Subpart EE—New Hampshire

1. Section 52.1520, paragraph (c) is amended by adding subparagraph (29) as follows.

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(29) Revisions raising the allowable sulfur-in-oil limit to 2.0% for five sources excluded from revisions to CHAPTER Air 400, Section 402.02 (identified at subparagraph (c)(26) above), submitted on November 1, 1983. The five sources, and the source specific emission limits where applicable, are:

1. International Packings Corp., Bristol.

2. Velcro USA, Inc., Manchester.

3. Dartmouth College, Hanover (Limited to a maximum allowable hourly production of 164,000 pounds of steam.).

4. Sprague Energy-Atlantic Terminal Corp., Newington (Limited to firing any three of four boilers, or if all four boilers are fired, the sulfur content is limited 1.5%.).

5. Hoague-Sprague Corp., Hopkinton (Limited to firing any one of two boilers.)

[FR Doc. 84-20881 Filed 8-6-84; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[TN-015; A-5-FRL-2649-2]

Approval and Promulgation of Implementation Plans; Tennessee; Lead Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces approval/disapproval action on the Tennessee State Implementation Plan (SIP) for lead, which consists of a control strategy, source-specific regulations (operating permits), and other regulations (Chapter 1200–3–22: Lead Emission Standards). On December 21, 1983 (48 FR 56409), EPA proposed to approve the Tennessee plan with the understanding the State would correct certain deficiencies. Although the corrections were incorporated in the final version of the plan submitted to EPA on June 4, 1984, the regulatory portions of the plan are not yet in effect in the State because the Attorney General of Tennessee has not approved them. To meet the terms of the United States District Court for the District of Columbia's July 26, 1983 Order, EPA is approving only the control strategy demonstration of the plan and is disapproving its regulatory portions. EPA will propose to promulgate the regulations needed to implement the control strategy at a later date.

DATE: These actions are effective September 6, 1984.

ADDRESSES: Copies of the material submitted by Tennessee may be examined during normal business hours at the following locations:

Division of Air Pollution Control, Tennessee Department of Health and Environment, 150 9th Avenue North, Nashville, Tennessee 37203

Air Management Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365

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

Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Ms. Denise W. Pack at the EPA Region IV address above or call 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On October 5, 1978 (43 FR 46246), EPA promulgated National Ambient Air Quality Standards (NAAQS) for lead. Tennessee responded to the requirements of section 110(a)(1) of the Clean Air Act (the Act) by preparing and submitting a State Implementation Plan (SIP) which will provide for the attainment and maintenance of the primary and secondary lead NAAQS (1.5 $\mu g/m^3$, averaged over a calendar quarter).

On September 15, 1983, Tennessee submitted a control strategy demonstration and source-specific regulations (operating permits) for the three stationary lead facilities that the State had identified as significant lead sources. EPA's review of the submittal indicated the following deficiencies.

1. The State utilized the CRSTER model to demonstrate attainment at two of the significant sources. (EPA recommends use of the Industrial Source Complex (ISC) model).

2. The State also failed to include the results of the base-year modeling or any justification as to why these results had been omitted.

3. The State used a background value of 0.008 $\mu g/m^3$ in their model. This value is specified in EPA guidance as the concentration of lead in the cleanest area of the country; it is not a recommended background value for urban areas. Most states have used backgrounds of around 0.1 $\mu g/m^3$. Tennessee should have used a background from a monitor not influenced by industry or urban traffic.

4. The plan also failed to include a summary of all ambient air monitoring data collected since 1974 or justify why this data was not included, nor did it indicate where the description of the ambient air monitoring network could be reviewed.

In proposing to approve the Tennessee lead plan on December 21, 1983 (48 FR 56409), EPA asked the State to correct the above deficiencies and to make other minor editorial revisions which are described in a technical support document available at the EPA addresses listed above.

On November 17, 1983, the State submitted for parallel processing Chapter 1200–3–22: Lead Emission Standards, which contains definitions, specific emission standards for existing, new and modified sources, source sampling requirements, and lead ambient monitoring requirements. EPA's review of these standards indicated that the new source review portion of the rule was deficient because it did not require that a full ambient air quality analysis be conducted for all new or modified sources. Also, the State failed to include in the submittal the adopted version of the test methods required in this Section. EPA pointed out these deficiencies in the proposal notice.

The Tennessee Division of Air Pollution Control corrected all of the deficiencies detailed in EPA's proposal, which elicited no comments from the public. The corrected version of the SIP was submitted for EPA's approval on June 4, 1984. The regulatory portions of the SIP are not yet in effect in the State, however. To meet the terms of the United States District Court for the District of Columbia's July 26, 1983 Order in *NRDC* v. *Ruckelshaus*, No. 82-2137, EPA is today approving only the control strategy portion of the Tennessee lead SIP and is disapproving its regulatory portions. EPA will at a later date propose promulgation of regulations needed to implement the control strategy.

The State operates a lead monitoring network in accordance with the requirements contained in 40 CFR Part 58. Additional monitoring sites will be established as near as possible to point of maximum ambient impact of the three major lead emitting sources. The public may inspect the description of the monitoring network for lead at the Tennessee address listed above.

Action

EPA today approves the control strategy demonstration of the Tennessee

lead SIP, and disapproves its regulatory portions. These actions are effective thirty days from this date.

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 9, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

This rule will not have a significant economic impact on a substantial number of small entities because it imposes no requirements beyond those specified in existing Federal regulations.

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).

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

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: July 31, 1984.

William D. Ruckelshaus,

Administrator.

PART 52—[AMENDED]

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

Subpart RR—Tennessee

1. Section 52.2220 is amended by adding paragraph (c)(59) as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * *

(59) Control strategy demonstration for lead, submitted on June 4, 1984, by the Tennessee Department of Health and Environment.

2. A new § 52.2229 is added as follows:

§ 52.2229 Rules and regulations.

(a) The regulatory portions (source-specific permits and other regulations) of the Tennessee lead SIP submitted on June 4, 1984, are disapproved because they were not in effect in the State at the time of submittal.

(b) [Reserved].

[FR Doc. 84-20882 Filed 8-6-84; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 271

[WH-FRL-2635-3]

Georgia: Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination on Georgia's Application for Final Authorization.

SUMMARY: Georgia has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Georgia's application and has reached a final determination that Georgia's Hazardous Waste Program satisfies all of the requirements necessary for Final Authorization. Thus, EPA is granting Final Authorization to the State to operate its program in lieu of the Federal program.

EFFECTIVE DATE: Final Authorization for Georgia, for purposes of judicial review, shall be effective at 1:00 p.m. Eastern time on August 21, 1984.

FOR FURTHER INFORMATION CONTACT: Allan E. Antley, Chief, Waste Planning Section, Residuals Management Branch, Air and Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. (404) 881-3016.

SUPPLEMENTARY INFORMATION: Section 3006 of RCRA allows the EPA to authorize state hazardous waste management programs to operate in the state in lieu of the Federal program. To qualify for Final Authorization, a state's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other state programs, and (3) provide for adequate enforcement (Section 3006 (b) of RCRA, 42 U.S.C. 6226(b)).

On February 6, 1984, Georgia submitted a complete application to obtain Final Authorization to administer an RCRA program. On May 7, 1984, EPA published a tentative decision announcing its intent to grant Georgia Final Authorization. Further background on the tentative decision appears at 49 FR 19341, May 7, 1984.

Along with the tentative determination, EPA announced the availability of the State's application for public review and comment and the date of a public hearing on the application. The public hearing was not held as scheduled on June 6, 1984, since neither EPA nor the Georgia Department of Natural Resources received significant interest in holding the hearing.

To date, all RCRA hazardous waste management permits in Georgia have been issued by the State under the authority granted to the State during interim authorization. Therefore, there will be no change in the status of permits or permitting authority on the effective date of this rule.

Georgia is not authorized by the Federal government to operate the RCRA program on Indian Lands and this authority will remain with EPA.

Decision

It is my conclusion that Georgia's Application for Final Authorization meets all of the regulatory and statutory requirements established by RCRA.

Accordingly, Georgia is granted Final Authorization to operate its hazardous waste management program. This means that Georgia now has the responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out all other aspects of the RCRA program. Georgia also has primary enforcement responsibility, although EPA retains the right to take enforcement action under Section 3008 of RCRA.

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 provisions 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 entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Georgia's program, thereby eliminating duplicative requirements for handlers of hazardous waste 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, Confidential business information.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and

7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b), and EPA delegation 8-7.

Dated: July 13, 1984.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 84-20678 Filed 8-6-84; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule To Determine Frankenia Johnstonii (Johnston's Frankenia) To Be an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines a plant, *Frankenia johnstonii* (Johnston's frankenia), to be an endangered species under the Endangered Species Act of 1973, as amended. This species is known from two counties in Texas and one locality in Mexico. About 1,000 plants are known to exist within a 35-mile-radius area in Texas; several hundred plants occur in Mexico. The plants are not reproducing well and show signs of having been browsed by cattle. There is no current management plan for Johnston's frankenia, nor is there State or Federal protection. This action implements the protection provided by the Endangered Species Act for this plant.

DATES: The effective date of this rule is September 6, 1984.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Region 2, 421 Gold Avenue SW., Room 407, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766-3972).

FOR FURTHER INFORMATION CONTACT: Dr. Russell L. Kologiski, Botanist, U.S. Fish and Wildlife Service, Endangered Species Office, Region 2 (see ADDRESSES above), or Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

Frankenia johnstonii is a member of the family Frandeniaceae and was first collected and described by Dr. D. C. Correll in 1966. There are 5 populations known in Texas, and another population is known from near Monterrey, Mexico. The most distinctive features of the plant are its blue-green color and wiry appearance. The plants are small perennial shrubs, usually about 31 centimeters tall, but individuals may be up to 62 centimeters. The roots are wiry and dark brown. The leaves and numerous stems are grayish- or bluish-green and have a covering of very short whitish hairs. The leaves are somewhat oblong in shape, about 13 millimeters long and 4 millimeters wide. The single, white flowers are 5-petaled and small, about 4 millimeters long. Flowering is from September to May (Correll and Johnston, 1970). Pollination is mainly by bees and flies. Seed set in natural populations is less than 50 percent and seedlings are very rarely observed. Experimental pollination attempts have also resulted in less than 50 percent seed set (Turner, 1980).

Frankenia johnstonii occurs in relatively small populations in highly specialized habitats on rocky gypseous hillsides or saline flats (Whalen, 1980). It occurs in soils of the Maverick series at the most saline end of the range for that series. All known populations are located on privately owned lands. The branches of most plants are hedged or clipped as is common on plants which have been grazed by cattle.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) of the 1973 Act (Section 4(c)(3)(A) now), and of its intention thereby to review the status of the plant taxa included therein. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act. *Frankenia johnstonii* was included in the Smithsonian report, the July 1, 1975, notice of review and the June 16, 1976, proposal. General comments received in relation to the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals already over 2 years old. Therefore, on December 10, 1979, the Service published a notice of withdrawal of the June 16, 1976, proposal, which included *Frankenia johnstonii*.

Frankenia johnstonii was again included in category 2 of the list of plants under review for threatened or endangered classification in the December 15, 1980, **Federal Register** (42 FR 82480). Category 2 included those taxa for which more information was needed to biologically support a determination to list the species. A status report compiled in 1980 and investigations carried out by Service and other botanists since December 1979 (Whalen, 1980; Turner, 1980) have provided new biological data concerning *Frankenia johnstonii*, including information on the low number of plants, low reproduction, and grazing pressure. This new information, as well as data previously available to the Service, formed the basis for the July 8, 1983, proposed rule (48 FR 31414) and for the present determination of this species as endangered.

Summary of Comments and Recommendations

In the July 8, 1983, proposed rule (48 FR 31414) and associated notifications, all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in *The Monitor* in McAllen, Texas, on August 3, 1983, which invited general public comments. A total of six comments were received on the proposal, one each from the Texas Parks and Wildlife Department, the U.S. Soil Conservation Service, the National Park Service, the International Union for the Conservation of Nature and Natural Resources, a professional botanist, and an interested private individual. No public hearing was requested or held.

The Texas Parks and Wildlife Department submitted comments in support of the proposal. It also pointed out that under Chapter 88 of the Texas Parks and Wildlife Code, any Texas plant that is placed on the Federal list as endangered is required to also be listed by the State of Texas as endangered. Thus, this rule will provide both State and Federal protection for *Frankenia johnstonii*.

The National Park Service stated that it had no new information on the species, and as it did not occur on its