the more obvious capability of the rule to enhance aviation safety outweighs the negative supposition which at best would be difficult to measure. Also, the transponder-on requirement has no effect on the requirement that places ultimate responsibility on the pilot for operation of the aircraft, and thereby, the safety of that flight.

Because this amendment generates no significant energy, cost, or other impacts on aircraft operators, this document involves a rulemaking action which is not a major rule under Executive Order 12291 and is not a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

Regulatory Evaluation

The requirement that transponders already installed in aircraft be turned on while such aircraft are airborne in the National Airspace System will not have a significant economic impact on airspace users. The rule will not require the purchase, installation, or maintenance of any additional equipment nor will it require any additional recordkeeping. Only an imperceptible amount of additional electricity at negligible cost will be required to keep transponders in operation while the aircraft equipped with them are airborne. Because the impact of this rule is minimal, a full regulatory evaluation has not been prepared. For the same reasons, a transponder-on rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. While FAA has no estimate of the number, if any, of small entities which will be affected by the rule, the impact on individual operators is so minimal as not to meet the threshold of "significant impact" within the meaning of the Regulatory Flexibility Act. Therefore, it is certified that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 14 CFR Part 91

Aviation safety, Air traffic control, Airspace, Safety.

The Amendment

Accordingly, Part 91, Subpart A of the Federal Aviation Regulations (14 CFR Part 91), is amended as follows:

1. The authority citation for Part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat 1180); 42 U.S.C. 4321 et seq.; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 21, 1983).

2. Section 91.24 is revised by redesignating paragraph (c) as paragraph (d), and by adding new paragraph (c) to read as follows:

§ 91.24 ATC Transponder and altitude reporting equipment and use.

* * * * *

(c) *Controlled Airspace, all aircraft, transponder-on operation.* While in controlled airspace, each person operating an aircraft equipped with an operable ATC transponder maintained in accordance with § 91.172 of this Part shall operate the transponder, including Mode C equipment if installed, and shall reply on the appropriate code or as assigned by ATC.

* * * * *

Issued in Washington, DC, on October 29, 1985.

Donald D. Engen,

Administrator.

[FR Doc. 85-26150 Filed 10-31-85; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Rel. Nos. 33-6608; 34-22576; 35-23881; 39-1042; IA-992; IC-14771]

Revision of Rule Concerning Acceptance of Travel Reimbursement

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission has determined that its rule relating to the acceptance of reimbursement for travel expenses from entities tax exempt pursuant to 26 U.S.C. 501(c)(3) is unduly restrictive. It is therefore amending its rules to permit Commission members and employees who participate in conferences and meetings sponsored by entities which are tax exempt pursuant to 26 U.S.C. 501(c)(3) to accept from such entities, under limited circumstances, reimbursement for the actual travel expenses of a spouse, provided the prior approval of the General Counsel is obtained.

EFFECTIVE DATE: November 1, 1985.

FOR FURTHER INFORMATION CONTACT: Myrna Siegel, Ethics Counsel, Office of the General Counsel, Securities and Exchange Commission, Washington, DC 20549, (202) 272-2430.

SUPPLEMENTARY INFORMATION: Prior to 1983, the Commission's regulations permitted Commission members and employees who participate in programs sponsored by entities designated tax exempt pursuant to 26 U.S.C 501(c)(3) to accept from such entities reimbursement for travel and subsistence expenses for an accompanying spouse, if the prior approval of the General Counsel was obtained. The amendment announced in this release reinstates that rule.

Discussion

In June 1983, Congress authorized the Commission to accept from non-federal entities payment or reimbursement for expenses incurred by Commission members and staff in connection with participation at educational conferences and meetings sponsored by such entities.[1] On August 23, 1983, the Commission adopted regulations to implement this new statutory authority.[2]

In order to eliminate real or apparent conflicts of interest, those regulations require all private reimbursement for the expenses of Commission members and staff on official duty time to be accepted by the Commission, not by the individual. Because Congress authorized the Commission to accept reimbursement only for the travel and subsistence expenses of its members and employees, the reimbursement rules generally have the effect of prohibiting a member or employee who is traveling while on official duty from accepting any payment or reimbursement offered by the sponsoring organization for the travel expenses of a spouse. Staff members can, under certain circumstances,[3] avoid the effects of this prohibition by taking annual leave to attend the educational program or conference in question. Since Commission members are not subject to any leave system, they are effectively prohibited from accepting reimbursement for a spouse when participating in educational conferences or meetings relating to the functions or responsibilities of the Commission, even when the sponsor is a tax-exempt institution.

Entities, tax exempt pursuant to Section 501(c)(3), that sponsor

[1] Pub. L. No. 98-38, 97 Stat. 205 (1983).

[2] 48 FR 39215 (August 30, 1983).

[3] Employees may accept reimbursement for a spouse or traveling companion only with the prior written approval of the General Counsel. That approval may be given when program participants are expected to engage in social activities. However, reimbursement may not be accepted from entities which do business with the Commission, are regulated by the Commission, are registered with the Commission or have interests which may be substantially affected by the official duties of the employee. Moreover, public disclosure of the amount accepted is required.

conferences in which Commission members and employees participate are primarily educational organizations, such as universities.[4] Therefore, the acceptance of reimbursement for the traveling expenses of a spouse (or traveling companion) from such an entity does not generally raise questions of conflict of interest.

Accordingly, the Commission has determined to amend its current rule to permit Commission members and staff to accept spousal reimbursement from an entity which is tax exempt pursuant to 26 U.S.C 501(c)(3), provided (as in the case of staff members currently) the prior approval of the General Counsel is obtained. Such approval will be granted routinely where the circumstances do not raise an appearance of impropriety or conflict of interest and where participants are expected to engage in social activities, such that the attendance of a spouse facilitates the business of the program. Althought the situation is unlikely to arise with Section 501(c)(3) organizations, no reimbursement will be accepted from a tax-exempt organization which does business with the Commission, is regulated directly or indirectly by the Commission, is registered with the Commission, or has interests which may be substantially affected by the participating individual's performance or non-performance of his or her official duties.

A copy of the General Counsel's approval, and a notice of the amount of payment or reimbursement accepted, will be placed in the public file. The Office of Government Ethics has approved this rule amendment, and a copy of that determination will also be placed in the public file.

Regulatory Flexibility Act

No regulatory flexibility analysis (or certification that one is not required) is necessary because the rules are procedural, and thus not within the definition of "rule" for purposes of Chapter 6, Title 5, U.S.C.

The Commission finds that the foregoing action relates solely to rules of agency procedures or practice and, accordingly, that notice and prior publication for comments under the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, are unnecessary. *See* 5 U.S.C. 553(b).

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Conflicts of interest, Freedom of Information, Privacy, Securities.

Text of Amendment

In consideration of the foregoing, the Commission hereby amends Part 200 of Chapter II, Title 17, Code of Federal Regulations as follows:

PART 200—ORGANIZATION, CONDUCT AND ETHICS, AND INFORMATION AND REQUESTS

1. The authority citation for Subpart M of Part 200 continues to read as follows:

Authority: Sections 19, 23, 48 Stat. 85, 901, as amended, sec. 20, 49 Stat. 833, sec. 319, 53 Stat. 1173, secs. 38, 211, 54 Stat. 841, 855; 15 U.S.C. 77s, 78w, 79t, 77sss, 80a-37, 80b-11; E.O. 11222; 3 CFR, 1964–1965 Comp. 5 CFR 735.104.

2. Section 200.735–4 is amended by adding paragraph (b)(6)(vii) as follows:

§ 200.735–4 Outside employment and activities.

* * * * *

(b) * * *

(6) * * *

(vii) Members or employees who are participating in a program meeting the criteria of paragraph (b)(6)(i) of this section, which is sponsored by a person determined by the Secretary of the Treasury to be a tax-exempt organization pursuant to 26 U.S.C. 501(c)(3), and for which reimbursement for the member's or employee's participation will be accepted by the Commission, may, while on official duty, accept from the sponsoring entity *bona fide* reimbursement for actual expenses for travel and necessary subsistence for a spouse or traveling companion *provided* that the procedures detailed in paragraphs (d)(6) (vi)(A)–(C) of this section are followed.

* * * * *

By the Commission.

Dated: October 28, 1985.

John Wheeler,

Secretary.

[FR Doc. 85–26171 Filed 10–31–85; 8:45 am]

BILLING CODE 8010-01-M

[4] Entities qualifying for tax exempt status pursuant to 26 U.S.C. 501(c)(3) are limited to: Corporations and any community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific testing purposes, or to foster natural or international amateur sports competition * * * or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation * * * and which does not participate in, or intervene in * * * any political campaign on behalf of any candidate for public office.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 436

[Docket No. 85N–0392]

Antibiotic Drugs; Hyclate Doxycycline Pellet-Filled Capsules

Correction

In FR Doc. 85–24471 beginning on page 41678 in the issue of Tuesday, October 15, 1985, make the following corrections:

On page 41679, first column, in § 436.543(c), thirteenth line, "time" should read "timed". In the second column, in § 436. 543(e), fourth line, "on" should read "one".

BILLING CODE 1505-01-M

21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Change of Sponsor

Correction

In FR Doc. 85–24362 beginning on page 41488 in the issue of Friday, October 11, 1985, make the following correction:

On page 41489, third column, in amendatory instruction 18 for § 522.1081, third line, "genadotropin" should read "gonadotropin".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4–FRL–2917–9; FL–012]

Approval and Promulgation of Implementation Plans, Florida; Lead Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today disapproving the regulatory portion of the Florida State Implementation Plan (SIP) for lead, approving all other portions of the plan, and promulgating Federal source-specific emission limitations for the lead stationary sources in Florida identified as having a potential to violate the lead National Ambient Air Quality Standard (NAAQS). This action was proposed on February 21, 1985, in the **Federal Register** (50 FR 7187) and a public hearing and comment period provided. The comments which were received are discussed below.

EFFECTIVE DATE: December 2, 1985.

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

Environmental Protection Agency, Region IV, Office of Regional Counsel, 345 Courtland Street NW., Atlanta, Georgia 30365

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

EPA Central Docket Section West Tower Lobby, Gallery I, A–130, 401 M Street SW., Washington, D.C. 20460

Florida Department of Environmental Regulation, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blairstone Road, Tallahassee, Florida 32301

FOR FURTHER INFORMATION CONTACT: Ms. Kelly McCarty, EPA Region IV, Air Management Branch, at the above listed address and phone 404/881–3286, or FTS 257–3286.

SUPPLEMENTARY INFORMATION: On September 17, 1984, the Florida Department of Environmental Regulation submitted a lead SIP to EPA to satisfy the requirements of section 110 of the Clean Air Act and the National Ambient Air Quality Standard (NAAQS) for lead. EPA reviewed the submittal and proposed action on February 21, 1985 (50 FR 7187), in the Federal Register. This action proposed to: disapprove the source-specific regulatory portion of the SIP, approve of all other portions of the SIP, and promulgate the source-specific regulations necessary to complete the SIP. All other background information relating to the actions being taken may be found in that notice.

Since EPA was proposing to promulgate source-specific emission limits to substitute for the regulatory portion of the lead SIP, a public hearing on the SIP was required to be held under Section 110(c)(1) of the Clean Air Act. This hearing was held in Tampa, Florida on March 28, 1985, and the comments which were received at the hearing, as well as those comments received during the comment period of the February 21, 1985, Notice of Proposed Rulemaking, are discussed below.

In the February 21, 1985, proposal notice, each individual source-specific emission limitation located in § 52.535(c) contained its own sections for test procedures and production restraints to be employed during compliance testing. In today's final rulemaking, these two sections have been deleted from the individual source-specific emission limits in § 52.535(c), and have been made part of § 52.535 (b) of the regulations which contain the general provisions which apply to all the sources. Specifically, § 52.535(b)(5) and § 52.535(b)(6) now contain the specific compliance testing requirements. Sections 52.535 (b) and (c) are hereby amended to reflect these changes.

The attainment date for the State of Florida for the lead NAAQS shall be thirty days from the date of this notice. The State is considered to be attainment because none of the monitors in the State are recording exceedances of the ambient concentration for lead (1.5 ug/m^3 averaged quarterly), and because the significant point sources of lead do not need additional time to meet the emission limits promulgated herein.

Comments Received

Miscellaneous. In the final, § 52.535(b)(4) was slightly changed. The proposal stated that source tests should be performed in accordance with EPA Reference Methods 1 through 5. This should have read Methods 1 through 4. Section 52.535(b)(4) is hereby amended to reflect this change.

Compliance Test. Several commenters objected to the requirement that compliance stack testing must be performed within 120 days of promulgation. They felt that this requirement was unreasonable, since some sources have recently been tested.

EPA feels the 120 days to perform a compliance test is reasonable, but is willing to accept a recent stack test compliance verification on a case by case basis, provided the test meets EPA testing requirements. Therefore EPA has amended § 52.535(b)(1) to allow testing performed within 120 days after promulgation, or testing performed within the previous 12 months prior to promulgation, provided the test reports are submitted to EPA prior to, or within 30 days after, promulgation, *and* the tests meet EPA standard reference testing requirements.

Although EPA agrees that an annual Method 12 stack test could be burdensome for some of these sources, the Agency also believes that adoption of a specific alternate testing schedule is not appropriate. The language in § 52.535(b)(3) as proposed and retained in the final rule gives EPA the discretion to approve alternate compliance methods, including waiver of the annual Method 12 requirement, if adequate justification is provided. EPA will accept requests for alternative testing schedules and approve or disapprove them on a case by case basis. Therefore, no changes were made to this section.

Fugitive Emissions. During the public hearing, one of the commenters stated that § 52.535(b)(2) of the proposal was unnecessary since there are no non-process fugitive emission limits. The commenter suggested that the section be deleted.

EPA agrees with the comment, but not the suggestion. The intent of the section was to enable a source inspector who documents an extraordinary amount of fugitive emissions to impose some sort of control requirement to reduce the emissions. In light of the misunderstanding, the section has been reworded to reflect the intended meaning.

Action. Based on the foregoing, EPA hereby disapproves the regulatory portion of Florida's SIP for lead, approves the rest of the SIP, and promulgates source-specific emission limits for the sources identified in the lead SIP. This action is effective December 2, 1985.

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

Pursuant to section 307(d)(1)(B) of the Clean Air Act, EPA has established a docket (No. IV–A–85–01) which is available for public inspection and copying at EPA's Docket Office listed above, between 8:00 A.M. and 4:00 P.M., Monday through Friday. A reasonable fee may be charged for copying. An identical docket has also been established at EPA's Region IV Office, listed above.

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 publication date). This action may not be challenged later in proceedings to enforce its requirements. (See § 307(b)(2) of the Clean Air Act.)

EPA reserves the right to include such other sources of lead in this Federal Implementation Plan if it finds the source to meet the criterion set forth in Chapter 17–2.100(99) of the Florida Air Regulations. This section states that a major source of lead is one "which emits or has the potential to emit 5 tons per year or more of lead or lead compounds, measured as elemental lead".

Incorporation by reference of the State Implementation Plan for the State of Florida 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, Lead, Particulate matter, Incorporation by reference.

Dated: October 25, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

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

Subpart K—Florida

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.520 is amended by adding paragraph (c)(55) as follows:

§ 52.520 Identification of plan.

* * * * *

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

* * * * *

(55) State implementation plan for lead, submitted by the Department of Environmental Regulation on September 17, 1984.

(i) Incorporation by reference—

(A) Amendments to Florida Administrative Code, Chapter 17.2–100, Definitions, and 17.2–500 and 510, Applicability (for New Source Review), adopted by the State on January 25, 1984, and September 17, 1984 letter from the Florida Department of Environmental Regulation to EPA.

(ii) Additional material—

(A) Narrative submittal, including an attainment demonstration.

(B) Emissions inventories for lead sources.

3. Section 52.535 is added as follows:

§ 52.535 Rules and regulations.

(a) The regulatory portion of the lead implementation plan submitted on September 17, 1984, is disapproved because the laws or regulations needed to implement specific measures necessary to assure attainment and maintenance of the NAAQS for lead were not included.

(b) The following requirements shall apply to all the facilities listed in paragraph (c) of this section:

(1) The facilities listed in paragraph (c) of this section shall conduct an initial test on all sources of lead emissions specified for each facility within 120 days of promulgation of this regulation, unless such sources have been tested within the previous 12 months, and the results submitted to EPA, Region IV, within 30 days after promulgation, and approved. Such test shall demonstrate compliance with the specified emission limit for each source. Source test methods and analytical procedures used shall be in accordance with provisions of Part 60, Appendix A, Method 9 and 12. For source testing, a plan of testing including the date(s) the tests will be performed, a description of the test equipment and procedures to be used and the sampling locations with appropriate dimensions, showing upstream and downstream gas flow disturbances, shall be submitted to the EPA Region IV Administrator thirty (30) days prior to the initial test. Results of all source testing and compliance determinations shall be submitted to the Region IV Administrator within thirty (30) days after completion of the test. After completion of the initial performance test required above, the facilities shall conduct annual stack tests for all sources with a specified emission limit.

(2) Non-process fugitive emissions, (i.e., road dust, stock piles, plant grounds, etc.) shall be minimized. Minimization efforts shall include such fugitive dust suppression activities as: chemical stabilization, water spraying with appropriate runoff collection, resurfacing, sweeping, revegetation, and other EPA approved methods. Minimization efforts shall be monitored by EPA via site inspections and review of records and logs of fugitive dust suppression efforts.

(3) Upon submittal and approval by EPA, the Agency will accept an alternative method to demonstrate compliance with the specified emission limit. A submittal for an alternative compliance method must provide an exclusive means (i.e., mathematical relationship with established parameter(s)) to determine compliance with the applicable emission limit. Until an alternative compliance method request is approved by EPA, the initial and annual test requirements will remain in effect.

(4) The owner(s) or operator(s) shall maintain continuous records of plant process and emission control operations as necessary to determine continuous compliance. Such records shall include reports of all process operations and control equipment operating parameters. Such records shall also include reports of all types of process upsets and emission control equipment malfunction, detailing the nature and duration of the upset or malfunction, the expected effects on emissions, and the corrective actions taken or planned to avoid recurrences. Such records shall be available at the plant site for inspections by the Region IV Administrator of EPA for a period of at least two (2) years.

(5) Source tests shall be performed in accordance with EPA Reference Methods 1 through 4, 9, and 12 (40 CFR 60, Appendix A). In the case of Method 9, Section 2.5 shall be excluded.

(6) All emissions testing shall be performed at the maximum production rate, or other production rate or operating conditions, which would result in the highest lead emissions.

(c) The following requirements are promulgated as applicable to the indicated stationary sources of lead:

(1) Gulf Coast Lead, 1901 North 66th Street, Tampa, FL. Secondary Lead Smelter Operation.

(i) All emission points shall be limited to the following levels:

Source name	Lead emission rate lb/hr
Blast & Slag Furnaces	1.810
Blast & Slag Furnaces Slag & Product Tapping	0.060
Blast Furnace Charging	0.220
50-ton Melt Kettles (3 total)	0.400
20-ton Keel Cast Kettle	0.080
Total	2.570

(ii) Visible emissions from the closed charge doors on the blast furnace and the refining kettle shall not exceed 5 percent opacity during furnace operation.

(iii) Visible emissions from the charge doors on the blast furnace shall not exceed 10 percent opacity during charging operations.

(iv) Visible emissions from all other sources shall not exceed 5 percent opacity.

(v) No more than one blast furnace shall operate at a time.

(vi) No more than two 50-ton melt kettles shall be operated at a time.

(2) Johnson Controls, Globe Battery Division, 10215 North 30th Street, Tampa, FL.

Lead—Acid Battery Manufacturing Plant

(i) All emission points shall be limited to the following levels:

Source name	Lead emission rates—lb/hr
OSI Drying Oven—A	0.008
OSI Drying Oven—B	0.008
Hofman VAC System	0.030
Remelt Rotoclone	0.020
Paste Mixing Rotoclone	0.008
Wirtz Caster #1	0.015
Wirtz Caster #2	0.015
Wirtz Caster #3	0.015
Wirtz Caster #4	0.015
Wirtz Caster #5	0.006
Mark V Cast on Strapline	0.118
Cast on Strapline 1 & 2	0.100
Cast on Strapline #3	0.050
Paste Mixing—dry	0.040
Mill Bearing	0.006
PbO Storage	0.010
Total	0.464

(ii) Visible emissions from all emission points shall not exceed 5 percent opacity during operation.

(3) Chloride Battery, US. 41/Raleigh Street, Tampa, FL.

Lead—Acid Battery Manufacturing Plant

(i) All emission points shall be limited to the following levels:

Source name	Lead emission rates—lb/hr
Ventilation System	0.300
PbO Silo	0.070
Pb Casting & Pasting	0.350
Total	0.720

(ii) Visible emissions from all emission points shall not exceed 5 percent opacity during operation.

(iii) The PbO silo shall be limited to operating 16 hours per week.

(4) Chloride Metals, US. 41/Raleigh Street, Tampa, FL.

Secondary Lead Smelter Operation

(i) All emission points shall be limited to the following levels:

Source name	Lead emission rates—lb/hr
Blast Furnace #1	0.600
Slag & Product Tapping—Furnace #1	0.100
Blast Furnace #2	0.080
Slag & Product Tapping—Furnace #2	0.050
Remelt Kettles (4 total)	0.200
PbO Plant	0.220
PbO Transfer	0.220
Total	1.470

(ii) Visible emissions from the closed charge doors on Furnaces No. 1 and 2 shall not exceed 5 percent opacity during furnace operation.

(iii) Visible emissions from the charge doors on Furnaces No. 1 and 2 shall not exceed 10 percent opacity during charging operations.

(iv) Visible emissions from the lead oxide plant shall not exceed 5 percent opacity.

(v) Visible emissions from all other sources shall not exceed 5 percent opacity.

(5) Gould Battery (GNB), 11331 Satellite Boulevard, Orlando, FL. Lead—Acid Battery Manufacturing Plant.

(i) All emission points shall be limited to the following levels:

Source name	GNB ID #	Lead emission rates—lb/hr
Pasting/Parting	B1	0.1950
Assembly	B2	0.2188
Casting, QC Mixing	B3	0.1506
Assembly	B4	0.2998
Assembly	B5	0.4902
Bulk Oxide	B6	0.0142
Central Vaccum	B7	0.0096
Pot Hood	E1	0.1190
Pot Hood	E2	0.0096
Pot Hood	E3	0.0096
Tray Exhaust	E4	0.1238
Paste Oven POS	E5	0.0048
Paste Oven NEG	E6	0.0048
Total		1.6800

(ii) Visible emissions from all emission points shall not exceed 5 percent opacity during operation.

(iii) The following sources shall be limited to operating 4000 hours per year: Pasting/Parting, GNB ID #B1; Assembly,GNB ID #B2; Assembly, GNB ID #B4; Assembly, GNB ID #B5; Central Vaccum, GNB ID #B7; Tray Exhaust, GNB ID #E4; Paste Oven POS, GNB ID #E5; Paste Oven NEG, GNB ID #E6.

(iv) The Bulk Oxide point source, GNB ID #B6, shall be limited to operating 1000 hours per year.

(v) The following sources shall be limited to operating 5000 hours per year: Casting, QC Mixing, GNB ID #B3; Pot Hood, GNB ID #E1; Pot Hood, GNB ID #E2; Pot Hood, GNB ID #E3.

(6) Refined Metals, 2640 Capitola Street, Jacksonville, FL. Secondary Lead Smelter Operation.

(i) This source is currently shut down, with no plans to reopen. However, should the owners decide to reopen the plant, they must reapply for a permit as if they were a new source, and they will be subject to new source review, as if they had not operated previously. This is to be effective immediately, since their current permit expired December 31, 1984. This is pursuant to Florida Administration Code 172.530, Source Reclassifications, and 17–4.09, Renewals.

[FR Doc. 85–26117 Filed 10–31–85; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[A–5–FRL–2914–8]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: In a September 25, 1984 (49 FR 37642), **Federal Register** notice, USEPA proposed to approve a revised emission limitation for the PPG Barberton plant in Summit County, Ohio, as a revision to the Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2). Since that time, USEPA has been informed that PPG has permanently terminated the operations of the plant. Consequently, the State of Ohio withdrew its request for a revised emission limit for PPG.

USEPA is revising the SO_2 emission limitation in the Ohio federally promulgated SIP to adequately reflect the shutdown of the plant. The federal SIP for PPG will now consist of a 0.0 lbs/MMBTU for the Barberton plant's coal-fired steam generating units.

DATE: This action will be effective December 31, 1985, unless notice is received within 30 days that someone wishes to submit adverse or critical written comments, or requests an opportunity for oral presentation of data, views or arguments.

ADDRESSES: The docket for this revision (#5A–85–2) is on file at the following locations, and may be inspected and copied during normal business hours. (It is recommended that you telephone Debra Marcantonio, at (312) 886–6088, before visting the Region V office).

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

U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460.

Written comments and request for a public hearing should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air and Radiation Branch (5AR–26), Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886–6088.

SUPPLEMENTARY INFORMATION: On August 27, 1976, USEPA promulgated regulations establishing a State Implementation Plan (SIP) for the control of SO_2 in the State of Ohio (42 FR 36342). Revisions to the Summit County regulations for most sources were published December 5, 1979 (44 FR 69928), but did not include PPG's Barberton, Ohio, plant. USEPA promulgated new regulations for the PPG facility on July 25, 1980 (45 FR 49550). On January 27, 1981, USEPA disapproved the proposed SIP limitations that Ohio had submitted for Summit County, including the PPG facility (46 FR 8481).