(i) Lack of understanding of the unlawful aims or objectives of the organization.

(ii) Staleness of affiliation or activity.

(iii) Temporary affiliation out of curiosity or academic interest.

(iv) Sympathy or support limited to the stated, lawful objectives of the organization.

(v) Immaturity at the time of conduct.

(g) *Alcohol Abuse*—The basis is the consumption of alcohol on an episodic or recurring basis that results in impairment of the individual's ability to perform assigned duties or to adequately safeguard classified information.

(1) The factors which may be considered in determining whether to deny or revoke a clearance are:

(i) Use of alcohol which results in behavior that adversely affects a person's judgment, reliability or discretion.

(ii) Repeated alcohol-related incidents.

(iii) Alcohol consumption resulting in the deterioration of the individual's physical health, as determined by competent medical authority.

(2) The Mitigating Factors are:

(i) Successfully undergoing recognized treatment program or completion of such a program.

(ii) Individual has discontinued alcohol abuse for at least 2 years.

(h) *Drug Abuse*—The basis is the illegal or improper use of any psychoactive substance to include any narcotic, dangerous drug or cannabis.

(1) The factors which may be considered in determining whether to deny or revoke a clearance are:

(i) Experimental abuse of any narcotic or dangerous drug within the last 3 years.

(ii) Occasional abuse of any narcotic or dangerous drug within the last 3 years.

(iii) Regular abuse or addition to any narcotic or dangerous drug within the last 5 years.

(iv) Regular abuse of cannabis within the last 12 months.

(v) Illegal trafficking, cultivation, processing, manufacture, sale, distribution or purchase of any narcotic, dangerous drug, or cannabis whether or not the individual was arrested for such activity.

(vi) Information that the individual intends to continue to use (regardless of frequency) any narcotic, dangerous drug, or cannabis.

(2) The Mitigating Factors are:

(i) Individual has abstained from the illegal or improper use of any narcotic or dangerous drug for at least 3 years and:

(A) Appears to have a stable lifestyle, including a satisfactory employment record; and

(B) States that he or she will not use narcotics or dangerous drugs in the future.

(ii) Experimental abuse of narcotics or dangerous drugs occurred more than 12 months ago, there is no subsequent indication of drug abuse, and the individual has stated intention not to abuse such drugs in the future.

(iii) Abuse of cannabis occurred more than 12 months ago and the individual has indicated intention not to use or possess cannabis in the future.

(iv) Experimental or occasional abuse of cannabis within the past 12 months provided the individual has:

(A) Not evidenced any indications of physical or psychological dependence;

(B) Has had not more than one drug-related arrest within the past 2 years; and

(C) Has a stable lifestyle, including a satisfactory employment record.

(i) *Security Violations*—The basis is failure to comply with policies and procedures established for the purpose of safeguarding classified information.

(1) The factors which may be considered in determining whether to deny or revoke a clearance are:

(i) Intentional disclosure of classified information to unauthorized persons.

(ii) Deliberate disregard of security regulations which results in the compromise of classified information.

(iii) Recent deliberate violations of security regulations, such as, taking classified information home or carrying classified while in a travel status without proper authorization.

(iv) Nondeliberate security violations which indicate a pattern of negligence or carelessness.

(2) The Mitigating Factors are:

(i) Violation of security procedures was caused or contributed to by an improper or inadequate security briefing.

(ii) Individual is personally responsible for a large volume of classified information and the violation was administrative in nature, such as inaccurate entry on document log or certificate of destruction.

Dated: August 28, 1985.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 85-21021 Filed 9-3-85; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-2891-1]

Approval and Promulgation of Implementation Plans; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Today's notice takes final action to incorporate into the California State Implementation Plan (SIP) two items related to a motor vehicle inspection and maintenance (I/M) program in the Fresno County portion of the San Joaquin Valley Air Basin. The first item is a request by Fresno County for the State to implement an I/M program and the second item is an I/M implementation schedule for Fresno. Today's approval of these two items means that the 1979 ozone (O_3) and carbon monoxide (CO) plans for Fresno County are no longer disapproved and that there is no longer a prohibition on the construction of major new or modified stationary sources of hydrocarbons (HC) and CO in Fresno County.

Today's notice also removes a condition of approval on the 1979 O_3 plan for Ventura County and on the 1979 O_3 and CO plans for the San Diego, San Francisco Bay Area and South Coast Air Basins, and the Sacramento Metropolitan Area. The fulfilled condition concerns implementation of an I/M program according to schedule.

DATE: This action is effective on September 4, 1985.

ADDRESSES: A copy of the revision approved in this notice is available at the following locations and EPA's Region 9 office in San Francisco:

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

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

California Air Resources Board, State Implementation Plan Section, 1131 "S" Street, Sacramento, CA 95812

Fresno County Air Pollution Control District, 1221 Fulton Mall, Fresno, CA 93721

FOR FURTHER INFORMATION CONTACT: John Ong, Air Programs Branch (A-2-3), Air Management Division, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7635, FTS: 454-7635.

SUPPLEMENTARY INFORMATION:

Background

The 1977 Clean Air Act Amendments (CAA) required states to submit to EPA State Implementation Plan (SIP) revisions by January 1, 1979 for all areas designated nonattainment under section 107 of the CAA. These SIP revisions or nonattainment area plans (NAPs) were to insure attainment of the National Ambient Air Quality Standards (NAAQS) by December 31, 1982. For areas that demonstrated they could not attain the ozone (O_3) or carbon monoxide (CO) standards by the 1982 deadline, even with the implementation of all reasonably available control measures, section 172(a)(2) of the CAA allowed EPA to extend the attainment deadline to December 31, 1987.

States that received an extension of the 1982 O_3 or CO deadline were required by section 172(b)(11)(B) to submit specific measures in the 1979 NAP. One such measure is a schedule to implement a vehicle emission control inspection and maintenance (I/M) program. Other I/M measures required by section 172(b) include evidence of legal authority to implement and enforce the program, commitments to implement, and commitments to achieve a minimum level of program effectiveness. Six urban areas in California requested and received extensions for attaining the O_3 and/or CO standards beyond December 31, 1982: the Fresno County portion of the San Joaquin Valley Air Basin, the Sacramento Metropolitan Area portion of the Sacramento Valley Air Basin, the San Diego Air Basin, the San Francisco Bay Area Air Basin, the South Coast Air Basin, and the Ventura County portion of the South Central Coast Air Basin.

On July 2, 1979, pursuant to CAA section 110(a)(2)(i), an automatic prohibition on the construction of major new or modified stationary sources of HC and CO became effective in this six areas because the NAPs for these areas had not been fully or conditionally approved. EPA could not approve the NAPs for the six areas because the NAPs lacked evidence of legal authority to implement and enforce an I/M program, and because the NAPs failed to include a schedule to implement an I/M program.

On September 17, 1982 the California Air Resources Board (ARB) submitted to EPA a revision to the California SIP which included evidence of legal authority to implement an I/M program and an implementation schedule. On February 3, 1983 [48 FR 5074] EPA proposed to take action on the schedule to implement. On July 26, 1983 the ARB submitted another I/M revision to the SIP which updated the schedule to implement and included locally adopted resolutions requesting the State to implement the I/M program in five of the required six urban areas. The Fresno County APCD did not request implementation in the July 26, 1983 submittal.

On November 25, 1983 [48 FR 53115] EPA took final action to conditionally approve the 1979 O_3 and CO NAPs for the Sacramento Nonattainment Area, the San Diego Air Basin, the San Francisco Bay Area Air Basin, and the South Coast Air Basin. The notice also conditionally approved the O_3 NAP for the Ventura County Nonattainment Area. All of the above NAPs were approved on the condition that the California motor vehicle I/M program would be implemented according to the schedule submitted on July 26, 1983. The November 25, 1983 notice had the effect of removing the construction ban in the above five areas. The November 25 notice did not take final action on the O_3 and CO NAPs for Fresno since Fresno had not yet required the State to implement an I/M program in Fresno County. Both the February 3, 1983 proposed notice and the November 25, 1983 final notice and their respective Technical Support Documents (TSD's) should be used as references in reviewing today's action.

EPA Evaluation

On June 11, 1984 the California ARB submitted to EPA for incorporation into the California SIP evidence of Fresno's request that the State implement an I/M program. A schedule of implementation was also submitted. EPA has reviewed California's June 11, 1984 submittal and has determined that it should be approved. The request to implement needs to be incorporated into the SIP in order to make this local commitment to the I/M program federally enforceable. The request to implement is approvable as it completes the process of providing legal authority to operate an I/M program in Fresno County. The schedule of implementation, which lists October, 1984 as the start-up date for the I/M program, is approvable because the program has in fact commenced.

EPA's approval of the June 11, 1984 submittal removes the major deficiencies of the 1979 O_3 and CO NAPs for Fresno County. Therefore, today's notice takes final action to approve the 1979 O_3 and CO plans for Fresno County. Approval of these plans lifts the ban on the construction of major new or modified stationary sources of HC and CO in Fresno County which has been in effect since July 2, 1979.

EPA also is removing the condition of approval on the 1979 O_3 NAP for Ventura County and on the 1979 O_3 and CO NAPs for the San Diego, San Francisco Bay Area, and South Coast Air Basins and the Sacramento Metropolitan Area. This condition requires implementation of the I/M program according to the schedule submitted on July 26, 1983. The start-up date listed on the July 26 schedule is March, 1984. This condition is no longer germane to attainment of the standards since the I/M program is underway in all of the above five urban areas.

EPA Action

Based on EPA's review of the SIP revision submitted on June 11, 1984 and the status of the vehicle I/M program in California, EPA takes final action to:

1. Incorporate the following revisions submitted on June 11, 1984 into the California SIP under Section 110 of the CAA: (a) California ARB Executive Order G–125–46; (b) the schedule to implement I/M in Fresno County and; (c) the request by Fresno County that the State of California implement an I/M program in Fresno County.

2. Approve, as meeting the Part D requirements of the CAA, the schedule to implement an I/M program in Fresno and the request by Fresno County that the State of California implement an I/M program in Fresno County.

3. Approve the 1979 nonattainment area plans for the Fresno County portion of the San Joaquin Valley Air Basin for O_3 and CO. This action removes the prohibition on the construction of major new or modified stationary sources of HC and CO in Fresno County.

4. Remove the condition of approval on the following plans requiring the State to implement an I/M program according to the revised schedule submitted on July 26, 1983: the Sacramento Metropolitan Area portion of the Sacramento Valley Air Basin, the San Diego Air Basin, the San Francisco Bay Area Air Basin and the South Coast Air Basin for O_3 and CO, and the Ventura County portion of the South Central Coast Air Basin for O_3.

Regulatory Process

EPA has determined that good cause exists (see Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B)) to take final action without providing prior notice and opportunity to comment. Such prior notice and opportunity to comment is unnecessary because an I/M program is already in operation in the required six areas in California.

Also, since the O_3 and CO SIPs for the six I/M areas in California are now

approvable and continued application of the construction ban in those areas is now unnecessary, EPA finds that good cause exists for making this action effective immediately (see Administrative Procedure Act, 5 U.S.C. 553(d)(3)). Therefore, this action is effective on the date of publication of this notice.

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 November 4, 1985. 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. Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. [See 46 FR 8709].

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

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Carbon monoxide, Hydrocarbons, Incorporation by reference.

Dated: August 23, 1985.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

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

Subpart F—California

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.220 paragraph (c) is amended by adding paragraph (161) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(161) Revisions to the ozone and carbon monoxide nonattainment area plans for the Fresno County portion of the San Joaquin Valley Air Basin were submitted by the Governor on June 11, 1984.

(i) Incorporation by reference.

(A) State of California Air Resources Board Executive Order G–125–46 adopted May 11, 1984.

(B) Letters from the County of Fresno to the Bureau of Automotive Repair dated March 14, 1984 and February 14, 1984 requesting implementation of an I/M program in Fresno County.

(C) County of Fresno Resolution File Number 18–13 adopted February 14, 1984.

(D) Schedule to implement I/M in Fresno County, adopted on February 14, 1984.

* * * * *

(ii) Additional Information. The State submitted no additional information.

3. Section 52.223 paragraph (b) is amended by revising paragraph (5)(viii) to read as follows:

§ 52.223 Approval status.

* * * * *

(b) * * *

(5) * * *

(viii) Fresno County for O_3, CO, and TSP.

* * * * *

4. Section 52.232 paragraph (a) is amended by removing and reserving paragraph (14) as follows:

§ 52.232 Part D conditional approvals.

(a) * * *

(14) [Reserved].

* * * * *

5. Section 52.237 paragraph (a) is amended by removing and reserving paragraph (3) to read as follows:

§ 52.237 Part D disapproval.

(a) * * *

(3) [Reserved].

* * * * *

[FR Doc. 85–21030 Filed 9–3–85; 8:45 am]

BILLING CODE 6560–50–M

---

40 CFR Part 271

[SW–6–FRL–2891–3]

Texas; Notice of State Legislative Changes to the State's Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Final Authorization for the State's Hazardous Waste Management Program.

SUMMARY: Texas received Final Authorization under the Resource Conservation and Recovery Act (RCRA) on December 12, 1984. The Sixty-Ninth Legislature for the State of Texas recently enacted legislation reorganizing the Texas Department of Water Resources, responsible for the Industrial Waste Management Program, renaming it the Texas Water Commission and, in addition, transferring to the Texas Water Commission from the Texas Department of Health the administration of the Municipal Hazardous Waste Program. The Environmental Protection Agency (EPA) is providing notice of these impending changes which will become effective under State law on September 1, 1985, and the EPA's and the State's plan regarding compliance with 40 CFR Part 271.21 (b) and (c).

EFFECTIVE DATE: September 4, 1985.

ADDRESSES: Copies of the State legislation and a draft of the State's program revision are available for public inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays, at the following locations:

U.S. Environmental Protection Agency, Library, 28th Floor, Interfirst Two Building, 1201 Elm Street, Dallas, Texas 75270, Telephone (214) 767–7341

Texas Water Commission, Library, Fifth Floor, Stephen F. Austin State Office Building, 1700 North Congress, Austin, Texas 78711, Telephone (512) 463–7834

U.S. EPA Headquarters, Library (PM211A), 401 M Street SW., Washington, D.C. 20460, Telephone: (202) 382–5926.

FOR FURTHER INFORMATION CONTACT: H.J. Parr, State Programs Section 6AW–HP), Hazardous Materials Branch, U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767–2645.

SUPPLEMENTARY INFORMATION: On December 26, 1984, the State of Texas received authorization pursuant to section 3006 of RCRA to operate the State's hazardous waste program in lieu of the federal program in Texas (49 FR 48300). On March 26, 1985, EPA published a notice of clarification (50 FR 11658) stating that the state was not authorized to implement the requirements and prohibitions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) (Pub. L. 98–616, November 8, 1984).

The application submitted by the State for Final Authorization described a program which is to be jointly operated by two state agencies: The Texas Department of Water Resources (TDWR), having jurisdiction over Industrial Waste Management, and the Texas Department of Health (TDH), having jurisdiction over Municipal Hazardous Waste Management.

The Sixty-Ninth Texas legislature enacted legislation (Senate Bill 249) transferring jurisdiction for all municipal hazardous waste management from the Texas Department of Health to the Texas Water Commission. This transfer is effective September 1, 1985. In addition, Senate Bill 249 provides organizational changes to the TDWR

and remains the agency the Texas Water Commission (TWC).

All duties, authorities and responsibilities held by the TDWR continue to be held by the TWC. Section 10.004(f) of Senate Bill 249 provides that the reorganization of the TDWR into the TWC does not affect or impair any act done, bonds authorized or issued, or penalty that has accrued or that exists under the authority of the TDWR as it existed before the effective date of Senate Bill 249, and those bonds, obligations, rights, permits, licenses, standards, rules, and criteria remain in effect until such time as they are paid, recalled, changed, altered, renewed, amended, cancelled, revoked, repealed, or abolished under the Water Code or other state laws.

It is anticipated that the TWC will be making name change revisions in its Industrial Waste Program shortly and submitting these revisions to EPA. At a later date, there will also be some substantive revisions necessitated by Senate Bill 249, House Bill 1867, and House Bill 2358. The revisions of the industrial waste program made as a result of the reorganization and renaming of the TDWR do not fall within the ambit of 40 CFR 271.21(c). This section states that whenever there is a transfer of all or part of a program from an approved state agency to another state agency, the new agency is not authorized to administer the program until approved by EPA under 40 CFR § 271.21(b). EPA does not view the reorganization of the TDWR into the TWC with the attendant savings clause of section 10.004(f) of Senate Bill 249 as a transfer within the purview of 40 CFR 271.21(c). Thus, the authorized industrial hazardous waste program will continue in the State of Texas without interruption.

There is no provision, however, in Senate Bill 249 continuing in effect the Municipal Hazardous Waste program after September 1, 1985, the statute is quite clear that, after September 1, 1985, authority for the regulation of Municipal Hazardous Waste lies with the TWC and all TDH Municipal Hazardous Waste authority ceases. Therefore, EPA does consider the transfer of the Municipal Hazardous Waste program from the TDH to the TWC to fall within the meaning of 40 CFR 271.21(c).

Since the TDH authority ceases and the TWC authority for municipal hazardous waste is not authorized until approved by EPA, there will be a lapse in authority to operate a RCRA program for municipal hazardous waste in Texas until the TWC is authorized by EPA for this program. In order to minimize any significant impact this lapse of authority would have on the program, EPA and the State have committed to an aggressive plan of action to keep the lapse time as short as possible.

The Governor of Texas, in a letter received by EPA on August 22, 1985, has affirmed the State's intention to move quickly in amending the authorized State Program to reflect the transfer of responsibilities. The State has made these further commitments: The TWC will adopt, on an emergency basis, Municipal Hazardous Waste Regulations on September 3, 1985 (the first work day after the transfer goes into effect.) The TWC will submit an official request for a revision to the State's authorized program which reflects the transfer of authority from the TDH to the TWC. Such revision will include amendments to the Memorandum of Agreement, the Attorney General's Statement, the Program Description and the municipal hazardous waste management regulations and will be submitted within the first two weeks of September, 1985.

On August 19, 1985, the TDWR, as predecessor agency to the TWC, submitted, a draft of proposed changes to the State's program reflecting the revision of the program to include municipal hazardous waste. EPA has reviewed this draft revision and is satisfied that, if adopted substantially as submitted, the revision would be approvable.

Upon receipt of the official submittal, EPA will then expedite the review and approval process. If the submittal is approvable, EPA intends to publish an Interim Final Rule as close to September 30, 1985, as possible, effective upon publication, approving the State's authorization. Such Interim Rule would be published as soon as practicable to attempt to restrict the lapse time. It would provide for a subsequent comment period and opportunity for hearing.

If the revision submitted by the State is not substantially the same as the draft and is not approvable under 40 CFR 271.21, EPA will institute proceedings under 40 CFR 271.23 to withdraw authorization of the State's program.

We wish to clarify how we anticipate that issues related to the Municipal Hazardous Waste Program will be handled during the interim between September 1, 1985, and the authorization of the TWC for the Municipal Hazardous Waste Program. EPA, pursuant to authority under section 7003 of RCRA, may pursue any action concerning municipal hazardous waste which is causing an imminent and substantial endangerment to the public health or the environment. The TWC, of course, will be able to take municipal enforcement actions under State law (to be effective September 3, 1985). In addition, the TWC has agreed to not issue permits to Municipal Hazardous Waste Management Facilities during this interim period. In this way, questions regarding the validity of such permits will be avoided. The interim period is expected to be of such short duration that the suspension of the issuance of permits to these facilities should not be burdensome to the regulated community. Other work on the processing of these permits, up to but not including the issuance of draft permits, will continue.

EPA and the State of Texas are committed to maintaining the smooth operation of the State's Hazardous Waste Management Program through this revision process. EPA feels that restricting the gap in the authorized program to the shortest period of time is in the best interest of EPA, the State, the regulated community and the general public.

List of Subjects in 40 CFR Part 271

Administrative practice and procedures, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and record keeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority to sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 2912(a), 6926, 6974(b) and EPA delegations 8-7.

Dated: August 23, 1985.

Dick Whittington, P.E.,

Regional Administrator.

[FR Doc. 85-21029 Filed 9-3-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 84-534; RM-4635]

FM Broadcast Station in Aiea, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action allots Class C Channel 300 to Aiea, Hawaii, in response to a petition filed by Starlight Broadcasting Corporation.

EFFECTIVE DATE: September 26, 1985.