Harry Hyuk Pak, 211–40 18th Avenue, Bayside, New York 11360, Director, 15%.

Kil Han Kim, 2995 S.W. 117 Avenue, Davie, Florida 33314, Director, 10%.

The Applicant, Everlast, a New York Corporation will begin operations with $1,000,000 paid-in capital and paid-in surplus. Everlast will conduct its activities primarily in the state of New York but will consider investments in businesses in other areas in the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, inlcuding adequate profitability and financial soundness, in accordance with the Small Buaniess Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 5, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-27574 Filed 10-7-83; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 02/02-0418]

Key Venture Capital Corp; Application for a License To Operate as a Small Business Investment Company

AN Application for a License to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by Key Venture Capital Corp., 60 State Street, Albany, New York 12207, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102(1983).

The Applicant is a New York Corporation and will begin operations with 200 Shares of authorized stock of which 50 have been issued for an initial capital of $1,000,000.

The officers, directors and shareholders are as follows:

John M. Lang, Gettle Road, Averil Park, New York 12018, President, Director.

Mark R. Hursty, 176 Willow Street, South Hampton, New York 11968, Exrecutive Vice President, Manager, Director.

Michael P. Quinn, 140 Washington Avenue, Albany, New York 12210, Vice President.

Albert V. Legge, 10 Majorca Lane, Clifton Park, New York 12210, Treasurer, Director.

H. Douglas Barclay, 6871, Port Road, Pulaski, New York 13142, Secretary, General, Counsel, Director.

Walter V. Ferris, 3 Hand Hewn Way, Manlins, New York 13104, Assistant Secretary.

Albert J. Brown, Jr., 19 Cloverfield, Loudinvile, New York 12211, Director.

Peter A. Farrell, 5 Princess Lane, Loudonvile, New York, Director.

Wiliam H. Stevens, 3116 West Lake Road, Skaneateles, New York 13152, Director.

Key Bank Inc., 60 State Street, Albany, New York 12207, Parent, 100%.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Busines Investment Comppanies).

Dated: September 28, 1983.

Roberte G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-27573 Filed 10-7-83; 8:45 am]

BILLING CODE 8025-01-M

Yusa Capital Corp.; Application for a License to Operate as a Small Business Investment Company

[Application No. 02/02-5467]

An Application for a License to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.)* has been filed by Yusa Capital Corporaation (Yusa Capital), 450 Seventh Avenue, New York, New York 10001, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1983).

The officers, directors and their shareholding of the Applicant are as follows:

Kenneth Q. Yip, 17 Cob Drive, Westport, Connecticut 06880, President, General Manager & Director, 9.66%.[1]

Ester Y. Yip, 17 Cob Drive, Westport, Connecticut 06880, Director.

Bong Y. Yu, 33 Bowery, B 202, New York, New York 10002, Chairman of Board & Director, 9.66%.[1]

May W. Yu, 33 Bowery, B 202, New York, New York 10002, Secretary, Treasurer & Director.

Kenneth K. L. Yim, A4, Third Floor, 128 Kennedy Road, Hong Kong, Director, 9.66%.

Christopher Yeung, No. 2 Shek Ku St., 4C, Arran Court, Kowloon, Hong Kong, Vice Chairman of Board & Director, 9.66%.[2]

The Applicant, proposes to begin operations with $1,020,000 paid-in capital and paid-in surplus. Yusa Capital will conduct its activities principally in the state of New York.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is hereby given that any person may not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

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[1] Jointly held with spouse

[2] Holds an additional 28.99% as nominee for father, Wai Sing Yeung.

Dated: October 3, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-27572 Filed 10-7-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

Adjustment of Entitlement Payments to Local Governments in the State of Maine; Correction

AGENCY: Office of Revenue Sharing, Department of the Treasury.

ACTION: Correction Notice.

SUMMARY: This is to make a technical correction in the Data Notice filed by the Office of Revenue Sharing (48 FR 44967, September 30, 1983). The correction is to delete the first sentence under the third paragraph of Supplementary Information and by revising the second sentence in the third paragraph to read as follows:

The Office of Revenue Sharing will mail a notice to each unit of local government within the State of Maine that advises these governments of the specific increase or decrease of entitlement funds resulting from the change to the Entitlement 13 payments.

Dated: October 3, 1983.

Michael F. Hill,

Director, Office of Revenue Sharing.

[FR Doc. 83-27570 Filed 10-7-83; 8:46 am]

BILLING CODE 4810-28-M

UNITED STATES INFORMATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

The United States Advisory Commission on Public Diplomacy will meet on October 19, 1983, from 10 am to 1 pm in Room 800, 400 C Street SW., Washington, D.C. The Commission will discuss the following topics: Interagency Task Force on Public Diplomacy for Latin America and the Caribbean; USIA's Congressional relations and pending legislation; and USIA's magazine program.

Please call Elizabeth Fahl, (202) 485-2468, if you plan to attend the meeting.

Dated: October 5, 1983.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 83-27564 Filed 10-7-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 197
Tuesday, October 11, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Items
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Legal Services Corporation	4
Mississippi River Commission	5, 6, 7, 8
Nuclear Regulatory Commission	9

1

CIVIL AERONAUTICS BOARD

[M-392, Oct. 5, 1983]

Closed Board Meeting

TIME AND DATE: 10 a.m., October 12, 1983.

PLACE: Room 1012, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Report on ECAC Seminar—Preparation for Negotiations. (BIA)

STATUS: Closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1430-83 Filed 10-6-83; 3:49 pm]

BILLING CODE 6320-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION

TIMES AND DATES: 10 a.m., October 12, 1983.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—778th Meeting, October 12, 1983, Regular Meeting (10 a.m.)

CAP-1. Project No. 4458-000, Middle Fork Irrigation District, et al.
CAP-2. Project No. 3449-001, City of North Little Rock, Arkansas
CAP-3. Project No. 7145-001, Hellsgate Associates
CAP-4. Project No. 2975-003, Oakdale and South San Joaquin Irrigation Districts
CAP-5. Project No. 803-007, Pacific Gas & Electric Co.
CAP-6. Project No. 7235-002, Bluestone Energy Design, Inc.
CAP-7. Project No. 6827-001 and 002, Jackson Falls Hydroelectric Power Co.
CAP-8. Project No. 5315-002, Phoenix Hydro Corp.
CAP-9. Project No. 8574-001, Lynn Mines and Mining Co.
CAP-10. Project No. 5364-002, Pabst Brewing Co.
CAP-11. Qmitted
CAP-12. Docket No. QF83-373-000, Massachusetts Refusetech, Inc.
CAP-13. Omitted
CAP-14. Docket Nos. ER81-474-001 and EL82-1-002, Metropolitan Edison Co.
CAP-15. Docket Nos. EL82-1-003 and EL82-1-004, Town of Easton, Maryland, v. Delmarva Power & Light Co. and Pennsylvania-New Jersey-Maryland Interconnection
CAP-16. Docket No. ER83-668-000, Idaho Power Co.
CAP-17. Docket No. ER83-694-000, West Texas Utilities Co.
CAP-18. Docket Nos. ER82-708-000 and ER83-77-000, West Texas Utilities Co.
CAP-19. Docket No. ER82-481-008, Arizona Public Service Co.
CAP-20. Docket No. ER82-852-000, Southwestern Public Service Co.
CAP-21. Docket No. ER83-368-000, Upper Peninsula Power Co.
CAP-22. Docket No. ER82-375-000, Gulf States Utilities Co.
CAP-23. Docket Nos. ER80-592-000, et al., Allegheny Power System, et. al.; Docket Nos. ER80-615-000, ER80-616-000, ER80-617-000, ER80-618-002 and ER80-663-000, Wisconsin Public Service Corp.; Docket No. ER81-320-005, Iowa Public Service Co.; Docket Nos. ER80-733-000 and ER81-292-000, Southern Indiana Gas & Electric Co.; Docket Nos. ER80-595-000, ER80-658-000, ER80-718-000, ER80-732-000, ER80-779-000 and ER80-782-000, Commonwealth Edison Co.; Docket No. ER80-671-000, ER80-608-001 and ER80-610-001, Public Service Co. of Oklahoma
CAP-24. Docket No. EL83-9-001, Pennsylvania Power Co.
CAP-25. Docket No. EL82-3-001, City of Oakland, California, v. Pacific Gas & Electric Co.
CAP-26. Docket No. ID-2032-000, William F. Miller
CAP-27. Project No. 7073-000, Tuck Industries, Inc.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM83-77-000, Substitution of certified mail for registered mail
CAM-2. Docket No. RA82-15-000, Thriftway Co.
CAM-3. Northern Natural Gas Co.

Consent Gas Agenda

CAG-1. Docket No. TA83-2-22-002, Consolidated Gas Supply Corp.
CAG-2. Docket Nos. TA83-2-21-004, RP82-88-001 and GP82-41-001, Columbia Gas Transmission Corp.
CAG-3. Docket No. RP82-56-009, Northwest Pipeline Corp.
CAG-4. Docket Nos. RP82-33-000, et al., and TA83-2-33-004, El Paso Natural Gas Co.
CAG-5. Docket No. RP83-127-000, Natural Gas Pipeline Co. of America
CAG-6. Docket No. RP82-56-007, Northwest Pipeline Corp.
CAG-7. Docket No. TA84-1-37-000 (PGA84-1A), Northwest Pipeline Corp.
CAG-8. Docket No. RP83-130-000, Gas Gathering Corp.
CAG-9. Docket No. RP75-25-000, Columbia Gas Transmission Corp. v. Allied Chemical Corp., et al.
CAG-10. Docket No. OR82-3-000, Kerr-McGee Refining Corp. and Oklahoma Refining Co. v. Sun Pipe Line Co.
CAG-11. Docket Nos. ST81-260-002 and CP82-206-002, Mustang Fuel Corp.
CAG-12. Docket Nos. ST82-34-001 and CP81-366-000, Llano, Inc.
CAG-13. Docket Nos. ST83-395-000 and ST83-396-000, Cranberry Pipeline Corp.
CAG-14. Docket No. SA81-22-001, Superwood Corp.
CAG-15. Docket Nos. RI74-168-018 and RI75-21-013, Independent Oil & Gas Association of West Virginia
CAG-16. Docket No. RI83-10-100 (Rate Schedule No. 41), Diamond Shamrock Corp.
CAG-17. Docket No. CI77-38-002, Mobil Oil Exploration and Producing Southeast Inc.
CAG-18. Docket No. CI73-629-001, Mobil Oil Corp.
CAG-19. Docket No. CI83-300-002, Diamond Shamrock Corp.; Docket No. CI83-301-001, Mesa Petroleum Co.; Docket No. CI83-318-001, Anadarko Production Co.; Docket No. CI83-271-002, Texaco Inc.; Docket No. CI83-339-002, Southland Royalty Co.
CAG-20. Docket No. CP83-340-002, Producer-Suppliers of Transco Gas Supply Co.
CAG-21. Docket Nos. CP83-190-001 and CP83-191-001, Tennessee Gas Pipeline Co., A Division of Tenneco Inc.
CAG-22. Docket No. CP77-402-006, Transcontinental Gas Pipe Line Corp.
CAG-23. Omitted
CAG-24. Docket No. CP82-122-000, Alabana-Tennessee Natural Gas Co.

CAG–25. Docket No. CP83–413–000, Columbia Gas Transmission Corp.
CAG–26. Docket Nos. CP83–245–000 and CP83–245–001, Montana-Dakota utilities Co.
CAG–27. Docket Nos. CP75–23–014 and CP75–120–007, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–28. Omitted
CAG–29. Docket No. CP82–522–000, Montana-Dakota Utilities Co.
CAG–30. Docket No. CP83–17–000, Mountain Fuel Resources, Inc.
CAG–31. Docket Nos. RP80–102–006, RP81–86–003, RP82–116–000 and RP83–58–000, Southern Natural Gas Co.
CAG–32. Docket No. TA83–2–42–000 (PGA83–2 and IPR83–2), Transwestern Pipeline Co.
CAG–33. Docket No. TA83–1–43–000 (PGA83–1), Northwest Central Pipeline Corp. (Formerly Cities Service Gas Co.)

Power Agenda

I. Licensed Project Matters

P–1. Project No. 2729–000, Power Authority of the State of New York.

II. Electric Rate Matters

ER–1. Docket No. ER79–150–008, Southern California Edison Co.
ER–2. Docket No. ER81–179.000 (Phase II), Arizona Public Service Commission
ER–3. Docket No. ER82–67–000, Wisconsin Public Service Co.
ER–4. Docket No. EL83–11–000, Virginia Electric & Power Co.
ER–5. Docket No. ES83–62–000, Centel Corp.
ER–6. Docket No. ER82–257–000, Kansas Gas & Electric Co.

Miscellaneous Agenda

M–1. Reserved
M–2. Reserved
M–3. Docket Nos. RM81–29–001 through RM81–29–015, sales and transportation by interstate pipelines and distributors; Docket Nos. RM81–19–010 through RM81–19–022, interstate pipeline blanket certificates for routine transactions
M–4. Docket No. RM82–25–000, fees applicable to producer matters under the Natural Gas Act
M–5. Docket No. RM82–34–000, high-cost gas produced from tight formations; recompletion tight formation gas
M–6. (a) Docket No. RM81–31–001, clarification of regulations regarding new, onshore production wells; (b) Docket No. RM81–24–000, J–3 Oil Co., Inc.
M–7. Docket Nos. GP82–4–000 and 001, Dorchester Gas Producing Co.

Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket No. TA80–2–21–002 (PGA80–3), Columbia Gas Transmission Corp. And Columbia LNG Corp.; Docket No. TA80–2–22–003 (PGA80–5) (IPR80–3) (LFUT80–2) and (RD&D80–2), Consolidated Gas Supply Corp. and Consolidated System LNG Co.; Docket No. RP80–136–00, Southern Natural Gas Co.; Docket No. RP80–129–00, State of Ohio, ex rel. William J. Brown, Attorney General
RP–2. Docket Nos. RP80–2–000 (Part I), RP80–2–005 (Part II) and RP83–24–004, Alabama-Tennessee Natural Gas Co.
RP–3. Docket Nos. RP82–80–010, CP82–542–006, TA81–2–48–000, TA82–1–48–000, TA82–2–48–000 and TA83–1–48–000, Michigan Wisconsin Pipe Line Co.
RP–4. Docket Nos. RP81–25–00, RP81–69–000, RP82–46–000 and Rp83–54–000, South Georgia Natural Gas Co.
RP–5. Docket No. RP81–49–011, Natural Gas Pipeline Co. of America
RP–6. Docket No. RP82–16–000 (Phase I), United Gas Pipe Line Co.

II. Producer Matters

CI–1. Omitted

III. Pipeline Certificate Matters

CP–1. Omitted
CP–2. Omitted
CP–3. Omitted
CP–4. Omitted

Kenneth F. Plumb,
Secretary.

[S–1424–83 Filed 10–6–83; 2:32 pm]
BILLING CODE 6717–01–M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, October 13, 1983.

PLACE: Board Room, Sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Ms. Gravlee (202–377–6970).

MATTERS TO BE CONSIDERED:

Accounting For Uncollectible Income
[No. 58, October 6, 1983]

[S–1422–83 Filed 10–6–83; 1:46 pm]
BILLING CODE 6720–01–M

4

LEGAL SERVICES CORPORATION

Meeting of the Board of Directors

PREVIOUSLY ISSUED: September 13, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 8 a.m. to 6 p.m., Tuesday, October 4, 1983.

CHANGE IN THE NOTICE: Meeting has been postponed. No new date, time, or place has been established.

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernstein, Office of the President (202) 272–4040.

Dated: October 3, 1983.

Donald P. Bogard,
President.

[S–1423–83 Filed 10–6–83; 2:30 pm]
BILLING CODE 6820–35–M

5

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 24, 1983.

PLACE: On board *MV Mississippi* at Foot of Eight Street, Cairo, IL.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–1425–83 Filed 10–6–83; 3:06 pm]
BILLING CODE 3710–GX–M

6

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 25, 1983.

PLACE: On board *MV Mississippi* at City Front, Vicinity of Beale Street, Memphis, TN.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) View and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S–1426–83 Filed 10–6–83; 3:06 pm]
BILLING CODE 3710–GX–M

7

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 26, 1983.

PLACE: On board *MV Mississippi* at City Front, Greenville, MS.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) View and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S-1427-83 Filed 10-6-83; 3:00 pm]

BILLING CODE 3710-GX-M

8

MISSISSIPPI RIVER COMMISSION

TIME AND DATE: 9 a.m., October 28, 1983.

PLACE: On board MV *Mississippi* at City Front, Morgan City, LA.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Report by president on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) View and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rodger D. Harris, telephone 601–634–5766.

[S-1428-83 Filed 10-6-83; 3:05 pm]

BILLING CODE 3710-GX-M

9

NUCLEAR REGULATORY COMMISSION

DATE: Thursday, October 6, 1983 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Thursday, October 6:*

9:30 a.m.
Briefing on Results of GPU and B&W Trial Material (Public Meeting) (As Announced)

10:30 a.m.
The previously announced meeting has been retitled as follows:
Report on Investigations at TMI and Report on Adjudicatory Matters at TMI:
(i) Report on Progress of Ongoing Investigations (Closed—Exemptions 5 and 7)
(ii) Status and Options Regarding Adjudicatory Matters (Closed—Exemption 10)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–410.

October 5, 1983.

Walter Magee,

Office of the Secretary.

[S-1429-83 Filed 10-6-83; 3:49 pm]

BILLING CODE 7590-01-M

federal register

Tuesday
October 11, 1983

Part II

Department of Health and Human Services

Social Security Administration

Federal Old-Age, Survivors, and Disability Insurance Benefits; Repeal of Minimum Benefit Provision and Rounding of Benefits

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance Benefits; Repeal of Minimum Benefit Provision and Rounding of Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: In these regulations, we explain the prospective repeal of the Old-Age, Survivors and Disability Insurance (OASDI) minimum benefit provision and the revised rules for rounding benefit amounts. We also provide an extension of the December 1978 table used to compute the primary insurance amount of many individuals. This table provides for primary insurance amounts of less than the repealed $121.80 minimum (December 1978 rate). These regulations implement the provisions of sections 2201 and 2206 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) and section 2 of Pub. L. 97–123.

EFFECTIVE DATE: These regulations are effective on October 11, 1983.

FOR FURTHER INFORMATION CONTACT: Duane Heaton, Room 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–7951.

SUPPLEMENTARY INFORMATION: The 1981 amendments to the Social Security Act repealed the minimum benefit provision for newly eligible beneficiaries as one step in reducing the costs and improving the equity of the Social Security program. Under that provision, the minimum primary insurance amount (before any applicable cost-of-living adjustments) on which benefit amounts are based for beneficiaries newly eligible after 1978 was $122 ($121.80 if the primary insurance amount had been computed under the old-start method in 20 CFR 404.240–404.242 or the guaranteed-alternative method explained in 20 CFR 404.230–404.233). Thus, if a computation based on a worker's earnings resulted in a primary insurance amount less than the minimum, it was raised to the minimum. Now, for a worker to whom the repeal is applicable, we will use the primary insurance amount computed on the basis of earnings regardless of how low it is. However, some beneficiaries whose OASDI benefit amount is affected by the repeal will now be eligible for Supplemental Security Income benefits.

The repeal applies to workers who first become eligible for benefits after 1981 or who die after 1981 without having become eligible before 1982. For some members of certain religious orders, the repeal is applicable to individuals who first become eligible for benefits after 1991 or who die after 1991 without having become eligible for benefits.

In these regulations, we explain that computations of primary insurance amounts for workers reaching age 62 during the period 1982 through 1983 using the guaranteed-alternative computation method will be based on the table that was in the Social Security Act in December 1978, except that it has now been extended downward to show primary insurance amounts under $121.80. We also explain the methodology used to extend the December 1978 table. This table replaces the table now in Subpart C as published on July 15, 1982 at 47 FR 30731. Where it is necessary to initially compute benefits for months before this table became effective, we will use the relevant earlier tables, as appropriate.

The revised provisions on rounding reflect the intention of Congress to reduce program costs by rounding to the next lower dime at intermediate steps in the benefit computation and rounding final benefit amounts (the actual benefit amount payable to a beneficiary) to the next lower multiple of a dollar if not already a multiple of a dollar. Although the statutory provisions were effective for computations and adjustments of primary insurance amounts and benefit amounts beginning with September 1981, we did not implement the provisions until June 1982 due to processing limitations which made earlier implementation impractical.

Public Comments

In order to obtain the public's views and comments before proceeding with these amendments, we published a Notice of Proposed Rule Making in the Federal Register on March 14, 1983 (48 FR 10694). The public was invited to submit comments pertaining to the proposed amendment within a period of 60 days from the date of publication of the notice. The comment period closed on May 13, 1983. There were no comments received during the comment period.

Regulatory Procedures

Executive Order 12291—These regulations have been reviewed under E.O. 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required. Arguably, the large program savings resulting from repeal of the minimum benefit and rounding of benefits might constitute "an annual effect on the economy of $100 million or more" (sec. 1(b)(1) of Executive order 12291) and, therefore, make these regulations major. However, the program savings result from statutory amendments, which leave the Secretary no significant regulatory discretion, and not from the regulation.

Paperwork Reduction Act—These regulations impose no reporting/recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act—We certify that these regulations will not, if promulgated, have a significant economic impact on a substantial number of small entities because they affect only benefit amounts payable to individuals. Therefore, a regulatory flexibility analysis as provided in Public Law 96–354, the Regulatory Flexibility Act, is not required.

Accordingly, this regulation is adopted without change as set forth below.

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Death benefits, Disabled, Old-Age, Survivors, Disability insurance.

(Secs. 202, 205, 215, and 1102, Social Security Act; 49 Stat. 623, 53 Stat. 1368, 64 Stat. 506, 49 Stat. 647 (42 U.S.C. 402, 405, 415, and 1302))

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security—Disability Insurance, 13.803 Social Security—Retirement Insurance, 13.805 Social Security—Survivors Insurance)

Dated: July 27, 1983.

John A. Svahn,

Commissioner of Social Security.

Approved: September 21, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 404—[AMENDED]

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.212 is amended by revising paragraph (c) and by adding paragraph (e) to read as follows:

§ 404.212 Computing your primary insurance amount from your average indexed monthly earnings.

* * * * *

(c) *Computing your primary insurance amount from the benefit formula.* We compute your primary insurance amount by applying the benefit formula to your

average indexed monthly earnings and adding the results for each step of the formula. For computations using the benefit formulas in effect for 1979 through 1982, we round the total amount to the next higher multiple of $0.10 if it is not a multiple of $0.10 and for computations using the benefit formulas effective for 1983 and later years, we round to the next lower multiple of $0.10. (See paragraph (e) of this section for a discussion of the minimum primary insurance amount.)

* * * * *

(e) *Minimum primary insurance amount.* If you were eligible for benefits, or died without having been eligible, before 1982, your primary insurance amount computed under this method cannot be less than $122. This minimum benefit provision has been repealed effective with January 1982 for most workers and their families where the worker initially becomes eligible for benefits in that or a later month, or dies in January 1982 or a later month without having been eligible before January 1982. For members of a religious order who are required to take a vow of poverty, as explained in 20 CFR 404.1024, and which religious order elected Social Security coverage before December 29, 1981, the repeal is effective with January 1992 based on first eligibility or death in that month or later.

2. Section 404.222 is amended by revising paragraph (b) to read as follows:

§ 404.222 Use of benefit table in finding your primary insurance amount from your average monthly wage.

* * * * *

(b) *Finding your primary insurance amount from benefit table.* We find your average monthly wage in column III of the table. Your primary insurance amount appears on the same line in column IV (column II if you are entitled to benefits for any of the 12 months preceding the effective month in column IV). As explained in § 404.212(e), there is a minimum primary insurance amount of $122 payable for persons who became eligible or died after 1978 and before January 1982. There is also an alternative minimum of $121.80 (before the application of cost-of-living increases) for members of this group whose benefits were computed from the benefit table in effect in December 1978 on the basis of either the old-start computation method in §§ 404.240 through 404.242 or the guaranteed alternative computation method explained in §§ 404.230 through 404.233. However, as can be seen from the extended table in Appendix III, the lowest primary insurance amount under this method is now $1.70 for individuals for whom the minimum benefit has been repealed.

Example. In the example in § 404.221(d), we computed Mr. B's average monthly wage to be $502. We refer to the December 1978 benefit table in Appendix III. Then we find his average monthly wage in column III of the table. Reading across, his primary insurance amount is on the same line in column IV and is $390.50. A 9.9 percent automatic cost-of-living benefit increase was effective for June 1979, increasing Mr. B's primary insurance amount to $429.20, as explained in §§ 404.270 through 404.277. Then, we increase the $429.20 by the 14.3 percent June 1980 cost-of-living benefit increase and get $490.60, and by the 11.2 percent June 1981 increase to get $545.60.

3. Section 404.261 is amended by revising paragraph (a)(2) to read as follows:

§ 404.261 Computing your special minimum primary insurance amount.

(a) *Years of coverage.*

* * * * *

(2) You must have at least 11 years of coverage to qualify for a special minimum primary insurance amount computation. However, special minimum primary insurance amounts based on little more than 10 years of coverage are usually lower than the regular minimum benefit that was in effect before 1982 (see §§ 404.212(e) and 404.222(b) of this part). In any situation where your primary insurance amount computed under another method is higher, we use that higher amount.

* * * * *

4. Section 404.275 is amended by revising the sentence before the example to read as follows:

§ 404.275 Amount of automatic cost-of-living increase.

* * * We round the resulting amounts to the next lower multiple of $0.10 if not already a multiple of $0.10. (We round to the next higher multiple of $0.10 for increases effective before June 1982.)

* * * * *

§ 404.277 [Amended]

5. Section 404.277 is amended in paragraph (a) by adding "and before 1982," after "1978" in the second sentence.

6. Appendix III to subpart C of Part 400 is amended by revising the narrative after the first paragraph and the table to read as follows:

Appendix III—Benefit Table

* * * * *

The benefit table in effect in December 1978 had a minimum primary insurance amount of $121.80. As explained in § 404.222(b), certain workers eligible, or who without having been eligible, before 1982 had their benefit computed from this table. However, the minimum benefit provision was repealed for other workers by the 1981 amendments to the Act (the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 as modified by Pub. L. 97–123). As a result, this benefit table includes a downward extension from the former minimum of $121.80 to the lowest primary insurance amount now possible. The extension is calculated as follows. For each single dollar of average monthly wage in the benefit table, the primary insurance amount shown for December 1978 is $121.80 multiplied by the ratio of that average monthly wage to $76. The upper limit of each primary insurance benefit range in Column I of the table is $16.20 multipled by the ratio of the average monthly wage in Column III of the table to $76. The maximum family benefit is 150 percent of the corresponding primary insurance amount.

The repeal of the minimum benefit provision is effective with January 1982 for most workers and their families where the worker initially becomes eligible for benefits after 1981 or dies after 1981 without having been eligible before January 1982. For members of a religious order who are required to take a vow of poverty, as explained in 20 CFR 404.1024, and which religious order elected Social Security coverage before December 29, 1981, the repeal is effective with January 1992 based on first eligibility or death in that month or later.

To use this table, you must first compute the primary insurance benefit (column I) or the average monthly wage (column III), then move across the same line to either column II or column IV as appropriate. To determine increases in primary insurance amounts since December 1978 you should see Appendix VI. Appendix VI tells you, by year, the precentage of the increases. In applying each cost-of-liviang increase to primary insurance amounts, we round the increased primary insurance amount to the next lower multiple of $0.10 if not already a multiple of $0.10. (For cost-of-living increases which are effective before June 1982, we round to the next higher multiple of $0.10.)

EXTENDED DECEMBER 1978 TABLE OF BENEFITS EFFECTIVE JANUARY 1982

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(e)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective January 1982—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
				$1	$1.70	$2.60
	$0.42		$2	2	3.30	5.00
$0.43	.63		3	3	4.90	7.40
.64	.85		4	4	6.50	9.90
.86	1.06		5	5	8.10	12.20
1.07	1.27		6	6	9.70	14.80
1.28	1.49		7	7	11.30	17.00
1.50	1.70		8	8	12.90	19.40
1.71	1.91		9	9	14.50	21.80
1.92	2.13		10	10	16.10	24.20
2.14	2.34		11	11	17.70	26.60
2.35	2.55		12	12	19.30	29.00
2.56	2.77		13	13	20.90	31.40
2.78	2.98		14	14	22.50	33.80
2.99	3.19		15	15	24.10	36.20
3.20	3.41		16	16	25.70	38.60
3.42	3.62		17	17	27.30	41.00
3.63	3.83		18	18	28.90	43.40
3.84	4.05		19	19	30.50	45.80
4.06	4.26		20	20	32.10	48.20
4.27	4.47		21	21	33.70	50.60
4.48	4.68		22	22	35.30	53.00
4.69	4.90		23	23	36.90	55.40
4.91	5.11		24	24	38.50	57.80
5.12	5.32		25	25	40.10	60.20
5.33	5.54		26	26	41.70	62.60
5.55	5.75		27	27	43.30	65.00
5.76	5.96		28	28	44.90	67.40
5.97	6.18		29	29	46.50	69.80
6.19	6.39		30	30	48.10	72.20
6.40	6.60		31	31	49.70	74.60
6.61	6.82		32	32	51.30	77.00
6.83	7.03		33	33	52.90	79.40
7.04	7.24		34	34	54.50	81.80
7.25	7.46		35	35	56.10	84.20
7.47	7.67		36	36	57.70	86.60
7.68	7.88		37	37	59.30	89.00
7.89	8.10		38	38	60.90	91.40
8.11	8.31		39	39	62.60	93.90
8.32	8.52		40	40	64.20	96.30
8.53	8.73		41	41	65.80	98.70
8.74	8.95		42	42	67.40	101.10
8.96	9.16		43	43	69.00	103.50
9.17	9.37		44	44	70.60	105.90
9.38	9.59		45	45	72.20	108.30
9.60	9.80		46	46	73.80	110.70
9.81	10.01		47	47	75.40	113.10
10.02	10.23		48	48	77.00	115.50
10.24	10.44		49	49	78.60	117.90
10.45	10.65		50	50	80.20	120.30
10.66	10.87		51	51	81.80	122.70
10.88	11.08		52	52	83.40	125.10
11.09	11.29		53	53	85.00	127.50
11.30	11.51		54	54	86.60	129.90
11.52	11.72		55	55	88.20	132.30
11.73	11.93		56	56	89.80	134.70
11.94	12.15		57	57	91.40	137.10
12.16	12.36		58	58	93.00	139.50
12.37	12.57		59	59	94.60	141.90
12.58	12.78		60	60	96.20	144.30
12.79	13.00		61	61	97.80	146.70
13.01	13.21		62	62	99.40	149.10
13.22	13.42		63	63	101.00	151.50
13.43	13.64		64	64	102.60	153.90
13.65	13.85		65	65	104.20	156.30
13.86	14.06		66	66	105.80	158.70
14.07	14.28		67	67	107.40	161.10
14.29	14.49		68	68	109.00	163.50
14.50	14.70		69	69	110.60	165.90
14.71	14.92		70	70	112.20	168.30
14.93	15.13		71	71	113.80	170.70
15.14	15.34		72	72	115.40	173.10
15.35	15.56		73	73	117.00	175.50
15.57	15.77		74	74	118.60	177.90
15.78	15.98		75	75	120.20	180.30
15.99	16.20		76	76	121.80	182.70

TABLE OF BENEFITS IN EFFECT IN DECEMBER 1978

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(e)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
	$16.20	$114.30		$76	$121.80	$182.70
$16.21	16.84	116.10	$77	78	123.70	185.60
16.85	17.60	118.80	79	80	126.60	189.90
17.61	18.40	121.00	81	81	128.90	193.50
18.41	19.24	123.00	82	83	131.20	196.80
19.25	20.00	125.80	84	85	134.00	201.00
20.01	20.64	128.10	86	87	136.50	204.80
20.65	21.28	130.10	88	89	138.60	207.90
21.29	21.88	132.70	90	90	141.40	212.10
21.89	22.28	135.00	91	92	143.80	215.70
22.29	22.68	137.20	93	94	146.20	219.20
22.69	23.08	139.40	95	96	148.50	222.80
23.09	23.44	142.00	97	97	151.30	227.00
23.45	23.76	144.30	98	99	153.70	230.60
23.77	24.20	147.10	100	101	156.70	235.10
24.21	24.60	149.20	102	102	158.90	238.50
24.61	25.00	151.70	103	104	161.60	242.40
25.01	25.48	154.50	105	106	164.60	246.90
25.49	25.92	157.00	107	107	167.30	251.00
25.93	26.40	159.40	108	109	169.80	254.80
26.41	26.94	161.90	110	113	172.50	258.80
26.95	27.46	164.20	114	118	174.90	262.40
27.47	28.00	166.70	119	122	177.60	266.50
28.01	28.68	169.30	123	127	180.40	270.60
28.69	29.25	171.80	128	132	183.00	274.60
29.26	29.68	174.10	133	136	185.50	278.30
29.69	30.36	176.50	137	141	188.00	282.10
30.37	30.92	179.10	142	146	190.80	286.20
30.93	31.36	181.70	147	150	193.60	290.40
31.37	32.00	183.90	151	155	195.90	293.90
32.01	32.60	186.50	156	160	198.70	298.10
32.61	33.20	189.00	161	164	201.30	302.00
33.21	33.88	191.40	165	169	203.90	305.90
33.89	34.50	194.00	170	174	206.70	310.10
34.51	35.00	196.30	175	178	209.10	313.70
35.01	35.60	198.90	179	183	211.90	318.00
35.61	36.40	201.30	184	188	214.40	321.70
36.41	37.08	203.90	189	193	217.20	326.00
37.09	37.60	206.40	194	197	219.90	329.90
37.61	38.20	208.80	198	202	222.40	333.60
38.21	39.12	211.50	203	207	225.30	338.00
39.13	39.68	214.00	208	211	228.00	342.00
39.69	40.33	216.00	212	216	230.10	345.20
40.34	41.12	218.70	217	221	233.00	349.50
41.13	41.76	221.20	222	225	235.60	353.40
41.77	42.44	223.90	226	230	238.50	357.80
42.45	43.20	226.30	231	235	241.10	361.70
43.21	43.76	229.10	236	239	244.00	366.10
43.77	44.44	231.20	240	244	246.30	371.10
44.45	44.88	233.50	245	249	249.70	376.80
44.89	45.60	236.40	250	253	251.80	384.90
		238.70	254	258	254.30	392.50
		240.80	259	263	256.50	400.00
		243.70	264	267	259.60	406.00
		246.10	268	272	262.10	413.70
		248.70	273	277	264.90	421.20
		251.00	278	281	267.40	427.20
		253.50	282	286	270.00	434.90
		256.20	287	291	272.90	442.60
		258.30	292	295	275.10	448.50
		261.10	296	300	276.10	456.10
		263.50	301	305	280.70	463.80
		265.80	306	309	283.10	469.80
		268.50	310	314	286.00	477.40
		270.70	315	319	288.30	485.10
		273.20	320	323	291.00	491.10
		275.80	324	328	293.80	498.70
		278.10	329	333	296.20	506.20
		281.00	334	337	299.30	512.50
		283.00	338	342	301.40	519.90
		285.60	343	347	304.20	527.50
		288.30	348	351	307.10	533.60
		290.50	352	356	309.40	541.20
		293.30	357	361	312.40	548.80
		295.80	362	365	314.90	554.90
		297.90	366	370	317.30	562.50
		300.60	371	375	320.20	569.90
		303.10	376	379	322.90	576.30
		305.70	380	384	325.60	583.90
		307.90	385	389	328.00	591.30
		310.30	390	393	330.50	597.40
		313.00	394	398	333.40	605.10
		315.40	399	403	336.00	612.70

TABLE OF BENEFITS IN EFFECT IN DECEMBER 1978—Continued

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(e)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
		318.20	404	407	338.90	618.60
		320.20	408	412	341.10	626.30
		322.50	413	417	343.50	633.80
		324.80	418	421	346.00	639.90
		327.40	422	426	348.70	647.50
		329.60	427	431	351.10	655.10
		331.60	432	436	353.20	662.70
		334.40	437	440	356.20	665.70
		336.50	441	445	358.40	669.70
		338.70	446	450	360.60	673.40
		341.30	451	454	363.50	676.30
		343.50	455	459	365.90	680.10
		345.80	460	464	368.30	683.80
		347.90	465	468	370.60	687.10
		350.70	469	473	373.50	690.80
		352.60	474	478	375.60	694.60
		354.90	479	482	378.00	697.70
		357.40	483	487	380.70	701.60
		359.70	488	492	383.10	705.40
		361.90	493	496	385.50	708.40
		364.50	497	501	388.20	712.10
		366.60	502	506	390.50	715.80
		368.90	507	510	392.90	719.00
		371.10	511	515	395.30	722.80
		373.70	516	520	398.00	726.70
		375.80	521	524	400.30	729.50
		378.10	525	529	402.70	733.40
		380.80	530	534	405.60	737.10
		382.80	535	538	407.70	740.20
		385.10	539	543	410.20	744.10
		387.60	544	548	412.80	747.80
		389.90	549	553	415.30	751.60
		392.10	554	556	417.60	753.90
		393.90	557	560	419.60	756.90
		396.10	561	563	421.90	759.30
		398.20	564	567	424.10	762.30
		400.40	568	570	426.50	764.50
		402.30	571	574	428.50	767.50
		404.40	575	577	430.70	769.90
		406.20	578	581	432.70	772.80
		408.40	582	584	435.00	775.20
		410.20	585	588	436.90	778.20
		412.60	589	591	439.50	780.50
		414.80	592	595	441.80	783.50
		416.70	596	598	443.80	785.60
		418.70	599	602	446.00	788.90
		420.70	603	605	448.10	791.10
		422.80	606	609	450.30	794.00
		424.90	610	612	452.60	796.50
		426.90	613	616	454.70	799.50
		428.90	617	620	456.80	802.50
		431.00	621	623	459.10	804.80
		433.00	624	627	461.20	807.90
		435.10	628	630	463.40	810.70
		437.10	631	634	465.60	814.70
		439.20	635	637	467.80	818.50
		441.40	638	641	470.10	822.40
		443.20	642	644	472.10	826.10
		445.40	645	648	474.40	830.10
		447.40	649	652	476.50	833.70
		448.60	653	656	477.80	836.10
		449.90	657	660	479.20	838.40
		451.50	661	665	480.90	841.50
		453.10	666	670	482.60	844.50
		454.80	671	675	484.40	847.40
		456.40	676	680	486.10	850.50
		458.00	681	685	487.80	853.50
		459.80	686	690	489.70	856.40
		461.20	691	695	491.20	859.60
		462.80	696	700	492.90	862.60
		464.50	701	705	494.70	865.60
		466.10	706	710	496.40	868.60
		467.70	711	715	498.20	871.50
		469.40	716	720	500.00	874.60
		471.00	721	725	501.70	877.60
		472.60	726	730	503.40	880.70
		474.20	731	735	505.10	883.80
		475.90	736	740	506.90	886.70
		477.40	741	745	508.50	889.90
		478.90	746	750	510.10	892.70
		480.40	751	755	511.70	896.40
		481.80	756	760	513.20	897.80
		483.20	761	765	514.70	900.40

TABLE OF BENEFITS IN EFFECT IN DECEMBER 1978—Continued

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(e)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
		484.50	766	770	516.00	903.00
		485.80	771	775	517.40	905.40
		487.20	776	780	518.90	907.90
		488.60	781	785	520.40	910.40
		489.80	786	790	521.70	912.90
		491.10	791	795	523.10	915.40
		492.50	796	800	524.60	918.00
		494.00	801	805	526.20	920.50
		495.30	806	810	527.50	923.00
		496.70	811	815	529.00	925.60
		498.00	816	820	530.40	928.00
		499.40	821	825	531.90	930.60
		500.70	826	830	533.30	933.10
		502.00	831	835	534.70	935.70
		503.30	836	840	536.10	938.10
		504.70	841	845	537.60	940.80
		506.00	846	850	538.90	943.00
		507.50	851	855	540.50	945.70
		508.60	856	860	541.90	948.10
		510.20	861	865	543.40	950.70
		511.50	866	870	544.80	953.20
		512.90	871	875	546.30	955.70
		514.10	876	880	547.60	958.20
		515.50	881	885	549.10	960.80
		516.80	886	890	550.40	963.20
		518.20	891	895	551.90	966.00
		519.60	896	900	553.40	968.30
		521.00	901	905	554.90	970.90
		522.30	906	910	556.30	973.50
		523.70	911	915	557.80	976.00
		525.10	916	920	559.30	978.30
		526.30	921	925	560.60	981.00
		527.60	926	930	561.90	983.40
		529.00	931	935	563.40	985.90
		530.40	936	940	564.90	988.50
		531.70	941	945	566.30	991.00
		533.00	946	950	567.70	993.50
		534.50	951	955	569.30	996.10
		535.90	956	960	570.80	998.60
		537.30	961	965	572.30	1,001.00
		538.40	966	970	573.40	1,003.60
		539.80	971	975	574.90	1,006.20
		541.20	976	980	576.40	1,008.50
		542.60	981	985	577.90	1,011.10
		543.80	986	990	579.20	1,013.60
		545.20	991	995	580.70	1,016.20
		546.60	996	1,000	582.20	1,018.60
		547.80	1,001	1,005	583.50	1,020.70
		548.90	1,006	1,010	584.60	1,023.20
		550.20	1,011	1,015	586.00	1,025.30
		551.50	1,016	1,020	587.40	1,027.80
		552.60	1,021	1,025	588.60	1,029.90
		553.80	1,026	1,030	589.80	1,032.20
		555.10	1,031	1,035	591.20	1,034.50
		556.20	1,036	1,040	592.40	1,036.70
		557.50	1,041	1,045	593.80	1,039.10
		558.80	1,046	1,050	595.20	1,041.30
		559.80	1,051	1,055	596.20	1,043.40
		561.10	1,056	1,060	597.60	1,045.90
		562.40	1,061	1,065	599.00	1,048.00
		563.60	1,066	1,070	600.30	1,050.50
		564.80	1,071	1,075	601.60	1,052.60
		566.00	1,076	1,080	602.80	1,054.90
		567.30	1,081	1,085	604.20	1,057.10
		568.40	1,086	1,090	605.40	1,059.40
		569.70	1,091	1,095	606.80	1,061.70
		571.00	1,096	1,100	608.20	1,064.00
		572.00	1,101	1,105	609.20	1,066.10
		573.30	1,106	1,110	610.60	1,068.50
		574.60	1,111	1,115	612.00	1,070.70
		575.70	1,116	1,120	613.20	1,073.10
		577.00	1,121	1,125	614.60	1,075.30
		578.20	1,126	1,130	615.80	1,077.60
		579.40	1,131	1,135	617.10	1,079.70
		580.60	1,136	1,140	618.40	1,082.20
		581.90	1,141	1,145	619.80	1,084.40
		583.10	1,146	1,150	621.10	1,086.70
		584.20	1,151	1,155	622.20	1,088.80
		585.50	1,156	1,160	623.60	1,091.10
		586.70	1,161	1,165	624.90	1,093.40
		587.90	1,166	1,170	626.20	1,095.80
		589.20	1,171	1,175	627.50	1,098.00
		590.30	1,176	1,180	628.70	1,100.20

TABLE OF BENEFITS IN EFFECT IN DECEMBER 1978—Continued

I		II	III		IV	V
Primary insurance benefit—If an individual's primary insurance benefit (as determined under § 404.241(a)) is—		Primary insurance amount effective June 1977—Or his or her primary insurance amount is—	Average monthly wage—Or his or her average monthly wage (as determined under § 404.221) is—		Primary insurance amount effective June 1978—Then his or her primary insurance amount is—	Maximum family benefits—And the maximum amount of benefits payable on the basis of his or her wages and self-employment income is—
At least—	But not more than—		At least—	But not more than—		
		591.40	1,181	1,185	629.90	1,102.20
		592.60	1,186	1,190	631.20	1,104.30
		593.70	1,191	1,195	632.30	1,106.50
		594.80	1,196	1,200	633.50	1,108.60
		595.90	1,201	1,205	634.70	1,110.60
		597.10	1,206	1,210	636.00	1,112.90
		598.20	1,211	1,215	637.10	1,114.90
		599.30	1,216	1,220	638.30	1,117.00
		600.40	1,221	1,225	639.50	1,119.00
		601.60	1,226	1,230	640.80	1,121.20
		602.70	1,231	1,235	641.90	1,123.30
		603.80	1,236	1,240	643.10	1,125.40
		605.00	1,241	1,245	644.40	1,127.50
		606.10	1,246	1,250	645.50	1,129.60
		607.20	1,251	1,255	646.70	1,131.60
		608.30	1,256	1,260	647.90	1,133.80
		609.50	1,261	1,265	649.20	1,135.90
		610.60	1,266	1,270	650.30	1,138.00
		611.70	1,271	1,275	651.50	1,140.00
		612.80	1,276	1,280	652.70	1,142.20
		613.80	1,281	1,285	653.70	1,144.10
		614.80	1,286	1,290	654.90	1,146.10
		616.00	1,291	1,295	656.10	1,148.00
		617.00	1,296	1,300	657.20	1,150.00
		618.10	1,301	1,305	658.30	1,152.00
		619.10	1,306	1,310	659.40	1,154.00
		620.20	1,311	1,315	660.60	1,155.90
		621.30	1,316	1,320	661.70	1,157.90
		622.30	1,321	1,325	662.80	1,159.80
		623.40	1,326	1,330	664.00	1,161.90
		624.40	1,331	1,335	665.00	1,163.80
		625.50	1,336	1,340	666.20	1,165.80
		626.60	1,341	1,345	667.40	1,167.70
		627.60	1,346	1,350	668.40	1,169.70
		628.70	1,351	1,355	669.60	1,171.70
		629.70	1,356	1,360	670.70	1,173.70
		630.80	1,361	1,365	671.90	1,175.60
		631.80	1,366	1,370	672.90	1,177.70
		632.90	1,371	1,375	674.10	1,179.60
		633.90	1,376	1,380	675.20	1,181.60
		634.90	1,381	1,385	676.20	1,183.40
		635.90	1,386	1,390	677.30	1,185.30
		636.90	1,391	1,395	678.30	1,187.10
		637.90	1,396	1,400	679.40	1,189.00
		638.90	1,401	1,405	680.50	1,190.80
		639.90	1,406	1,410	681.50	1,192.70
		640.90	1,411	1,415	682.60	1,194.60
		641.90	1,416	1,420	683.70	1,196.50
		642.90	1,421	1,425	685.70	1,198.30
		643.90	1,426	1,430	684.80	1,200.20
		644.90	1,431	1,435	686.90	1,202.00
		645.90	1,436	1,440	687.90	1,203.90
		646.90	1,441	1,445	689.00	1,205.70
		647.90	1,446	1,450	690.10	1,207.70
		648.90	1,451	1,455	691.10	1,209.50
		649.90	1,456	1,460	692.20	1,211.40
		650.90	1,461	1,465	693.30	1,213.20
		651.90	1,466	1,470	694.30	1,215.10
		652.90	1,471	1,475	695.40	1,216.90

7. Section 404.304 is amended by removing and reserving paragraph (c) and by adding paragraph (f) to read as follows:

§ 404.304 General rules on benefit amounts.

* * * * *

(c) [Reserved].

* * * * *

(f) *Rounding.* After all other deductions or reductions, any monthly benefit which is not a multiple of $1 is reduced to the next lower multiple of $1.

§ 404.402 [Amended]

8. Section 404.402 is amended on paragraph (a)(2) by changing the cross-reference from § 404.409 to § 404.304(f).

§ 404.403 [Amended]

9. Section 404.403 is amended in paragraph (c) by changing "higher" to "lower" in the last sentence.

§ 404.405 [Amended]

10. Section 404.405 is amended by revising the second sentence of paragraph (p)(3) to read as follows:

* * * * *

(p) * * *

(3) * * * Any such increased amount, if it is not a multiple of $0.10, will be raised to the next higher multiple of $0.10 for months before June 1982 and reduced to the next lower multiple of $0.10 for months after May 1982.

* * * * *

§ 404.409 [Removed and Reserved]

11. Section 404.409 is removed and reserved.

12. Section 404.410 is amended in the opening paragraph by adding after the

fourth sentence the following sentence, to read as follows:

§ 404.410 Reduction in benefits for age—general.

* * * Any reduction amount under this section or §§ 404.411–404.413 which is not a multiple of $0.10 will be raised to the next higher multiple of $0.10.

* * * * *

§ 404.439 [Amended]

13. Section 404.439 is amended in the second sentence by adding "and before the application of § 404.304(f) to round to the next lower dollar" after "retirement age". This section is further amended by revising the example to read as follows:

* * * * *

Example: A is entitled to an old-age insurance benefit of $165 and his wife is entitled to $82.50 before rounding, making a total of $247.50. After A's excess earnings have been charged to the appropriate months, there remains a partial benefit of $200 payable for October, which is apportioned as follows:

	Original benefit	Fraction of original	Benefit[1]
A	$165	2/3	$133
Wife	82.50	1/3	66
Total	247.50		199

[1] After deductions for excess earnings and after rounding per § 404.304(f).

§ 404.440 [Amended]

14. Section 404.440 is amended by removing the last sentence of the introductory text and revising the example to read as follows:

* * * * *

Example: Family maximum is $150. Insured individual's excess earnings charged to the month are $25. The remaining $125 is prorated as partial payment.

	Original benefit	Fraction of original total benefit	Benefit after deductions for excess earnings but before reduction for family maximum	Benefit reduced for maximum but without deductions for excess earnings	Benefit payable after both deductions and reductions (and rounded)
Insured individual	$100	4/8	50	100.00	75
Wife	50	1/8	25	16.60	16
Child	50	1/4	25	16.60	16
Child	50	1/8	25	16.60	16

15. Section 404.441 is revised to read as follows:

§ 404.441 Partial monthly benefits; insured individual and another person entitled (or deemed entitled) on the same earnings record both have excess earnings.

Where both the insured individual and another person entitled (or deemed entitled) on the same earnings record have excess earnings (as described in § 404.430), their excess earnings are charged, and their partial monthly benefit is apportioned, as follows:

Example: M and his wife are initially entitled to combined total benefits of $264 per month based on M's old-age insurance benefit of $176. For the taxable year in question, M's excess earnings were $1,599 and his wife's excess earnings were $265. Both were under age 65. M had wages of more than $340 in all months of the year except February, while his wife had wages of more than $340 in all months of the year. After M's excess earnings have been charged to the appropriate months (all months through July except February), there remains a partial benefit payment for August of $249, which is allocated to M and his wife in the ratio that the original benefit of each bears to the sum of their original benefits: $166 and $83. His wife's excess earnings are charged against her full benefit for February ($88), her partial benefit for August ($83), her full benefit for September, and from $6 of her October benefit, leaving an $82 benefit payable to her for that month.

§ 404.501 [Amended]

16. Section 404.501 is amended in paragraph (a)(2) by inserting the words "or decrease" after the word "increase" and by removing the reference to section 202(m).

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Part III

Environmental Protection Agency

Restructuring SIP Preparation Regulations; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL 2379-2]

Restructuring SIP Preparation Regulations

AGENCY: Environmental Protection Agency.

ACTION: Proposed Restructuring of Existing Rule.

SUMMARY: EPA proposes to restructure and consolidate regulations for the development of State Implementation Plans (SIP's) to attain the national ambient air quality standards. These regulations are complex, not well organized, and contain many obsolete provisions. EPA proposes to delete obsolete provisions and rewrite the regulations in a new format which is shorter and better organized. States using the new regulations to prepare SIP's will find them current and easier to follow. The proposed regulations also have a flexible structure into which future requirements can be more easily included.

DATES: Comments must be submitted by January 9, 1983.

ADDRESSES: Send comments to: Central Docket Section (LE-131), Environmental Protection Agency, Attention: Docket No. A-81-25, 401 M Street, SW., Washington, D.C. 20460.

Docket No. A-81-25, containing material relevant to this rulemaking, is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery #1, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Ted Creekmore or Joseph Sableski, Plans Guidelines Section, MD-15, Environmental Protection Agency, Research Triangle Park, N.C. 27711; Telephone: (919) 541-5697, commercial; 629-5697; FTS.

SUPPLEMENTARY INFORMATION:

Background

EPA began to develop SIP requirements in 1971 shortly after the enactment of the Clean Air Act Amendments in December 1970. EPA promulgated the Part 51 requirements on November 25, 1971.

EPA has made many substantive revisions to 40 CFR 51 since it was first promulgated, and continues to make them. We have revised requirements for transportation control strategies maintenance of the national ambient air quality standards, legal authority, air quality monitoring, new source review, data reporting, prevention of significant deterioration, and the lead air quality standard, to name some of the major topics.

The existing format was not originally designed to accommodate so many topics, and the many revisions and additions have made the whole regulation more confusing. As a result, users—mainly the State air pollution control agencies and the EPA Regional Offices—have difficulty finding and understanding applicable requirements in the regulations.

This proposal recommends revising Part 51 to:

1. *Delete obsolete provisions.* The major obsolete provisions deleted are the example region aproach, the priority classification system as it applies to control strategies, and several Appendices.

2. *Reduce reporting requirements.* Existing Part 51 sections require various reports as part of the "Annual source emissions and State action report" (§ 51.321). EPA intends to delete provisions for "Reportable revisions" (§ 51.326) and "Plan prescribed actions" (§ 51.328). This information is available through overview programs and the grant mechanism.

3. *Rewrite, condense, and reduce complicated and detailed requirements.* The best example of this is the incorporation of the control strategy sections, i.e., §§ 51.10, 12, 13, 14, into the new Subpart G—"Control Strategy." The consolidation of all SIP control strategy requirements under Subpart G simplifies the regulations and removes detailed requirements for specific pollutants which are no longer necessary. The lead (Pb) requirements (Subpart E) are also consolidated within the new Subpart G.

4. *Improve clarity.* The main technique in improving clarity is to eliminate long units (sentences, paragraphs) by reorganizing them into smaller, more easily understood units.

5. *Provide flexible structure.* EPA has developed a "Master Plan" to restructure 40 CFR 51; it is included as Table 1. It expands the Part 51 structure to include more topical headings; these will act as guideposts in locating applicable requirements. This is accomplished by having more subparts than currently appear in Part 51. For instance, where now there is only one section for prevention of air pollution episodes (§51.16), there will be a whole subpart that contains several sections, one for classification of regions for episode plans, one for levels of significant harm, one for contingency plans, and one for reevaluation of episode plans. Furthermore, the use of section subdivisions below the third order is significantly reduced.

Portions of the Master Plan have already been implemented. Section 51.17, "Air quality surveillance," was restructured in a new Subpart J (44 FR 27558) when the "Ambient Air Quality Monitoring Data, Reporting, and Surveillance Provisions" regulations were issued May 10, 1979. Section 51.21, "Intergovernmental cooperation," was also restructured in a new Subpart M (44 FR 35179) when the "Intergovernmental Consultation" regulations were issued June 18, 1979. Finally, regulations on "Protection of Visibility" were promulgated as a new Subpart P on December 2, 1980 (45 FR 80089).

6. *Remove guidance language from regulations.* Most necessary guidance in Part 51 is available from other EPA publications. For example, guidance on emission inventories, monitoring, and diffusion modeling is routinely updated by EPA through guidelines that are readily available to the public. Thus, the proposal removes most guidance language in the text of the regulations. Also, many appendices are proposed for removal because guidance they provide can be found elsewhere. EPA guidance is listed in an "Air Programs Reports and Guidelines Index," EPA-450/2-82-016, which is available to the public.

Restructuring Schedule

The Administrator has decided that restructuring and revising all of 40 CFR Part 51 at one time is too complicated, and we propose to do it in phases. Phase I, proposed in this notice, restructures existing Subparts A, C, E, and Subpart B with the exception of maintenance plan requirements (§51.12(e-i)) and the PSD requirements (§51.24). Later phases will include revising maintenance provisions, restructuring Prevention of Significant Deterioration (PSD) provisions, revising Part 52, and adding other requirements as appropriate. Thus, when the restructuring is completed, existing Subparts A-E will have been replaced by new subparts beginning with Subpart F as shown in Table 1.

Restructuring Form

This action includes two tables to help identify and explain the restructured sections as follow:

(1) *Derivation Table and Master Plan (Table 1).* This table shows the origin of each new section and gives the Master Restructuring Plan.

(2) *Distribution (Table 2).* This table indicates where each original section fits into the new restructured format.

In addition to these aids, the proposal includes further documentation of the relationship between the new and old regulations. We cite the comparable old sections in the proposed regulatory text.

Relation of Restructured Regulations to Existing SIP's and Nonattainment Requirements

EPA does not anticipate that this proposal will have any significant impact on existing SIP's. EPA is proposing very few substantive changes to Part 51. The majority of these changes remove material that was intended to serve as guidance to the States in preparing their plans. EPA does not intend to require States to "clean up" their SIP's by removing or revising outdated material such as original emission inventories. States may make such revisions as their resources permit.

EPA is proposing three new requirements to Part 51. See the discussion of existing § 51.1(o) (definition of RACT—addition of visible emission limits); existing § 51.10(d) (interstate protection—prohibition of interference with measures to prevent significant deterioration and to protect visibility); and existing § 51.16 (air pollution episodes—requirement for reevaluating emergency episode plans when EPA reevaluates national standards). EPA does not anticipate that any existing SIP's have provisions which are inconsistent with these proposed requirements. The first two changes codify existing EPA policy. Because these two changes reflect existing policy, EPA does not anticipate that any State will need to revise its SIP. Compliance with the third proposed change may require revisions in the future if a State determines that its emergency episode plan needs to be updated.

EPA also does not anticipate that this proposal will have any appreciable impact on SIP revisions submitted to meet the requirements of Part D, Title I of the Clean Air Act. Part D contains new requirements for areas which did not attain the standards within the deadlines established by the 1970 amendments. The only regulations EPA has promulgated that incorporate Part D requirements concern new source review. EPA is not proposing any changes to the new source review rules. For the remaining Part D requirements, EPA issued non-regulatory guidance. EPA is not proposing to incorporate any of this guidance into Part 51 at this time.

Description of Proposal

We outline changes to Part 51 in Tables 1 and 2, detail changes below by subpart, and discuss changes to Part 51 appendices under the heading "Appendices."

Subpart F—Procedural Requirements

This new subpart includes the existing provisions for Definitions (§ 51.1), Stipulations (§ 51.2), Public hearings (§ 51.4), Submission of plans (§ 51.5), Revisions (§ 51.6, § 51.34), Approval of plans (§ 51.8), and Public availability of emission data (§ 51.10(e)).

Section 51.1 Definitions. We propose to delete obsolete definitions and add new definitions as necessary. Section 51.1 is redesignated § 51.100.

The current Part 51 regulation includes two definitions of the term "local agency." This proposal deletes the definition in existing § 51.1(j) which defines a local agency as ". . . and air pollution control agency. . ." and retains the definition in § 51.1(g) which defines a local agency as ". . . any local government agency . . ." The latter is a better definition because many local agencies involved in air quality planning are not strictly "air pollution control agencies."

The new § 51.100(j) now defines the word "plan" because it is referenced frequently in the regulations. The definition was inadvertently revoked by EPA in an earlier action.

The proposal revises subparagraphs § 51.1(1)(l) (i) and (ii) of § 51.1(k), "Point Source." The new definition deletes the outdated reference to "1970 urban place," and substitutes "1980 urban place."

The proposal deletes subparagraph (k)(1)(iii) because it references Appendix C, "Major Pollutant Sources," which is also proposed to be deleted. (We discuss the deletion of Appendix C under the section on "Appendices.")

The proposal revises the definition of § 51.1(l), "Area source." The new definition replaces a reference to an outdated 1966 publication with a reference to the "AEROS Manual Series."

The proposal revises the definition of Reasonably Available Control Technology (RACT) as it appears in § 51.1(o) to delete obsolete references and to correspond with the definition in use since enactment of the 1977 Clean Air Act Amendments. The new definition of RACT will also include the phrase "(including a visible emissions standard)," to make it clear that EPA considers visible emissions part of RACT requirements. This change codifies existing policy. EPA has traditionally considered visible emission limits in making RACT determinations. For example, Appendix B, "Examples of Emission Limitations Attainable With Reasonably Available Technology," contains a section discussing RACT for visible emissions.

Section 51.2 Stipulations. We propose to redesignate this section as § 51.101 with no significant changes.

Section 51.3 Classification of regions. The initial promulgation of Part 51 on November 25, 1971, contained the priority classification system (PCS) for the Air Quality Control Regions (AQCR's) designated throughout the United States. The PCS was adopted to prioritize development of control strategies. Under the PCS, EPA classified each region as either Priority I, II, or III based on "measured ambient air quality, where known, or where not known, estimated air quality in the area of maximum pollutant concentration." EPA also classified some regions "Priority IA" where a single source was the predominant source of emissions in the region.

The purpose of the system was to categorize AQCR's for plan development and evaluation so that the time and resources expended in developing the plan for a region, as well as the substantive content of the plan, would be commensurate with the complexity of the air pollution problem. For example, for emergency episode plans and air quality surveillance, the control strategy requirements varied by AQCR. Plans for AQCR's classified as "Priority I" for any pollutant were required by existing § 51.16 to contain contingency plans for emergency episodes. Under § 51.17, plan requirements for previous air quality surveillance monitors corresponded to the priority classification for each air quality control region for each pollutant. At the time it was developed, the PCS was not intended to track changes in air quality, to indicate progress toward attainment of air quality standards, or to identify problems on a continuing basis. Very few changes have been made in the priority classifications established in 1971.

However, it has become increasingly clear that the PCS is not able to accommodate the variety of air quality problems confronting State officials today and is no longer adequate for prioritizing current efforts and resources. Indeed, may State officials have ignored the PCS in development of their plans, and several EPA regulatory and policy changes have minimized its significance.

For example, the 1977 Amendments to the Act ignored the PCS and "example region approach" and required each State to designate nonattainment areas and develop control strategies for each area. Thus, the example region concept is obsolete, and the PCS is no longer needed for plan development.

Another example of the reduced need for the PCS involves the "Guidelines for Analysis of Consistency Between Transportation and Air Quality Plans and Programs" prepared jointly in April 1975 by the Federal Highway Administration and EPA. Although the guidelines used the priority classifications for carbon monoxide, photochemical oxidants, and nitrogen dioxide as first criteria for establishing the level of analysis for consistency determinations, additional criteria are employed, such as the current attainment or nonattainment status of a region. EPA has since developed new guidance under Sections 176 (a) and (c) concerning transportation requirements for use in planning control strategies. This guidance supersedes the 1975 Consistency Agreement and does not use the PCS.

On May 10, 1979 (44 FR 27558), EPA promulgated new monitoring requirements for SIP's which revoked § 51.17 and consolidated air quality surveillance requirements in a new Part 58. These new regulations no longer use the PCS as a basis for determining the required number of samplers for Regions.

However, the PCS is still used in current regulations in the requirements of § 51.16, "Prevention of Air Pollution Emergency Episodes." This regulation uses the PCS to identify the areas which need episode plans and to determine how comprehensive these plans should be. At present, no other criteria are used for this purpose, so that either the PCS must be retained for purposes of § 51.16 or substitute criteria must be developed. In this action, we propose to retain a streamlined version of the PCS because EPA believes that the existing programs for prevention of air pollution emergency episodes, based on the PCS, are adequate, and because developing another mechanism might cause confusion among the States and local agencies. In order to clarify that the PCS applies to episodes plans only, we propose to include the priority classification criteria with the episode requirements in the new Subpart H. Further discussion of this issue is located under that heading.

In summary, the PCS is no longer a factor in development of SIP control strategies or transportation planning, and is no longer the criterion for air quality surveillance requirements. Accordingly, we propose to retain the PCS criteria for episode plans only and to incorporate them with the episode regulations. The impact on regulatory programs which currently refer to the PCS is expected to be minimal, since these programs already use other parameters.

Section 51.4 Public hearings. We propose to redesignate this section as § 51.102 and to make some wording changes to improve readability. We propose to delete subparagraph § 51.4(b)(6) which refers to maintenance plans, and § 51.4(f) which refers to transportation control measures, because they duplicate the general hearing requirements under § 51.(b)(1–4).

Section 51.5 Submission of plans; preliminary review of plans. The proposal redesignates this section as § 51.103. We propose to delete the "Note" after subsection (a)(1), and subsection (a)(3), because they both refer to submission deadlines which have already passed. We propose to delete § 51.5(b) because it is no longer necessary. We propose to delete Sections 51.5 (d) and (e) because separate sections for transportation plans are no longer required.

Section 51.6 Revisions. The proposal redesignates this section as § 51.104. We propose several wording changes to improve readability.

Section 51.8 Approval of plans. The proposal redesignates this section as § 51.105. We propose wording changes to improve readability.

Subpart G—Control Strategy

Table 1 lists the existing portions of Part 51 consolidated within the new Subpart G. Essentially, Subpart G would include the existing §§ 51.10, 12–14 (except maintenance provisions, § 51.12(e–1)); and Subpart E—"Control Strategy: Lead" (existing §§ 51.80 through 51.88). We propose to remove obsolete portions of the existing subparts, rewrite some provisions, and reference necessary guidance through a separately published "Air Programs Reports and Guidelines Index."

With regard to the existing Subpart D, "Maintenance of National Standards," EPA required, in 1974–1975, detailed analyses in each State to determine areas in which air quality maintenance problems might exist. These analyses were necessary because the original SIP's did not adequately address the issue of maintenance of national ambient air quality standards once they were attained. EPA designated areas as Air Quality Maintenance Areas (AQMA's) and promulgated Subpart D, which required detailed plans called Air Quality Maintenance Plans (AQMP's) for the AQMA's. Before AQMP's were submitted, however, the Clean Air Act Amendments of 1977 revised the requirements for SIP's and called for plans for nonattainment areas to be submitted by January 1979. Most of the areas where AQMP's were needed were designated as nonattainment areas, and States and local areas used data generated by the AQMA studies in the preparation of nonattainment plans.

A question remains about future policy on maintenance plans. This action proposes no change in existing maintenance policy (specified in § 51.12(e–i) and Subpart D), but asks for public comment on ways to make maintenance requirements more meaningful. Existing programs such as nonattainment area controls and PSD regulations do assist in maintaining air quality standards. Some nonattainment provisions contain growth restrictions and most provide for maintenance through regulation of large new sources. PSD regulations provide for maintenance through control of major sources in attainment and unclassified areas. PSD also provides for control of minor sources through the periodic assessments required under § 51.24(a)(4). Section 51.24(a) requires States to assess attainment and unclassified areas periodically to determine if the applicable increment is being violated. In conjunction with nonattainment and PSD requirements, EPA continues to identify best available control technology (BACT) and lowest achievable emission reduction (LAER) for major point sources. EPA is also planning an audit and oversight program which will evaluate State progress in attaining and maintaining air quality standards. Thus, EPA currently has several programs which contribute to the maintenance of air quality standards.

For the future, emphasis could be placed on simplifying maintenance provisions. For example, existing requirements for 20-year projections of the effect of growth on air quality could be reduced to five or ten years. Every five years, when EPA reviews air quality standards as required by the Act, States would evaluate their air quality and project growth for the next five or ten years. This would allow air quality planning for both attainment and maintenance to coincide with EPA's periodic reviews of air quality standards; thus, implementation of air quality standards by the States would be coordinated with their review by EPA. In addition, the requirements in

Subpart D for projections and plan revisions could be simplified and more discretion could be given the States. The revised regulations would also give the States more flexibility in determining growth factors for the projection calculations. In any event, many of the maintenance provisions would be covered under the revised regulations proposed today. For example § 51.524, "AQMA plan: Strategies," would be covered under § 51.111, "Description of control measures."

Subpart E, "Control Strategy: Lead," is integrated with Subpart G unchanged. Where lead requirements differ from general SIP requirements in Subpart G, they are included in § 51.118, "Additional provisions for lead."

The following summarizes other changes we propose to make in existing portions of 40 CFR §§ 51.10–51.23.

1. *Revise §51.10(d).* This paragraph provides that plans for each Region will have provision to ensure that pollutant emissions will not interfere with attainment and maintenance of any national standard in any portion of an interstate region or in any other region. Since EPA developed this wording in 1971, Congress has written PSD and visibility provisions into the Act. Thus, we propose to revise § 51.10(d) to explain that, in addition to attainment and maintenance of any national standards, plans must not interfere with measures required to prevent significant deterioration of air quality or to protect visibility. Also, the terms "pollutant emissions" and "interfere" in the existing § 51.10(d) have been changed to "stationary sources" and "prevent" to make them consistent with the wording in the Act.

2. *Delete §51.12(c).* This paragraph states that, "Portions of a control strategy applicable to area sources may differ from portions applicable to point sources." This provision is obvious and we propose to delete it.

3. *Delete §51.13(d).* This section currently allows States to use example regions to develop control strategies. This concept assumes that if a State can demonstrate attainment in its worst region for a particular pollutant, and the same regulations are applied statewide, the standard will be attained statewide. The example region concept was originally adopted by EPA to help States with limited data bases to develop control strategies. as explained earlier, the example region concept is obsolete and we propose to delete it.

4. *Remove §§51.13(e)(2)(i) (ii), 51.14(c)(2)(7), and portions of 51.13(e)(3)(i).* These paragraphs present modeling guidance for particulate matter, sulfur dioxide, carbon monoxide, ozone, and nitrogen dioxide. This information is now available through the "Air Programs Reports and Guidelines Index." Thus, we propose to remove this material to simplify the regulations through separation of regulatory and guidance materials.

5. *Delete §51.14(b).* This paragraph states that if the Federal Motor Vehicle Emission Standards do not lead to attainment, other measures must be implemented. The statement is obvious and we propose to delete it.

6. *Remove §51.14(c)5.* This paragraph includes special instructions on what should be included in a control strategy for transportation plans. This information is covered under the general requirements in Subpart G and is no longer needed.

7. *Remove §51.14(c)9.* This paragraph states that emission reductions necessary for attainment of the ozone standard will also be adequate for attainment of the hydrocarbon standard. EPA revoked the hydrocarbon standard on January 5, 1983 (48 FR 628), and this subsection is no longer needed.

8. *Delete §51.14(f).* This paragraph requires States to calculate emissions from gasoline-powered motor vehicles using factors presented in EPA Report No. AP–42, or to justify the use of other factors. We propose to delete this provision for two reasons. First, the emission factors contained in AP–42 are outdated and have been replaced by a computerized program known as "MOBILE 2." (Information on this program is available from EPA Regional Offices as the "User Guide to MOBILE 2," EPA–450/3–81–006, NTIS No. PB81–205619, February 1981. Also available is the "MOBILE 2 Emission Model (Tape)," NTIS No. PB81–223067.) Second, EPA is replacing several existing specific emissions data requirements with a more generalized requirement. This general requirement is proposed to be codified as § 51.115.

9. *Delete §51.14(h).* This provision states that information and requirements for State-adopted motor vehicle inspection and maintenance programs and retrofit programs can be found in Appendix N. We are proposing to delete this provision because the information and requirements contained in Appendix N have been replaced by new methods for computing emission reductions and new policy requirements developed for inspection and maintenance programs required under the 1977 amendments to the Clean Air Act. These new methods for computing emission reductions from these programs are contained in the MOBILE 2 program described in paragraph 8 above. The policy requirements are summarized in a July 17, 1978 memorandum from former Assistant Administrator David Hawkins to the Regional Administrators entitled "Inspection Maintenance Policy." Copies of this memorandum can be obtained from EPA Regional Offices. MOBILE 2 will be referenced in the "Air Programs Reports and Guideline Index."

Subpart H—Prevention of Air Pollution Episodes

This action proposes to redesignate existing episode requirements (§ 51.16) into a new Subpart H. As explained earlier, we propose to retain the criteria of the priority classification system (existing § 51.3) for episode plan requirements, and to incorporate them into the new Subpart H as § 51.150.

We propose to revise the § 51.3 format to streamline its provisions. No substantive changes are made. References which apply to control strategies such as § 51.3(b)(3) are deleted. The reference to Appendix A in § 51.3(a)(2) is replaced with a reference to the "Air Programs Reports and Guidelines Index" which contains updated information on modeling. Appendix A was orginally used to estimate air quality for particulate matter and sulfur dioxide where air quality data were not available. This Appendix is now outdated because better modeling procedures are currently available.

The new Subpart H contains one new requirement concerning the reevaluation of episode plans. EPA is proposing to require States to reevaluate priority classifications every five years (§ 51.153). States should reevaluate priority classifications more frequently if necessary. However, as a minimum, the time period for updating episode plans would parallel EPA's five year review of ambient air quality standards. Within one year after EPA publishes its findings on the new standard, the States must reevaluate priority classifications and make appropriate revisions in emergency episode plans.

We propose to leave Appendix L, "Example Regulations for Prevention of Air Pollution Emergency Episodes," in Part 51 as guidance. We propose, however, to amend Appendix L to refer, as appropriate, to the requirements in the new Subpart H, "Prevention of Air Pollution Emergency Episodes." In addition, we propose to change the alert level for ozone in Appendix L from 200 ug/m^3 to 400 ug/m^3 to make this level consistent with the air quality standard.

Subpart I—Review of New Sources and Modifications

This action proposes to (1) restructure § 51.18, "Review of New Sources and Modifications," (2) rewrite several new sections of § 51.18 in better English, (3) delete Appendix O (§ 51.18 references Appendix O as guidance for indirect source review), and (4) reduce reporting and public hearing requirements.

We propose three new section headings and rewrite several sections to make their provisions easier to understand.

Appendix O guidance on indirect source review was part of regulations promulgated on June 18, 1973 to aid in maintenance of air quality standards. Congress later acted to restrict EPA involvement with indirect source review. Section 110(a)[5] of the CAA as amended in 1977 states that "the Administrator may not require as a condition of approval" of a SIP "any indirect source review programs." Thus, there is no need to include guidance for these programs in Part 51. States that choose to adopt indirect source review programs may contact EPA for guidance.

Section 51.18(h)(4) requires States to notify EPA of all air permitting actions pertaining to new sources or modification to existing sources. EPA primarily needs permitting information from only major new sources or major modifications of existing sources in nonattainment areas. This action revises § 51.18(h)(4) to cover only those major sources in nonattainment areas defined in § 51.18(j)(1)(iv) or for lead, those sources covered under § 51.1(k)(2).

Subpart K—Source Surveillance

This action proposes toincorporate § 51.19, "Source surveillance," in the new structure with no substantive changes to the actual regulation. We propose several new section headings and rewrite paragraphs to make the regulation easier to understand.

Subpart L—Legal Authority

This action proposes to incorporate § 51.11, "Legal authority" in the new structure. We propose three new section headings and rewrite several paragraphs to clarify the provisions of this new subpart.

Subsection 51.11(b) allows States to submit schedules for obtaining legalauthority for inspection and maintenance programs, other transportation control measures, and land use measures. This subsection is an exception to the general rule in § 51.11(d)(1) that plans must show that legal authority for all measures is available to the State at the time of submission of the plan. We are proposing to delete § 51.11(b). When this subsection was promulgated in 1971, it was reasonable to provide extra time for States to obtain legal authority for transportation control and land use measures. Requirements for the development of such measures were first added to the Clean Air Act in 1970. EPA believes, however, that there is no longer any need to retain this exception. All States have now had ample notice and opportunity to provide authority for such measures. In addition, this subsection conflicts with a provision that was added to the Clean Air Act in 1977. Section 172(c) requires plans for all nonattainment areas which have received extensions of the deadline for attaining the ozone or carbon monoxide standards to contain "enforceable measures" no later than July 1, 1982. Allowing these extension areas to submit schedules for attaining legal authority would conflict with the "enforceable measures" requirement.

EPA is also proposeing to delete the reference to § 51.11(b) that is found in § 51.11(d)(1).

Subpart N—Compliance Schedules

This action proposes to incorporate § 51.15, "Compliance schedules," in the new structure with no substantive changes to the regulation. We propose several new section headings and rewrite several paragraphs to make the regulation easier to understand.

Subpart O—Miscellaneous Plan Content Requirement

The Administrator restructured a portion of Subpart O on May 10, 1979 in the "Ambient Air Quality Monitoring Data, Reporting, and Surveillance Provision" regulations (44 FR 27558). EPA incorporated §51.285, "Public Notification," as part of Subpart O at that time. This action proposes to incorporate § 51.20, "Resources," and § 51.22, "Rules and regulations," into Subpart O as §§ 51.280 and 51.281 respectively. Portions of these paragraphs are rewritten to make them easier to understand.

Subpart Q—Reports

We propose to eliminate the reporting requirements of the following two sections because EPA can obtain the information through overview programs and grant mechanisms. The other sections of Subpart Q are unchanged.

Section 51.326. This provision requires States to identify and describe in the "Annual Source Emissions and State Action Report" all substantive plan revisions not submitted as official SIP revisions.

Section 51.328. This provision requires States to report on the status and progress of several ongoing SIP processes that the States may have promised such as (1) obtaining new resources; (2) adopting new laws; and, (3) conducting pollutant control studies. This provision also allows the Administrator to identify additional matters on which the State must report.

Subpart R—Extensions

This action proposed to restructure § 51.30, "Request for 2-year extension," and § 51.31, "Request for 18-month extension," into a new Subpart R, with no substantive changes. We also propose to eliminate two other sections which are part of the existing extension provisions. These are § 51.31, "Request for one-year postponement," and § 51.33, "Hearings and appeals relating to request for one year postponement," which we propose to revoke because the provision which they implement, Section 110(f) of the Clean Air Act as amended in 1970, was revised in 1977.

Appendices

A major goal of this action is to remove guidance material from the regulations. Thus, we propose to delete Appendices A–K, M–O, and R, because, as explained below, they are obsolete, have been replaced by other guidance, or such guidance is available in other EPA publications. EPA references major guidance under the "Air Programs Reports and Guidelines Index" which is available from the appropriate EPA Regional Office, the EPA Library (MD–35), Research Triangle Park, NC 27711, and from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

We proposed to change the zone alert level in Appendix L, "Example Regulations for Prevention of Air Pollution Emergency Episodes," from 200 ug/m^3 (0.1 ppm) to 400 ug/m^3 (0.2 ppm) to align the value with changes in the ambient air quality standard. Appendices P and S are unchanged. Because of the large effort involved, we do not propose to restructure the remaining Appendices P, S and U (Appendix Q is reserved) in this action. We will include any further restructuring of Appendices in later actions. The discussion below details why we propose to delete each particular Appendix.

Appendix A—Air Quality Estimation—EPA promulgated Appendix A in 1971 as a method to estimate air quality for PM and SO_x when little or no actual air quality data were available; such data are generally

available today. Also, information on new modeling techniques which superseded Appendix A is available through the "Air Programs Reports and Guidelines Index."

Appendix B—Examples of Emission Limitations Attainable With Reasonable Available Control Technology—Appendix B, originally promulgated in 1971, provides emission limitations once considered to represent RACT for most sources in various source categories. Many of these limitations have since been changes. Thus, this Appensix is no longer needed so we proposed to delete it.

Appendix C—Major Pollutant Sources—Appendix C, originally promulgated in 1971, provided States which did not have extensive emissions data with a list of polluntant sources which might be included as part of a SIP control strategy. This Appendix is no longer needed and we propose to delete it.

Appendix D (Pollutant)—Emissions Inventory Summary—Appendix D includes a summary format for States to follow in submission of emissions data where emission limits were required, such as in example regions. Today, this type of information is readily available in EPA guidance as listed in the "Air Programs Reports and Guidelines Index." Thus, Appendix D is no longer necessary and we propose to delete it.

Appendix E—Point Source Data and Appendix F—Area Source Data—These appendices specify information about point and area sources which the States currently must make available for the Administrator upon request. EPA is proposing to retain the requirement that States must make detailed inventory data available on request (§ 51.117). However, EPA does not believe that it needs to specify the content or format of this data. The "AEROS User's Manual", EPA-450/2-76-029, may be used as a guide by the States in developing area and point source data.

Appendix G—Emissions Inventory Summary—Appendix G includes a summary format for the States to follow in submission of emissions data for Regions where emission limitations were not required. We feel that Part 51 need not specify a format for the States to follow in submission of emissions data where no emission limitations are required. It is felt that this can be left to the States. Thus, we propose to delete Appendix G.

Appendix H—Air Quality Data Summary—The original plan requirments suggested Appendix H as the format for submission of air quality data in the SIP's. Since that time, sophisticated data retrieval and recording methods have been developed, and EPA has provided extensive guidance on air quality data format. As a result, it is no longer appropriate to specify a particular format for submission of air quality data in SIP's.

Appendix K—Control Agency Functions—Appendix K includes man-year estimates of resources by function. this table was useful in 1971 but is no longer needed because EPA has adequate information on State resources through the grants mechanism and annual reports.

Appendix M—Transportation Control Supporting Data Summary—The Administrator replaced this guidance on February 24, 1978 with a memorandum entitled "Criteria for Approval of 1979 SIP Revisions," which EPA published in the **Federal Register** on May 19, 1978 (43 FR 21673). The memorandum included requirements from the Act as amended in 1977. Thus, Appendix M is no longer needed.

Appendix N—Emission Reductions Achievable Through Inspection, Maintenance and Retrofit of Light Duty Vehicles—This appendix contains guidance on computing the emission reduction benefits of inspection/maintenance and retrofit programs. This guidance has been replaced by the MOBILE 2 program described in the previous discussion of § 51.14(h) in Subpart G—"Control Strategy."

This appendix also defines terms and specifies requirements for state-adopted inspection/maintenance and retrofit programs. As explained in the discussion of § 51.14(h), EPA has replaced this material with new non-regulatory guidance. Accordingly, Appendix N is not needed for the inspection/maintenance programs required by the 1977 amendments.

EPA has incorporated references to Appendix N into regulations which it promulgated into individual State plans in Part 52 of this chapter. These provisions in Part 52 refer to the definitions section of Appendix N. However, the Part 52 provisions actually use few words defined in Appendix N, and the meaning of these words is clear. Additionally, many of these federal plan provisions have been revoked because States have adopted their own control programs. Thus, we propose to delete Appendix N.

References to Appendix N in Part 52 will be deleted in the final rulemaking action.

Appendix O (untitled)—As explained under Subpart I, guidance on indirect source review in Appendix O is no longer needed. Thus, we propose to delete Appendix O.

Appendix R—Agency Functions for Air Quality Maintenance Area Plans—Although this action proposes no change to the maintenance requirements in Subpart D of Part 51, this guidance is not necessary because we no longer want to specify the format for reporting control agency functions. Thus, we propose to delete Appendix R.

Impact on 40 CFR 52 and Other Provisions

40 CFR 52 (Part 52), "Approval and Promulgation of Implementation Plans," contains numerous references to various requirements of Part 51. Table 2, "Distribution Table," identifies the new designations of Part 51 sections. For example, Part 52 refers to the requirements of §51.13(a) several times. The distribution table indicates that §51.13(a) is now included in the restructured §51.110(a). We intend to make the actual changes in Part 52 citations in the final rulemaking action. This will give us an opportunity to consider public comments and make final Part 51 revisions before revising the more than 200 citations in Part 52.

In addition, other portions of Part 51 such as the visibility regulations (Subpart P) contain references in which we also intend to make technical corrections at promulgation to reflect changes in Subpart A, B, C, and E.

Environmental, Economic, and Energy Impact Assessments

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action imposes few new regulatory requirements, and these requirements are not expected to have significant impacts. The major portion of the revisions proposed today only restructures existing regulations to delete obsolete provisions and rewrites them in a more clear, concise manner. This regulation will result in no significant environmental, economic, or energy impacts. In addition, EPA certifies that the proposed regulations will have no significant impact on small entities. Thus, no analyses were perfomred under the Regulatory Flexibility Act.

The proposal has a negligible impact on reporting requirements. It eliminates some unnecessary provisions and reporting requirements as discussed under Subparts G, I, and Q. Cost reductions for these proposals are estimated as less than two work-years annually, nationwide. Although small, the proposed savings indicate an effort

by EPA to reduce the real burden of regulations to the States while still meeting the requirements of the Clean Air Act.

EPA has submitted this regulation to the Office of Management and Budget for review under Executive Order 12291. Any comments from OMB and any EPA responses to these comments are available in Docket No. A–81–25. This proposal does not include any new reporting or recordkeeping requirements; thus, OMB review under Section 3504(b) of the Paperwork Reduction Act of 1980 is unnecessary.

TABLE 1.—DERIVATION TABLE AND MASTER PLAN TO RESTRUCTURE 40 CFR 51

New designation		Old designation	
Section No.	Title	Section No.	Title
SUBPART F:	Procedural Requirements.		
51.100	Definitions	51.1	Definitions.
51.101	Stipulations	51.2	Stipulations.
51.102	Public hearings	51.4	Public hearings.
51.103	Submission of plans	51.5	Submission of plans.
51.104	Revisions	51.6	Revisions.
		51.34	Variances.
51.105	Approval of plans	51.8	Approval of plans.
SUBPART G:	Control Strategy.		
51.110	Attainment & Maintenance of National Standards	51.10	General requirements (portion).
		51.12	Control strategy: General (portion).
		51.13	Control strategy: SO_x & PM (portion).
		51.14	Control strategy: CO, HC, O_x & NO_x (portion).
		51.80	Demonstration of attainment: Pb (portion).
51.111	Description of control measures	51.14	Control strategy: CO, HC, O_x & NO_x (portion).
		51.87	Measures: Pb.
51.112	Demonstration of adequacy	51.13	Control strategy: SO_x & PM (portion).
		51.14	Control strategy: CO, HC, O_x & NO_x (portion).
		51.80	Demonstration of attainment: Pb (portion).
		51.82	Air quality data (portion).
51.113	Procedures for demonstration of adequacy	51.14	Control strategy: CO, HC, O_x & NO_x (portion).
		51.81	Emissions data: Pb (portion).
		51.86	Data bases: Pb (portion).
51.114	Time period for demonstration of adequacy	51.10	General requirements (portion).
		51.81	Emissions data: Pb (portion).
51.115	Emissions data and projections	51.13	Control strategy: SO_x & PM (portion).
		51.14	Control strategy: CO, HC, O_x & NO_x (portion).
		51.81	Emissions data: Pb (portion).
51.116	Air quality data and projections	51.13	Control strategy: SO_x & PM (portion).
		51.14	Control strategy: CO, HC, O_x & NO_x (portion).
		51.82	Air quality data: Pb (portion).
51.117	Data availability	51.10	General requirements (portion).
		51.86	Data availability: Pb.
51.118	Additional provisions for lead	51.80	Demonstration of attainment: Pb (portion).
		51.81	Emissions data: Pb (portion).
		51.82	Air quality data: Pb (portion).
		51.83	Certain urbanized areas: Pb.
		51.84	Areas around significant point source: Pb.
		51.85	Other areas: Pb.
		51.86	Data bases: Pb (portion).
51.119	Stack height provisions	51.12	Control strategy: General (portion).
51.120–51.135	Reserved for new requirements as set forth in the Act.		
51.136–51.140	Reserved for maintenance of PSD increment provisions.		
SUBPART H	Prevention of Air Pollution Emergency Episodes (§§ 51.150 to 51.159)	51.3	Classification of regions.
		51.16	Prevention of air pollution emergency episodes.
SUBPART I	Review of New Sources and Modifications (§§ 51.160 to 51.189)	51.18	Review of new sources and modifications.
		51.24	Prevention of significant deterioration.
SUBPART J	Air Quality Surveillance (§§ 51.190 to 51.209) (Promulgated 5/10/79)	51.17	Air quality surveillance.
SUBPART K	Source Surveillance (§§ 51.210 to 51.229)	51.19	Source surveillance.
SUBPART L	Legal Authority (§§ 51.230 to 51.239)	51.11	Legal authority.
SUBPART M	Intergovernmental consultation (§§ 51.240 to 51.259) (Promulgated 6/18/79).	51.21	Intergovernmental cooperation.
SUBPART N	Compliance Schedules (§§ 51.260 to 51.279)	51.15	Compliance schedules.
SUBPART O:	Miscellaneous Plan Content Requirements.		
51.280	Resources	51.20	Resources.
51.281	Copies of rules & regulations	51.22	Rules & regulations.
51.282	Reserved.		
51.283	Reserved		
51.284	Public notification (Promulgated 5/10/79)	NA	
SUBPART P	Visibility protection (§§ 51.300–51.319) (Promulgated 12/2/80)	NA	
SUBPART Q	Reports (§§ 51.320–51.339)	51.7	Reports.
SUBPART R	Extensions (§§ 51.340–51.369)	51.30	Request for 2-year extension.
		51.31	Request for 18-month extension.
	REVOKED	51.1	Definitions (obsolete portions).
		51.3	Classification of regions (as applicable to control strategies).
		51.4	Public hearings (obsolete portions).
		51.5	Submission of plans; preliminary review of plans (obsolete portions)
		51.23	Exceptions.
		51.32	Request for 1-year postponement.
		51.33	Headings and appeals relating to request for one year postponement.
		51.326	Reportable revisions.
		51.328	Plan prescribed actions.
		Appendix A	Air quality estimation.
		Appendix B	Examples of emission limitations attainable with reasonably available control technology.
		Appendix C	Major pollutant source.
		Appendix D	Pollutant emissions inventory summary.
		Appendix E	Point source data.
		Appendix F	Area source data.
		Appendix G	Emission inventory summary.

TABLE 1.—DERIVATION TABLE AND MASTER PLAN TO RESTRUCTURE 40 CFR 51—Continued

New designation		Old designation	
Section No.	Title	Section No.	Title
		Appendix H	Air quality data summary.
		Appendix K	Control agency functions.
		Appendix M	Transportation Control Supporting Data Summary.
		Appendix N	Emmisions Reductions Achievable Through Inspection, Maintenance and Retrofit of Light Duty Vehicles.
		Appendix O	[Untitled].
		Appendix R	Agency functions for air quality maintenance area plans.
	Air Programs Reports and Guidelines Index	51.12	Control strategy: General.
		51.13	Control strategy: SO_x & PM.
		51.14	Control strategy: CO, HC, O_3 & NO_x.
		51.84	Areas around significant point sources.

NA—Not applicable

TABLE 2—DISTRIBUTION TABLE

Old section [1]	New section
51.1(a–mm) All paragraph designations are the same and have the same paragraph designation *except* those which are listed below.	151.100(a–mm).
51.1(a)	51.100(a) New citation added.
51.1(j)	51.100(j) Definition of local agency deleted. 51.1 includes two definitions of "local agencies." EPA considers 51.100(g) a better definition. A new 51.100(j) is proposed which defines the term "plan."
51.1(k)(1)	51.100(k)(1) The term "Volatile Organic Compound" (VOC) replaces the term "Hydrocarbons."
51.1(k)(1)(i, ii)	Point source definition updated.
51.1(k)(1)(iii)	Unnecessary. Appendix C is deleted in this action.
51.1(l)	Reference to Appendix D removed; reference to inventory techniques updated.
51.1(m)	51.100(m) revised.
51.1(o)	51.100(o) revised.
51.2	51.101.
51.3	51.150, streamlined.
51.4 All paragraphs are the same and are restructured with the same paragraph numbers except as noted below.	51.102.
51.4(a), (e)	51.102(a), (e) rewritten.
51.4(b)(4)	51.102(b)(4) rewritten.
51.4(b)(5)	Unnecessary, redundant.
51.4(f)	Deleted, obsolete.
51.5 All paragraphs are the same and restructured with the same paragraph numbers except as noted below.	51.103.
51.5(a)	Rewritten; "Note" deleted.
51.5(d), (e)	Deleted, redundant.
51.6	51.104.
51.6(b–f)	51.104(b–f) rewritten.
51.8	51.105.
51.10(a)	51.110(g) rewritten.
51.10(b)	51.110(b), (d).
51.10(c)	51.110(c)(1), (d).
51.10(d)	51.110(e), revised.
51.10(e)	51.117(c).
51.11(a)	51.230.
51.11a(1–6)	51.230(a–f).
51.11(b)	Unnecessary provisions for transportation plans, obsolete.
51.11(c)	51.231(a).
51.11(d)(1)	51.231(b).
51.11(d)(2)	51.231(c).
51.11(e)	51.232(a).
51.11(f)	51.232(b).
51.12(a)	51.110(a).
51.12(b)	51.110(a), (c).
51.12(c)	Deleted, redundant.

TABLE 2—DISTRIBUTION TABLE—Continued

Old section [1]	New section
51.12(d)	51.110(f).
51.12(j)	51.119(a).
51.12(k)	51.119(b).
51.12(l)	51.119(c).
51.13(a)	51.110(b).
51.13(b)	51.110(c).
51.13(c)	51.116(c).
51.13(d)	Deleted, example region approach.
51.13(e)(1) phrase "in the example regions to which it applies.".	Deleted, example region approach.
Rest of 51.13(e)(1)	51.112(a).
51.13(e)(2)(i, ii)	Air Programs Reports and Guidelines Index.
51.13(e)(2)(iii)	51.112(a, b).
51.13.(e)(3)(i)	51.112(b)(4), Air Programs Reports and Guidelines Index.
51.13(e)(3)(ii)	51.115(a).
51.13(e)(3)(iii)	51.112(b)(3), rewritten.
51.13(f, g)	51.115(a), 51.116(a) Portions related to example region approach deleted.
51.14(a)(1)	51.110(a), Rewritten, reference to priority of regions deleted.
51.14(a)(2)	51.111.
51.14(b)	Unnecessary.
51.14(c)(1)	51.112(a), 51.113(a).
51.14(c)(2–7)	Air Programs Reports and Guidelines Index.
51.14(c)(5)	51.112(a).
51.14(c)(6)	51.112(b)(4).
51.14(c)(8)	51.116(d).
51.14(c)(9)	Reference to hydrocarbon standard which has been revoked, deleted.
51.14(d)	51.115(a).
51.14(e)	51.116.
51.14(f)	Air Programs Reports and Guidelines Index.
51.14(g)	Obsolete.
51.14(h)	Air Program Reports and Guidelines Index.
51.15(a)(1)	51.260(a), (b).
51.15(b)(1)	261(a).
51.15(b)(2)	51.261(b).
51.15(c)	51.262(a).
51.16(a)	51.151.
51.16(b)	51.152(a).
51.16(d)	Deleted, obvious.
51.16(e)	51.152(b).
51.16(f)	Obsolete.
51.16(g)	51.152(c).
51.16(h)	51.152(d).
51.18(a)	51.160(a).
51.18(b)	51.160(b).
51.18(c)	51.160(c).
51.18(d)	51.160(d).
51.18(e)	51.162.
51.18(f)	51.160(e).
51.18(g)	51.163.
51.18(h)	51.161.
51.18(i)	Obsolete, refers to Appendix O, guidance on indirect source review.
51.18(j)	51.165(a).
51.18(k)	51.165(b).
51.18(l)	51.164.
51.19 (Introduction)	51.210.
51.19(a)	51.211.
51.19(b), (c)	51.212.

TABLE 2—DISTRIBUTION TABLE—Continued

Old section [1]	New section
51.19(d)	51.213.
51.19(e)	51.241(a).
51.19(e)(1)	51.214(b).
51.19(e)(2)	51.214(c).
51.19(e)(3)	51.214(d).
51.19(e)(4)	51.214(e).
51.19(e)(5)	51.214(f).
51.19(e)(6)	Obsolete, deleted.
51.20	51.280.
51.22	51.281.
51.23	Unnecessary.
51.30	51.340.
51.31	51.341.
51.32	Deleted, no longer in Clean Air Act (CAA).
51.33	Deleted, no longer in CAA.
51.34	51.104(g).
51.80(a)	51.110(b), 51.119(a).
51.80(b)	51.112(a).
51.80(c)	51.112(b).
51.81(a)	51.118(e).
51.81(b)	51.114(a).
51.81(c)	51.113(a)
51.81(d)	51.115(a).
51.82(a)	51.116(b), a51.116(d)(1).
51.82(b)	51.118(d)(3).
51.82(c)	51.112(b)(3).
51.83	51.118(c)(1).
51.84	51.118(a), (c)(2).
51.85	51.116(c)(3).
51.86(a)	51.113(b).
51.86(b)	51.118(e)(2).
51.86(c)	51.118(d)(1, 2).
51.87	51.111.
51.88	51.117(a), (b).
51.326, 51.328	Deleted, report requirement no longer needed.

[1] Section 51.24 will be restructured later.

List of Subjects in 40 CFR Part 51

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Hydrocarbon, Carbon monoxide.

Dated: September 9, 1983.

William D. Ruckelshaus,

Administrator.

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

EPA proposes to amend Title 40, Chapter I, Part 51, of the Code of Federal Regulations as follows:

1. The authority citation for Part 51 reads as follows:

Authority: Sec. 110, 301(a) of the Clean Air Act as amended. 42 U.S.C. 7410, 7601(a).

2. Whenever the term "hydrocarbon" appears in Part 51 it is changed to read "VOC".

3. Subparts A (§§ 51.1–51.8), C (§ 51.30–51.34), and E (§§ 51.80–51.88) are revoked and reserved.

4. In Subpart B, §§ 51.10, 51.11, 51.12 (a) through (d), 51.13–51.16, 51.18–51.23 are revoked and reserved.

5. Subparts F–I are added as follows:

Subpart F—Procedural Requirements

Sec.
51.100 Definitions.
51.101 Stipulations.
51.102 Public hearings.
51.103 Submission of plans; preliminary review of plans.
51.104 Revisions.
51.105 Approval of plans.

Subpart G—Control Strategy

51.110 Attainment and maintenance of national standards.
51.111 Description of control measures.
51.112 Demonstration of adequacy.
51.113 Procedures for demonstration of adequacy.
51.114 Time period for demonstration of adequacy.
51.115 Emissions data and projections.
51.116 Air quality data and projections.
51.117 Data availability.
51.118 Additional provisions for lead.
51.119 Stack height provisions.

Subpart H—Prevention of Air Pollution Emergency Episodes

51.150 Classification of regions for episode plans.
51.151 Significant harm levels.
51.152 Contingency plans.
51.153 Reevaluation of episode plans.

Subpart I—Review of New Sources and Modifications

51.160 Legally enforceable procedures.
51.161 Public availability of information.
51.162 Identification of responsible agency.
51.163 Administrative procedures.
51.164 Stack height provisions.
51.165 Permit requirements.
* * * * *

Subpart F—Procedural Requirements

§ 51.100 Definitions.

As used in this part, all terms not defined herein will have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 7401 *et seq.*, as amended by Pub. L. 91–604, 84 Stat. 1676 Pub. L. 95–95, 91 Stat., 685 and Pub. L. 95–190, 91 Stat., 1399.)

(b) "Administrator" means the Administrator of the Environmental Protect Agency (EPA) or an authorized representative.

(c) "Primary standard" means a national primary ambient air quality standard promulgated pursuant to section 109 of the Act.

(d) "Secondary standard" means a national secondary ambient air quality standard promulgated pursuant to section 109 of the Act.

(e) "National standard" means either a primary or a secondary standard.

(f) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly result or may result in emissions of any air pollutant for which a national standard is in effect.

(g) "Local agency" means any local government ageny other the State agency, which is charged with responsibility for carring out a portion of a plan.

(h) "Regional Office" means one of the ten (10) EPA Regional Offices.

(i) "State agency" means the air pollution control agency primarily responsible for development and implementation of a plan under the Act.

(j) "Plan" means an implementation plan approved or promulgated under section 110 of 172 of the Act.

(k) "Point source" means the following:

(1) For particulate matter, sulfur oxides, carbon monoxide, volatile organic compounds (VOC) and nitrogen dioxide—

(i) Any stationary source the actual emissions of which are in excess of 90.7 metric tons (100 tons) per year of the pollutant in a region containing an area whose 1980 "urban place" population, as defined by the U.S. bureau of the Census, was equal to or greater that 1 million.

(ii) Any stationary source the actual emissions of which are in excess of 22.7 metric tons (25 tons) per year of the pollutant in a region containing an area whose 1980 "urban place" population, as defined by the U.S. Bureau of the Census was less then 1 million; or

(2) For lead or lead compounds measured as elemental lead, any stationary source that actually emits a total of 4.5 metric tons (5 tons) per year or more.

(l) "Area source" means any small residential, governmental, institutional, commercial, or industrial fuel combustion operations; onsite solid waste disposal facility; motor vehicles, aircraft vessels, or other transportation facilities or other miscellaneous sources identified through inventory techniques similar to those described in the "AEROS Manual series, Vol. II AEROS User's Manual," EPA–450/2–76–029 December 1976.

(m) "Region" means an area designated as an air quality control region (AQCR) under section 107(c) of the Act.

(n) "Control strategy" means a combination of measures designated to achieve the aggregate reduction of emissions necessary for attainment and maintenance of national standard including, but not limited to, measures such as:

(1) Emission limitions.

(2) Federal or State emission charges or taxes or other economic incentives or disincentives.

(3) Closing or relocation of residential, commerical, or industrial facilities.

(4) Changes in schedules or methods of operation of commercial or industrial facilities or transportation systems, including, but not limited to, short-term changes made in accordance with standby plans.

(5) periodic inspection and testing of motor vehicle emission control systems, at such time as the Administrator determines that such programs are feasible and practicable.

(6) Emission control measures applicable to in-use motor vehicles, including, but not limited to, measures such as mandatory maintenance, installation of emission control devices, and conversion to gaseous fuels.

(7) Measures to reduce motor vehicle traffic, including, but not limitd to, measures such as commuter taxes, gasoline rationing, parking restrictions, or staggered working hours.

(8) Expansion or promotion of the use of mass transportation facilities through measures such as increases in the frequency, convenience, and passenger-carrying capacity of mass transportation systems or providing for special bus lanes on major streets and highways.

(9) Any land use or transportation control measures not specifically delineated herein.

(10) Any variation of, or alternative to any measure delineated herein.

(11) Control or prohibition of a fuel or fuel additive used in motor vehicles, if such control or prohibition is necessary to achieve a national primary or secondary air quality standard and is approved by the Administrator under § 211(c)(4)(C) of the Act.

(o) "Reasonably available control technology" (RACT) means the lowest emission limit (including a visible emission standard) (1) that a particular source is capable of meeting by the application of control technology that is technically and economically feasible, and (2) which takes into account the necessity of imposing controls in order

to attain and maintain national standards.

(p) "Compliance schedule" means the date or dates by which a source or category of sources is required to comply with specific emission limitations contained in an implementation plan and with any increments of progress toward such compliance.

(q) "Increments of progress" means steps toward compliance which will be taken by a specific source, including:

(1) Date of submittal of the source's final control plan to the appropriate air pollution control agency;

(2) Date by which contracts for emission control systems or process modifications will be awarded; or date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

(3) Date of initiation of on-site construction or installation of emission control equipment or process change;

(4) Date by which on-site construction or installation of emission control equipment or process modification is to be completed; and

(5) Date by which final compliance is to be achieved.

(r) "Transportation control measure" means any measure, such as reducing vehicle use, changing traffic flow patterns, decreasing emissions from individual motor vehicles, or altering existing modal split patterns that is directed toward reducing emissions of air pollutants from transportation sources.

(s) "Vehicle trip" means any movement of a motor vehicle from one location to another that results in the emission of air pollutants by the motor vehicle.

(t) "Trip type" means any class of vehicle trips possessing one or more characteristics (e.g., work, nonwork; peak, off-peak; freeway, nonfreeway) that distinguish vehicle trips in the class from vehicle trips not in the class.

(u) "Vehicle type" means any class of motor vehicles (e.g., precontrolled, heavy duty vehicles, gasoline powered trucks) whose emissions characteristics are significantly different from the emissions characteristics of motor vehicles not in the class.

(v) "Traffic flow measure" means any measure, such as signal light synchronization, freeway metering and curbside parking restrictions, that is taken for the purpose of improving the flow of traffic and thereby reducing emissions of air pollutants from motor vehicles.

(w) "Roadway type" means any class of roadway facility that can be broadly categorized as to function and assigned average speed and capacity values, e.g., expressway, arterial, collector, and local.

(x) "Time period" means any period of time designated by hour, month, season, calendar year, averaging time, or other suitable characteristics, for which ambient air quality is estimated.

(y) "Variance" means the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source.

(z) "Emission limitation" and "emission standard" means a requirement established by a State, local govjernment, or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

(aa) "Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to the capacity rating of the machine or equipment.

(bb) "Excess emissions" means emissions of an air pollutant in excess of an emission standard.

(cc) "Nitric acid plant" means any facility producing nitric acid 30 to 70 percent in strength by either the pressure or atmospheric pressure process.

(dd) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acide sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(ee) "Fossil fuel-fired steam generator" means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(ff) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct but not including flares.

(gg) "A stack in existence" means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

(hh) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by using that portion of a stack which exceeds good engineering practice stack height, varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant, or by addition of a fan or reheater to obtain a less stringent emission limitation. The preceding sentence does not include: (1) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream; (2) the use of smoke management in agricultural or silvicultural programs; or (3) combining the exhaust gases from several stacks into one stack.

(ii) "Good engineering practice (GEP) stack height" means the greater of:

(1) 65 meters;

(2)(i) For stacks in existence on January 12, 1979 and for which the owner or operator had obtained all applicable preconstruction permits or approvals required under this Parts 51 and 52 of this Title 40, $H_g = 2.5H$

(ii) for all other stacks,

$H_g = 1.5L$, where

H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,

L = lesser dimension (height or projected width) of nearby structure(s);

(3) The height demonstrated by a fluid model or a field study approved by the reviewing agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, structures, or terrain obstacles.

(jj) "Nearby" as used in § 51.100(ii)(2) is that distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km (one-half mile). The height of the structure is measured from the ground-level elevation at the base of the stack.

(kk) "Excessive concentrations" for the purpose of determining good engineering practice stack height in a fluid model or field study means a maximum concentration due to downwash wakes, or eddy effects produced by structures or terrain features which is at lease 40 percent in

excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

(ll) "Plume impaction" means concentrations measured or predicted to occur when the plume interacts with elevated terrain.

(mm) "Elevated terrain" means terrain which exceeds the elevation of the good engineering practice stack as calculated under paragraph (ii) of this section.

§ 51.101 Stipulations

Nothing in this part will be construed in any manner:

(a) To encourage a State to prepare, adopt, or submit a plan which does not provide for the protection and enhancement of air quality so as to promote the public health and welfare and productive capacity.

(b) To encourage a State to adopt any particular control strategy without taking into consideration the cost-effectiveness of such control strategy in relation to that of alternative control strategies.

(c) To preclude a State from employing techniques other than those specified in this part for purposes of estimating air quality or demonstrating the adequacy of a control strategy, provided that such other techniques are shown to be adequate and appropriate for such purposes.

(d) To encourage a State to prepare, adopt, or submit a plan without taking into consideration the social and economic impact of the control strategy set forth in such plan, including, but not limited to, impact on availability of fuels, energy, transportation, and employment.

(e) To preclude a State from preparing, adopting, or submitting a plan which provides for attainment and maintenance of a national standard through the application of a control strategy not specifically identified or described in this part.

(f) To preclude a State or political subdivision thereof from adopting or enforcing any emission limitations or other measures or combinations thereof to attain and maintain air quality better than that required by a national standard.

(g) To encourage a State to adopt a control strategy uniformly applicable throughout a region unless there is no satisfactory alternative way of providing for attainment and maintenance of a national standard throughout such region.

§ 51.102 Public hearings.

(a) Except as otherwise provided in paragraph (c) of this section, States must conduct one or more public hearings on the following prior to adoption and submission to EPA of:

(1) Any plan or revision of it required by § 51.104(a).

(2) Any individual compliance schedule under (§ 51.260).

(3) Any revision under 51.104(d).

(b) Separate hearings may be held for plans to implement primary and secondary standards.

(c) No hearing will be required for any change to an increment of progress in an approved individual compliance schedule unless such change is likely to cause the source to be unable to comply with the final compliance date in the schedule. The requirements of § 51.104 and § 51.105 will be applicable to such schedules, however.

(d) Any hearing required by paragraph (a) of this section will be held only after reasonable notice, which will be considered to include, at least 30 days prior to the date of such hearing(s):

(1) Notice given to the public by prominent advertisement in the area affected announcing the date(s), time(s), and place(s) of such hearing(s);

(2) Availability of each proposed plan or revision for public inspection in at least one location in each region to which it will apply, and the availability of each compliance schedule for public inspection in at least one location in the region in which the affected source is located;

(3) Notification to the Administrator (through the appropriate Regional Office);

(4) Notification to each local air pollution control agency which will be significantly impacted by such plan, schedule or revision;

(5) In the case of an interstate region, notification to any other States included, in whole or in part, in the regions which are significantly impacted by such plan or schedule or revision.

(e) The State must prepare and retain, for inspection by the Administrator upon request, a record of each hearing. The record must contain, as a minimum, a list of witnesses together with the text of each presentation.

(f) The State must submit with the plan, revision, or schedule a certification that the hearing required by paragraph (a) of this section was held in accordance with the notice required by paragraph (d) of this section.

(g) Upon written application by a State agency (through the appropriate Regional Office), the Administrator may approve State procedures for public hearings. The following criteria apply:

(1) Procedures approved under this section shall be deemed to satisfy the requirement of this part regarding public hearings.

(2) Procedures different from this part may be approved if they—

(i) Ensure public participation in matters for which hearings are required; and

(ii) Provide adequate public notification of the opportunity to participate.

(3) The Administrator may impose any conditions on approval he or she deems necessary.

§ 51.103 Submission of plans; preliminary review of plans.

(a) The State makes an official submission to the Administrator when it delivers five copies of the plan to the appropriate Regional Office and a letter to the Administrator giving notice of such action. The State must adopt the plan and the Governmor or his designee, must submit it to the Administrator as follows:

(1) For any primary standard, or revision thereof, within 9 months after promulgation of such standard.

(2) For any secondary standard, or revision thereof, within 9 months after promulgation of such secondary standard or by such later date prescribed by the Administrator under Subpart R of this part.

(b) Upon request of a State, the Administrator will provide preliminary review of a plan or portion thereof submitted in advance of the date such plan is due. Such requests must be made in writing to the appropriate Regional Office and must be accompanied by five copies of the materials to be reviewed. Requests for preliminary review do not relieve a State of the responsibility of adopting and submitting plans in accordance with prescribed due dates.

§ 51.104 Revisions.

(a) The plan shall be revised from time to time, as may be necessary, to take account of:

(1) Revisions of national standards,

(2) The availability of improved or more expeditious methods of attaining such standards, such as improved technology or emission charges or taxes, or

(3) A finding by the Administrator that the plan is substantially inadequate to attain or maintain the national standard which it implements.

(b) The State must review the plan within 60 days following notification by the Administrator under paragraph (a)(3) of this section, or by such later date prescribed by the Administrator after consultation with the State.

(c) States may revise the plan from time to time consistent with the

requirements applicable to implementation plans under this part.

(d) The States must submit any revision of any regulation or any compliance schedule under paragraph (c) of this section to the Administrator no later than 60 days after its adoption.

(e) The State must identify and describe revisions other than those covered by paragraphs (a) and (d) of this section in the next annual report required by § 51.321.

(f) EPA will approve revisions only after applicable hearing requirements of § 51.102 have been satisfied.

(g) In order for a variance to be considered for approval as a revision to the State implementation plan, the State must submit it in accordance with the requirements of this section. [51.34]

§ 51.105 Approval of plans.

The Administrator will approve any plan, or portion thereof, or any revision of such plan, or portion thereof, if he or she determines that it meets the requirements of the Act. Revisions of a plan, or any portion thereof, will not be considered part of an applicable plan until such revisions have been approved by the Administrator in accordance with this part.

Subpart G—Control Strategy

§ 51.110 Attainment and maintenance of national standards.

(a) Each plan must set forth a control strategy that provides emission reductions necessary for attainment and maintenance of the national air quality standards. The emission reductions must be sufficient to offset increases in air quality concentrations that result from emission increases due to projected growth of population, industrial activity, motor vehicle traffic, or other factors. [§§ 51.12(a,b) 51.14(a)]

(b) Each plan providing for the attainment of a primary standard or revision of it must do so as expeditiously as practicable. The attainment period must not be longer than three years after the date of the Administrator's approval of the plan, unless the State obtains an extension under Subpart R of this part. Each plan must also provide for the maintenance of the standard after it has been attained. [§§ 51.10(b), 51.13(a), 51.14(a), 51.80(a).]

(c)(1) Each plan must provide for the attainment of a secondary standard within a reasonable time after the date of the Administrator's approval of the plan, and must provide for the maintenance of the standard after it has been attained. [§ 51.10(c), 12(b)]

(2) "Reasonable time" is defined in two ways as follows:

(i) "Reasonable time" for attainment of a secondary standard must not be more than three years from plan submissioin unless the State shows that good cause exists for postponing application of the control technology. This definition applies only in a region where the degree of emission reduction necessary for attainment of the secondary standard can be achieved through the application of reasonably available control technology.

(ii) "Reasonable time" will depend on the degree of emission reduction needed for attainment of the secondary standard and on the social, economic, and techological problems involved in carrying out a control strategy adequate for attainment of the secondary standard. This definition applies only in a region where application of reasonable available control technology will not be sufficient for attainment of the secondary standard in three years. [§ 51.13(b)]

(d) Each plan providing for the attainment of a primary or secondary standard must specify the pojected attainment date. [§ 51.10(b), (c)]

(e) The plan for each Region must have adequate provisions to ensure that stationary sources from within that Region will not:

(1) prevent attainment and maintenace of any national standard in any portion of an interstate Region or any other Region. [§ 51.10(d)]

(2) interfere with measures required to be included in the applicable implementation plan for any such Region to prevent significant deterioration of air quality or to protect visibility. [Clean Air Act, Section 110(a)(2)(E)(i)(II), 1977]

(f) For purposes of developing a control strategy, data derived form measurements of existing ambient levels of a pollutant may be adjusted to reflect the extent to which occasional natural or accidental phenomena, e.g., dust storms, forest fires, industrial accidents, demonstrably affected such ambient levels during the measurement period. [§ 51.12(d)]

(g) During developing of the plan, EPA encourages States to identify alternative control strategies, as well as the costs and benefits of each such alternatives, for attainment or maintenace of the national standard. [§ 51.10(a)]

[§ 51.111 Description of control measures. [§§ 51.14(a)(2), and 51.87]

Each plan must set forth a control strategy which includes the following:

(a) A description of each control measure that is incorporated into the plan, and a schedule for its implementation.

(b) Copies of the enforceable laws and regulations to implement the measures adopted in the plan.

(c) A description of the administrative procedures to be used in implementing each control measure.

(d) A description of enforcement methods including, but not limited to:

(1) Procedures for monitoring compliance with each of the selected control measures.

(2) Procedures for handling violations, and

(3) A designation of agency responsibility for enforcement or implementation.

§ 51.112 Demonstarion of adequacy.

(a) Each plan must demonstrate that the measures, rules, and regulations contained in it are adequate to provide for the timely attainment and maintenance of the national standard that it implements. The adequacy of a control strategy shall be demonstrated by means of a proportional model or dispersion model or other procedure which is shown to be adequate and appropriate for such purposes. [§§ 51.13(e)(1), 51.14(c)(1, 5), 51.80(b)]

(b) The demonstration must include the following:

(1) A summary of the computations, assumptions, and judgments used to determine the degree of reduction of emissions (or reductions in the growth of emissions) that will result from the implementation of the control strategy.

(2) A presentation of emission levels expected to result from implementation of each measure of the control strategy.

(3) A presentation of the air quality levels expected to result form implementation of the overall control strategy presented either in tabular form or as an isopleth map showing expected maximum pollutant concentrations.

(4) A description of the dispersion models used to project air quality and to evaluate control strategies. [§§ 51.13(e)(3)(iii), 51.14(c)(3), 51.80(c), 51.82(c)]

§ 51.113 Procedures for demonstration of adequacy.

(a) Each plan must identify the specific techniques used in the demonstration of the adequacy of the control strategy required under § 51.112. [§§ 51.14(c)(1), 51.81(c)]

(b) For interstate regions, the analysis from each constituent State must, where practicable, be based upon the same regional emission inventory and air quality baseline. [§ 51.86(a)]

§ 51.114 Time period for demonstration of adequacy.

(a) The demonstration of the adequacy of the control strategy to attain a primary standard required under § 51.113 must cover the following periods:

(1) At least three years from the date by which the Administrator must approve or disapprove the plan, if no extension under Subpart R is granted, or [§ 51.81(b)(1)]

(2) At least five years from the date by which the Administrator must approve or disapprove the plan, if an extension under Subpart R is granted. [§ 51.81(b)(2)]

(b) The demonstration of adequacy to attain a secondary standard required under § 51.113 must cover the period of time determined to be reasonable under § 51.110(c) for attainment of such secondary standard. [§ 51.10(c)]

§ 51.115 Emissions data and projections.

(a) Except for lead, each plan must contain a detailed inventory of emissions from point and area sources. Lead requirements are specified in § 51.118. The inventory must be based upon measured emissions or, where measured emissions are not available, documented emission factors. [§§ 51.13(e,f), 51.14(d), 51.81(a)]

(b) Each plan must contain a summary of emission levels projected to result from application of the new control strategy.

(c) Each plan must identify the sources of the data used in the projection of emissions. [§§ 51.81(d)]

§ 51.116 Air quality data and projections. [§§ 51.13(g), 51.14(e), 51.82(a)]

(a) Each plan must contain a summary of data showing existing air quality. [§§ 51.13(g), 51.14(e)]

(b) Each plan must:

(1) Contain a summary of air quality concentrations expected to result from application of the control strategy, and

(2) Identify and describe the dispersion model, other air quality model, or receptor model used. [§§ 51.82(a), 51.13(e)(2)(i)]

(c) Actual measurements of air quality must be used where available if made by methods specified in Appendix C to Part 58 of this chapter. Estimated air quality using appropriate modeling techniques may be used to supplement measurements. [§ 51.13(g)]

(d) For purposes of developing a control strategy, background concentration shall be taken into consideration with respect to particulate matter. As used in this subpart, background concentration is that portion of the measured ambient levels that cannot be reduced by controlling emissions from man-made sources. [§ 51.13(c)]

(e) In developing an ozone control strategy for a particular area, background ozone concentrations and ozone transported into an area must be considered. States may assume that the ozone standard will be attained in upwind areas. [§ 51.13(c)(8)]

§ 51.117 Data availability.

(a) The State must retain all detailed data and calculations used in the preparation of each plan or each plan revision, and make them available for public inspection and submit them to the Administrator at his request. [§ 51.88(a)]

(b) The detailed data and calculations used in the preparation of plan revisions are not considered a part of the plan. [§§ 51.62, 51.88(b)]

(c) Each plan must provide for public availability of emission data reported by source owners or operators or otherwise obtained by a State or local agency. Such emission data must be correlated with applicable emission limitations or other measures. As used in this paragraph, "correlated" means presented in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions allowable under the applicable emission limitations or other measures. [§ 51.10(e)]

§ 51.118 Additional provisions for lead.

In addition to other requirements in §§ 51.100–117 the following requirements apply to lead. To the extent they conflict, these requirements are controlling over those of the proceeding sections.

(a) *Control strategy demonstration.* Each plan must contain a demonstration showing that the plan will attain and maintain the standard in the following areas:

(1) Areas in the vicinity of the following point sources of lead: Primary lead smelters, Secondary lead smelters, Primary copper smelters, Lead gasoline additive plants, Lead-acid storage battery manufacturing plants that produce 2,000 or more batteries per day, Any other stationary source that actually emits 25 or more tons per year of lead or lead compounds measured as elemental lead. [§§ 51.80(a)(1), 51.84]

(2) Any other area that has lead air concentrations in excess of the national ambient air quality standard concentration for lead, measure since January 1, 1974. [§§ 51.80(a)(2)]

(b) *Time period for demonstration of adequacy.* The demonstration of adequacy of the control strategy required under § 51.113 may cover a longer period if allowed by the appropriate EPA Regional Administrator. [§ 51.80(a)(3)]

(c) *Special modeling provisions.* (1) For urbanized areas with measured lead concentrations in excess of 4.0 ug/m³, quarterly mean measured since January 1, 1974, the plan must employ the modified rollback model for the demonstration of attainment as a minimum, but may use an atmospheric dispersion model if desired. If a proportional model is used, the air quality data should be the same year as the emissions inventory required under paragraph e. [§§ 51.82(a), 51.83]

(2) For each point source listed in § 51.118(a), the plan must employ an atmospheric dispersion model for demonstration of attainment. [§ 51.84(b)]

(3) For each area in the vicinity of an air quality monitor that has recorded lead concentrations in excess of the lead national standard concentration, the plan must empoly the modified rollback model as a minimum, but may use an atmospheric dispersion model if desired for the demonstration of attainment. [§ 51.85]

(d) Air quality data and projections. (1) Each State must submit to the appropriate EPA Regional Office with the plan, but not part of the plan, all lead air quality data measured since January 1, 1974. This requirement does not apply if the data has already been submitted. [§ 51.86(c)(1), § 51.82(a)]

(2) The data must be submitted in accordance with the procedures and data forms specified in chapter 3.4.0 of the "AEROS User's Manual" concerning storage and retrieval of aerometric data (SAROAD) except where the Regional Administrator waives this requirement. [§ 51.86(c)(2)]

(3) If additional lead air quality data are desired to determine lead air concentrations in areas suspected of exceeding the lead national ambient air quality standard, the plan may include data from any previously collected filters from particulate matter high volume samplers. In determining the lead content of the filters for control strategy demonstration purposes, a State may use, in addition to the reference method, X-ray fluorescence or any other method approved by the Regional Administrator. [§ 51.82(b)]

(e) *Emissions data.* (1) The point source inventory on which the summary of the baseline lead emissions inventory is based must contain all sources that emit five or more tons of lead per year. [§ 51.81(a)]

(2) Each State must submit lead emissions data to the appropriate EPA

Regional Office with the original plan. The submission must be made with the plan, but not as part of the plan, and must include emissions data and information related to point and area source emissions. EPA identifies these requirements on the Hazardous and Trace Emissions System (HATREMS) point source coding forms for all point sources and the area source coding forms for all sources that are not point sources. [§ 51.86(b)]

§ 51.119 Stack height provisions.

(a) The plan must provide that the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in § 51.119(b) and (c). The plan must provide that before a State submits to EPA a new or revised emission limitation that is based on a good engineering practice stack height that exceeds the height allowed by § 51.100(ii) (1) or (2), the State must notify the public of the availability of the demonstration study and must provide opportunity for a public hearing on it. This Section does not require the plan to restrict, in any manner, the actual stack height of any source. [§ 51.12(j)]

(b) The provisions of §§ 51.119(a) and 51.164 shall not apply to (1) stack heights in existence, or dispersion techniques implemented prior to December 31, 1970, or (2) coal-fired steam electric generating units, subject to the provisions of Section 118 of the Clean Air Act, which commenced operation before July 1, 1957, and whose stacks were constructed under a construction contract awarded before February 8, 1974. [§ 51.12(k)]

(c) The good engineering practice (GEP) stack height can be adjusted for any source seeking credit because of plume impaction which results in concentrations that violate the NAAQS or applicable PSD regulations. This can be done by determining the stack height necessary to predict the same maximum air pollutant concentration on any elevated terrain feature as the maximum concentration associated with the emission limit which results from modeling the source using the GEP stack height as determined in § 51.100(ii) and assuming the elevated terrain features to be equal in elevation to the GEP stack height. If this adjusted GEP stack height is greater than the stack height the source proposes to use, the source's emission limitation and air quality impact will be determined using the proposed stack height and the actual terran heights. [§ 51.12(1)]

Subpart H—Prevention of Air Pollution Emergency Episodes (51.3) (51.16)

§ 51.150 Classification of regions for episode plans. [§ 51.3]

(a) "Priority I Regions" means any area with greater ambient concentrations than the following:

(1) Sulfur dioxide—100 ug/m³ (0.04 ppm) annual arithmetic mean; 455 ug/m³ (0.17 ppm) 24-hour maximum.

(2) Particulate matter—95 ug/m³ annual geometric mean; 325 ug/m³ 24-hour maximum.

(3) Carbon monoxide—55 mg/m³ (48 ppm) 1-hour maximum; 14 mg/m³ (12 ppm) 8-hour maximum.

(4) Nitrogen dioxide—110 ug/m³ (0.06 ppm) annual arithmetic mean.

(5) Ozone—195 ug/m³ (0.10 ppm) 1-hour maximum.

(b) "Priority IA Region" means any area which is Priority I primarily because of emissions from a single point source.

(c) "Priority II Region" means any area which is not a Priority I region and has ambient concentrations between the following:

(1) Sulfur dioxides—60–100 ug/m³ (0.02–.04 ppm) annual arithmetic mean; 260–455 ug/m³ (0.10–0.17 ppm) 24-hour maximum; any concentration above 1,300 ug/m³ (0.50 ppm) three-hour average.

(2) Particulate matter—60–95 ug/m³ annual geometric mean; 150–325 ug/m³ 24-hour maximum.

(d) In the absence of adequate monitoring data, appropriate models must be used to classify an area under paragraph (a). Information on these models may be found through the "Air Programs Reports and Guidelines Index," EPA–450/2–82–016. With respect to carbon monoxide, ozone, and nitrogen dioxide, any area whose urban population as defined in the most recent U.S. Bureau of the Census, exceeds 200,000 will be classified Priority I.

(e) Areas which do not meet the above criteria are classified Priority III.

§ 51.151 Significant harm levels. [§ 51.16(a)]

Each plan for a Priority I region must include a contingency plan which must, as a mimimum, provide for taking action necessary to prevent ambient pollutant concentrations at any location in such region from reaching the following levels:

Sulfur dioxide—2,620 ug/m³ (1.0 ppm) 24-hour average.

Particulate matter—1,000 ug/m³ (24-hour average.

Sulfur dioxide and particulate matter combined—product of sulfur dioxide in ug/m³ 24-hour average, and particulate matter in ug/m³ 24-hour average, equal to 490×10^3.

Carbon monoxide—57.5 mg/m³ (50 ppm) 8-hour average; 86.3 mg/m³ (75 ppm) 4-hour average; 144 mg/m³ (125 ppm) 1-hour average.

Ozone—1,200 ug/m³ (0.6 ppm) 2-hour average.

Nitrogen dioxide—3,750 ug/m³ (2.0 ppm) 1-hour average; 938 ug/m³ (0.5 ppm) 24-hour average.

§ 51.152 Contingency plans. [§ 51.16(b)]

(a) Each contingency plan must—

(1) Specify two or more stages of episode criteria such as those set forth in Appendix L to this part, or their equivalent;

(2) Provide for public announcement whenever any episode stage has been determined to exist; and

(3) Specify adequate emission control actions to be taken at each episode stage. (Examples of emission control actions are set forth in Appendix L.)

(b) Each contingency plan for a Priority I region must provide for the following: [§ 51.16(e)]

(1) Prompt acquisition of forecasts of atmospheric stagnation conditions and of updates of such forecasts as frequently as they are issued by the National Weather Service.

(2) Inspection of sources to ascertain compliance with applicable emission control action requirements.

(3) Communications procedures for transmitting status reports and orders as to emission control actions to be taken during an episode stage, including procedures for contact with public officials, major emission sources, public health, safety, and emergency agencies and news media.

(c) Each plan for a Priority IA and II region must include a contingency plan that meets, as a minimum, the requirements of paragraphs (b)(1) and (b)(2) of this section. Areas classified Priority III do not need to develop episode plans. [§ 51.16(g)]

(d) Notwithstanding the requirements of paragraphs (b) and (c), the Administrator may, at his discretion— [§ 51.16(h)]

(1) Exempt from the requirements of this section those portions of Priority I, IA, or II regions which have been designated as attainment or unclassifiable for national primary and secondary standards under Section 107 of the Act; or

(2) Limit the requirements pertaining to emission control actions in Priority I regions to—

(i) Urbanized areas as identified in the most recent United States Census, and

(ii) Major emitting facilities, as defined by Section 169(1) of the Act, outside the urbanized areas.

§ 51.153 Reevaluation of episode plans [New requirement].

(a) States should periodicially reevaluate priority classifications of all Regions or portion of Regions within their borders. The reevaluation must consider the three most recent years of air quality data.

(b) As a minimum, States must perform the evaluation in (a) of this subpart every five years when EPA announces its review of an ambient air quality standard, or promulgates a revised standard. If the evaluation indicates a change in priority classification, appropriate changes in the emergency episode plan(s) must be made within one year after the final result of EPA ambient standard review is published in the Federal Register.

Subpart I—Review of New Sources and Modifications

§ 51.160 Legally enforceable producedures.

(a) Each plan must set forth legally enforceable procedures that enable the State or local agency to determine whether the construction or modification of a facility, building, structure or installation, or combination of these will result in—

(1) A violation of applicable portions of the control strategy; or

(2) Interference with attainment or maintenance of a national standard in the State in which the proposed source (or modification) is located or in a neighboring State. [§ 51.18(a)]

(b) Such procedures must include means by which the State or local agency responsible for final decisionmaking on an application for approval to construct or modify will prevent such construction or modification if—

(1) It will result in a violation of applicable portions of the control strategy; or

(2) It will interfere with the attainment or maintenance or a national standard. [§ 51.18(b)]

(c) The procedures must provide for the submission, by the owner or operator of the building, facility, structure, or installation to be constructed or modified, of such information on—

(1) The nature and amounts of emissions to be emitted by it or emitted by associated mobile sources;

(2) The location, design, construction, and operation of such facility, building, structure, or installation as may be necessary to permit the State or local agency to make the determination referred to in paragraph (a) of this section. [§ 51.18(c)]

(d) The procedures must provide that approval of any construction or modification must not affect the responsibility of the owner or operator to comply with applicable portions of the control strategy. [§ 51.18(d)]

(e) The procedures must identify types and sizes of facilities, buildings, structures, or installations which will be subject to review under this section. The plan must discuss the basis for determining which facilities will be subject to review [§ 51.18(f)]

(f) The procedures must discuss the air quality data and the dispersion or other air quality modeling used to meet the requirements of this subpart.

§ 51.161 Public availability of information.

(a) The legally enforceable procedures in § 51.160 must also require the State or local agency to provide opportunity for public comment on information submitted by owners and operators. The public information must include the agency's analysis of the effect of construction or modification on ambient air quality, including the agency's proposed approval or disapproval. [§ 51.18(h)(1)]

(b) For purposes of paragraph (a) of this section, opportunity for public comment shall include, as a minimum—

(1) Availability for public inspection in at least one location in the area affected of the information submitted by the owner or operator and of the State or local agency's analysis of the effect on air quality;

(2) A 30-day period for submittal of public comment; and

(3) A notice by prominent advertisement in the area affected of the location of the source information and analysis specified in paragraph (b)(1) of section 51.161. [§51.18(h)(2)]

(c) Where the 30-day comment period required in paragraph (b) of this section would conflict with existing requirements for acting on requests for permission to construct or modify, the State may submit for approval a comment period which is consistent with such existing requirements. [§ 51.18(h)(3)]

(d) A copy of the notice required by paragraph (b) of this section for major sources in nonattainment areas, as defined under §51.165(a)(1)(iv), must also be sent to the Administrator through the appropriate Regional Office, and to all other State and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The notice also must be sent to any other agency in the region having responsibility for implementing the procedures required under this Subpart. For pollutants where no designations are established, such as for lead, a copy of the notice is required for all major sources. The definition of a major source for lead is given in § 51.100(k)(2). [§ 51.18(h)(4)]

§ 51.162 Identification of responsible agency.

Each plan must identify the State or local agency which will be responsible for meeting the requirements of this Subpart in each area of the State. Where such responsibility rests with an agency other than an air pollution control agency, such agency will consult with the appropriate State or local air pollution control agency in carrying out the provisions of this Subpart. [§51.18(e)]

§ 51.163 Administrative procedures. [§51.18(g)]

The plan must include the administrative procedures, which will be followed in making the determination specified in paragraph (a) of §51.160. [§ 51.18(g)]

§ 51.164 Stack height procedures. [§ 51.18(l)]

Such procedures must provide that the degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in § 51.119(b) and (c). Such procedures must provide that before a State issues a permit to a source based on a good engineering practice stack height that exceeds the height allowed by § 51.100(ii) (1) or (2), the State must notify the public of the availability of the demonstration study and must provide opportunity for public hearing on it. This section does not require such procedures to restrict, in any manner the actual stack height of any source.

§ 51.165 Permit requirements (§ 51.18(j, k))

(a) State Implementation Plan provisions satisfying sections 172(b)(6) and 173 of the Act shall meet the following conditions:

(1) All such plans shall use the specific definitions. Deviations from the following wording will be approved only if the state specifically demonstrates that the submitted definition is more stringent, or at least as stringent, in all respects as the corresponding definition below:

(i) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant subject to regulation under the Act.

(ii) "Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same two-digit code) as described in the *Standard Industrial Classification Manual*, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101–0066 and 003–005–00176–0, respectively).

(iii) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(iv) (A) "Major stationary source" means:

(*1*) Any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Act; or

(*2*) Any physical change that would occur at a stationary source not qualifying under paragraph (j)(1)(v)(*a*)(*1*) as a major stationary source, if the change would constitute a major stationary source by itself.

(*B*) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

(*v*) (*A*) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act.

(*B*) Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.

(*C*) A physical change or change in the method of operation shall not include:

(*1*) Routine maintenance, repair and replacement;

(*2*) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(*3*) Use of an alternative fuel by reason of an order or rule under section 125 of the Act;

(*4*) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(*5*) Use of an alternative fuel or raw material by a stationary source which:

(*i*) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.18 or 40 CFR 51.24; or

(*ii*) The source is approved to use under any permit issued under regulations approved pursuant to this section;

(*6*) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21 or regulations approved pursuant to 40 CFR 51 Subpart I or 40 CFR 51.24.

(*7*) Any change in ownership at a stationary source.

(*vi*) (A) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(*1*) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and

(*2*) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(*B*) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(*C*) An increase or decrease in actual emissions is creditable only if:

(*1*) It occurs within a reasonable period to be specified by the reviewing authority; and

(*2*) The reviewing authority has not relied on it in issuing a permit for the source under regulations approved pursuant to this section which permit is in effect when the increase in actual emissions from the particular change occurs.

(*D*) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(*E*) A decrease in actual emissions is creditable only to the extent that:

(*1*) The old level of actual emissions or the old level of allowable emissions, whichever, is lower, exceeds the new level of actual emissions;

(*2*) It is federally enforceable at and after the time that actual construction on the particular change begins; and

(3) The reviewing authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I or the state has not relied on it in demonstrating attainment or reasonable further progress.

(*4*) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

(F) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

(vii) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Act.

(viii) "Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary soure or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source, such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(ix) "Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(x) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide: 100 tons per year (tpy)
Nitrogen oxides: 40 tpy
Sulfur dioxide: 40 tpy
Particulate matter: 25 tpy
Ozone: 40 tpy of volatile organic compounds
Lead: 0.6 tpy

(xi) "Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(A) The applicable standards set forth in 40 CFR Part 60 or 61;

(B) Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

(C) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(xii) (A) "Actual emissions" means the actual rate of emissions of a pollutant from an emissions until as determined in accordance with paragraphs (a)(1)(xii) (B)–(D) of this section.

(B) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The reviewing authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the units's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(C) The reviewing authority may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(D) For any emissions unit which has not begun normal operations on the particular date, acutal emissions shall equal the potential to emit of the unit on that date.

(xiii) "Lowest achievable emission rate" means, for any source, the more stringent rate of emissions based on the following:

(*A*) The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(*B*) The most stringent emissions limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

(xiv) "Federally enforceable" means all limitations and conditions which are enforceable by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to this section, 40 CFR 51 Subpart I, or 51.24.

(xv) "Begin actual construction" means in general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in method of operating this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(xvi) "Commence" as applied to construction of a major stationary source or major modification means that the owner or operator has all necessary preconstruction approvals or permits and either has:

(*A*) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(*B*) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(xvii) "Necessary preconstruction approvals or permits" means those permits or approvals required under federal air quality control laws and regulations and those air quality control laws and regulations which are part of the applicable State Implementation Plan.

(xviii) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

(2) Each plan shall adopt a preconstruction review program to satisfy the requirements of sections 172(b)(6) and 173 of the Act for any area designated nonattainment for any national ambient air quality standard under 40 CFR 81.300 *et seq.* Such a program shall apply to any new major stationary source or major modification that is major for the pollutant for which the area is designated nonattainment, if the stationary source or modification would locate anywhere in the designated nonattainment area.

(3)(i) Each plan shall provide that for sources and modifications subject to any preconstruction review program adopted pursuant to this subsection the baseline for determining credit for emissions reductions is the emissions limit under the applicable State Implementation Plan in effect at the time the application to construct is filed, except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained where:

(*A*) The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within a designated nonattainment area for which the preconstruction review program was adopted; or

(*B*) The applicable State Implementation Plan does not contain an emissions limitation for that source or source category.

(ii) The plan shall further provide that:

(*A*) Where the emissions limit under the applicable State Implementation Plan allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential;

(*B*) For an existing fuel combustion source, credit shall be based on the allowable emissions under the applicable State Implementation Plan for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to required the use of a specified alternative control

measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The reviewing authority should ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel swithes;

(C) Emissions reductions achieved by shutting down an existing source or permanently curtailing production or operating hours below baseline levels may be credited, provided that the work force to be affected has been notified of the proposed shutdown or curtailment. Source shutdowns and curtailments in production or operating hours occurring prior to the date the new source application is filed generally may not be used for emissions offset credit. However, where an applicant can establish that it shut down or curtailed production after August 7, 1977, or less than one year prior to the date of permit application, whichever is earlier, and the proposed new source is a replacement for the shutdown or curtailment credit for such shutdown or curtailment may be applied to offset emissions from the new source;

(D) No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds." (42 FR 35314, July 8, 1977);

(E) All emission reductions claimed as offset credit shall be federally enforceable;

(F) Procedures relating to the permissible location of offsetting emissions shall be followed which are at least as stringent as those set out in 40 CFR Part 51 Appendix S, section IV.D.

(G) Credit for an emissions reduction can be claimed to the extent that the reviewing authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR 51 Subpart I or the state has not relied on it in demonstration attainment or reasonable further progress.

(4) Each plan may provide that the provisions of this subsection do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and the source does not belong to any of the following categories:

(*i*) Coal cleaning plants (with thermal dryers);

(*ii*) Kraft pulp mills;

(*iii*) Portland cement plants;

(*iv*) Primary zinc smelters;

(*v*) Iron and steel mills;

(*vi*) Primary aluminum ore reduction plants;

(*vii*) Primary copper smelters;

(*viii*) Municipal incinerators capable of charging more than 250 tons of refuse per day;

(*ix*) Hydrofluoric, sulfuric, or nitric acid plans;

(*x*) Petroleum refineries;

(*xi*) Lime plants;

(*xii*) Phosphate rock processing plants;

(*xiii*) Coke oven batteries;

(*xiv*) Sulfur recovery plants;

(*xv*) Carbon black plants (furnace process);

(*xvi*) Primary lead smelters;

(*xvii*) Fuel conversion plants;

(*xviii*) Sintering plants;

(*xix*) Secondary metal production plants;

(*xx*) Chemical process plants;

(*xxi*) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat imput;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;

(xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

(5) Each plan shall include enforceable procedures to provide that:

(i) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provision of the plan and any other requirements under local, state or federal law.

(ii) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforcement limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of regulations approved pursuant to this section shall apply to the source or modification as though construction had not yet commenced on the source or modification.

(b) Each plan shall adopt a preconstruction review permit program or its equivalent to satisfy the requirements of section 110(a)(2)(D)(i) of the act for any area designated as attainment or unclassifiable for any national ambient air quality standard under 40 CFR 81.300 *et seq.* Such a program or its equivalent shall apply to any new major stationary source or major modification that would locate in a designated attainment or the unclassifiable area and would exceed the significant increments specified in section III.A. of the Emission Offset Interpretive Ruling, Appendix S to this part.

(6) Subparts K, L, and N are added as follows:

Subpart K—Source Surveillance

Sec.

51.210 General.
51.211 Emission reports and recordkeeping.
51.212 Testing, inspection, enforcement, and complaints.
51.213 Transportation control measures.
51.214 Continuous emission monitoring.

Subpart L—Legal Authority

51.230 Requirements for all plans.
51.231 Identification of legal authority.
51.232 Assignment of legal authority to local agencies.

* * * * *

Subpart N—Compliance Schedules

51.260 Legally enforceable compliance schedules.
51.261 Final compliance shedules.
51.262 Extension beyond one-year.

Subpart K—Source Surveillance

§ 51.210 General.

Each plan must provide for monitoring the status of compliance with any rules and regulations that set forth any portion of the control strategy. Specifically, the plan must meet the requirements of this subpart. (§ 51.19—Introductory paragraph)

§ 51.211 Emission reports and recordkeeping.

The plan must provide for legally enforceable procedures for requiring owners or operators of stationary sources to maintain records of and periodically report to the State—

(a) Information on the nature and amount of emissions from the stationary sources; and

(b) Other information as may be necessary to enable the State to determine whether the sources are in compliance with applicable portions of the control strategy. [§ 51.19(a)]

§ 51.212 Testing, inspection, enforcement, and complaints.

The plan must provide for—

(a) Periodic testing and inspection of stationary sources; and

(b) Establishment of a system for detecting violations of any rules and regulations through the enforcement of appropriate visible emission limitations and for investigating complaints. [§ 51.19 (b), (c)]

§ 51.213 Transportation control measures.

(a) The plan must contain procedures for obtaining and maintaining data on actual emissions reductions achieved as a result of implementing transportation control measures.

(b) In the case of measures involving inspection, maintenance, or retrofit, these data must include the results of an emission surveillance program designed to determine actual average per vehicle emissions reductions attributable to inspection, maintenance, and/or retrofit.

(c) In the case of measures based on traffic flow changes or reductions in vehicle use, the data must include observed changes in vehicle miles traveled and average speeds.

(d) The data must be maintained in such a way as to facilitate comparison of the planned and actual efficacy of the transportation control measures. [§ 51.19(d)]

§ 51.214 Continuous emission monitoring.

(a) The plan must contain legally enforceable procedures to—

(1) Require stationary sources subject to emission standards as part of an applicable plan to install, calibrate, maintain, and operate equipment for continuously monitoring and recording emissions; and

(2) Provide other information as specified in Appendix P of this part. [§51.19(e)]

(b) The procedures must—

(1) Identify the types of sources, by source category and capacity, that must install the equipment; and

(2) Identify for each source category the pollutants which must be monitored. [§ 51.19(e)(1)]

(c) The procedures must, as a minimum, require the types of sources set forth in Appendix P of this part to meet the applicable requirements set forth therein. [§ 51.19(e)(2)]

(d)(1) The procedures must contain provisions that require the owner or operator of each source subject to continuous emission monitoring and recording requirements to maintain a file of all pertinent information for at least two years following the date of collection of that information.

(2) The information must include emission measurements, continuous monitoring system performance testing measurements, performance evaluations, calibration checks, and adjustments and maintenance performed on such monitoring systems and other reports and records required by Appendix P of this part. [§ 51.19(e)(3)]

(e) The procedures must require the source owner or operator to submit information relating to emissions and operation of the emission monitors to the State to the extent described in Appendix P at least as frequently as described therein. [§ 51.19(e)(4)]

(f)(1) The procedures must provide that sources subject to the requirements of paragraph (c) of this section must have installed all necessary equipment and shall have begun monitoring and recording within 18 months after either—

(i) The approval of a State plan requiring monitoring for that source; or

(ii) Promulgation by the Agency of monitoring requirements for that source.

(2) The State may grant reasonable extensions of this period to sources that—

(i) Have made good faith efforts to purchase, install, and begin the monitoring and recording of emission data; and

(ii) Have been unable to complete the installation within the period. [§ 51.19(e)(5)]

Subpart L—Legal Authority

§ 51.230 Requirements for all plans. [§ 51.11(a)]

Each plan must show that the State has legal authority to carry out the plan, including authority to:

(a) Adopt emission standards and limitations and any other measures necessary for attainment and maintenance of national standards. [§ 51.11(a)(1)]

(b) Enforce applicable laws, regulations, and standards, and seek injunctive relief. [§ 51.11(a)(2)]

(c) Abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons, i.e., authority comparable to that available to the Administrator under section 303 of the Act. [§ 51.11(a)(3)]

(d) Prevent construction, modification, or operation of a facility, building, structure, or installation, or combination thereof, which directly or indirectly results or may result in emissions of any air pollutant at any location which will prevent the attainment or maintenance of a national standard. [§ 51.11(a)(4)]

(e) Obtain information necessary to determine whether air pollution sources are in compliance with applicable laws, regulations, and standards, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources. [§ 51.11(a)(5)]

(f) Require owners or operators of stationary sources to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such stationary sources; also authority for the State to make such data available to the public as reported and as correlated with any applicable emission standards or limitations. [§ 51.11(a)(6)]

§ 51.231 Identification of legal authority.

(a) The provisions of law or regulation which the State determines provide the authorities required under this section must be specifically identified, and copies of such laws or regulations be submitted with the plan. [§ 51.11(c)]

(b) The plan must show that the legal authorities specified in this subpart are available to the State at the time of submission of the plan. [§ 51.11(d)(1)]

(c) Legal authority adequate to fulfill the requirements of § 51.230 (e) and (f) of this subpart may be delegated to the State under section 114 of the Act. [§ 51.11(d)(2)]

§ 51.232 Assignment of legal authority to local agencies.

(a) A State governmental agency other than the State air pollution control agency may be assigned responsibility for carrying out a portion of a plan if the plan demonstrates to the Administrator's satisfaction that the State governmental agency has the legal authority necessary to carry out the portion of plan. [§ 51.11(e)]

(b) The State may authorize a local agency to carry out a plan, or portion thereof, within such local agency's jurisdiction if—

(1) The plan demonstrates to the Administrator's satisfaction that the local agency has the legal authority necessary to implement the plan or portion of it; and

(2) This authorization does not relieve the State of responsibility under the Act for carrying out such plan, or portion thereof. [§ 51.11(f)]

Subpart N—Compliance Schedules

§ 51.260 Legally enforceable compliance schedules.

(a) Each plan must contain legally enforceable compliance schedules which set forth the dates the following sources must be in compliance—

(1) Stationary sources;

(2) Mobile sources; or

(3) Categories of other sources. [§ 51.15(a)(1)]

(b) The compliance schedules must contain increments of progress required

by § 51.262 of this Subpart. [§ 51.15(a)(1)]

§ 51.261 Final compliance schedules.

(a) Unless EPA grants an extension under Subpart R, compliance schedules designed to provide for attainment of a primary standard must—

(1) Provide for compliance with the applicable plan requirements as soon as practicable; or

(2) Provide for compliance no later than the date specified for attainment of the primary standard under § 51.110(b). [§ 51.15(b)(1)]

(b) Unless EPA grants an extension under Subpart R, compliance schedules designed to provide for attainment of a secondary standard must—

(1) Provide for compliance with the applicable plan requirements in a reasonable time; or

(2) Provide for compliance no later than the date specified for the attainment of the secondary standard under § 51.110(c). [§ 51.15(b)(2)]

§ 51.262 Extension beyond one-year.

(a) Any compliance schedule or revision of it extending over a period of more than one year from the date of its adoption by the State agency must provide for legally enforceable increments of progress toward compliance by each affected source or category of sources. The increments of progress must include—

(1) Each increment of progress specified in § 51.100(q); and

(2) Additional increments of progress as may be necessary to permit close and effective supervision of progress toward timely compliance. [§ 51.15(c)]

(b) [Reserved]

7. The following Sections are added to Subpart O:

Subpart O—Miscellaneous Plan Content Requirements

§ 51.280 Resources.

Each plan must include a description of the resources available to the State and local agencies at the date of submission of the plan and of any additional resources needed to carry out the plan during the 5-year period following its submission. The description must include projections of the extent to which resources will be acquired at 1-, 3-, and 5-year intervals. [§ 51.20]

§ 51.281 Copies of rules and regulations.

Emission limitations and other measures necessary for attainment and maintenance of any national standard, including any measures necessary to implement the requirements of Subpart L must be adopted as rules and regulations enforceable by the State agency. Copies of all such rules and regulations must be submitted with the plan. Submittal of a plan setting forth proposed rules and regulations will not satisfy the requirements of this section nor will it be considered a timely submittal. [§ 51.22]

8. Subpart R is added as follows:

Subpart R—Extensions

Sec.
51.340 Request for 2-year extension.
51.341 Request for 18-month extension.
* * * * *

Subpart R—Extensions

§ 51.340 Request for 2-year extension.

(a) The Governor of a State may, at the time of submission of a plan to implement a primary standard request the Administrator to extend, for a period not exceeding 2 years, the 3-year period prescribed by the Act for attainment of the primary standard in such region.

(b) Any such request regarding an interstate region must be submitted jointly with the requests of Governors of all States in the region, or shall show that the Governor of each State in the region has been notified of such a request.

(c) Any such request regarding attainment of a primary standard must be submitted together with a plan which shall:

(1) Set forth a control strategy adequate for attainment of such primary standard.

(2) Show that the necessary technology or alternatives will not be available soon enough to permit full implementation of such control strategy within such 3-year period, i.e., one or more emission sources or classes of sources will be unable to comply with applicable portions of the control strategy.

(3) Provide for attainment of such primary standard as expeditiously as practicable, but in no case later than 5 years after the date of the Administrator's approval of such plan.

(d) Any showing pursuant to paragraph (c) of this section must include the following:

(1) A clear identification of stationary emission sources or classes of moving sources which will be unable to comply with the applicable portions of such control strategy within a 3-year period because the necessary technology or alternatives will not be available soon enough to permit such compliance.

(2) A clear identification and justification of any assumptions made with the respect to the time at which the necessary technology or alternatives will be available.

(3) A clear identification of any alternative means of attainment of such primary standard which were considered and rejected.

(4) A showing that stationary emission sources or classes of moving sources other than those identified pursuant to paragraph (d)(1) of this section will be required to comply, within such 3-year period, with any applicable portions of such control strategy.

(5) A showing that reasonable interim control measures are provided for in such plan with respect to emissions from the source(s) identified pursuant to paragraph (d)(1) of this section.

§ 51.341 Request for 18-month extension.

(a) Upon request of the State made in accordance with this section, the Administrator may, whenever he determines necessary, extend, for a period not to exceed 18 months, the deadline for submitting that portion of a plan that implements a secondary standard.

(b) Any such request must show that attainment of the secondary standards will require emission reductions exceeding those which can be achieved through the application of reasonably available control technology.

(c) Any such request for extension of the deadline with respect to any State's portion of an interstate region must be submitted jointly with requests for such extensions from all other States within the region or must show that all such States have been notified of such request.

(d) Any such request must be submitted sufficiently early to permit development of a plan prior to the deadline in the event that such request is denied.

§ 51.321 [Amended]

9. Section 51.321 is amended by changing the phrase "as specified in §§ 51.323 through 51.326," to "as specified in §§ 51.323 and 51.325."

§51.326 [Removed]

10. Section 51.326 is removed and reserved.

§ 51.327 [Amended]

11. Section 51.327 is amended by changing the term "§ 51.6" to "§ 51.104."

§ 51.328 [Removed]

12. Section 51.328 is removed and reserved.

Appendices A–H, K, M–O, and R [Removed]

13. Appendices A–H, K, M–O, and R are removed and reserved.

Appendix L [Amended]

14. The first paragraph of Appendix L is revised to read as follows:

Appendix L—Example Regulations for Prevention of Air Pollution Emergency Episodes

The example regulations presented herein reflect generally recognized ways of preventing air pollution from reaching levels that would cause imminent and substantial endangerment to the health of persons. States are required under Subpart H to have emergency episodes plans but they are not required to adopt the regulations presented herein.

* * * * *

15. In Appendix L, Section 1.1(b) is amended by changing the term "Ozone (O_3) = 200 ug/m³ (0.1 ppm) 1-hour average" to "Ozone (O_3) = 400 ug/m³ (0.2 ppm)-hour average."

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federal register

Tuesday
October 11, 1983

Part IV

Federal Maritime Commission

Financial Responsibility for Water Pollution; Financial Responsibility for Oil Pollution—Alaska Pipeline and Outer Continental Shelf; Final Rule

FEDERAL MARITIME COMMISSION

46 CFR 542, 543, and 544

[General Orders 37, 40 and 41]

Financial Responsibility for Water Pollution; Financial Responsibility for Oil Pollution—Alaska Pipeline, and Outer Continental Shelf

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: This amendment revokes Parts 542, 543 and 544 from Title 46, Code of Federal Regulations. This action results from the recent transfer of the vessel financial responsibility certification functions from the Commission to the U.S. Coast Guard. The effect of this amendment is removal of the vessel financial responsibility regulations presently codified in Chapter IV of 46 CFR.

EFFECTIVE DATE: October 11, 1983.

FOR FURTHER INFORMATION CONTACT: James K. Cooper, Managing Director, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, (202) 523–5800.

SUPPLEMENTARY INFORMATION: By Executive Order 12418 of May 5, 1983 (48 FR 20891–92), the President transferred from the Commission to the Secretary of the Department in which the Coast Guard is operating, the functions relating to financial responsibility of vessels for pollution liability. The Secretary of Transportation, in turn, has delegated the responsibility for these transferred functions to the Commandant, U.S. Coast Guard.

The regulations at 46 CFR, Parts 542, 543 and 544, governing vessel financial responsibility are republished in a separate part of this issue of the **Federal Register** as Title 33, CFR, Parts 130, 131 and 132 respectively. This **Federal Register** publication of the Coast Guard's final rule states in its preamble that the regulations are republished without extensive change and that the Coast Guard administration of the recently transferred vessel certification programs will continue essentially as previously performed by the Commission until explicity amended, modified or revoked by any future rulemaking by the Coast Guard.

Since the vessel financial responsibility regulations are now established in 33 CFR, Parts 130, 131 and 132, the Commission is hereby deleting 46 CFR, Parts 542, 543 and 544 and reserving those parts for future Commission use. The material will be removed from Title 46 at its next codification (October 1983) and will not appear in Title 33 until its next codification (July 1984). To assist users of the CFR, the Coast Guard has arranged, with the Office of the Federal Register, for the placement of an editorial note in Title 33 and Title 46 calling attention to this change.

Administration of the vessel financial responsibility programs is now being conducted by the Chief, Financial Responsibility Division (G–WFR/21), Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C., 20593, (202) 426–8806.

List of Subjects in 46 CFR Parts 542, 543, and 544

Maritime carriers.

PARTS 542, 543, AND 544 [REMOVED AND RESERVED]

Accordingly, Chapter IV of Title 46, Code of Federal Regulations, is hereby amended by removing parts 542, 543 and 544 and reserving them for future use.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83–27434 Filed 10–7–83; 8:45 am]

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