are set forth in subpart B of 40 CFR Part 60 (November 17, 1975; 40 FR 53346).

On December 15, 1981 Kentucky submitted plans for controlling sulfuric acid mist, total reduced sulfur, and primary aluminum fluorides. The plans for sulfuric acid mist and total reduced sulfur were adopted by Kentucky on June 6, 1979, while the plan for primary aluminum fluorides was adopted on November 5, 1981. The Commonwealth submitted a negative declaration with respect to fluoride emissions from phosphate fertilizer plants on August 25, 1978. The negative declaration certified that Kentucky had no sources in this category.

Sulfuric Acid Mist Plan

The sulfuric acid mist plan establishes an acid mist emission limitation for sulfuric acid producers (0.25 kg/metric ton or 0.5 pounds per ton) consistent with the recommended emission limitation in EPA's final guideline document. This regulation specifies emission standards and test methods.

Total Reduced Sulfur Plan

The total reduced sulfur plan establishes total reduced sulfur emission limitations for existing kraft pulp mills. The plan requires:

(1) 98 percent removal of TRS emission from digester relief, blow tank relief, evaporator hot wells or multiple effect evaporators.

(2) Recovery furnace TRS emissions should not exceed 15 parts per million by volume expressed as an arithmetic average over any consecutive 24-hour period.

(3) Recovery furnace emissions should not exceed 40 parts per million by volume for more than 60 total minutes in any 24 hour period.

The plan not only includes the above emission limitations but also specifies

the test methods and procedures for compliance determination.

Primary Aluminum Fluoride Plan

The plan for controlling emissions of fluorides from existing primary aluminum plants specifies the following emission limits:

(1) Total fluoride emissions from scrubbing plants are limited to 1.9 lbs./ton of aluminum produced, except that emissions between 1.9 lbs./ton and 2.5 lbs./ton will be considered in compliance. This variance will be granted if the owner or operator can demonstrate to Kentucky's satisfaction that good maintenance operating procedures were followed, and the proper control equipment was operating during the performance test.

(2) Gaseous fluoride emissions from pot room roof monitors in wet scrubbing plants are limited to 3.25 lbs./hr.

(3) Gaseous fluoride emissions from any primary control system in wet scrubbing plants are limited to 1.0 lbs./ton of aluminum produced.

The plan also specifies adequate test methods and procedures.

Action

After reviewing the plans EPA has determined that they are adequate in all areas. EPA is today approving Kentucky's 111(d) plans for control of sulfuric acid mist, total reduced sulfur and fluoride emissions from primary aluminum plants and a negative declaration for phosphate fertilizer plants. This is being done without prior proposal because the plans are noncontroversial and have limited impact and no comments are anticipated, as all affected sources are reported to be in compliance with applicable State regulations.

The public should be advised that this action will be effective on July 26, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 26, 1982. This action may not be challenged later in proceedings to enforce its requirements. (See sec. 307 (b)(2).)

Under 5 U.S.C. 605(b), the Administrator has certified that 111(d) approvals do not have a significant

economic impact on a substantial number of small entities. This action only approves State actions. (See 46 FR 8709.)

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 62

Air pollution control, Fluoride, Sulfur, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements.

(Secs. 111 and 301(a) of the Clean Air Act (42 U.S.C. 7411 and 7601(a))

Dated: May 19, 1982.

Anne W. Gorsuch,
Administrator.

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

Part 62 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart S is added to read as follows:

Subpart S—Kentucky

Plan for the Control of Designated Pollutants From Existing Facilities (Section 111(d) Plan)

Sec.

62.4350 Identification of plan.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

62.4351 Identification of sources.

Total Reduced Sulfur From Existing Kraft Pulp Mills

62.4352 Identification of sources.

Fluoride Emissions From Existing Primary Aluminum Reduction Plants

62.4353 Identification of sources.

Fluoride Emissions From Phosphate Fertilizer Plants

62.4354 Identification of plan negative declaration.

62.4355–62.4369 [Reserved]

* * * * *

Subpart S—Kentucky

Plan for the Control of Designated Pollutants From Existing Facilities (Section 111(d) Plan)

§ 62.4350 Identification of plan.

(a) Identification of plan: Kentucky Designated Facility Plan (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of sulfuric acid mist emissions from existing facilities at sulfuric acid plants, total reduced sulfur

emissions from existing facilities at kraft pulp mills, fluoride emissions from existing facilities at primary aluminum reduction plants, officially submitted on December 15, 1981.

(c) Designated facilities: The plan applies to existing facilities in the following categories of sources:

- (1) Sulfuric acid plants.
- (2) Kraft pulp mills.
- (3) Primary aluminum reduction plants.

Sulfuric Acid Mist From Existing Sulfuric Acid Plants

§ 62.4351 Identification of sources.

The plan applies to existing facilities at the following sulfuric acid plant: E.I. du Pont sulfuric acid plant in Wurtland, Ky.

Total Reduced Sulfur From Existing Kraft Pulp Mills

§ 62.4352 Identification of sources.

The plan applies to existing facilities at the following kraft pulp mills:

- (a) Westvaco Corp., Fine Papers Division, Wickliffe, Ky.
- (b) Willamette Industries, Corrugated Medium Mill and Bleached Pulp Mill, Hawesville, Kentucky.

Fluoride Emissions From Existing Primary Aluminum Reduction Plants

§ 62.4353 Identification of sources.

The plan applies to existing facilities at the following primary aluminum reduction plants:

- (a) National Southwire Aluminum, Hawesville, Ky.
- (b) Anaconda Company, Aluminum Division, Henderson, Ky.

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.4354 Identification of plan—Negative declaration.

The Kentucky Department for Natural Resources and Environmental Protection certified in a letter dated August 25, 1978, that Kentucky has no designated facilities in this source category.

§§ 62.4355–62.4369 [Reserved]

[FR Doc. 82-14168 Filed 5-25-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 0E2378/R447; PH FRL 2129-6]

Nitrapyrin/ Tolerance for Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the soil microbiocide nitrapyrin [2-chloro-6-(trichloromethyl)pyridine] and its metabolite 6-chloropicolinic acid in or on strawberries. This regulation to establish a maximum permissible level for combined residues of nitrapyrin in or on strawberries was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on May 26, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking in the Federal Register of March 31, 1982 (47 FR 13537) which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition number 0E2378 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish a tolerance for residues of 6-chloropicolinic acid in or on strawberries at 0.2 part per million (ppm), resulting from use of the soil microbiocide nitrapyrin [2-chloro-6-(trichloromethyl)pyridine] on the raw agricultural commodity strawberries. The petition was later amended to propose the tolerance in terms of the combined residues of nitrapyrin and its metabolite, 6-chloropicolinic acid. Residue data to support the use on strawberries are from tests conducted in California.

No comments were received in response to this notice of proposed rulemaking.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the notice of proposed rulemaking (47 FR 13537,

March 31, 1982). The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that establishment of the tolerance will protect the public health. Therefore, 40 CFR 180.350 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective on: May 26, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 12, 1982.

James M. Conlon,
Acting Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.350 is amended by adding and alphabetically inserting the raw agricultural commodity strawberries to read as follows:

§ 180.350 Nitrapyrin; tolerances for residues.

* * * * *				
Commodities				Parts per million
* * * * *				
Strawberries				0.2

[FR Doc. 82-13933 Filed 5-25-82; 8:45 am]

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