

Termination of these zones will be automatic as follows:

(a) Safety Zone A—When HMY Britannia departs the waters of Northwestern Washington.

(b) Safety Zone B—When HMY Britannia casts off her last line from Pier 48 in Seattle, Washington.

Dated: January 17, 1983.

J. F. Eckman,

*Captain of the Port, U.S. Coast Guard.*

[FR Doc. 83-2266 Filed 1-26-83; 8:45 am]

BILLING CODE 4910-14-M

## POSTAL SERVICE

39 CFR Parts 221, 222, 223, 224, 225, and 265

### Miscellaneous Organizational Changes and an Interpretative Rule; Correction

AGENCY: Postal Service.

ACTION: Final rule; correction.

**SUMMARY:** This document corrects an erroneous description of the first of the responsibilities of the Office of Data Management contained in final regulations which were published January 17, 1983 (48 FR 1968).

**FOR FURTHER INFORMATION CONTACT:** Paul J. Kemp, (202) 245-4638.

### PART 224—GROUPS AND DEPARTMENTS

Accordingly, the Postal Service is correcting 39 CFR 224.6(b)(2)(i) to read as follows:

#### § 224.6 Information Resource Management.

(b) \* \* \*

(2) *Office of Data Management.* The Office of Data Management is responsible for:

(i) The USPS data policy;

[39 U.S.C. 401(2)]

W. Allen Sanders,

*Associate General Counsel, Office of General Law and Administration.*

[FR Doc. 83-2267 Filed 1-26-83; 8:45 am]

BILLING CODE 7710-12-M

## POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM83-2; Order No. 478]

### Order Amending Rules of Practice and Procedure

Issued January 21, 1983.

AGENCY: Postal Rate Commission.

**ACTION:** Final rule.

**SUMMARY:** This final rule adopts the amendments to Rule 54 of the Commission's rules of practice that were proposed in the Notice of Proposed Rulemaking that the Commission issued on October 25, 1982 [47 FR 49667 (November 2, 1982)], pursuant to 39 U.S.C. 3603, 3622, and 3623. They clarify and make more specific the content and level of detail required in the cost presentation of a formal Postal Service request for changes in rates or classifications of mail. The only amendment proposed in the original Notice that is not adopted in this final rule is proposed section 54(h)(10), which pertains to supplemental cost segment presentations that are consistent with analytical methods previously recommended by the Commission. That proposal is severed from this docket and, in a companion order, made the subject of further comment.

**EFFECTIVE DATE:** This rule is effective on January 27, 1983.

**FOR FURTHER INFORMATION CONTACT:** David F. Stover, General Counsel, 2000 L Street, NW., Washington, D.C. 20268 (telephone: [202] 254-3824).

**SUPPLEMENTARY INFORMATION:** On October 25, 1982, the Commission issued a Notice of Proposed Rulemaking proposing a set of amendments to Rule 54 of its rules of practice clarifying the content and level of detail that the Postal Service must include in the cost presentation that accompanies its formal requests for changes in postal rates and fees. Certain cost information can be identified in advance of formal Postal Service requests for changes in rates or classes of mail as essential to reaching an informed recommended decision. In the past, however, such information often has not been included in the Postal Service's request, in part because current Rule 54 is not sufficiently specific or comprehensive in identifying the cost information that such requests should include. As a result, substantial time and resources have, in the past, been consumed unnecessarily eliciting such information from the Postal Service piecemeal over the course of the hearing, through discovery and attendant motion practice.

The objective of the amendments to Rule 54 that we proposed in our October 25 Notice is to avoid this needless expense and delay by requiring categories of foreseeably necessary cost information that in the past have been obtained through discovery or Commission information requests, to be included, instead, in the Postal Service's initial filing.

Eleven parties filed comments or reply comments responding to the Commission's October 25 Notice. Having considered these comments, we adopt the amendments proposed in our initial Notice with some minor modifications. Paragraph 54(h)(10) proposed in that Notice is the only proposal that we are not adopting in this final rule. That proposed rule would require the Postal Service, where it proposed to analyze cost causality in a particular segment by a method not previously recommended by the Commission, to include a supplemental presentation with its request treating that cost segment by a method consistent with the method previously recommended by the Commission. This is the only amendment proposed in our October 25 Notice that has generated substantial controversy involving assertions of fact. For that reason it is being severed from this docket and made the subject of further rulemaking activity.

In addition to proposing specific amendments to Rule 54, the October 25 Notice solicited comment on whether it is desirable for the Commission, at the request of the Postal Service or other parties, to use informal rulemaking procedures to examine proposed methods for analyzing postal costs that have not previously been recommended by the Commission. If, as a result of such an informal rulemaking, the Commission were convinced that the party advocating the new method is likely to demonstrate, in a subsequent section 3624 proceeding, that its proposed method would be preferable to the previously recommended method, the Commission would then serve notice of its intent not to attach the customary weight of precedent to the established methodology in a subsequent section 3624 proceeding. One of the primary benefits of this proposed procedure would be the opportunity it would afford the Postal Service to secure a waiver of the requirements of proposed section 54(h)(10), if that proposal should be adopted. Because of its close relationship to proposed 54(h)(10), the Commission will defer this proposal until it reaches a decision on proposed 54(h)(10).

Several commenters advanced their own proposals for amending Rule 54. Most of them are not incorporated in our amendments adopted here, for reasons explained below.

In its Notice of Proposed Rulemaking, the Commission proposed amending section 54(h)(4). That section currently requires the Postal Service to attribute and assign segment costs to the various

mail classes and services. We proposed the following amendment to that subsection to make explicit what had formerly been an implicit standard for the costing evidence required by Rule 54:

The submission shall be sufficiently comprehensive and detailed to allow it to be independently evaluated, verified, and replicated from primary data sources.

Dow Jones, Inc. commented that placing this language in subsection 54(h)(4) inappropriately limits its applicability to the Postal Service's functional cost presentation. Dow Jones recommends incorporating this language instead, in subsection 54(p), which establishes requirements for workpapers generally. (Comments of Dow Jones, Inc., November 24, 1982, pp. 1-2.) We concur that the standard which this recommended language embodies should apply to workpapers in general. Accordingly, we amend the language of subsection 54(p)(4) to read as follows:

(4) Workpapers shall be sufficiently comprehensive and detailed to allow quantitative data in the testimony to be independently evaluated and verified. They shall be sufficient to enable a reviewer to trace the derivation of numbers in the testimony back to published documents or, if necessary, primary data sources. Citations shall be sufficiently detailed to enable a reviewer to identify and locate the specific data used, e.g., by reference to document, page, line, column, etc.

United Parcel Service proposed that the Postal Service be required to provide primary data sources with its request, asserting that this would eliminate delay during the hearing. (Comments of United Parcel Service, November 24, 1982, p. 1). While a need for the production of selected primary data sources has occasionally been demonstrated in past hearings, a routine need for the production of primary data sources in general has not been demonstrated. Moreover, it would be a substantial burden upon the Postal Service to provide certain categories of primary data, such as raw In Office Cost System (IOCS) tallies. Therefore, we think that a blanket requirement that primary data sources be provided at the outset of a hearing, such as UPS proposes, is not warranted.

In our Notice of Proposed Rulemaking, we proposed new sections 54(h) (5) through (9), dealing with the cost forecasting model, attributable cost final adjustments, "other services" adjustments, a summary cost table, and base year amounts for accounts included in cost segments. We proposed them on the ground that they represent categories of cost information that we have consistently relied upon to reach

recommended decisions in past omnibus rate cases, but often have had to obtain through discovery or information requests rather than the Postal Service's initial filing, which has resulted in unnecessary delay in the hearing process.

Newsweek asked in its comments that we not adopt these amendments. It recommended that we wait and see whether recent amendments to section 54(p)(4), which require that numbers in Postal Service testimony be supported by workpapers that show their derivation from public documents or primary data sources, won't elicit the additional detail in costing data that they perceive to be the goal of these amendments. (Comments of Newsweek, Inc., November 24, 1982, pp. 5-8).

Newsweek misperceives the principal goal of these amendments as well as their principal effect, which is not to obtain additional detail from the Postal Service, but to obtain the detail that we have obtained in past cases at an earlier point in the proceeding, in the Postal Service's initial filing. For that reason we consider Newsweek's concern about additional data requirements to be misplaced.

The balance of the comments pertinent to our proposed new sections 54(5) through (9) were generally favorable. Significant controversy was voiced only with respect to our reference to Service Related Costs in proposed new section 54(h)(8). As proposed, this paragraph required a summary cost table that included assignable costs. We included in that paragraph some illustrative categories of assignable costs, among them Service Related Costs. The sole purpose of this list was to illustrate the point that the summary table should break out assignable costs into its constituent categories. The Notice of Proposed Rulemaking made it clear that proposed sections 54(h)(5) through (9), including 54(h)(8), were applicable only to the costing presentation advocated by the Postal Service. Therefore, any category of assignable costs, including Service Related Costs, would be included in the summary table required by proposed section 54(h)(8) only if the Postal Service chose to include them in its advocated costing analysis.

There were numerous comments both supporting and opposing the reference to Service Related Costs in proposed subsection 54(h)(8), based upon the incorrect inference that our reference to Service Related Costs in subsection (8) denoted a substantive requirement for the Postal Service's advocated costing presentation. As we have explained, that was not our intent. Because it is not

strictly necessary, and has given rise to unintended inferences, we have decided to delete the list of illustrations of categories of assignable costs from subsection 54(h)(8).

United Parcel Service recommended that proposed sections 54(h)(5) and (8) be applied not only to the costing presentation advocated by the Postal Service, but to the supplemental cost segment presentations that would be required if section 54(h)(10) proposed in our Notice were ultimately adopted. (Comments of United Parcel Service, November 24, 1982, p. 2). We do not adopt this recommendation because, in our view, it is not likely to be useful. This recommendation appears to rest upon a misperception of what our proposed new section 54(h)(10) would require in terms of supplemental costing data.

Proposed section 54(h)(10), if it is ultimately adopted as proposed, will require the Postal Service to provide the data necessary to treat individual cost segments and components by analytical methods previously recommended by the Commission. This would enable the Commission to preserve the option of accepting or rejecting methods of analyzing cost causality in individual cost segments that depart from precedent, an option that the Commission must have if it is to fulfill its statutory duty. *Time, Inc. v. USPS*, 685 F.2d 760, 774-75 (2d Cir. 1982).

Proposed section 54(h)(10) rests on the premise that what has been true in past rate cases would be true in future ones, that is, the Commission would accept the majority of the methodological departures proposed by the Postal Service for particular cost segments, rejecting them in favor of established methods in relatively few cost segments. Consistent with this premise, proposed section 54(h)(10) would not require the Postal Service to prepare a comprehensive, integrated, supplemental cost presentation that conforms to methodological precedent, with all ripple effects worked through, and base-year costs rolled forward to the test year, as sections 54(h)(5) and (8) would require if they were applied to the supplemental cost segment treatments that proposed section 54(h)(10) contemplates.

To apply sections 54(h)(5) and (8) to the Postal Service's supplemental cost presentation, in our view, would not be appropriate because it approaches the point of requiring the Postal Service to become an advocate of a litigating position against its will.

To require the Postal Service to update cost segment data in a format

that conforms to an analytical method previously sanctioned in formal section 3624 proceedings, as proposed section 54(h)(10) is intended to do, would require it essentially to provide updates of numerical data previously provided, based upon methodological assumptions that it is asked to treat as given. It does not require the Postal Service to exercise a significant degree of judgmental discretion. And, because it allows the Postal Service to disclaim the underlying method, it does not require it to adopt a litigating position against its will.

This would be less true, however, if the Postal Service were required to present a comprehensive and fully developed supplemental cost presentation, which sections 54(h)(5) and (8) entail. The integrating and forecasting decisions required by sections 54(h)(5) and (8) would require the Postal Service to exercise significant judgmental discretion. Difficult due process questions might be presented if the Postal Service were required involuntarily to adopt such judgments under oath. In addition, the need for such integration and elaboration of cost segment data as paragraphs (5) and (8) require is less critical than is the need for the basic cost segment data itself, which is in the exclusive possession of the Postal Service. For these reasons we are not adopting United Parcel Service's suggestion with respect to sections 54(h)(5) and (8).

One of the remaining aspects of proposed sections 54(h)(5) through (9) that received significant comment is the proper interpretation of the requirement that the information to be provided under those paragraphs be broken out by rate category as well as subclass. Whereas current section 54(h)(4) requires that costs be attributed and assigned to rate categories "to the extent practical," the amendments proposed in our October 25 Notice, where they propose that cost data be broken out by rate category, do not include a similar qualification.

Direct Marketing Association, Inc., construed our proposed amendments to impose an unqualified requirement that cost data be broken out by rate category, and urged that current section 54(h)(4) be brought into conformity with its construction of our proposed amendments. (Comments of Direct Marketing Association, Inc., November 24, 1982, pp. 3-4). The Postal Service interprets our proposed amendments as incorporating the limitation in current section 54(h)(4) that cost data be broken out by rate category "to the extent practical." (Reply Comments of United

State Postal Service, December 22, 1982, pp. 6-10). The Council of Public Utility Mailers, in their comments and reply comments, recommends that the Postal Service's obligation to break out cost data by rate category be limited in Rule 54 to data that is already being collected.

The Postal Service's interpretation of our proposed amendments in this respect is correct. It has cited valid reasons for preserving this limitation, specifically, that there are great practical difficulties in identifying certain rate categories for sampling purposes, and sample sizes, and the attendant expense of sampling, might have to be increased considerably if separate data for all rate categories were to be collected. Accordingly, section 54(h)(5) through (9), as we adopt them here, shall be understood to incorporate the qualification on the Postal Service's obligation to break out cost data by rate category that is set forth in current subsection 54(h)(4).

We are adopting section 54(h)(5) through (9) as proposed in our October 25 Notice, with the modifications described above, and certain additional changes in language made to bring them into stylistic conformity with the balance of Rule 54.

Proposed section 54(h)(11) established as a minimum level of disaggregation of cost segment data, that which was employed with respect to a particular segment in the most recent formal proceeding. It would apply not only to the supplemental cost segment presentations that would be required if proposed 54(h)(10) were adopted, but to the Postal Service's advocated cost presentation as well. Accordingly, an exception to this requirement was provided for that situation where the Postal Service's advocated treatment of a particular cost segment was based upon a method for determining cost causality that differed conceptually from that recommended by the Commission in the most recently completed formal hearing. To qualify for the exception, the Postal Service would have to be able to demonstrate that its proposed methodological departure would make the level of disaggregation achieved in the established treatment of a particular cost segment inappropriate.

Notwithstanding the inclusion of this exception, Dow Jones comments that it is not appropriate to tie required levels of detail in cost segment data to the established methods for analyzing cost causality in that segment. It argues that if such data must be disaggregated at established levels, it might artificially inhibit the Postal Service from reflecting

"changing postal conditions and circumstances." (Comments of Dow Jones, Inc., November 24, 1982, pp. 4-5). In view of the exception for changed methodology already incorporated in proposed subsection 54(h)(11), Dow Jones, presumably, is arguing that even where the basic methodological concept for analyzing cost causality remains unchanged, operational changes might make levels of disaggregation previously achieved for a cost segment inappropriate. We conceded this possibility, and agree that paragraph (11) should provide for this additional contingency. Accordingly, we are modifying the language of paragraph (11) originally proposed in our October 25 Notice to make an exception to its requirements for changes in mail operations as well as methodological changes that the Postal Service can demonstrate make the established level of disaggregation for a particular cost segment inappropriate.

In our Notice of Proposed Rulemaking of October 25, 1982, we included an "Appendix C" that illustrated the level of disaggregation of cost segment data that paragraph (11) would require. [47 FR 49667, 71-73 (November 2, 1982)]. Appendix C did not, however, specifically illustrate the requirement that the cost amounts shown there are required to be distributed to mail classes, subclasses, rate categories for which pertinent data is collected, and special services. We wish to clarify that proposed section 54(h)(11), as we adopt it here, includes that requirement. We also note that because we are severing proposed section 54(h)(10) dealing with supplemental cost segment presentations from this docket, what was designated section 54(h)(11) in our Notice of Proposed Rulemaking must be redesignated 54(h)(10), as we adopt it here.

The American Newspaper Publishers Association recommended that we amend section 54(d) to require that the Postal Service include in its request a complete set of both volume and non-volume distribution keys. (Comments of American Newspaper Association, November 26, 1982, p. 1). This information is clearly basic to understanding the manner in which the Postal Service has derived its recommended rates, and clearly must accompany any formal Postal Service request for new rates. But because it is so clearly basic to any Postal Service testimony supporting changed rates for a particular mail class, it is clearly required to be provided in the Postal Service's workpapers under current section 54(p)(2)(i). Accordingly, it is

unnecessary, in our view, to add a specific requirement with respect to distribution keys elsewhere in Rule 54.

Direct Marketing Association, Inc., has recommended a number of amendments to Rule 54. It recommends that where the Postal Service bases its rate discounts for presorted mail on cost-avoidance estimates, that it be required to update those estimates for the base year and the test year, with explanations of the differences between base- and test-year figures. (Comments of Direct Marketing Association, Inc., November 24, 1982, pp. 4-5). We agree with DMA that staleness of data upon which cost avoidance estimates have been based has been a notable deficiency in past Postal Service requests, and that updates are overdue for certain rate categories. We do not, however, think it is feasible to prescribe by a blanket rule the specific frequency with which cost avoidance studies must be updated. Passage of time is only one of several factors that determines the obsolescence of cost avoidance studies. Operational changes, for example, can also affect their continued relevance and validity. The expense of, as well as the need for updating such studies is better determined according to the individual circumstance. Accordingly, we do not adopt this solution to an admittedly significant problem with past Postal Service filings.

DMA also recommends that current section 54(h)(4)(viii) be amended to make specific reference to "cost avoidance resulting from deferred mail handling and delivery." (Comments of Direct Marketing Association, November 24, 1982, p. 5). This factor is, in our view, already subsumed under current section 54(h)(4)(iii), "[p]riority of handling", and therefore is unnecessary.

DMA recommends that Rule 54 be amended to require that the Postal Service's request identify and distribute "below the line" revenue requirement items, as well as cost items. (Comments of Direct Marketing Association, November 24, 1982, pp. 5-6). The purpose of the amendments that we adopt here is to identify information obtained in past proceedings that was necessary to illuminate otherwise obscure areas of cost allocation, and to advance the point in the proceeding at which such information is made available. The identification and distribution of "below the line" revenue requirement items has been presented in past Postal Service requests in a straight-forward and readily ascertainable fashion. We therefore see no need for additional rules on this subject.

DMA has recommended numerous amendments to current Sections 54 (i), (j), and (k). As we have noted, our Notice of Proposed Rulemaking was intended to advance the point in our formal proceedings at which the Postal Service provides essential cost information. While some of DMA's proposed amendments to subsections (i), (j), and (k) appear to have merit, they address areas other than costs, and therefore are better dealt with in a separate rulemaking.

#### List of Subjects in 39 CFR Part 3001

Rules of practice and procedure, content of formal requests.

#### PART 3001—[AMENDED]

We hereby amend § 3001.54 paragraph (h) by redesignating current paragraphs (5) and (6) as paragraphs (11) and (12) respectively, and adding new paragraphs (5) through (10) to read as follows:

#### § 3001.54h Contents of formal requests.

\* \* \* \* \*

(h) \* \* \*

(5) The cost forecasting or "roll-forward" model shall be provided. It shall include the following items:

(i) For each cost segment component, a listing of all forecasting factors used in the cost level, mail volume, nonvolume workload, additional workday, productivity and other programs effects.

(ii) For each "ripple-affected" cost segment component, a listing of those segments and components that determine its level of attribution or its distribution to mail class, subclass, rate category and service.

(iii) For each longer-run cost segment component:

(a) A listing of all factors used in determining its overall level of attribution, and

(b) A listing of the specific cost segment components used in determining its level of attribution, and its distribution to mail class, subclass, rate category and service.

(iv) Workpapers showing the application of the forecasting factors and procedures to each cost segment component for each time period used in the forecasting process. Such workpapers shall include the quantification, and distribution to mail class, subclass, rate category and service, of each cost segment component, separating the short-run from the longer-run portions.

(6) Attributable cost final adjustments by mail class, subclass, rate category and service, details of the development of those adjustments, and an

explanation of each adjustment shall be provided.

(7) "Other services" adjustments by mail class, subclass, rate category and service, details of the development of those adjustments, and an explanation of each adjustment shall be provided.

(8) An overall summary cost table shall be provided. It shall show by mail class, subclass, rate category and service, short-run attributable costs, longer-run attributable costs, assignable costs by category, and all adjustments made to each of the foregoing.

(9) For each cost segment, base-year amounts for each included account and subaccount shall be provided.

(10) The minimum level of disaggregation required for presenting evidence on a cost segment or component is that employed by the Commission in its most recently completed section 3624 proceeding establishing a methodological precedent for that segment or component. This requirement shall not apply.

(i) To presentations that propose to define, attribute, assign, or distribute to mail classes segment or component costs by a method not employed or recommended by the Commission in such proceeding, and the Postal Service has demonstrated that the proposed methodological departure makes the level of disaggregation most recently employed or recommended by the Commission inappropriate.

(ii) Where the Postal Service has demonstrated that changes in mail operations make the level of disaggregation most recently employed or recommended by the Commission inappropriate.

\* \* \* \* \*

By the Commission.

David F. Harris,  
Secretary.

[FR Doc. 83-2256 Filed 1-26-83; 8:45 am]  
BILLING CODE 7715-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-3-FRL 2261-8]

#### Approval and Promulgation of Implementation Plans, Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves the State of Maryland's submitted revisions to its

enabling legislation pertaining to air pollution control and its request that these changes be incorporated into the approved Maryland State Implementation Plan (SIP). The revisions meet all of the applicable requirements of the Clean Air Act and fulfill the stated purpose of streamlining the language in the State statute.

**EFFECTIVE DATE:** This notice will be effective March 28, 1983, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

All comments should be submitted to: Henry J. Sokolowski, P.E., Chief, MD-DE-DC Metro Section, U.S. Environmental Protection Agency, Region III, 6th & Walnut Sts., Philadelphia, PA 19106, Ref: AH041MD.

**ADDRESSES:** Copies of the revision and accompanying documents are available for inspection during normal business hours at the following offices:

U.S. Environmental Protection Agency, Region III, Air Media & Energy Branch, Curtis Building, Tenth Floor, Sixth & Walnut Streets, Philadelphia, PA 19106, ATTN: Patricia Gaughan  
Maryland Department of Health & Mental Hygiene, Air Management Administration, 201 W. Preston Street, Baltimore, Maryland 21201, ATTN: George P. Ferreri

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408

**FOR FURTHER INFORMATION CONTACT:** Harold A. Frankford (3AW12), U.S. Environmental Protection Agency, Region III, 6th & Walnut Sts., Philadelphia, PA 19106, Phone: 215/597-8392, Ref: AH041MD.

**SUPPLEMENTARY INFORMATION:** On July 2, 1982, the State of Maryland submitted to EPA, revisions to its Annotated Code pertaining to air quality control. The revised Code replaces Article 43 of the Annotated Code of Maryland. In general, the changes were made for the following purposes:

(1) Clarify wording to avoid differing interpretations of the meaning of a given definition or term;

(2) Renumber existing provisions under the new code without making substantive wording changes;

(3) Delete wording that the State has considered to be unnecessary;

(4) Change the wording of certain provisions so that it conforms with the wording of other provisions;

(5) Change the language of Old Article 43 to conform with the language of the new Health-Environmental Annotated Code of Maryland;

(6) Add language to a provision to state explicitly that the State Department of Health and Mental Hygiene has the power to refuse to grant a temporary fuel variance. Previously, such power had only been implied; and

(7) Revise Section 2-610 to allow the State up to 36 months to rebate a civil penalty, upon the finding that a violation has been eliminated or that the conditions of a Secretarial Order have been satisfied. Under the old provisions, the State was allowed one year to rebate such penalty.

#### EPA Evaluation

EPA has reviewed these changes and concludes that the revised Health-Environmental Article of the Annotated Code of Maryland still contains the necessary legal authority for the State of Maryland to carry out its SIP, including all of the elements listed under 40 CFR 51.11 (Legal Authority) of Subpart B (Plan Content and Requirements). Therefore, EPA approves the State's revised Health-Environmental Article as a revision of the Maryland SIP. Accordingly, this rulemaking action revises 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) to incorporate these statutory changes into the approved Maryland SIP.

The public is advised that this action will become effective 60 days from the publication date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and other 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.

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

Under 5 U.S.C. 605(b), I have certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 9709.)

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 (insert 60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

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

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon Monoxide, Hydrocarbons, Intergovernmental relations.

Dated: January 12, 1983.

Anne M. Gorsuch,  
Administrator.

Note: Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register of July 1, 1982.

#### PART 52—[AMENDED]

Title 40, Part 52, Subpart V of the Code of Federal Regulations is amended as follows:

#### Subpart V—Maryland

Section 52.1070 is amended by adding paragraph (c)(68) as follows:

#### § 52.1070 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(68) The revised Health-Environmental Article of the Annotated Code of Maryland, submitted on July 2, 1982 by the Director, Maryland Air Management Administration, Department of Health and Mental Hygiene.

(FR Doc. 83-2188 Filed 1-26-83; 8:45 am)

BILLING CODE 6560-50-M

#### 40 CFR Parts 60 and 61

[AD-FRL-2244-8]

#### Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Incorporation by Reference

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This is a technical amendment incorporating certain materials by reference into existing new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) promulgated under Sections 111 and 112, respectively, of the Clean Air Act. These materials are already cited in those standards, but they have not until now been incorporated by reference under the applicable regulations of the Office of the Federal Register. The intent of this action is to comply with those regulations.

**EFFECTIVE DATE:** January 27, 1983. The incorporation by reference of certain

publications listed in the regulation is approved by the Director of the Federal Register as of January 27, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ms. Shirley Tabler, Standards Development Branch (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5624.

**SUPPLEMENTARY INFORMATION:** In the Freedom of Information Act, 5 U.S.C. 552, Congress authorized incorporation of materials into regulations by reference in an effort to reduce the volume of material published in the Federal Register and Code of Federal Regulations. Incorporation by reference allows federal agencies to comply with the requirement to publish regulations in the Federal Register simply by referring to material already published elsewhere, rather than reprinting such material in the published regulations. The legal effect of incorporation by reference is that the material is treated as if it were published in the Federal Register. This material, like any other properly issued regulation, has the force and effect of law.

In this action, EPA is incorporating by reference into several of its existing new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) promulgated under Clean Air Act Sections 111 and 112 (at 40 CFR Parts 60 and 61), respectively, materials that are already cited in those standards. This is because these materials have not previously been incorporated by reference pursuant to the formal procedures established in 1 CFR Part 51. The amendment sets forth the sections affected by this action and the material being incorporated into each section. All of the materials are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. as well as at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina. These incorporations by reference were approved by the Director of the Federal Register on January 27, 1983.

This amendment incorporates by reference two sets of materials: (a) Materials identical in form (i.e., same edition and publication date) to the materials currently cited in NSPS and NESHAP; and (b) later editions of materials currently cited in these regulations. Regardless of the category particular materials fall within, however, all the materials that this amendment incorporates by reference are substantively the same as those currently cited in the regulations.

This amendment informs the public that the Director of the Federal Register has approved incorporation of these materials by reference. It imposes no requirements beyond those already cited in the affected NSPS and NESHAP. Therefore, additional notice and comment are "unnecessary," and the Agency has "good cause," under 42 U.S.C. 7607(d)(1) and 5 U.S.C. § 553(b), subparagraph (B), to promulgate these incorporations without further notice and comment.

For the same reason, the Agency finds that good cause exists for making these incorporations effective immediately, under 5 U.S.C. 553(d)(3).

#### Miscellaneous

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 March 28, 1983. This action may not be challenged later in proceedings to enforce the NSPS and NESHAP into which the materials discussed above are incorporated by reference [see § 307(b)(2)].

This rulemaking is issued under the authority of Sections 111, 112, and 301(a) of the Clean Air Act as amended [42 U.S.C. 7411, 7412, and 7601(a)].

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because it imposes no new requirements.

#### List of Subjects

##### 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference.

##### 40 CFR Part 61

Air pollution control, Asbestos, Beryllium, Hazardous materials, Mercury, Vinyl chloride, Incorporation by reference.

Dated: December 20, 1982.  
Anne M. Gorsuch,  
Administrator.

#### PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. A new § 60.17 is added to read as follows:

##### § 60.17 Incorporations by reference.

The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. and at the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

(a) The following materials are available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103; or the University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.

(1) ASTM D388-77, Standard Specification for Classification of Coals by Rank, incorporation by reference (IBR) approved January 27, 1983 for §§ 60.41(f), 60.45(f)(4)(i), (ii), (vi), 60.41a, 60.251(b), (c).

(2) ASTM D3176-73, Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(3) ASTM D3176-74, Standard Method for Ultimate Analysis of Coal and Coke, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(4) ASTM D1137-53 (Reapproved 1975), Standard Method for Analysis of Natural Gases and Related Types of Gaseous Mixtures by the Mass Spectrometer, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(5) ASTM D1945-64 (Reapproved 1976), Standard Method for Analysis of Natural Gas by Gas Chromatography, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(6) ASTM D1946-77, Standard Method for Analysis of Reformed Gas by Gas Chromatography, IBR approved January 27, 1983 for § 60.45(f)(5)(i).

(7) ASTM D2015-77, Standard Test Method for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, IBR approved January 27, 1983 for §§ 60.45(f)(5)(ii), 60.46(g), Method 19, par. 5.2.2.

(8) ASTM D1826-77, Standard Test Method for Calorific Value of Gases in

Natural Gas Range by Continuous Recording Calorimeter, IBR approved January 27, 1983 for §§ 60.45(f)(5)(ii), 60.46(g), in Appendix A to Part 60, Method 19, par. 5.2.2.

(9) ASTM D240-78, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, IBR approved January 27, 1983 for §§ 60.46(g), 60.296(f), in Appendix A to Part 60, Method 19, pars. 2.2.3 and 5.2.2.

(10) ASTM D398-78, Standard Specification for Fuel Oils, IBR approved January 27, 1983 for §§ 60.111(b), 60.111a(b).

(11) ASTM D2880-78, Standard Specification for Gas Turbine Fuel Oils, IBR approved January 27, 1983 for §§ 60.111(b), 60.111a(b), 60.335(b)(2).

(12) ASTM D975-78, Standard Specification for Diesel Fuel Oils, IBR approved January 27, 1983 for §§ 60.111(b), 60.111a(b).

(13) ASTM D233-72 (Reapproved 1977), Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method), IBR approved January 27, 1983 for §§ 60.111(l), 60.111a(g).

(14) ASTM A99-76, Standard Specification for Ferromanganese, IBR approved January 27, 1983 for § 60.261.

(15) ASTM A483-64 (Reapproved 1974), Standard Specification for Silicomanganese, IBR approved January 27, 1983 for § 60.261.

(16) ASTM A101-73, Standard Specification for Ferromanganese, IBR approved January 27, 1983 for § 60.261.

(17) ASTM A100-69 (Reapproved 1974), Standard Specification for Ferrosilicon, IBR approved January 27, 1983 for § 60.261.

(18) ASTM A482-76, Standard Specification for Ferrochromesilicon, IBR approved January 27, 1983 for § 60.261.

(19) ASTM A495-76, Standard Specification for Calcium-Silicon and Calcium Manganese-Silicon, IBR approved January 27, 1983 for § 60.261.

(20) ASTM D1072-56 (Reapproved 1975), Standard Test Method for Total Sulfur in Fuel Gases, IBR approved January 27, 1983 for § 60.335(b)(2).

(21) ASTM D2986-71 (Reapproved 1978), Standard Method for Evaluation of Air, Assay Media by the Monodisperse DOP (Diocetyl Phthalate) Smoke Test, IBR approved January 27, 1983 for Appendix A to Part 60, Method 5, par. 3.1.1; Method 12, par. 4.1.1; Method 17, par. 3.1.1.

(22) ASTM D1193-77, Standard Specification for Reagent Water, IBR approved January 27, 1983 for Appendix A to Part 60, Method 6, par. 3.1.1; Method 7, par. 3.2.2; Method 8, par. 3.1.3; Method 12, par. 4.1.3.

(23) [Reserved]

(24) ASTM D2234-76, Standard Methods for Collection of a Gross Sample of Coal, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.1.1.

(25) ASTM D3173-73, Standard Test Method for Moisture in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.1.3.

(26) ASTM D3177-75, Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.1.3.

(27) ASTM D2013-72, Standard Method of Preparing Coal Samples for Analysis, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.1.3.

(28) ASTM D270-65 (Reapproved 1975), Standard Method of Sampling Petroleum and Petroleum Products, IBR approved January 27, 1983 for Appendix A to Part 60, Method 19, par. 2.2.1.

(29) ASTM D737-85, Standard Test Method for Air Permeability of Textile Fabrics, IBR approved January 27, 1983 for § 61.23(a).

(30) ASTM D1475-60 (Reapproved 1980), Standard Test Method for Density of Paint, Varnish, Lacquer, and Related Products, IBR approved January 27, 1983 for § 60.435(d)(1), Appendix A to Part 60, Method 24, par. 2.1, and Method 24A, par. 2.2.

(31) ASTM D2369-81, Standard Test Method for Volatile Content of Coatings, IBR approved January 27, 1983 for Appendix A to Part 60, Method 24, par. 2.2.

(32) ASTM D3792-79, Standard Method for Water Content of Water-Reducible Paints by Direct Injection Into a Gas Chromatograph, IBR approved January 27, 1983 for Appendix A to Part 60, Method 24, par. 2.3.

(33) ASTM D4017-81, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method, IBR approved January 27, 1983 for Appendix A to Part 60, Method 24, par. 2.4.

(b) The following material is available for purchase from the Association of Official Analytical Chemists, 1111 North 19th Street, Suite 210, Arlington, Virginia 22209.

(1) AOAC Method 9, Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12, IBR approved January 27, 1983 for §§ 60.204(d)(2), 60.214(d)(2), 60.224(d)(2), 60.234(d)(2), 60.244(f)(2).

(c) The following material is available for purchase from the American

Petroleum Institute, 2101 L Street, N.W., Washington, D.C. 20037.

(1) API Publication 2517, Evaporation Loss from External Floating-Roof Tanks, Second Edition, February 1980, IBR approved January 27, 1983 for §§ 60.111, 60.111a.

(d) The following material is available for purchase from the Technical Association of the Pulp and Paper Industry (TAPPI), Dunwoody Park, Atlanta, Georgia 30341.

(1) TAPPI Method T624 os-68, IBR approved January 27, 1983 for § 60.285(d)(4).

2. In § 60.41, paragraph (f) is revised to read as follows:

#### § 60.41 Definitions.

(f) "Coal" means all solid fuels classified as anthracite, bituminous, subbituminous, or lignite by the American Society and Testing and Materials, Designation D388-77 (incorporated by reference—see § 60.17).

3. In § 60.45, paragraphs (f)(4)(i), (f)(4)(ii), (f)(4)(vi), (f)(5)(i), and (f)(5)(ii) are amended to read as follows:

#### § 60.45 Emission and fuel monitoring.

(f) \* \* \*

(4) \* \* \*

(i) For anthracite coal as classified according to ASTM D388-77 (incorporated by reference—see § 60.17),  $F = 2.723 \times 10^{-17}$  dscm/J (10,140 dscf/million Btu) and  $F_c = 0.532 \times 10^{-17}$  scm  $\text{CO}_2$ /J (1,980 scf  $\text{CO}_2$ /million Btu).

(ii) For subbituminous and bituminous coal as classified according to ASTM D388-77 (incorporated by reference—see § 60.17),  $F = 2.637 \times 10^{-17}$  dscm/J (9,820 dscf/million Btu) and  $F_c = 0.486 \times 10^{-17}$  scm  $\text{CO}_2$ /J (1,810 scf  $\text{CO}_2$ /million Btu).

(vi) For lignite coal as classified according to ASTM D388-77 (incorporated by reference—see § 60.17),  $F = 2.659 \times 10^{-17}$  dscm/J (9,900 dscf/million Btu) and  $F_c = 0.516 \times 10^{-17}$  scm  $\text{CO}_2$ /J (1,920 scf  $\text{CO}_2$ /million Btu).

(5) \* \* \*

(i) H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined on the same basis as GCV by ultimate analysis of the fuel fired, using ASTM method D3176-74 or D3176 (solid fuels) or computed from results using ASTM method D1137-53(75), D1945-64(76), or D1946-77 (gaseous fuels) as applicable. (These five methods are incorporated by reference—see § 60.17.)

(ii) GVC is the gross calorific value (kJ/kg, Btu/lb) of the fuel combusted determined by the ASTM test methods D2015-77 for solid fuels and D1826-77 for gaseous fuels as applicable. (These two methods are incorporated by reference—see § 60.17.)

4. In § 60.46, paragraph (g) is revised to read as follows:

**§ 60.46 Test methods and procedures.**

(g) When combinations of fossil fuels or fossil fuel and wood residue are fired, the heat input, expressed in watts (Btu/hr), is determined during each testing period by multiplying the gross calorific value of each fuel fired (in J/kg or Btu/lb) by the rate of each fuel burned (in kg/sec or lb/hr). Gross calorific values are determined in accordance with ASTM methods D2015-77 (solid fuels), D240-76 (liquid fuels), or D1826-77 (gaseous fuels) as applicable. (These three methods are incorporated by reference—see § 60.17.) The method used to determine calorific value of wood residue must be approved by the Administrator. The owner or operator shall determine the rate of fuels burned during each testing period by suitable methods and shall confirm the rate by a material balance over the steam generation system.

5. In § 60.41a, the definitions of "subbituminous coal," "lignite," and "anthracite" are amended to read as follows:

**§ 60.41a Definitions.**

"Subbituminous coal" means coal that is classified as subbituminous A, B, or C according to the American Society of Testing and Materials (ASTM) Standard Specification for Classification of Coals by Rank D388-77 (incorporated by reference—see § 60.17).

"Lignite" means coal that is classified as lignite A or B according to the American Society of Testing and Materials' (ASTM) Standard Specification for Classification of Coals by Rank D388-77 (incorporated by reference—see § 60.17).

"Anthracite" means coal that is classified as anthracite according to the American Society of Testing and Materials' (ASTM) Standard Specification for Classification of Coals by Rank D388-77 (incorporated by reference—see § 60.17).

6. In § 60.111, paragraphs (b), (f), and (l) are revised to read as follows:

**§ 60.111 Definitions.**

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM D396-78, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in ASTM D2880-78, or diesel fuel oils Nos. 2-D and 4-D as specified in ASTM D975-78. (These three methods are incorporated by reference—see § 60.17.)

(i) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from External Floating-Roof Tanks, Second Edition, February 1980 (incorporated by reference—see § 60.17).

(l) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids, except liquified petroleum gases, as determined by ASTM D323-72 (incorporated by reference—see § 60.17).

7. In § 60.111a, paragraphs (b), (f), and (g) are revised to read as follows:

**§ 60.111a Definitions.**

(b) "Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Nos. 2 through 6 fuel oils as specified in ASTM D396-78, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in ASTM D2880-78, gas turbine fuel oils Nos. 2-GT through 4-GT as specified in ASTM D2880-78, or diesel fuel oils Nos. 2-D and 4-D as specified in ASTM D975-78. (These three methods are incorporated by reference—see § 60.17.)

(f) "True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid such as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from External Floating-Roof Tanks, Second Edition, February 1980 (incorporated by reference—see § 60.17).

(g) "Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids, except liquified petroleum gases, as determined by

ASTM D323-72 (incorporated by reference—see § 60.17).

8. In § 60.204, paragraph (d)(2) is revised to read as follows:

**§ 60.204 Test methods and procedures.**

(d) \* \* \*

(1) \* \* \*

(2) Calculate the equivalent  $P_2O_5$  feed by multiplying the percentage  $P_2O_5$  content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

9. In § 60.214, paragraph (d)(2) is revised to read as follows:

**§ 60.214 Test methods and procedures.**

(d) \* \* \*

(1) \* \* \*

(2) Calculate the equivalent  $P_2O_5$  feed by multiplying the percentage  $P_2O_5$  content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

10. In § 60.224, paragraph (d)(2) is revised to read as follows:

**§ 60.224 Test methods and procedures.**

(d) \* \* \*

(1) \* \* \*

(2) Calculate the equivalent  $P_2O_5$  feed by multiplying the percentage  $P_2O_5$  content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

11. In § 60.234, paragraph (d)(2) is revised to read as follows:



§ 60.234 Test methods and procedures.

(d) \* \* \*

(1) \* \* \*

(2) Calculate the equivalent  $P_2O_5$  feed by multiplying the percentage  $P_2O_5$  content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

12. In § 60.244, paragraph (f)(2) is revised to read as follows:

§ 60.244 Test methods and procedures.

(f) \* \* \*

(1) \* \* \*

(2) Calculate the equivalent  $P_2O_5$  feed by multiplying the percentage  $P_2O_5$  content, as measured by the spectrophotometric molybdovanadophosphate method (AOAC Method 9), times the total mass rate of phosphorus-bearing feed. AOAC Method 9 (incorporated by reference—see § 60.17) is published in the Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, pp. 11-12. Other methods may be approved by the Administrator.

13. In § 60.251, paragraphs (b) and (c) are revised to read as follows:

§ 60.251 Definitions.

(b) "Bituminous coal" means solid fossil fuel classified as bituminous coal by ASTM Designation D388-77 (incorporated by reference—see § 60.17).

(c) "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-77 (incorporated by reference—see § 60.17).

14. In § 60.261, paragraphs (n), (o), (q), (s), (t), (v), and (w) are revised to read as follows:

§ 60.261 Definitions.

(n) "Standard ferromanganese" means that alloy as defined by ASTM Designation A99-76 (incorporated by reference—see § 60.17).

(o) "Silicomanganese" means that alloy as defined by ASTM Designation A483-64 (Reapproved 1974) (incorporated by reference—see § 60.17).

(q) "High-carbon ferrochrome" means that alloy as defined by ASTM Designation A101-73 (incorporated by reference—see § 60.17) grades HC1 through HC6.

(s) "Silvery iron" means any ferrosilicon, as defined by ASTM Designation A100-69 (Reapproved 1974) (incorporated by reference—see § 60.17), which contains less than 30 percent silicon.

(t) "Ferrochrome silicon" means that alloy as defined by ASTM Designation A482-76 (incorporated by reference—see § 60.17).

(v) "Calcium silicon" means that alloy as defined by ASTM Designation A495-76 (incorporated by reference—see § 60.17).

(w) "Ferrosilicon" means that alloy as defined by ASTM Designation A100-69 (Reapproved 1974) (incorporated by reference—see § 60.17) grades A, B, C, D, and E, which contains 50 or more percent by weight silicon.

15. In § 60.285, paragraph (d)(4) is revised to read as follows:

§ 60.285 Test methods and procedures.

(d) \* \* \*

(4) When determining whether a furnace is a straight kraft recovery furnace or a cross recovery furnace, TAPPI Method T.624 (incorporated by reference—see § 60.17) shall be used to determine sodium sulfide, sodium hydroxide, and sodium carbonate. These determinations shall be made three times daily from the green liquor and the daily average values shall be converted to sodium oxide ( $Na_2O$ ) and substituted into the following equation to determine the green liquor sulfidity:

$$GLS = 100 C_{Na_2S} / (C_{Na_2O} + C_{NaOH} + C_{Na_2CO_3})$$

where:

GLS = percent green liquor sulfidity  
 $C_{Na_2S}$  = average concentration of  $Na_2O$  expressed as  $Na_2O$  (mg/l)

$C_{NaOH}$  = average concentration of NaOH expressed as  $Na_2O$  (mg/l)

$C_{Na_2CO_3}$  = average concentration of  $Na_2CO_3$  expressed as  $Na_2$  (mg/l)

16. In § 60.296, paragraph (f) is revised to read as follows:

§ 60.296 Test methods and procedures.

(f) When gaseous and liquid fuels are fired simultaneously in a glass melting furnace, the heat input of each fuel, expressed in joules, is determined during each testing period by

multiplying the gross calorific value of each fuel fired (in joules/kilogram) by the rate of each fuel fired (in kilograms/second) to the glass melting furnaces. The decimal percent of liquid fuel heating value to total fuel heating value is determined by dividing the heat input of the liquid fuels by the sum of the heat input for the liquid fuels and the gaseous fuels. Gross calorific values are determined in accordance with American Society of Testing and Materials (ASTM) Method D240-76 (liquid fuels) and D1826-77 (gaseous fuels), as applicable. (These two methods are incorporated by reference—see § 60.17.) The owner or operator shall determine the rate of fuels burned during each testing period by suitable methods and shall confirm the rate by a material balance over the glass melting system.

17. In § 60.335, paragraph (b)(2) is revised to read as follows:

§ 60.335 Test methods and procedures.

(b) \* \* \*

(1) \* \* \*

(2) ASTM D2880-78 for the sulfur content of liquid fuels and ASTM D1072-56 (Reapproved 1975) for the sulfur content of gaseous fuels. (These two methods are incorporated by reference—see § 60.17.) These methods shall also be used to comply with § 60.334(b).

18. In Appendix A to Part 60, Method 5, paragraph 3.1.1 is revised to read as follows:

Method 5—Determination of Particulate Emissions From Stationary Sources

3. Reagents

3.1 \* \* \*

3.1.1 Filters. Glass fiber filters, without organic binder, exhibiting at least 99.95 percent efficiency (<0.05 percent penetration) on 0.3-micron dioctyl phthalate smoke particles. The filter efficiency test shall be conducted in accordance with ASTM standard method D2966-71 (Reapproved 1978) (incorporated by reference—see § 60.17). Test data from the supplier's quality control program are sufficient for this purpose. In sources containing  $SO_2$  or  $SO_3$ , the filter material must be of a type that is unreactive to  $SO_2$  or  $SO_3$ . Citation 10 in Section 7 Bibliography, may be used to select the appropriate filter.

19. In Appendix A to Part 60, Method 6, paragraph 3.1.1. is revised to read as follows:

Method 6—Determination of Sulfur Dioxide Emissions From Stationary Sources

## 3. Reagents

## 3.1

3.1.1 Water. Deionized distilled to conform to ASTM specification D1193-77, Type 3 (incorporated by reference—see § 60.17). At the option of the analyst, the  $KMnO_4$  test for oxidizable organic matter may be omitted when high concentrations of organic matter are not expected to be present.

20. In Appendix A to Part 60, Method 7, paragraph 3.2.2 is revised to read as follows:

## Method 7—Determination of Nitrogen Oxide Emissions From Stationary Sources

## 3. Reagents

## 3.2

3.2.1

3.2.2 Water. Deionized, distilled to conform to ASTM specification D1193-77, Type 3 (incorporated by reference—see § 60.17). At the option of the analyst, the  $KMnO_4$  test for oxidizable organic matter may be omitted when high concentrations of organic matter are not expected to be present.

21. In Appendix A to Part 60, Method 8, paragraph 3.1.3 is revised to read as follows:

## Method 8—Determination of Sulfuric Acid Mist and Sulfur Dioxide Emissions From Stationary Sources

## 3. Reagents

## 3.1

3.1.3 Water. Deionized, distilled to conform to ASTM specification D1193-77, Type 3 (incorporated by reference—see § 60.17). At the option of the analyst, the  $KMnO_4$  test for oxidizable organic matter may be omitted when high concentrations of organic matter are not expected to be present.

22. In Appendix A to Part 60, Method 12, paragraphs 4.1.1 and 4.1.3 are revised to read as follows:

## Method 12—Determination of Inorganic Lead Emissions From Stationary Sources

## 4. Reagents.

## 4.1

4.1.1 Filter. Gelman Spectro Grade, Reeve Angel 934 AH, MSA 1106 BH, all with lot assay for Pb, or other high-purity glass fiber filters, without organic binder, exhibiting at least 99.95 percent efficiency (<0.05 percent

penetration) on 0.3 micron dioctyl phthalate smoke particles. Conduct the filter efficiency test using ASTM Standard Method D2986-71 (incorporated by reference—see § 60.17) or use test data from the supplier's quality control program.

## 4.1.2

4.1.3 Water. Deionized distilled, to conform to ASTM Specification D1193-77 (incorporated by reference—see § 60.17), Type 3. If high concentrations of organic matter are not expected to be present, the analyst may delete the potassium permanganate test for oxidizable organic matter.

23. In Appendix A to Part 60, Method 17, paragraph 3.1.1 is revised to read as follows:

## Method 17—Determination of Particulate Emissions From Stationary Sources (In-Stack Filtration Method)

## 3. Reagents.

## 3.1

3.1.1 Filters. The in-stack filters shall be glass mats or thimble fiber filters, without organic binders, and shall exhibit at least 99.95 percent efficiency (0.05 percent penetration) on 0.3 micron dioctyl phthalate smoke particles. The filter efficiency tests shall be conducted in accordance with ASTM Standard Method D2986-71 (Reapproved 1978) (incorporated by reference—see § 60.17). Test data from the supplier's quality control program are sufficient for this purpose.

24. In Appendix A to Part 60, Method 19, paragraphs 2.1.1, 2.1.3, 2.2.1, 2.2.3, and 5.2.2 are revised to read as follows:

## Method 19—Determination of Sulfur Dioxide Removal Efficiency and Particulate, Sulfur Dioxide and Nitrogen Oxides Emission Rates From Electric Utility Steam Generators

## 2. Determination of Sulfur Dioxide Removal Efficiency of Fuel Pretreatment Systems.

## 2.1

2.1.1 Sample Increment Collection. Use ASTM D2234-76 (incorporated by reference—see § 60.17), Type I, Conditions A, B, or C, and systematic spacing. Determine the number and weight of increments required per gross sample representing each coal lot according to Table 2 or paragraph 7.1.5.2 of ASTM D2234-76. Collect one gross sample for each new coal lot and one gross sample for each product coal lot.

## 2.1.2

2.1.3 Gross Sample Analysis. Determine the percent sulfur content (% S) and gross calorific value (GCV) of the solid fuel on a dry basis for each gross sample. Use ASTM

D2013-72 (incorporated by reference—see § 60.17) for sample preparation, ASTM D3177-75 (incorporated by reference—see § 60.17) for sulfur analysis, and ASTM D3173-73 (incorporated by reference—see § 60.17) for moisture analysis. Use ASTM D2015-77 (incorporated by reference—see § 60.17) for gross calorific value determination.

## 2.2

2.2.1 Sample Collection. Use ASTM D270-65 (Reapproved 1975) (incorporated by reference—see § 60.17) following the practices outlined for continuous sampling for each gross sample representing each fuel lot.

## 2.2.2

2.2.3 Sample Analysis. Determine the percent sulfur content (% S) and gross calorific value (GCV). Use ASTM D240-76 (incorporated by reference—see § 60.17) for the sample analysis. This value can be assumed to be on a dry basis.

## 5. Calculation of Particulate, Sulfur Dioxide, and Nitrogen Oxides Emission Rates.

## 5.2

## 5.2.1

5.2.2 Calculating an F Factor. If the fuel burned is not listed in Table 1 or if the owner or operator chooses to determine an F factor rather than use the tabulated data, F factors are calculated using the equations below. The sampling and analysis procedures followed in obtaining data for these calculations are subject to the approval of the Administrator, and the Administrator should be consulted prior to data collection.

For SI Units:

$$F_d = \frac{227.0(\%H) + 95.7(\%C) + 35.4(\%S) + 8.6(\%N) - 28.5(\%O)}{GVC}$$

$$F_w = \frac{347.4(\%H) + 95.7(\%C) + 35.4(\%S) + 8.6(\%N) - 28.5(\%O) + 13.0(\%H_2O)^2}{GCW_w}$$

For English Units:

$$F_d = \frac{20.0(\%C)}{GCV}$$

$$F_d = \frac{10603.64(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O)}{GVC}$$

$$F_w = \frac{10605.57(\%H) + 1.53(\%C) + 0.57(\%S) + 0.14(\%N) - 0.46(\%O) + 0.21(\%H_2O)^2}{GCW_w}$$

$$F_c = \frac{10600.321(\%C)_o}{GCV}$$

<sup>2</sup> The %H<sub>2</sub>O term may be omitted if %H and %O include the unavailable hydrogen and oxygen in the form of H<sub>2</sub>O.

Where:

F<sub>o</sub>, F<sub>w</sub>, and F<sub>c</sub> have the units of scm/l, or scf/million Btu; %H, %C, %S, %N, %O, and %H<sub>2</sub>O are the concentrations by weight (expressed in percent) of hydrogen, carbon, sulfur, nitrogen, oxygen, and water from an ultimate analysis of the fuel; and GCV is the gross calorific value of the fuel in kJ/kg or Btu/lb and consistent with the ultimate analysis. Follows ASTM D2015-77 (incorporated by reference—see § 60.17) for solid fuels, D240-76 (incorporated by reference—see § 60.17) for liquid fuels, and D1826-77 (incorporated by reference—see § 60.17) for gaseous fuels as applicable in determining GCV.

25. In Appendix A to Part 60, Method 24 is amended by revising paragraphs 2.1, 2.2, 2.3, 2.4, 3.1, 3.2, 3.3, and by removing paragraph 6 as follows:

Method 24—Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings

#### 2. Applicable Standards Methods.

2.1 ASTM D1475-60 (Reapproved 1980), Standard Test Method for Density of Paint, Varnish, Lacquer, and Related Products (incorporated by reference—see § 60.17).

2.2 ASTM D2369-81, Standard Test Method for Volatile Content of Coatings (incorporated by reference—see § 60.17).

2.3 ASTM D3792-79, Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph (incorporated by reference—see § 60.17).

2.4 ASTM D4017-81, Standard Test Method for Water in Paints and Paint Materials by the Karl Fischer Titration Method (incorporated by reference—see § 60.17).

#### 3. Procedure.

3.1 Volatile Matter Content. Use the procedure in ASTM D2369-81 (incorporated by reference—see § 60.17) to determine the volatile matter content (may include water) of the coating. Record the following information:

W<sub>1</sub> = Weight of dish and sample before heating, g.

W<sub>2</sub> = Weight of dish and sample after heating, g.

W<sub>s</sub> = Sample weight, g.

Run analyses in pairs (duplicate sets) for each coating until the criterion in section 4.3 is met. Calculate the weight fraction of the volatile matter (W<sub>v</sub>) for each analysis as follows:

$$W_v = \frac{W_1 - W_2}{W_s}$$

Eq. 24-1

Record the arithmetic average (W<sub>v</sub>).

3.2 Water Content. For waterborne (water reducible) coatings only, determine the weight fraction of water (w) using either "Standard Content Method Test for Water of Water-Reducible Paints by Direct Injection into a Gas Chromatograph" or "Standard Test Method for Water in Paint and Paint Materials by Karl Fischer Method." (These two methods are incorporated by reference—see § 60.17.) A waterborne coating is any coating which contains more than 5 percent water by weight in its volatile fraction. Run duplicate sets of determinations until the criterion in section 4.3 is met. Record the arithmetic average (W<sub>w</sub>).

3.3 Coating Density. Determine the density (D<sub>c</sub>, kg/liter) of the surface coating using the procedure in ASTM D1475-60 (Reapproved 1980) (incorporated by reference—see § 60.17).

Run duplicate sets of determinations for each coating until the criterion in section 4.3 is met. Record the arithmetic average (D<sub>c</sub>).

### PART 61—[AMENDED]

40 CFR Part 61 is amended as follows:

1. A new § 61.18 is added to read as follows:

#### § 61.18 Incorporations by reference.

The materials listed below are incorporated by reference in the corresponding sections noted. These incorporations by reference were approved by the Director of the Federal Register on the date listed. These materials are incorporated as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. The materials are available for purchase at the corresponding address noted below, and all are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. and the Library (MD-35), U.S. EPA, Research Triangle Park, North Carolina.

(a) The following material is available for purchase from at least one of the following addresses: American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103; or University Microfilms International, 300 North Zeeb Road, Ann Arbor, Michigan 48106.

(1) ASTM D737-75, Standard Test Method for Air Permeability of Textile Fabrics, incorporation by reference (IBR) approved January 27, 1983 for § 61.23(a).

(2) ASTM D1193-77, Standard Specification for Reagent Water, IBR approved January 27, 1983 for Appendix B of Part 61, Method 101, par. 6.1.1; Method 101A, par. 6.1.1.

2. In § 61.23, paragraph (a) is revised to read as follows:

#### § 61.23 Air-cleaning.

(a) Fabric filter collection devices must be used, except as noted in paragraphs (b) and (c) of this section. Such devices must be operated at a pressure drop of no more than 4 inches water gage, as measured across the filter fabric. The airflow permeability, as determined by ASTM Method D737-75 (incorporated by reference—see § 61.18), must not exceed 30 ft<sup>3</sup>/min/ft<sup>2</sup> for woven fabrics or 35 ft<sup>3</sup>/min/ft<sup>2</sup> for felted fabrics, except that 40 ft<sup>3</sup>/min/ft<sup>2</sup> for woven and 45 ft<sup>3</sup>/min/ft<sup>2</sup> for felted fabrics is allowed for filtering air from asbestos ore dryers. Each square yard of felted fabric must weigh at least 14 ounces and be at least 1/8 inch thick throughout. Synthetic fabrics must not contain fill yarn other than that which is spun.

3. In Appendix B of Part 61, Method 101, paragraph 6.1.1 is revised to read as follows:

Method 101—Determination of Particulate and Gaseous Mercury Emissions from Chlor-Alkali Plants—Air Streams

6.1.1 Water. Deionized distilled, meeting ASTM Specifications for Type I Reagent Water—ASTM Test Method D1193-77 (incorporated by reference—see § 61.18). If high concentrations of organic matter are not expected to be present, the analyst may eliminate the KMnO<sub>4</sub> test for oxidizable organic matter. Use this water in all dilutions and solution preparations.

4. In Appendix B to Part 61, Method 101A, paragraph 6.1.1 is revised to read as follows:

Method 101A—Determination of Particulate and Gaseous Mercury Emissions From Sewage Sludge Incinerators

6.1.1 Water. Deionized distilled, meeting ASTM Specifications for Type I Reagent Water—ASTM Test Method D1193-77 (incorporated by reference—see § 61.18). If high concentrations of organic matter are not expected to be present, the analyst may eliminate the KMnO<sub>4</sub> test for oxidizable

organic matter. Use this water in all dilutions and solution preparations.

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BILLING CODE 6560-60-M

#### 40 CFR Part 81

[A-5-FRL 2279-6]

### Designations of Areas for Air Quality Planning Purposes; Attainment Status Designations: Ohio

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a revision to the sulfur dioxide (SO<sub>2</sub>) attainment status designation for a portion of Lorain County, Ohio, from nonattainment to attainment of the National Ambient Air Quality Standard (NAAQS). This revision is in response to a request from the State of Ohio to redesignate this area and is based on the supporting certifications of compliance and ambient air monitoring data submitted by the State. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

**EFFECTIVE DATE:** This final rulemaking becomes effective on February 28, 1983.

**ADDRESSES:** Copies of the redesignation request and the supporting air quality data are available at the following addresses:

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

Environmental Protection Agency,  
Public Information Reference Unit, 401  
M Street, S.W., Washington, D.C.  
20480

Ohio Environmental Protection Agency,  
Office of Air Pollution Control, 361  
East Broad Street, Columbus, Ohio  
43216

**FOR FURTHER INFORMATION CONTACT:**

Debra Marcantonio, Air Programs  
Branch, Region V, Environmental  
Protection Agency, 230 South Dearborn  
Street, Chicago, Illinois 60604, (312) 886-  
6034.

**SUPPLEMENTARY INFORMATION:** Under Section 107(d) of the Act, the Administrator of EPA has promulgated the NAAQS attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant. On October 5, 1978, (43 FR 46014; 40 CFR 81.336), EPA designated the portion of Lorain County

north of Route 80 and the City of Elyria as nonattainment for the primary SO<sub>2</sub> NAAQS.

At the time that this designation was made, a number of sources in the nonattainment portion of Lorain County, Ohio, were not complying with the Federally promulgated SO<sub>2</sub> emission limits. These limits were developed using reference modeling techniques and have been demonstrated to ensure attainment and maintenance of the NAAQS. Certification of compliance with these limits, thus, is an acceptable basis for redesignation to attainment.

On June 14, 1982, the State of Ohio requested that EPA revise the area of SO<sub>2</sub> primary nonattainment in Lorain County from the entire area north of U.S. Route 80 and the City of Elyria to the area surrounding the U.S. Steel Corporation (USS) facility in northern Lorain County.

To support the redesignation request from nonattainment to attainment, the Ohio EPA submitted recent, quality assured ambient SO<sub>2</sub> reference monitoring data collected by the State and two utility companies in the existing nonattainment area. All of the SO<sub>2</sub> monitoring data support the designation of attainment for the area.

In addition to the SO<sub>2</sub> monitoring data, EPA considered modeling data and compliance certifications in its review of the State's request. According to reference modeling analyses, the existing SO<sub>2</sub> emission limitations, which have been promulgated for sources in Lorain County, are adequate to protect the ambient air quality standards. Certifications of compliance with these limits are also an acceptable basis for a redesignation of Lorain County. All major sources of SO<sub>2</sub> emissions in the County have submitted data to EPA and Ohio EPA showing compliance with their Federally-approved emission limitations, except for U.S. Steel.

Therefore, on September 23, 1982 (47 FR 42001), EPA proposed to revise the SO<sub>2</sub> designation for that portion of Lorain County previously designated nonattainment to attainment, except for an area surrounding the U.S. Steel Lorain plant.

#### Public Comment

During the public comment period, U.S. Steel submitted a certification of compliance with the existing Federal SO<sub>2</sub> emission limitation for their Lorain plant. U.S. Steel commented that, based on their certification, all of Lorain County should be redesignated to attainment.

#### EPA Response

The current Federal SO<sub>2</sub> regulations for the Lorain plant (November 4, 1980, 45 FR 73043) limit the concentration of hydrogen sulfide in the coke oven gas to 368 gr/100 dscf. This limitation was established with the implicit understanding that the amount of coke oven gas burned in the soaking pits (process sources P006-P018) and the No. 4 Seamless Mill Rotary Furnace (process source P039) would be reduced from current levels and redistributed to other units within the plant. The attainment demonstration for the plant was based on this reduction in coke oven gas consumption in these process sources. Thus, attainment of the ambient standards depends not only on U.S. Steel meeting the hydrogen sulfide limit, but also on the lower coke oven gas consumption levels.

To accomplish the reduction in coke oven gas in P006-P018 and P039 and the subsequent redistribution to other units, some physical changes at the plant are necessary (e.g., additional pipework). To date, U.S. Steel has not made these changes.

Furthermore, proposed State rules for the Lorain plant limit both the hydrogen sulfide concentration in the coke oven gas and the total SO<sub>2</sub> lbs/hr for P006-P018 and P039. The lbs/hr restriction reflects the necessary reduction in coke oven gas consumption. U.S. Steel has not demonstrated that the Lorain plant is currently meeting all the requirements of these State rules (i.e., that they have reduced the amount of coke oven gas burned in P006-P018 and P039). Since this reduction is necessary to ensure attainment of the NAAQS, EPA cannot redesignate the area around the U.S. Steel Lorain plant to attainment at this time.

Therefore, based on all available relevant modeling data, compliance certifications, and monitoring data, EPA is redesignating Lorain County as follows:

**Primary nonattainment**—Area bounded on the north by the Norfolk and Western Railroad Tracks, on the east by State Route 301 (Abbe Road), on the south by State Route 254, and on the west by Oberlin Road.

**Attainment**—Remainder of the County.

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