Issued on: August 8, 1984.

L.P. Lamm,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 84-21727 Filed 8-14-84; 8:45 am]

BILLING CODE 4910-22-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Non-Multiemployer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Non-Multiemployer Plans contains the interest rates and factors for the period beginning September 1, 1984. The interest rates and factors are to be used to value benefits provided under terminating non-multiemployer pension plans covered by Title IV of the Employee Retirement Income Security Act of 1974.

The valuation of plan benefits is necessary because, under section 4041 of the Act, the Pension Benefit Guaranty Corporation ("PBGC") and the plan administrator must determine whether a terminating pension plan has sufficient assets to pay all benefits under the plan that are guaranteed by the PBGC under the Title IV plan termination insurance program.

The interest rates and factors set forth in Appendix B to Part 2619 are adjusted periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after September 1, 1984, and will enable the PBGC and plan administrators to value the benefits provided under those plans. These rates and factors will remain in effect until Appendix B of the regulation is again amended.

EFFECTIVE DATE: September 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mrs. Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, Code 611, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-6476 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On January 28, 1981, the PBGC published a final regulation on Valuation of Plan Benefits in Non-multiemployer Plans (46 FR 9492). That regulation, codified at 29 CFR Part 2619 (1983), sets forth the methods for valuing plan benefits of terminating non-multiemployer plans covered under Ttile IV of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended*. The regulation contains formulas for valuing different types of benefits. Appendix B to the regulation sets forth the interest rates and factors that are to be used in the formulas. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

As published in the 1983 edition of 29 CFR, Appendix B of Part 2619 contains interest rates and factors for valuing benefits in plans that terminated during various periods from September 2, 1974 through June 1, 1983. The rates and factors adopted for valuing benefits in plans that terminated on or after June 1, 1983 remained in effect until September 1, 1983. On August 15, 1983, the PBGC published new rates and factors for plans that terminated on or after September 1, 1983 (48 FR 36817). That rate remained in effect for plan terminations through the end of January, 1984. In January, February, March, April, June, and July of 1984 the PBGC published new rates and factors for plans terminating during the months of February through August of 1984 (49 FR 1896, 49 FR 6486, 49 FR 9856, 49 FR 14730, 49 FR 24721, and 49 FR 28551).

At this time, changes in the financial and annuity markets require a decrease in the rates used for valuing benefits. Accordingly, this amendment adds to Appendix B a new set of interest rates and factors for valuing benefits in plans that terminate on or after September 1, 1984, which set reflects a decrease of ¼ percent in the interest rate.

Generally, the interest rates and factors will be in effect for at least one month. However, any published rates and factors will remain in effect until such time as PBGC publishes another amendment concerning them. Any change in the rates normally will be published in the **Federal Register** by the 15th of the month preceding the effective date of the new rates or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This determination is based on the need to determine and issue new interest rates and factors promptly so that the rates can reflect, as accurately as possible, current market conditions. The PBGC has found that the public interest is best served by issuing the rates and factors on a prospective basis so that plans may be able to calculate the value of plan benefits before submitting a notice of intent to terminate. Also, plans will be able to predict employer liability more accurately prior to plan termination.

Because of the need to provide immediate guidance for the valuation of benefits of plans that will terminate on or after September 1, 1984, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment to the final regulation effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, February 17, 1981, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, and Pensions.

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

1. The authority citation for Part 2619 reads as follows:

Authority: Secs. 4002(b)(3), 4041(b), 4044, and 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025, 1029 (1974) as amended by Secs. 403(1), 403(d), and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, and 1299 (1980) (29 U.S.C. 1302, 1341, 1344, 1362).

2. Appendix B is amended by revising Rate Set 49 and adding Rate Set 50 of Appendix B to read as follows:

Appendix B—Interest Rates and Quantities Used To Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2 are defined in § 2619.45.

Rate Set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities				
	On or after	And before		k_1	k_2	k_3	n_1	n_2
* * *	*	*	*		*		*	
49	8-1-84	9-1-84	10.75	1.1000	1.0875	1.0400	7	8
50	9-1-84		10.50	1.0975	1.0850	1.0400	7	8

Roderick J. O'Neil,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 84-21559 Filed 8-14-84; 8:45 am]

BILLING CODE 7708-01-M

VETERANS ADMINISTRATION

38 CFR Part 18

Information Collection Requirements

AGENCY: Veterans Administration.

ACTION: Technical amendments.

SUMMARY: This document amends Veterans Administration regulations to include OMB control numbers at the places in the regulations where current information collection requirements are described.

EFFECTIVE DATE: August 8, 1984.

FOR FURTHER INFORMATION CONTACT:
Ana del Toro, Office of Equal Opportunity (006B5), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389-2150.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in the regulatory sections listed below have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control numbers contained in the listing.

Text of the Amendments

Following the text of:

§ 18.406 [Amended]

Section 18.406(c) add: (Approved by the Office of Management and Budget under control number 2900-0415)

§ 18.422 [Amended]

Section 18.422(e) add: (Approved by the Office of Management and Budget under control number 2900-0414).

Dated: August 8, 1984.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

[FR Doc. 84-21640 Filed 8-14-84; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL-2653-3]

Approval and Promulgation of State Implementation Plan; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this Notice, EPA announces its approval of primary standard and secondary standard total suspended particulate (TSP) attainment plans for Medford, Oregon. The TSP plans were submitted by the State of Oregon Department of Environmental Quality (DEQ) as revisions to the State Implementation Plan (SIP) pursuant to the requirements of Part D of the Clean Air Act (hereinafter referred to as the Act).

EFFECTIVE DATE: August 15, 1984.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Air Programs Branch (10A-84-4), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97204

Copy of the State's submittal may be examined at:

The Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT:
Michael J. Schultz, Air Programs Branch, M/S 532, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone (206) 442-1985, (FTS) 399-1985.

SUPPLEMENTARY INFORMATION: On April 18, 1984 (49 FR 15229) EPA proposed approval of primary standard and secondary TSP attainment plans for the Medford, Oregon TSP nonattainment area. The control strategies relied on both industrial and nontraditional source control measures. Considerable emphasis was placed on reducing emissions from residential wood stoves. The proposed rulemaking (49 FR 15229) may be consulted for additional background and attainment plan information.

A 30-day public comment period was provided following publication of the proposed rulemaking. No comments were received.

EPA therefore approves the primary standard and secondary standard TSP attainment plans for the Medford, Oregon TSP nonattainment area, as submitted on April 25, 1983. The plans are represented by Section 4.10 of the Oregon State Implementation Plan. This section is entitled "Medford-Ashland Air Quality Maintenance Area State Implementation Plan for Particulate Matter."

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

Under section 307(b)(1) of the Clean Air 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(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Incorporation by reference and Intergovernmental Relations.

(Sec 110, 172, and 176 of the Clean Air Act, 42 U.S.C. 7410, 7502, and 7506)

Dated: August 9, 1984.

William D. Ruckelshaus,

Administrator.

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

PART 52—[AMENDED]

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

Subpart MM—Oregon

1. Section 52.1970 is amended by

adding, paragraph (c)(67) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(67) On April 25, 1983, the State Department of Environmental Quality submitted Section 4.10, "Medford-Ashland Air Quality Maintenance Area State Implementation Plan for Particulate Matter."

2. Section 52.1973 is amended by revising the attainment date table to read as follows:

* * * * *

§ 52.1973 Attainment dates for national standards.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO_x		NO_2	CO	O_3
	1st	2nd	1st	2nd			
Portland interstate AQCR							
Interstate AQCR (Washington portion):							
1. Portland-Vancouver (Oregon portion)	a	f	a	b	b	h	i
2. Salem	a	b	a	b	b	e	e
3. Eugene-Springfield AQMA	a	i	a	b	b	h	b
4. Remainder of AQCR	c	c	a	b	b	d	c
Southwest Oregon Intrastate AQCR:							
1. Medford-Ashland AQMA	j	k	a	b	b	g	e
2. Remainder of AQCR	c	c	a	b	b	b	b
Northwest Oregon Intrastate AQCR	a	b	a	b	b	b	b
Central Oregon Intrastate AQCR	a	c	a	b	b	b	b
Eastern Oregon Intrastate AQCR	c	c	a	b	b	b	b

1st—Primary.
2nd—Secondary.

a. Air designated as having air quality levels presently below the primary standards or area is unclassifiable.
b. Area designated as having air quality levels presently below secondary standards or area is unclassifiable.
c. May 1975.
d. May 31, 1976.
e. Dec. 31, 1982.
f. Dec. 31, 1986.
g. Later than Dec. 31, 1982 but before Dec. 31, 1987.
h. Dec. 31, 1985.
i. Dec. 31, 1987.
j. Dec. 31, 1984.
k. Dec. 31, 2000.

[FR Doc. 84-21645 Filed 8-14-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-8-FRL-2653-5]

Approval and Promulgation of State Implementation Plans; Salt Lake and Davis Counties, UT

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This document approves a revision to the Utah State Implementation Plan (SIP) which provides for an Inspection/Maintenance (I/M) Program for Salt Lake and Davis Counties. The I/M program is a requirement under the Clean Air Act (Sec 172–178) for nonattainment areas receiving an extension to December 31, 1987 to demonstrate attainment of the ozone and/or carbon monoxide standards. This document also approves the carbon monoxide (CO) plan for Salt Lake County and the ozone plan for Salt Lake and Davis Counties. A construction moratorium in effect since 1979 on major stationary sources of carbon monoxide and volatile organic compounds (VOC) will be lifted with this action.

DATES: This action will be effective on October 15, 1984, unless notice is received by September 14, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following offices:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

The Office of the Federal Register, 110 L Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Chief, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 844–3471.

SUPPLEMENTARY INFORMATION: On September 20, 1982, the State of Utah submitted the 1982 revision to its carbon monoxide/ozone SIP for the following nonattainment areas: (1) Carbon Monoxide—Salt Lake City, Ogden, Provo, and (2) Ozone—Salt Lake and Davis Counties.

On February 3, 1983 (48 FR 5128), EPA proposed to approve certain portions of that submittal and to disapprove others. The specific proposals were:

(1) Disapproval of the Salt Lake City carbon monoxide plan because the I/M program requirements had not been met and because several other transportation requirements had not been adequately addressed.

(2) Disapproval of the Salt Lake County and Davis County ozone plans for the reasons stated above.

(3) Approval of the Ogden and Provo carbon monoxide plans. However, EPA proposed to approve the plan on the assumption that the transportation requirements, including a monitoring plan, contingency plan, conformity determination procedures, and basic transportation needs would be adequately addressed during the comment period [subsequently this issue was approved by EPA on December 21, 1983 (48 FR 56379)].

On March 14, 1983, EPA received comments from the Governor of Utah which discussed all of the proposed actions, including the deficiencies in the Ogden and Provo CO plans. The Governor pointed out that the Utah SIP incorporates by reference a document entitled "Traffic Control Measures for the Wasatch Front Region" prepared by the Wasatch Front Region Council (WFRC) which discusses basic transportation needs, transportation monitoring plans, and contingency plans. The Governor also pointed out that the Utah DOT is required by regulation (as included in the Utah SIP) to submit highway project plans to the State Bureau of Air Quality to determine conformity with the SIP.

On April 22, 1983, the Utah Bureau of Air Quality submitted supplemental information which addressed each of the transportation requirements cited in the proposed rulemaking.

On July 21, 1983, the Utah legislature adopted legislation providing State authority to adopt and enforce I/M. The legislation requires that the two county governments implement I/M programs.

On December 9, 1983, the Governor of Utah submitted the implementation schedules and on December 19, 1983, he submitted the Salt Lake City-County Health Regulations #22 and the Davis County Motor Vehicle Inspection/ Maintenance Ordinance establishing the counties' rules and regulations for the I/M program. The Regulations/Ordinance required compliance of every motor vehicle with the inspection program, unless specifically exempted from the program, i.e., off-road vehicles not registered to operate on public highways, agricultural motor vehicles, etc. The Regulations/Ordinances further delegated the inspection portion of the program to county-certified private garages who will issue compliance certificates. A certificate is required at the time of vehicle registration with the county.

The implementation schedules show courses of action (i.e., establishment of I/M program staff, mechanic training through program certification, public awareness campaign) for mandatory vehicle inspection effective April 1, 1984.

On February 6, 1984, a revision to the SIP was made showing the impact of control strategies for Davis and Salt Lake Counties' ozone reduction and Salt Lake, Weber, and Utah Counties' carbon monoxide reductions.

The ozone section, in the February 6 SIP revision (Section 9 Part D), defines the extent of the ozone problem and predicts the emission reductions necessary to attain the standard. An emissions inventory was prepared based on program strategies currently being implemented and on growth projected for both counties.

The program strategies, as defined in Section 9.D.4, is for the control of VOC emissions from sources covered by Group I and II Control Techniques Guidance documents (CTG's). Section 9.D.4 also commits to adopting regulations for sources covered by future CTG's (Group III). Program strategies were aimed at vehicle hydrocarbon/nitrogen oxides emissions and major hydrocarbon (HC) point sources, i.e., petroleum refining, storage and distribution. The I/M program, as one of these strategies, is designed to reduce the automotive HC emissions by 25%. The combination of all program/ control strategies demonstrates attainment by November 1, 1985.

The carbon monoxide (CO) section (Section 9 Part C) identifies highway motor vehicles as the most significant source of CO emissions. Control strategies result in a 45 percent reduction in Center City CO (1980–1987 from FMVCP), the I/M program, and through other vehicle improvement programs, i.e., ridesharing, transit improvements, etc. These strategies demonstrate attainment by November 1986.

On March 1, 1984, the Utah Bureau of Air Quality submitted supplemental information regarding the Salt Lake County I/M program (i.e., emission standards, data collection and analysis method) and Davis County I/M program (referee station description).

On April 1, 1984 the I/M program was implemented as scheduled in Davis and Salt Lake Counties.

EPA Response: The Salt Lake and Davis Counties I/M regulations and programs meet the requirements of EPA and the Clean Air Act and are approved.

The State submittal of regulations and SIP revisions have corrected all the deficiencies as stated in the February 3, 1983, **Federal Register** (48 FR 5128).

For the Salt Lake City CO plan, areas of concern were:

1. I/M program requirements—covered in the December 19, 1983 submittal;

2. Monitoring plan, contingency plan, and conformity determination procedures—covered in the March 14, 1983 submittal.

For the Salt Lake and Davis County ozone plan, the areas of concern were:

1. I/M program requirements—covered in the December 19, 1983 submittal;

2. Monitoring plan, contingency plan, conformity determination procedures—covered in the March 14, 1983 submittal;

3. Commit to develop and adopt regulations to control VOC emissions from sources covered by Group III CTG's—covered in the February 6, 1984 submittal. Utah has adopted and EPA has approved regulations (46 FR 25092 and 47 FR 23447) controlling sources covered by Group I and II CTG's. EPA policy is to accept, at this time, a commitment to adopt RACT for Group III CTG sources. Such a commitment has been made in the Utah SIP.

The public is advised that this action will be effective October 15, 1984. However, if written notice is received by September 14, 1984, that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the final action is taken. One notice will withdraw this final action and another will begin a new rulemaking by announcing a proposal of this action and providing for a public comment period.

Under Section 307(b)(1) of the Clean Air Act, petitions for 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(b)(2)).

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

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Incorporation by reference and intergovernmental relations.

This rulemaking is issued under the authority of sections 110, 172 and 176 of the Clean Air Act (42 U.S.C. 7410, 7502 and 7506).

Dated: August 9, 1984.

William D. Ruckelshaus,

Administrator.

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

PART 52—[AMENDED]

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

Subpart TT—Utah

1. Section 52.2320 is amended by adding paragraph (c)(17) as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(17) Provision to meet the requirements of Part D of the Clean Air Act as amended in 1977 providing for implementing automobile inspection and maintenance in Salt Lake and Davis Counties were submitted on December 9, 1983, December 19, 1983, February 6, 1984, and March 1, 1984. A revision providing for the commitment to adopt regulations for VOC sources covered by future CTG's (Group III) was submitted on February 6, 1984.

§ 52.2335 [Removed]

2. Section 52.2335 is removed.

§ 52.2337 [Removed]

3. Section 52.2337 is removed.

[FR Doc. 84-21648 Filed 8-14-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-6-FRL-2653-4]

Approval and Promulgation of Implementation Plans; Texas Lead Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: As required by section 110(a) of the Clean Air Act and the October 5, 1978 (43 FR 46246), promulgation of national ambient air quality standards (NAAQS) for lead, the State of Texas has submitted revisions to its State Implementation Plan (SIP) for lead for the Dallas area of the State. This action approves the part of the lead SIP which provides for attainment and maintenance of the lead NAAQS for the Dallas County area of the State. The rest of the Texas lead SIP was previously approved by EPA (except for the Dallas and El Paso part of the SIP) in a **Federal Register** notice published on October 4, 1983 (48 FR 45246). The El Paso area lead SIP will be addressed in a separate rulemaking.

EFFECTIVE DATE: Effective on August 15, 1984.

ADDRESSES: Incorporation by reference material and EPA's November 1983 Evaluation Report are available for public review during normal business hours at the following locations:

Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723

EPA, Region 6, Library, 28th floor, Interfirst Two Bldg., 1201 Elm Street, Dallas, Texas 75270

EPA, Public Information Reference Unit, Library, Room 2922 (PM213), 401 M Street SW., Washington, D.C. 20460

The Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: J. Ken Greer, State Implementation Plan Section, Air Branch, EPA, Region 6, at (214) 767-9859 or FTS 729-9859.

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, the NAAQS for lead was promulgated by EPA (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms of lead per cubic meter of air (μg lead/m^3) averaged over a calendar quarter. As required by section 110 of the Clean Air Act (CAA), and the October 5, 1978 promulgation of the NAAQS for lead, all States must submit a SIP which will provide attainment and maintenance of the lead NAAQS.

The general requirements for a SIP are outlined in section 110 of the Clean Air Act and EPA regulations, 40 CFR Part 51, Subpart B. Specific requirements for developing a lead SIP are outlined in 40 CFR Part 51, Subpart E. These provisions require the submission of air quality data, emission data, air quality modeling, control strategies for each area exceeding the NAAQS, a demonstration that the NAAQS will be attained within the time frame specified by the CAA, and provisions for ensuring maintenance of the NAAQS. EPA has evaluated the Texas lead SIP for Dallas County by comparing it to the requirements for an approvable SIP, as set forth in the above mentioned regulations. [EPA's Evaluation Report, dated November 1983, is available for public review at addresses listed in **ADDRESSES** section of this notice.]

On June 12, 1980, the Governor of Texas submitted to EPA the State's SIP for attainment and maintenance of the NAAQS for lead. Additional information concerning the lead SIP was submitted to EPA in letters dated January 29, 1982, March 15, 1982, June 3, 1982, June 15, 1982, August 23, 1982, October 14, 1982, and December 3, 1982.

On October 4, 1983 (48 FR 45246), EPA approved the general Texas lead SIP except for the part of the SIP concerning the Dallas and El Paso areas. As explained in the notice and in EPA's September 1982 Evaluation Report, a proposed control plan for the Dallas area, specifically for two areas in Dallas around two secondary lead smelters, was requested from the State before EPA could take action on the Dallas part of the Texas lead SIP. EPA's notice of proposed approval of the Texas lead SIP for Dallas County was published in the **Federal Register** on December 29, 1983 (48 FR 57339). The State has submitted final lead control plans for the Dallas area, submitted in letters dated April 6, 1984 and July 16, 1984. The final lead control plan is described below, along with EPA's final action on the Dallas County part of the Texas lead SIP.

II. Description of the Lead Control Plan for Dallas County

In the State's April 6, 1984 letter to EPA, Texas submitted to EPA a final control plan for one of the secondary lead smelters in Dallas County, RSR Corporation (Murph Metals) facilities. The final control plan includes a final Agreed Court Order 83-5680 of the 95th District Court in Dallas County (between the City of Dallas and the State of Texas vs. RSR Corporation and Murph Metals, Inc.), applicable to the RSR facility in Dallas. In the State's May 10, 1984 letter to EPA, Texas submitted to EPA a final control plan for the other secondary lead smelter in Dallas County, Dixie Metals, Inc. The letter also included final Texas Air Control Board (TACB) regulations for Dallas County applicable to secondary lead smelters in Dallas. The RSR lead control plan, the Agreed Court Order for RSR, the Dixie lead control plan, and the Dallas County lead smelter regulations are discussed in detail in EPA's "Evaluation Report for the Texas Lead SIP for the Dallas Area," dated November 1983, which is available for review at the addresses listed in the ADDRESSES section of this notice. This notice will discuss in general the State's final lead control plan for RSR and Dixie, will discuss the public comment received, and will outline EPA's final action concerning the Dallas County part of the Texas lead SIP.

A. Control Plan for RSR Corporation

In a letter dated April 6, 1984, Texas submitted a final lead SIP revision for the RSR Corp. facility in Dallas. The SIP revision was an addition to the Texas lead SIP and superseded the previously submitted modeling analyses and demonstration of attainment which TACB had submitted to EPA. The submittal included:

(1) A demonstration of attainment for the area around the RSR smelter,

(2) A lead emission inventory for 1982 for the facility,

(3) A lead emission inventory for maximum operations for the facility,

(4) Estimates of mobile source emissions of lead for the area around RSR,

(5) A description of additional control measures and emission limitations required for the facility,

(6) A lead emission inventory for maximum operations with additional control measures applied for the facility,

(7) A summary of the predicted maximum ambient air quarterly lead concentrations around RSR after additional controls are implemented, as predicted by modeling,

(8) Maps of the plant layout and,

(9) A copy of the Consent Order for RSR which was approved by the Dallas District Court on October 17, 1983.

The final control plan and Consent Order 84-2 for RSR was reviewed by the TACB Regulations Committee on February 17, 1984, and approved by the members of the Texas Air Control Board on February 17, 1984. EPA has been parallel-processing the RSR lead control plan to allow EPA's final action on the control plan to be published by August 1, 1984 (as required by the court settlement agreement of July 26, 1983[1], concerning EPA's action on the approval/disapproval and promulgation of lead SIP's for all the States in the U.S.A.). EPA received the final RSR control plan as submitted by the Governor of Texas, which included the Dallas District Court Consent Order of October 1983, which is in effect and requires all lead control measures and emission limitations to be implemented at the RSR smelter facility no later than June 1, 1984.

As explained in EPA's proposed rulemaking, modeling of the RSR facility has been done by Texas and EPA. The TACB using the Texas Climatological Model (TCM) predicted attainment of the lead NAAQS around the smelter, at full production, after the additional lead control measures are implemented. Details of the modeling are provided in EPA's November 1983 Evaluation Report.

The TACB lead control plan for RSR and the Agreed Court Order provide for the implementation of control technology at the smelter to control lead emissions from both point sources and fugitive sources at RSR. In general, the control measures can be described as: (a) Requiring specific lead emission rate limitations for the 4 stacks at the RSR facility; (b) requiring building enclosure by the use of double wind curtains or solid doors; (c) requiring that negative pressure be maintained on the smelter and batch house buildings at all times and that the building ventilation be ducted to a baghouse; (d) requiring paving or covering with vegetation of most of the outside plant areas; (e) prohibiting the outdoor storage of lead bearing materials; (f) and requiring washing of truck transport tires, and wetting of work areas. Texas has demonstrated that the required control measures and emission limitations are adequate to demonstrate attainment around the RSR facility, and, with full implementation of the control measures and emission limitations required by the agreed Court Order for RSR, the lead NAAQS will continue to be maintained even if the facility operates under maximum production conditions. Specific details of the lead control measures and emission limitations are provided in EPA's Evaluation Report.

B. Operations at the RSR—Dallas Smelter

Currently at the RSR smelter, the lead production facilities are not operating due to the requirements of a TACB and City of Dallas Court Order, No. 83-5680, entered in the 95th Judicial District Court of Dallas County, Texas. The Court Order required RSR, as of February 29, 1984, to cease all lead operations at the facility until the smelter could comply with the dates for implementation of the Court Order of October 17, 1983, which required implementation of certain lead control measures by February 29, April 1, and June 1, 1984. The smelter had notified TACB that due to a recent Federal Trade Commission (FTC) ruling against RSR, the company was required to attempt to diversify itself of the Dallas smelter, and RSR was delaying the final implementation of certain lead control measures until the outcome of the FTC ruling as to whether RSR would have to sell the Dallas smelter. TACB and the City of Dallas requested closure of the RSR smelter on February 29, 1984, until the sale of the smelter was finalized, and until all commitments to install lead control measures were met by either RSR, or the new owners of the smelter. The February Court Order, No. 83-5680, requires that all lead control measures must be implemented by June 1, 1984, (as required by the October Court Order), or, implemented before the smelter is allowed to reopen and operate the lead producing parts of the facility. In May 1984, the FTC did decide that RSR must sell the smelter to the only group which made an offer for purchase, and the sale has been finalized and approved by the FTC. Regardless, before the smelter is allowed to begin operation again, even though under new management, the control measures will be implemented as required by the Texas lead SIP for the RSR smelter in Dallas. Currently the NAAQS for lead is being maintained in the areas around the RSR smelter. The Texas lead SIP had demonstrated that with the implementation of the additional lead control measures for the smelter that are required by the SIP, the NAAQS for lead will continue to be maintained around the smelter during the operation of the facility in the upcoming years.

C. Control Plan for Dixie Metals

In a letter dated July 16, 1984, Texas submitted a final SIP revision for the Dixie Metals facility in Dallas. The SIP revision was an addition to the Texas lead SIP and superseded the previously submitted modeling analyses and demonstration of attainment which TACB had submitted to EPA. The submittal included:

(1) A demonstration of attainment for the area around the Dixie smelter,

(2) A lead emission inventory for 1982 for the facility,

(3) A lead emission inventory for maximum operations for the facility,

(4) Estimates of mobile source emissions of lead for the area around Dixie,

(5) A description of additional control measures and emission limitations required for the facility,

(6) A lead emission inventory for maximum operations with additional control measures applied for the facility,

(7) A summary of the predicted maximum ambient air quarterly lead concentrations around Dixie after additional controls are implemented, as predicted by TCM modeling.

(8) Maps of the plant layout and,

(9) A copy of final Texas general regulations for secondary lead smelters located in Dallas County.

The Dixie final control plan and Dallas County smelter regulations were reviewed by the TACB Regulations Committee on May 18, 1984, and approved by the members of the Texas Air Control Board on May 18, 1984. The Governor of Texas has submitted to EPA the final Dixie control plan and the final Dallas County smelter regulations, which require all lead control measures and emission limitations to be implemented at the Dixie smelter no later than June 30, 1985.

As explained in EPA's proposed rulemaking, modeling of the Dixie facility has been done by Texas and EPA. Both modeling analyses predicted attainment of the lead NAAQS around the smelter, at full production, after the additional lead control measures are implemented. Details of the TACB and EPA modeling are provided in EPA's November 1983 Evaluation Report.

The TACB final lead control plan for Dixie and the final secondary lead smelter regulations for Dallas County provide for the implementation of reasonably available control technology at the smelter to control lead emissions from both point sources and fugitive sources at Dixie. In general, the control measures for Dixie are conceptually similar to the control measures for RSR, except that since the Dixie facility is smaller, and has less plant area and fewer buildings, the list of Dixie control measures is not as lengthy as the RSR requirements, although Texas has demonstrated that similar emission reductions are being obtained. The major control measures which are identical for Dixie as for RSR are: The same lead emission rate limitations for Dixie's stacks, the same requirements for smelter building enclosure and maintenance of negative pressure on the

[1] Order and Settlement Agreement (dated July 26, 1983), *Natural Resources Defense Council, Inc. (NRDC) v. William D. Ruckelshaus*, (D.D.C.) No. 82-2137.

smelter building, and the same requirements for paving and sweeping, or covering with vegetation of the plant property. Also, specific to the Dixie facility, there are outside storage bins and an outside battery saw which will be required to be fully enclosed to prevent fugitive emissions. Texas has demonstrated that the required control measures and emission limitations are adequate to demonstrate attainment around the Dixie facility. The control measures are required by the Dallas County Regulations, revisions to § 113, applicable to lead smelters in Dallas County, which were adopted by the Texas Air Control Board on May 18, 1984. The TACB regulations will require full implementation of the controls by June 30, 1985. With full implementation of the control measures and emission limitations at Dixie, the lead NAAQS will continue to be maintained even if the facility operates under maximum production conditions. Specific details of the lead control measures and emission limitations are provided in EPA's Evaluation Report.

D. Public Comment on EPA's Proposed Action

The City of Dallas submitted the only comment on EPA's December 29, 1983 (48 FR 57339) proposed action on the Texas lead control State Implementation Plan (SIP) for Dallas County. The City's comment letter was dated February 27, 1984, and concerned the Texas Air Control Board (TACB) lead control plan for Dixie Metals Company in Dallas. The letter requested that the same lead control measures be applied to Dixie Metals as were being required of the RSR facility in Dallas. The City recommended that the control measures for Dixie include: (1) Enclosure of the smelter building and maintenance of negative pressure with the exhaust routed to a baghouse, (2) enclosure of the battery wrecking, storage and batch preparation areas with air flow vented to a baghouse, (3) no outdoor storage of lead bearing materials except for lead ingots, unbroken batteries and material in closed containers, (4) all transportation of lead bearing materials outside of a building should be within closed containers or tarped vehicles, (5) all work areas in smelter building and battery wrecker area should be kept wet to mininize dust, (6) the wheels of all vehicles leaving the plant area should be washed, (7) all spills on plant property should be cleaned up quickly, all packing and storage areas should be paved and vegetation should be grown on all unpaved areas, and (8) an automatic restart provision should be installed and maintained for the plant's baghouse fans. The City also strongly recommended that no exemptions from installation of control measures be allowed for the Dixie facility based on the smelter not exceeding a certain production rate. The City also emphasized that since recent monitoring data for monitors around Dixie have shown values at or very close to the NAAQS for lead (during periods of operations at reduced capacity at the smelter), the Dixie smelter should be required to adhere to the same type controls imposed upon RSR.

EPA has reviewed the City of Dallas comments concerning the Dixie lead control plan and the Dallas County Smelter Regulations. EPA believes that the concerns and suggestions addressed by the City of Dallas are addressed by the TACB's final Dixie lead control plan, as adopted by the Texas Air Control Board on May 18, 1984. The State is requiring essentially the same control measures to be implemented at Dixie as at RSR, with the same lead emission limitations for the stacks at Dixie as required for the stacks at RSR. Each of the City's suggested control measures for Dixie have been incorporated into the Dixie lead control plan and the Dallas County smelter regulations.

In the regulations, the State has *not* provided for the possibility of an exemption from the installation of control measures at the Dixie plant, nor provided for an exemption due to limited production levels at a smelter in Dallas County. Therefore, all of the City of Dallas concerns and suggestions have been addressed by TACB in the Dixie lead control plan that EPA is approving today.

E. SIP for the Remainder of Dallas County

The State has submitted all available monitoring information for Dallas County which shows that the lead NAAQS has not been exceeded throughout the County except in 1982 near the RSR facility. TACB has validated that no other lead point sources are operating in Dallas County except for the two secondary lead smelters for which control plans have been submitted (the State provided to EPA in a January 29, 1982 letter that a secondary smelter named ESB had permanently shut-down and was only being used as a warehouse). Therefore, EPA's lead phasedown-in-gas program will continue to keep the lead NAAQS from being violated throughout Dallas County due to mobile source emissions of lead. Since any new industrial sources of lead seeking to locate in Dallas County will be required to undergo TACB new source review, which requires that new sources must demonstrate that the NAAQS's will be maintained if the source is allowed to operate in an area, no specific lead control plan is required of TACB for the remainder of Dallas County. Implementation of the requirements of the general Texas lead SIP along with implementation of the lead control plans for the RSR and Dixie facilities will ensure that the lead NAAQS is maintained throughout Dallas County.

In addition to the past monitoring information for Dallas County which the State has submitted to EPA, the TACB has agreed with EPA to operate a number of lead monitoring sites throughout Dallas County. As mentioned in the proposed rulemaking, EPA has approved TACB's State and Local Air Monitoring Stations (SLAMS) in Dallas, and the National Air Monitoring Stations (NAMS) in Dallas for lead. The Texas SLAMS and NAMS sites for lead in Dallas County are adequate to fully monitor the attainment and maintenance of the lead NAAQS throughout the County of Dallas.

On October 13, 1983, the United States Court of Appeals for the District of Columbia Circuit remanded portions of EPA's stack height regulations (40 CFR 51.1, 51.12 and 51.18 (1983)) to the Agency for reconsideration. *Sierra Club* v. *EPA*, 719 F.2d 436, *cert. denied sub nom. Alabama Power Co.* v. *Sierra Club*, No. 83-1429 (U.S. July 2, 1984). The stack heights concerned in this SIP action, however, are below the de minimus height of 65 meters. The de minimus provision of EPA's stack height regulations (40 CFR 51.1(ii)(1) (1983)) was not challenged in the Court of Appeals. Accordingly, in EPA's opinion the raising of the baghouse stacks at the RSR facility to a height of 100 feet (approximately 113 feet below the de minimus height specified in EPA's regulations) is approvable.

EPA'S Action

EPA has evaluated the Dallas part of the Texas lead SIP and has determined that it meets the requirements of section 110(a) of the Clean Air Act and 40 CFR Part 51, Subparts B and E. EPA believes that the Dallas part of the SIP is adequate to attain and maintain the lead NAAQS's throughout Dallas, with the implementation of the Agreed Court Court Order for RSR, and the Dallas County smelter regulations applicable to the Dixie facility. EPA is approving the Dallas part of the State's lead SIP, since the State has submitted to EPA final control plans for the RSR and Dixie lead smelters, and final smelter regulations for Dallas County. Specifically EPA is approving as part of the Texas Lead SIP the following TACB regulations for lead smelters in Dallas County:

Section 113.81—Maintenance and operation of control equipment,
Section 113.83—Storage of lead containing materials,
Section 113.85—Fugitive emissions from lead processes,
Section 113.87—Battery or lead reclaiming operations,
Section 113.88—Lead emission limits for reverberatory furnaces and blast furnaces,
Section 113.121(b)—Compliance with other rules,
Section 113.122(b)—Dates for control plan submission and for final compliance,
Section 113.123(b)—Control plan procedure, and
Section 113.124(b)—Reporting procedure.

EPA is taking a no-action on sections 113.113 and 113.114 since these two sections allow approval by TACB's Executive Director of alternate means of control and/or emission reductions if requested by the affected sources, and if the controls or reductions are equivalent. All alternate lead control measures approved by TACB must be submitted by Texas to EPA as a SIP revision, and be reviewed and approved by EPA, as required by the CAA, before the alternative control measures become part of the Federally approved Dallas lead SIP. If the Dallas County regulations are revised in the near future, EPA will review the changes and notify the public of any revisions. EPA will address the approvability of sections 113.113 and 113.114 of the Dallas County Smelter Regulations in a future **Federal Register** notice. EPA finds that the general Texas lead SIP that has been approved previously by EPA contains regulations that satisfy general requirements not specifically mentioned in the Dallas County lead SIP, and these general regulations can be incorporated into the Dallas County lead SIP.

This action is effective immediately since this action is only approving the State Regulations for Dallas County and the TACB Board Order for the RSR secondary smelter, which have been effective since February 17, 1984 for the Regulations, and October 17, 1983 for the TACB Board Order. Therefore, making EPA's approval action effective immediately will not add or change requirements applicable to the Dallas County smelters.

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 October 15, 1984. This action may not be challenged later in proceedings to enforce its requirements. [See Section 307(b)(2).]

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget for review.

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

This notice of final rulemaking is issued under the authority of Sections 110(a) and 301 of the Clean Air Act, as amended, 42 U.S.C. 7410(a) and 7601.

Lists of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen oxides, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Incorporation by reference and Intergovernmental relations.

Dated: July 31, 1984.

William D. Ruckelshaus

Administrator.

PART 52—[AMENDED]

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

Subpart SS—Texas

§ 52.2270 [Amended]

1. Section 52.2270 is amended by adding paragraphs (c) (53) and (54) as follows:

* * * * *

(c) * * *

(53) Revisions to the Texas State Implementation Plan for lead for Dallas County (concerning a lead control plan for the area around the secondary lead smelter in West Dallas), were submitted to EPA on April 6, 1984, by the Governor of Texas, as adopted by the Texas Air Control Board on February 17, 1984.

(54) Revisions to the Texas State Implementation Plan for lead for Dallas County (concerning a lead control plan for the area around the secondary lead smelter in South Dallas), and revisions to Regulation III, chapter 113, Subchapter B, Lead Smelters in Dallas County, were submitted to EPA on July 16, 1984, by the Governor of Texas, as adopted by Texas Air Control Board on May 18, 1984. No action is taken on Regulation III, Sections 113.113 and 113.114.

2. Section 52.2279 is amended by revising the table entry for "Metropolitan Dallas-Fort Worth Intrastate (Dallas County only)" as follows and by removing footnote (f.):

§ 52.2279 Attainment dates for national standards.

Air quality control region	Pollutant	Lead
* * *	*	*
Metropolitan Dallas-Fort Worth Instrastate (Dallas County Only).	* * *	June 30, 1985.
* * *	*	*

Footnote f [Removed].

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[FR Doc. 84-21643 Filed 8-14-84; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 86

[AMS-FRL-2653-1]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Gaseous Emission Regulations for 1985 and Later Model Year Light-Duty Trucks and Gaseous and Evaporative Emission Regulations for 1985 and Later Model Year Heavy-Duty Engines

AGENCY: Environmental Protection Agency.

ACTION: Denial of petition for reconsideration.

SUMMARY: This document announces EPA's denial of a petition for reconsideration by American Motors Corporation regarding useful life requirements applicable to emissions certification for light-duty trucks. These requirements were contained in regulations published on November 16, 1983 (48 FR 52170). The denial of AMC's petition was signed by the EPA Administrator on June 15, 1984.

ADDRESS: A copy of the petition and EPA's response may be obtained from the Central Docket Section (LE-131A), West Tower Lobby, 401 M Street SW., Washington, DC 20460, ATTN: Docket A-81-11.

FOR FURTHER INFORMATION CONTACT: Gregory J. Dana, Office of Mobile Sources, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-7647.

Note.—Under section 307(b)(1) of the Clean Air Act, EPA hereby finds that this action is of national applicability. Accordingly, 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 District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Act, the decision which is the subject of this notice may not be challenged later in judicial proceedings brought by EPA to enforce these requirements.