DATE: This action will be effective July 16, 1984 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of this revision are available for inspection at the following addresses:

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

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

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

Written Comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: The State of Ohio, on September 8, 1983, submitted a revision to the total suspended particulate (TSP) portion of its State Implementation Plan (SIP). This revision is in the form of a permit to operate a regenerative side port glass melting furnace at Corning Glass Works in Greenville, Ohio. Specifically, the State is requesting approval of an equivalent visible emission limitation (EVEL) for this source of not greater than 37 percent opacity. An EVEL is an opacity limit which exceeds the general opacity limit but represents the source's opacity when the source has been found to be in compliance with the applicable mass limit. Corning Glass is located in Darke County which is designated an attainment area for particulates (40 CFR 81.336).

The 37 percent EVEL was established in accordance with Ohio Engineering guides which EPA has found to be acceptable. The Guides outline a procedure for setting the EVEL as the second highest nonoverlapping 6 minute average that exceeds 20 percent when the source is in compliance with the applicable particulate limit. Three emission test runs were conducted on May 12, 1982, in which Corning Glass was found to be in compliance with the SIP allowable mass emission limitation of 11.2 lbs/hr. Thirty-seven percent opacity was the second highest non-overlapping six minute average for the entire test in which the actual average particulate emission rate was 9.73 lbs/hr. The 37 percent EVEL should ensure that Corning Glass will remain in compliance with the 11.2 lbs/hr mass limit and therefore, EPA is approving the EVEL. Mass and opacity testings were performed using EPA's Reference Methods 5 and 9, respectively. The rulemaking docket contains the raw visible emissions data and particulate matter test data which formed the basis of this revision.

Because EPA considers today's action noncontroversial we are approving it today without prior proposal. This action will become effective on (60 days from the date of this notice). However, if we receive notice by (30 days from the date of this notice) that someone wishes to submit critical comments, then EPA will publish: (1) a notice that withdraws this action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a comment period.

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

Under 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 section 307(b)(2).)

Under 5 U.S.C. 605(b) the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 52

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

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

This notice is issued under authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410).

Dated: May 8, 1984.

William D. Ruckelshaus,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52 is amended.

1. § 52.1870(c) is amended by adding new subparagraph (62) to read as follows:

§ 52.1870 Identification of Plan.

* * * * *

(c) * * *

(62) On September 8, 1983, the Ohio Environmental Protection Agency submitted a revision to the total suspended particulate SIP for Corning Glass Works. The revision is in the form of a permit to operate a glass furnace and contains an equivalent visible emission limitation for the furnace.

[FR Doc. 84-13007 Filed 5-14-84; 8:45 am]
BILLING CODE 6560-50-M

[A-9-FRL-2538-3]

40 CFR Part 52

Piti Nonattainment Area Plan, Guam

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Revisions to the Guam State Implementation Plan (SIP) were submitted to EPA by the Governor's designee. These revisions consist of a Control Strategy and addenda which together comprise the sulfur dioxide (SO_2), Nonattainment Area Plan (NAP) for the Piti Nonattainment Area in Guam. This notice takes final action to approve portions of the NAP which meet the requirements of Part D of the Clean Air Act (Act) "Plan Requirements for Nonattainment Areas."

EFFECTIVE DATE: June 14, 1984.

ADDRESSES: Copies of the revisions are available for public inspection during normal business hours at the following locations:

Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

Guam Environmenal Protection Agency, Harmon Plaza, Agana, Guam 96910

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Thomas Rarick, Chief, State Implementation Plan Section, Air Management Division, Environmental Protection Agency, Region 9, (415) 974-7641, FTS: 454-7641.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 1982 the Guam Environmental Protection Agency (GEPA) submitted to EPA a Control

Strategy and addenda which together constitute the SO_2 NAP for the Piti Nonattainment Area. The Control Strategy demonstrates attainment of the ambient SO_2 standards by raising the stack heights at both the Piti Power Plant and the Inductance Barge to less than the 65 meter *de minimus* height, preventing plume downwash, and through sulfur content in fuel restrictions. However, portions of EPA's stack height regulations promulgated on February 8, 1982 (47 FR 5864) have been overturned by a panel of the U.S. Court of Appeals for the D.C. Circuit. *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir., 1983). The Court decision has been appealed to the U.S. Supreme Court by a group of affected industries. Consequently, the actions taken today may be subject to modification when the judicial process is completed and any regulations revised in response. This may result in revised emission limitations or may affect other actions taken by States and source owners or operators.

On October 13, 1983 (48 FR 46548) EPA proposed to approve the Control Strategy and portions of the addenda. The final actions being taken in today's notice are the same as the actions proposed in the October 13, 1983 proposed rulemaking. There were no public comments received on the proposed rulemaking notice.

On December 8, 1983 the Clean Air Act was amended by Congressional legislation establishing section 325. This new section allows exemption from certain requirements of the Act for Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Section 325 also provides for at least an 18 month exemption from federally approved sulfur dioxide emission limits for the power plants on Guam. This 18 month exemption applies to all three major sources in the Piti Nonattainment Area.

EPA Action

The Piti SO_2 NAP was evaluated for conformance with the requirements of Part D of the Clean Air Act and found to be approvable. For EPA's detailed evaluation of the NAP, please refer to the October 13, 1983 (48 FR 46548) notice of proposed rulemaking and its supporting Technical Support Document. Today's notice approves portions of the SO_2 NAP for the Piti Nonattainment Area and incorporates them into the Guam State Implementation Plan.

Specifically, today's notice takes final action to approve the following portions of the Piti SO_2 NAP:

- "Territory of Guam NAP for SO_2," (Consisting of the narrative or Control Strategy portion of the NAP);
- Addendum B, "Preliminary Results of SO_2 Dispersion Modeling;"
- "Official Report of Public Hearing."

EPA is taking no action on the following portions of the Piti NAP for the reasons indicated:

- Addendum A, "Redesignation of Guam's Air Quality Control Region for Sulfur Dioxide," (addressed in a previous **Federal Register** (FR) notice);
- Addendum D, "Compliance Order Preamble," (addressed in a previous FR notice);
- Addendum E, "Delayed Compliance Order," (inappropriate for inclusion in the SIP under section 110; addressed in a previous FR notice under section 113 of the Act);
- Addendum F, Chapter 13, "Permits," (will be addressed in a future FR notice).

Guam's new source review (NSR) rules, originally submitted to EPA on January 6, 1982, will be acted on in a separate notice. Until final approval of the NSR rules, the construction ban on major new or modified sources will continue in the Piti area.

Regulatory Process

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

Incorporation by reference of the State Implementation Plan for Guam was approved by the Director of the Federal Register on July 1, 1982.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Authority: Sections 110, 171 to 178 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7501 to 7508 and 7601(a)).

List of Subjects in 40 CFR Part 52:

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

Dated: May 8, 1984.

William D. Ruckelshaus,
Administrator.

PART 52—[AMENDED]

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

Subpart AAA—Guam

1. Section 52.2670 is amended by adding paragraph (c)(5) as follows:

§ 52.2670 Identification of plan.

* * * * *

(c) * * *

(5) Amendments to the Guam Air Pollution Control Standards and Regulations submitted on June 30, 1982 by the Governor's designee.

(i) "Territory of Guam NAP for SO_2," consisting of the narrative or Control Strategy portion of the Piti NAP; Addendum B, "Preliminary Results of SO_2 Dispersion Modeling;" and "Official Report of Public Hearing." The remaining portions of the addenda are for informational purposes only.

* * * * *

[FR Doc. 84-13006 Filed 5-14-84; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 271

[OSW-FRL 2587-5]

Rhode Island; Phase II, Component A Interim Authorization; State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final approval.

SUMMARY: The State of Rhode Island has applied for Interim Authorization Phase II Component A. EPA has reviewed Rhode Island's application for Phase II Interim Authorization, Component A, and has determined that Rhode Island's hazardous waste program is substantially equivalent to the Federal program covered by Component A. The State of Rhode Island is hereby granted Interim Authorization for Phase II, Component A, to operate the State's hazardous waste program covered by these Components in lieu of the Federal program.

EFFECTIVE DATE: May 29, 1984.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Wenger, State Waste Programs Branch, U.S.E.P.A., Region I, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223-1917.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper management of hazardous waste. Included in these regulations, which became effective November 19, 1980, were provisions for a transitional stage in which States would be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program has taken effect.

The State of Rhode Island received Interim Authorization for Phase I on May 29, 1981.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions of the second phase of Interim Authorization. In order to proceed with authorizing State programs as expeditiously as possible and because some of the standards for hazardous waste treatment, storage and disposal facilities (40 CFR Part 264) have been promulgated at different times, EPA made the second phase of Interim Authorization available in components. On December 23, 1983, EPA published a notice in the **Federal Register** (48 FR 56805) inviting the public to comment on the Rhode Island application for Interim Authorization Phase II, Component A, at a public hearing on January 31, 1984. This notice also invited the public to submit written comments on the Rhode Island application to Region I by February 3, 1984. Notice was also given in the major daily newspaper in Rhode Island.

Discussion

The State of Rhode Island submitted an application for Phase II Interim Authorization Component A on April 22, 1983.

While several issues were raised concerning the substantial equivalence of the State's program, only one issue was found to be an impediment to Interim Authorization. The issue centered on the State's statutory provision which discriminates against out-of-state waste. On October 20, 1983, EPA ruled that the statutory provision was an issue to be resolved for final authorization and was not an impediment for Interim Authorization. On November 30, 1983 Rhode Island submitted its first addendum to its application which addressed the out-of-state waste issue in its authorization plan for final authorization. On April 1, 1984, Rhode Island submitted a second addendum to its application which resolved all additional EPA comments regarding substantial equivalence.

Responsiveness Summary

In the **Federal Register** notice of December 23, 1983 (48 FR 56805) EPA gave the public opportunity to review and comment on the State of Rhode Island's application for Phase II Component A Interim Authorization to manage its Hazardous Waste Management Program under the Resource Conservation and Recovery Act (RCRA). Notice was also given in the major daily newspaper in Rhode Island. The comment period ended on February 3, 1984. EPA also conducted a public hearing on the application on January 31, 1984 at the Cannon Building Auditorium in Providence, Rhode Island. Four members of the public attended as well as several employees of the Rhode Island Department of Environmental Management (DEM) and the U.S. Environmental Protection Agency (EPA). No oral comments were received at the hearing from members of the public. In addition, during the comment period (December 23, 1983–February 3, 1984) EPA received no written comments on the Rhode Island application.

Decision

I have determined that Rhode Island's program is substantially equivalent to the Federal program for permitting hazardous waste treatment and storage facilities as defined in 40 CFR Part 271, Subpart B. In accordance with section 3006(c) of RCRA, the State of Rhode Island is hereby granted Interim Authorization to operate its hazardous waste program in lieu of Phase II, Component A, of the Federal hazardous waste program for the permitting of treatment and storage facilities.

Authority

This notice is issued under the authority of section 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Hazardous materials, Indian lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, and Confidential business information.

Dated: April 24, 1984.

Stephen F. Ells,

Acting Regional Administrator.

[FR Doc. 84-12986 Filed 5-14-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 Public Land Order 6536

[OR-22029 (Wash) and OR-36332 (Wash)]

Washington; Partial Revocation of Executive Orders of September 11, 1854, and April 9, 1859

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes two Executive orders as they affect 1,219.29 acres of public land withdrawn for use by the U.S. Coast Guard for lighthouse purposes. The lands have been conveyed out of Federal ownership and will not be restored to surface entry, mining or mineral leasing. Thus, the effect of this order is record clearing only.

EFFECTIVE DATE: June 15, 1984.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503–231–6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Orders of September 11, 1854, and April 29, 1859, which withdrew public lands for use by the U.S. Coast Guard for lighthouse purposes, are hereby revoked insofar as they affect the following described lands:

Willamette Meridian

T. 31 N., R. 1 E.,