

protected such units from enforcement of the original particulate matter SIP limits. This type of SIP revision would address the first commenter's concerns about the potential imposition of penalties during the pendency of a testing and research program. Furthermore, in view of EPA's implementation of several programs to speed up considerably the processing of SIP revisions, the commenter's concern regarding the time-consuming nature of SIP processing should be alleviated.

EPA disagrees with the second commenter's contention that the Agency is interpreting Section 110(i) of the Clean Air Act too strictly. The "plain meaning" of the statute itself bars modification of a SIP except by means specified in that statute and regulations promulgated thereunder. Section 110(d) of the Clean Air Act states that the "applicable (state) implementation plan" is that plan or "most recent revision thereof" which has been approved by the EPA Administrator pursuant to Section 110(a) of the Act or promulgated by the EPA Administrator pursuant to Section 110(c) of the Act. 40 CFR 51.8 (1981) underscores the point that revisions of a state implementation plan are not considered part of an "applicable implementation plan" until approved by EPA under authority of Section 110 of the Clean Air Act. See, also, *Train v. Natural Resources Defense Council, Inc.*, 421 U.S. 60 (1975). Under the rule, if FDER does not submit such research and testing variances to EPA for its approval as a state implementation plan revision, then such variances as a matter of Federal law are not part of the "applicable implementation plan" for Florida. This practice would raise the problem of sources having to comply with differing state and Federal regulatory requirements and possibly subject such sources to suits aimed at enforcement of the "applicable implementation plan"—those applicable air pollution control regulations previously approved by EPA. Furthermore, Section 110(i) of the Clean Air Act expressly forbids the state or EPA from modifying an applicable implementation plan except by means of specified orders, suspensions, exemptions or EPA action on a plan revision pursuant to Section 110(c) or Section 110(a)(3) of the Clean Air Act. Any orders adopted pursuant to the testing and research rule would conflict with these statutory and regulatory requirements.

Sections 110(a)(2)(B), 110(a)(3), and 110(i) contemplate an implementation

plan composed of a system of emission limitations, to be approved by EPA. EPA would approve such a system—and any subsequent revisions—based on a technical demonstration that the system of limitations attains and maintains the NAAQS and PDS increments. EPA is disapproving the Florida regulation because it does not specify emission limitations that assure protection of the standards and increments.

Under EPA's Emissions Trading policy, 47 FR 15076 (April 7, 1982), EPA will approve as SIP revisions a limited class of State rules, despite their failure to specify emission limitations. In place of specific emission limitations, these "generic rules" outline, step-by-step, the applicable substantive and procedural criteria, technical factors, and modeling procedures that the State must use to determine whether a specific emission limitation is fully protective of the standards and increments, consistent with the Clean Air Act. In approving such a carefully tailored "generic rule," EPA in essence approves in advance an array of acceptable SIP emission limitations, consistent with the requirements of Section 110.

The Florida Testing and Research Rule (F.A.C. 17-1.585) fails to satisfy the criteria for a "generic rule" as listed in EPA's Emissions Trading policy, 47 FR 15076, 15084.

First, EPA currently limits its approval of "generic rules" to those which involve bubble trades, where an increase in emissions is counterbalanced by an equivalent decrease elsewhere. Thus, unlike the Florida rule, the applicable net baseline emissions do not increase. Second, "generic rules" must specify carefully tailored, "replicable" procedures (as discussed above) which only produce emission limitations that protect the standards and increments. The Florida rule does not include specific decision-making procedures such as the particular modeling input and techniques that the State will be using. In sum, the Florida rule fails to provide EPA with adequate assurance that the resulting variances will protect air quality and will not require further review as SIP revisions.

Finally, the action taken today does not conflict with the goals of regulatory reform. As noted above, EPA's implementation of several programs for the processing of SIP submittals should enable industry to effectively utilize a testing and research program which is consistent with the respective statutory and regulatory requirements of Section 110 of the Clean Air Act, and 40 CFR

51.8. For all the above reasons, EPA today is disapproving this SIP revision. This action is effective December 19, 1983.

FDER may meet EPA's objections to rule F.A.C. 17-1.585 by formally submitting to EPA as SIP revisions any variances or orders issued pursuant to F.A.C. 17-1.585. New sources must meet all applicable PSD and new source review requirements including best available control technology or lowest achievable emission rate.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [60 days from today]. This action may not be challenged later in proceedings to enforce its requirements. (See 307 sec. (b)(2).)

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any response are available for public inspection at the EPA Region IV office (see address above).

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: November 9, 1983.

William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart K—Florida

A new § 52.527 is added as follows:

§ 52.527 Control strategy: General.

(a) Since the testing and research rule (FAC 17-1.585) submitted by the Florida Department of Environmental Regulation on April 7, 1980, as a revision of the plan does not meet the requirements of Section 110 of the Clean Air Act and the requirements of section 51.8 of this chapter, it is disapproved, and is not part of the plan.

(b) [Reserved].

[FR Doc. 83-30955 Filed 11-16-83; 6:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 0000/R610; PH-FRL 2471-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Thiabendazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; corrections.

SUMMARY: This document corrects and restores tolerances on certain raw agricultural commodities for residues of the fungicide thiabendazole.

EFFECTIVE DATE: November 17, 1983.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Environmental Protection Agency, Rm. 229, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202; (202-557-1900).

SUPPLEMENTARY INFORMATION: Pesticide tolerances for residues of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) in or on certain raw agricultural commodities from preharvest and post-harvest uses or combinations of such uses were established under 40 CFR 180.242.

In the Federal Register of July 9, 1980 (45 FR 46073), 40 CFR 180.242(a) was revised. In the process, the listing "Sweet potatoes (post-h to sweet potatoes intended only for use as seed)" at 0.02 part per million (ppm) was inadvertently omitted. Also, listings for the commodities "Bananas" and "Bananas, pulp" inadvertently omitted "pre-h" in the parenthetical description. The current "(post-h)" should read "(pre-h and post-h)" for both listings.

This document restores the tolerances for the above commodities as established and correctly indicated in 40 CFR 180.242(a) before the revision of July 9, 1980.

Dated: October 14, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.242 is corrected in paragraph (a), to read as follows:

§ 180.242 Thiabendazole; tolerances for residues.

(a) * * *

Commodity	Parts per million
Bananas (pre-h and post-h)	3

Commodity	Parts per million
Bananas, pulp (pre-h and post-h)	0.4
Sweet potatoes (post-h to sweet potatoes intended only for use as seed)	0.02

[FR Doc. 83-30857 Filed 11-16-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 761

[OPTS-62033; TSH-FRL 2471-8]

Toxic Substances Control Act; Statement of Policy for Compliance and Enforcement of PCB Storage for Disposal Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Statement of policy.

SUMMARY: This notice announces the Agency's policy on compliance and enforcement of storage for disposal regulations under the polychlorinated biphenyl (PCB) rule (40 CFR Part 761). The regulations prescribe a one year time limit on storage of PCB articles or PCB containers prior to their eventual disposal. EPA reminds the regulated community of the one year time limit on storage, which began on January 1, 1983, and is enunciating its policy to insure adherence to the regulations. EPA will not extend the one year time limit to allow PCB waste generators or disposal facilities additional time to store and dispose of PCB waste. EPA will allocate liability for failure to meet the one year disposal deadline between the waste generator and disposer.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460. Toll free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 6(e) of the Toxic Substances Control Act (TSCA) requires EPA to control the manufacture, processing, distribution in commerce, use, disposal and marking of PCBs. EPA issued the PCB Disposal and Marking Rule which was published in the Federal Register of February 17, 1978 (43 FR 7150). Clarifying amendments to this rule were published in the Federal Register of August 2, 1978 (43 FR 33918). The Disposal and Marking Rule and the technical amendments to the rule were

incorporated into one regulation in the PCB Ban Rule, published in the Federal Register of May 31, 1979 (44 FR 31514), and recodified in the Federal Register of May 6, 1982 (47 FR 19527).

40 CFR 761.65(a) limits storage of PCBs designated for disposal to one year. This requirement also states that "any PCB Article or PCB Container stored for disposal before January 1, 1983, shall be removed from storage and disposed of . . . before January 1, 1984. Any PCB Article or PCB Container stored for disposal after January 1, 1983, shall be removed from storage and disposed of . . . within one year from the date it was first placed into storage."

The one year limit is intended to ensure prompt disposal of PCBs. However, some waste generators or intermediate waste handlers may store PCB waste for long periods of time (up to 12 months) before sending it to the disposal facility for ultimate disposal. As a result, disposal facilities which receive the waste may not have sufficient time to dispose of the waste within the one year time limit.

EPA will allow facilities receiving waste a year after being put into storage by the generator an additional 90 days after receipt to dispose of the wastes without incurring enforcement liability. Because representatives of the two approved, landbased commercial incinerators have provided technical data showing that PCB waste is disposed of within 90 days after receipt by the facility, EPA has determined that 90 days are sufficient lead-time for the disposer to receive and dispose of PCB waste. Therefore, if a generator delivers waste to a disposal facility with ninety days or more remaining in the one year deadline, the disposer is responsible for destroying the material before the deadline.

The liability shifts to the generator if the material is delivered to the disposal facility with less than ninety days remaining in the one year allowed for disposal after storage. The disposer, however, will share in the liability if he does not dispose of the waste within 90 days from the date it is received at the disposal facility.

II. Compliance and Enforcement

EPA will direct its enforcement efforts to ensure compliance with the requirements of the PCB disposal regulations. EPA intends to take actions to ensure that all facilities subject to the requirements store, handle and dispose of PCBs properly. Persons who are subject to these regulations should be aware that failure to comply with these

regulations properly may subject them to civil or criminal sanctions.

Copies of this policy can be obtained from the TSCA Assistance Office (identified under "For Further Information Contact" in this notice.

(15 U.S.C. 2601)

Dated: November 7, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-30960 Filed 11-16-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-245; RM-4288]

TV Broadcast Station in New Orleans, Louisiana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 49 to New Orleans, Louisiana, as its seventh commercial television service, in response to a request from Millard V. Oakley.

EFFECTIVE DATE: January 20, 1984.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (New Orleans, Louisiana); MM Docket No. 83-245, RM-4288.

Adopted: October 20, 1983.

Released: November 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 14694, published April 5, 1983, issued in response to a request filed by Millard V. Oakley ("petitioner"), proposing the assignment of UHF television Channel 49 to New Orleans, Louisiana, as that community's seventh commercial television service. Petitioner filed comments reaffirming his intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. New Orleans (population 557,482),¹ in Orleans Parish (population 557,482) is located at the mouth of the Mississippi River on the Gulf of Mexico. Currently, it is assigned commercial television Channels 4 (WWL-TV), 6 (WDSU-TV), 8 (WVUE-TV), 20 (WULT-TV), 28 (WGNO-TV), and 38 (construction permit pending), as well as noncommercial educational Channels *12 (WYES-TV) and *32 (WLAE-TV).

3. In light of the fact that the assignment could provide a seventh commercial TV service to New Orleans, we believe that the public interest would be served by assigning UHF television Channel 49 as requested. Channel 49 can be assigned to New Orleans in conformity with the applicable mileage requirements of §§ 73.610 and 73.698 of the Commission's Rules.

4. Accordingly, pursuant to the authority contained in section 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective January 20, 1984, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended as follows:

City	Channel No.
New Orleans, La	4+, 6, 8-, *12, 20-, 26, *32+, 38+, and 49.

5. It is further ordered, that this proceeding is terminated.

6. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau (202) 634-6530.

Federal Communications Commission.

Roderick R. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-30940 Filed 11-16-83; 6:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-405; RM-4298; 83-591; RM-4432]

TV Broadcast Stations in Oklahoma City, Oklahoma; Norman, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF Television Channel 46 to Norman,

¹ Population figure was extracted from the 1980 U.S. Census Advance Report.

Oklahoma, as its first television assignment in response to a petition filed by Daystar Broadcasting Corporation. In addition, UHF Television Channel 62 is assigned to Oklahoma City, Oklahoma, as its tenth television assignment in response to a petition filed by David Allen Crabtree.

EFFECTIVE DATE: January 20, 1984.

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

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Oklahoma City, Oklahoma), MM Docket No. 83-405, RM-4298, and amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Norman, Oklahoma) MM Docket No. 83-591, RM-4432.

Report and Order; Proceedings Terminated

Adopted: October 19, 1983.

Released: November 14, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it (1) the *Notice of Proposed Rule Making* (48 Fed. Reg. 20957, published May 10, 1983) issued in response to a petition for rule making filed by David Allen Crabtree ("Crabtree") proposing to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules, by assigning UHF television Channel 61 to Oklahoma City, Oklahoma, as its tenth television assignment (MM Docket No. 83-405) and (2) the *Notice of Proposed Rule Making* (48 Fed. Reg. 30181, published June 30, 1983) issued in response to a petition for rule making filed by Daystar Broadcasting Corporation ("Daystar") proposing to amend the TV Table of Assignments by assigning UHF television Channel 58 to Norman, Oklahoma, as its first television assignment (MM Docket No. 83-591). Crabtree and Daystar filed comments in response to the *Notice* in Docket 83-405. The Association of Maximum Service Telecasters, Inc. ("AMST") and Daystar filed comments in response to the *Notice* in Docket 83-591. Daystar filed reply comments in both dockets, and AMST filed reply comments in Docket 83-591.

2. As set forth in the *Notice* in Docket 83-591, Daystar requested the assignment of UHF TV Channel 46 to Norman, Oklahoma. However, because Channel 46 would be short spaced to the pending rule making in Docket 83-405 to assign Channel 61 to Oklahoma City, and because an assignment of Channel