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An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted. Paul J. Kemp,

Supervisory Attorney Legislative Division.

[FR Doc. 86-26996 Filed 12-1-86; 8:45 am]

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ENVIRONMENTAL PROTECTION
AGENCY

40 CFR Part 52

[A-5-FRL-3121-4]

Approval and Promulgation of
Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: USEPA proposes to disapprove a revision to the Ohio State Implementation Plan (SIP) for ozone. The requested revision consists of a permanent relaxation of the volatile organic compound (VOC) emission limits previously approved by USEPA for the interior coatings applied to steel drums at Van Leer Containers, Inc., in Cuyahoga County, Ohio.

USEPA is proposing to disapprove this revision because the source is located in an urban ozone nonattainment area (the Cleveland area); and the State has not demonstrated that the requested revision would limit emissions to levels reflecting the application of reasonably available control technology, or that the revision would not interfere with timely attainment of the ozone standard or

with progress towards attainment in the interim. The source remains subject to the control requirements of the Ohio Administrative Code (OAC), Rule 3745-21-09(U) and Rule 3745-21-04(C) (28).

DATE: Comments on the requested SIP revision and on the proposed USEPA action must be received by January 2, 1987.

ADDRESS: Copies of the requested SIP revision are available at the following addresses for review: (It is recommended that interested parties telephone Debra Marcantonio, at (312) 886-6088, before visiting the Region V Office.)

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

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

Copies of the Technical Support Document for this proposed rulemaking are also available from the Region V Office. Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible.)

Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

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

SUPPLEMENTARY INFORMATION: On December 20, 1984, the Ohio Environmental Protection Agency (OEPA) submitted a site-specific SIP revision request for metal parts coating lines at Van Leer Containers, Inc., in Cuyahoga County. USEPA has completed its review of this request and is today proposing to disapprove the request.

Summary of SIP Revision

Van Leer Containers, Inc., operates a steel drum manufacturing facility in Cleveland, Ohio, that was previously operated by the Inland Steel Container Company. The facility makes steel drums for a wide variety of products. In producing the steel drums, metal parts coating lines are used to apply interior and exterior coatings to the drum shells and parts.

The coating lines are subjects to the VOC emission limits contained in OAC Rule 3745-21-09(U). Under this rule, the exterior coatings must comply with a limit of 3.5 pounds of VOC per gallon of coating, excluding water, and the

interior coatings must comply with a limit of 5.0 pounds of VOC per gallon of coating, excluding water. Alternatively, the source may install add-on control equipment that achieves the capture and control efficiencies for VOC specified in OAC Rule 3745-21-09(U)(1)(b). Van Leer Containers is subject to the December 31, 1982, compliance date contained in OAC Rule 3745-21-04(C)(28).

OEPA has submitted to USEPA a request for a SIP revision that consists of a permanent relaxation of the VOC emission limits for the interior coatings used at the two metal parts coating lines. The requested revision would set the following VOC emission limits for interior coatings: 5.0 lbs/gallon of coating, excluding water, for phenolic coatings, and 6.4 lbs/gallon of coating, excluding water, for epoxy phenolic coatings. The facility would still be required to meet the existing limit of 3.5 lbs/gallon of coating, excluding water, for exterior coatings. This revision would permit Van Leer to continue using all of the interior drum coatings that were employed at the facility in 1982, when VOC emissions from the interior coatings exceeded the level permitted under the existing SIP by 11.8 tons.

OEPA issued variances to Inland Steel Container, Van Leer's predecessor, which include the above emission limits. In addition, the variances contain recordkeeping and reporting requirements.

To support the SIP revision request, OEPA has submitted information that purports to demonstrate that it is not economically reasonable for Van Leer to install add-on control equipment, and that interior drum coatings which comply with OAC Rule 3745-21-09(U) are not currently available and are not expected to be available in the near future.

USEPA Evaluation

A. Control Technology

Van Leer's facility is located in Cuyahoga County, Ohio, which is part of the Cleveland ozone nonattainment area. That area has been listed by the State of Ohio and by the Administrator, under section 107(d)(1)(A) and 171(a) of the Clean Air Act, 42 U.S.C. 7407(d)(1)(A), 7601(a), as not meeting the primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone.

Section 172(b)(3) of the Act, 42 U.S.C. 7502(b)(3), requires that the provisions of a SIP applicable to such an area require "such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a

minimum, of reasonably available control technology." Ozone is produced in the ambient air by reaction of VOC and Oxides of Nitrogen (NO_x). The interior drum coatings used by Van Leer emit VOC during their application and curing. The requested SIP revision can be approved only if it limits VOC emissions from the interior coatings to a level reflecting the application of reasonably available control technology (RACT).

Reductions in VOC emissions may be obtained either by reducing the VOC content of the coatings or by installing control systems to capture and destroy the VOC before they escape into the ambient air. USEPA concludes that the requested SIP revision does not limit VOC emissions to a level reflecting application of either of these techniques and that the State of Ohio has not demonstrated that these techniques are not RACT for the Van Leer facility. This notice summarizes the basis for USEPA's conclusions. More details are contained in the Technical Support Document.

1. VOC Content of Coatings

The requested SIP revision cannot be approved, unless the State demonstrates that interior drum coatings that are satisfactory for Van Leer's drums' intended uses and that comply with the USEPA-approved VOC limits contained in the existing Ohio SIP are not reasonably available. If such complying coatings are not reasonably available, the State must further demonstrate that the limits in the requested revision reflect the lowest VOC content among the coatings that are reasonably available. The State has met neither of these requirements.

Documentation submitted by the State to USEPA shows that interior drum coatings are available with VOC content below the existing SIP limit (5.0 lbs./gallon) and further below the limits (5.7 lbs./gallon for phenolic coatings and 6.4 lbs./gallon for epoxy coatings) in the requested revision.

A letter to OEPA from Van Leer's predecessor at the Cleveland facility, Inland Steel) Container, reveals that, as of 1981, Inland employed phenolic interior drum coatings with VOC content as low as 4.6 lbs./gallon and epoxy phenolic coatings with VOC content as low as 4.71 lbs./gallon. The variance application submitted by Inland to OEPA indicates that, in 1982, it employed one interior drum coating with a VOC content of 4.8 lbs./gallon and numerous coatings in the range 5.1–5.3 lbs./gallon. Letters from coating suppliers to Inland indicate that interior drum coatings with VOC content as low

as 4.2 lbs./gallon have been supplied to the Cleveland facility. Finally, another manufacturer of steel drums reports employing clear interior coatings with VOC content as low as 4.4–4.5 lbs./gallon with the use of paint heaters (see below) and 4.6–4.7 lbs./gallon without heaters. The same manufacturer reports that its interior coatings, including those applied after heating, typically average between 4.8 and 5.0 pounds of VOC per gallon (Technical Support Document, p. 3).

An April 20, 1981, letter from Inland to OEPA states that the VOC content of interior coatings currently in use in the pail and drum industry ranges from 4.9 to 5.7 lbs./gallon for phenolic coatings, and from 4.7 to 6.4 lbs./gallon for epoxy phenolic coatings. Thus, the requested SIP revision, if granted, would authorize Van Leer's future use of the highest-VOC coatings currently in use in the industry. The requested revision would not require Van Leer to use the available complying coatings, to come as close as feasible to complying with the existing SIP, or even to consider VOC content in selecting coatings.

The State has not advanced any substantive general or source-specific reasons why the available coatings with VOC content below the existing Ohio SIP limit and below the limits in the requested SIP revision are not satisfactory for Van Leer's drums' intended uses. The State requested information from Inland concerning the specific requirements that had to be met by each of its interior drum coatings, but Inland replied with only a general statement of the types of requirements that must be met. Inland asserted that its customers request particular coatings and that it must comply with its customers' requests. Inland did not, however, explain specifically why the available coatings with VOC content below the limits in the existing Ohio SIP and in the requested SIP revision are not satisfactory for its customers' particular uses. Customer requests can justify a relaxation of VOC emission limits only if those requests are based on needs that cannot be filled by coatings with VOC content that either meets current emission limits or is lower than that of the requested coatings.

The variance application indicates that solvent is added to all of Van Leer's interior drum coatings before they are applied. The addition of solvent increases the VOC content of the coatings. The State has submitted no evidence of trial runs or other measures to show that Van Leer has made all reasonable efforts to reduce the amount of solvent added and, if possible, to eliminate the addition of solvent.

One steel drum manufacturer, mentioned above, has reported to USEPA that it has been able to reduce the amount of solvent added to its interior coatings by heating the coatings to reduce their viscosity. The manufacturer reports that, using paint heaters, it has reduced the VOC content of some of its interior coatings from 4.8–4.7 lbs./gallon to 4.4–4.5 lbs./gallon, a reduction of approximately 0.2 lbs./gallon (Technical Support Document, p. 3).

The State has submitted no evidence that Van Leer has investigated or attempted the use of paint heaters to reduce the VOC content of its interior drum coatings. Because the record suggests that the use of paint heaters to reduce the VOC content of metal parts coatings could be considered RACT, the State should show that paint heating is not a reasonably available option for Van Leer before emission limits are relaxed.

For these reasons, USEPA finds that the requested SIP revision does not require emission reductions reflecting the application of RACT to reduce the VOC content of Van Leer's interior drum coatings and; therefore, the revision cannot be approved.

2. Control Systems

USEPA has determined that add-on controls, specifically incinerators and carbon adsorption, are technically feasible means of limiting VOC emissions from sources in the metal surface-coating category. (Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VI: Surface Coating of Miscellaneous Metal Parts and Products, EPA-450/2-78-015, pp. 2-6 through 2-9.) Facilities that are unable to comply with emission limits by using low-VOC coating should install add-on controls if the installation of such controls is economically reasonable. Other pail and drum coating facilities, besides Van Leer's, have installing or are installed add-on controls. (Technical Support Document, pp. 3-5).

The State has submitted documentation from Van Leer that purports to demonstrate that control of VOC emissions through add-on controls would be unreasonably costly. Van Leer claims that the annualized cost of a control system would be approximately \$7,000 per ton of VOC emission reduction. USEPA concludes, however, that the documentation submitted is not adequate to support this claim.

In the documentation submitted, Van Leer presents only the costs of a thermal incineration system that it assumes

would be applied solely to its shell lining oven, which is responsible for only a fraction of the VOC emissions from the coating line. The State has submitted no information on the distribution of emissions between the shell lining oven and the other elements of the coating line, but it appears from the cost estimate that the shell lining oven is responsible for only about one-fourth of the emissions. The existing Ohio SIP specifies that applying a control system to the entire coating line is one acceptable method of compliance. See OAC Rule 3745-21-09(U)(1)(b). Applying a control system to the entire coating line would result in greater VOC emission reductions than would its application solely to the lining oven, and could result in a lower cost per ton of emission reductions.

The State has not met its responsibility to show that this method of compliance is not appropriate or economically reasonable.

Moreover, the State has submitted no information or documentation to show that the system on which Van Leer's cost estimate is based is the proper size for control of the lining oven only. Use of a larger system than necessary would result in an artificially high estimate of the cost per ton of VOC removed.

The State has also not adequately explained or documented the cost estimate itself. Adequate details and documentation of the capital, utilities, labor, parts, and indirect operating costs have not been submitted.

The State has also failed to show that the incineration system used in the cost estimate is the most cost-effective for the Van Leer facility. A comparison should be made between catalytic and thermal incineration, and various levels of heat recovery should be considered. Finally, the State's submission does not present adequate consideration of carbon adsorption as a control technique.

For these reasons, USEPA concludes that the State has not shown that a control system is not RACT for the Van Leer facility. Therefore, the requested SIP revision cannot be approved.

B. Air Quality

Section 110(a)(2)(B) of the Clean Air Act, 42 U.S.C. 7410(a)(2)(B), requires that SIPs for an air pollutant include such control measures as are necessary to ensure attainment and maintenance of the NAAQS for that pollutant. Section 110(a)(3)(A) of the Act, 42 U.S.C. 7410(a)(3)(A), applies this same requirement to revisions of the plans. USEPA's regulations implementing section 110 assign to the States the burden of demonstrating that their plans

satisfy this requirement (40 CFR 51.13(e), 51.14(c)).

As noted previously, Van Leer's facility is located in a nonattainment area for ozone, a photochemical oxidant. Section 172(a)(2), of the Act, 42 U.S.C. 7502(a)(2), requires that the provisions of the SIP applicable to such an area provide for attainment of the primary NAAQS for ozone not later than December 31, 1987. Further, section 172(b)(3) of the Act, 42 U.S.C. 7502(b)(3) requires that, in the interim, the plan provisions require reasonable further progress (RFP) towards such attainment. As with the requirement of attainment, USEPA has interpreted the Act as assigning to the States the burden of demonstrating that their plans meet the requirement of RFP. (See 46 FR 7182, 7187 (1981).)

A State seeking to revise an USEPA-approved emission limit for a source in a nonattainment area should demonstrate that the requested revision would not interfere with attainment of the ozone standard by December 31, 1987, or with RFP in the interim. If, as here, the requested revision is an uncompensated relaxation of an emission limit, the State can meet this burden by, among other means, demonstrating that the unrevised SIP provides for a sufficient "cushion" to accommodate the relaxation. In other words, the State could demonstrate that the unrevised SIP provides a greater level of control than is necessary to ensure RFP and timely attainment.

The State has attempted to meet this burden by relying on a 1982 SIP submission to USEPA that purported to demonstrate that the Cleveland area would attain the ozone standard, with a substantial cushion, by the end of 1982. USEPA, however, proposed to disapprove that demonstration on July 25, 1984 (49 FR 29973), and issued its final disapproval on March 25, 1986 (51 FR 10198). The attainment demonstration was disapproved because air quality data collected after 1982 revealed that the standard had not, in fact, been attained and that, therefore, the demonstration was inaccurate.

Therefore, USEPA concluded that the State has not shown that the requested relaxation of an approved RACT emission limit would not interfere with timely attainment of the ozone standard; and, consequently, the relaxation cannot be approved.

Conclusion

Based on the deficiencies detailed above, USEPA is proposing to disapprove the SIP revision request for Van Leer Containers, Inc., in Cuyahoga County, Ohio.

Pursuant to the provisions of 5 U.S.C., 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities, because it affects only one source.

In addition, this action imposes no new requirements on the source. Under Executive Order 12291, today's action is not "major." It has been submitted to the Office of Management and Budget for review.

Authority: 42 U.S.C. Sections 7401-7642.

Dated: September 25, 1986.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 86-27031 Filed 12-1-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-1-FRL-3121-5]

Approval and Promulgation of Implementation Plans; Vermont Visibility Protection in Federal Class I Areas; Lye Brook Wilderness Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve parts and take no action on other parts of State Implementation Plan revisions submitted by the State of Vermont pursuant to section 169A of the Clean Air Act. These revisions set forth a plan to address manmade visibility impairment in the Lye Brook Wilderness Area, a mandatory Class I federal area. Approval is proposed for those parts of the revisions which fulfill the requirements of EPA's existing visibility program concerning visibility impairment that can be traced to a single source or small group of sources using simple monitoring techniques. No action is proposed for those parts of the revisions concerning the control of regional haze impairment to visibility caused by pollutants that may be transported and transformed in the atmosphere over long distances because EPA has not yet developed a national regulatory program to address regional haze. No action is also proposed for Vermont's request to extend applicability of its plan to additional areas outside of the Lye Brook Wilderness Area. This notice addresses Vermont's submittal and EPA's proposed actions concerning it.

DATES: Public comments on this document must be received on or before February 2, 1987.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2311, JFK

Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2311, JFK Federal Building, Boston, MA 02203; and the Vermont Agency of Environmental Conservation, Air Pollution Control Program, Building 3 South, 103 South Main Street, Waterbury, Vermont 05676.

FOR FURTHER INFORMATION CONTACT: Susan Kulstad at (617) 565-3226; FTS 835-3226.

SUPPLEMENTARY INFORMATION: On April 22, 1986, the Governor of Vermont submitted revisions to the Vermont State Implementation Plan (SIP). These revisions provide for the protection of visibility in Vermont's only federally mandated Class I area, the Lye Brook Wilderness Area (see 40 CFR 81.431). Revisions to Vermont's state regulations which pertain to its visibility plan became effective September 17, 1986.

Background

In section 169A of the Clean Air Act, 42 U.S.C. 7491, Congress declared as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility resulting from manmade air pollution in mandatory Class I federal areas.

On December 2, 1980, EPA promulgated visibility regulations pursuant to section 169A but limited the scope to address only impairment that can be traced to a single existing stationary facility or small group of existing stationary facilities by simple monitoring techniques (known as "plume blight" or "Phase I" regulations), 45 FR 80084. These regulations are codified at 40 CFR 51.300 *et seq.* EPA's rules require that SIPs address the following issues: (1) Coordination with the Class I area Federal Land Manager, (2) best available retrofit technology (BART) analysis for existing facilities identified as reasonably anticipated to cause or contribute to visibility impairment in a Class I area, (3) a monitoring strategy for evaluating visibility in a Class I area, (4) a long-term strategy (10-15 years) for making reasonable progress toward the national visibility goal, and (5) review of proposed new sources for their impact on visibility in Class I areas.

EPA's 1980 final rulemaking deferred the regulation of widespread, regionally homogenous haze from a multitude of sources which impairs visibility over a large area (known as "regional haze" or "Phase II") to future rulemaking, stating in relevant part, "... Future phases will extend the visibility program by

addressing more complex problems such as regional haze and urban plumes. We will propose and promulgate future phases when improvement in monitoring techniques provide more data on source-specific levels of visibility impairment, regional scale models become refined, and our scientific knowledge about the relationships between emitted air pollutants and visibility impairment improves." 45 FR 80086.

Section 110(a)(3) of the Act, 42 U.S.C. 7410(a)(3), requires EPA to approve any measure a state submits as a revision to its SIP if the measure meets the requirements of section 110(a)(2). Section 110(a)(2) in relevant part requires each SIP to "meet the requirements of . . . part C (relating to prevention of significant deterioration of air quality and visibility protection). . . ." See section 110(a)(2)(j), 42 U.S.C. (a)(2)(j). Part C does not itself specify requirements that are applicable to SIPs directly, but instead empowers EPA to establish such requirements. Section 169A calls upon EPA to promulgate regulations that in turn require each relevant SIP "to contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national goal . . ."

Section 110(a)(3) is silent as to what action EPA must take if the measures a state submits do not meet the requirements of section 110(a)(2). Section 110(a)(2) implies that EPA must disapprove any measure that is inconsistent with one of those requirements, in that it requires EPA to "approve or disapprove" those measures submitted by a state as its original SIP to achieve a national ambient air quality standard. In contrast, however, neither section 110(a)(2) nor any other provision of the Act gives even implicit guidance on how EPA is to treat measures that are simply outside the scope of the requirements of section 110(a)(2) and hence neither consistent nor inconsistent with them.

Vermont's SIP revisions not only address the requirements of EPA's 1980 regulations to protect visibility but also address impairment caused by regional haze in the Lye Brook Wilderness Area. Vermont has analyzed historical monitoring data to characterize its visibility impairment. The National Weather Service has made visual range and relative humidity measurements at the Burlington, Vermont International Airport since 1948. The Vermont Agency of Environmental Conservation (the Vermont agency) employed this visual range data to examine long-term variations in Vermont's visibility during the summertime season (April-

September) over the period 1948 through 1984. The data show a long-term trend of decreasing average visual range from the mid-1950's to the early 1970's. There has been a slight improvement over the last decade. The data also show that the frequency of very clear summer days (visual range greater than 35 miles) has decreased from about 45% in the 1950's to about 27% at present. This indicator does not show any significant improvement in recent years.

Daily concentrations of particulates, sulfates, and trace elements have been measured since July, 1982 at a remote site in Underhill, Vermont. The Vermont agency analyzed visual range data and sulfate and particulate concentrations from the summer of 1982, employing multiple linear regression techniques, and found that sulfates and associated moisture accounted for 85% of the variation in summertime light extinction. A second regression analysis of the 1982 data, using sulfates as the dependent variable, produced a predictive equation for estimating sulfate concentrations given visual range and relative humidity measurements. The Vermont agency applied this equation to Burlington airport observations to estimate daily sulfate concentrations for the months of June and July, 1983. The sulfate values estimated by this equation closely follow the measured values for the same period, both in terms of absolute magnitude and temporal sequence. This indicates a close relationship between sulfate mass concentration and visibility in Vermont.

The program elements of Vermont's plan are identified below. For each element there is a discussion of key program aspects, applicable EPA requirements, and EPA's proposed action. For more details on EPA's review, see the Technical Support Document available at locations listed in the ADDRESSES section of this notice.

Vermont's Visibility Protection Plan

1. Best Available Retrofit Technology (BART) for Existing Sources

A. Vermont's Program

The Vermont agency performed visibility calculations for all existing stationary sources within the state with a rated firing capacity greater than one MMBtu per hour to determine which, if any, sources might reasonably be suspected of causing plume blight impairment, and found that no sources are suspect. The Federal Land Manager for the Lye Brook Wilderness Area agrees with the conclusion that visibility impairment within the Class I area is not due to plume blight.

B. EPA Requirements

EPA's visibility protection regulations require an analysis of all existing major stationary sources that have the potential to emit 250 tons per year or more of any pollutant and which were not in operation before August 7, 1962 and were in existence on August 7, 1977, to identify those which may reasonably be anticipated to cause or contribute to plume blight in a Class I area. 40 CFR 51.302(c)(2)(ii) and 51.302(c)(4). For those identified sources, if any, BART must be determined.

C. EPA's Proposed Action

EPA proposes approval of the Vermont agency's demonstration that BART is not necessary since existing plume blight is not a cause of visibility impairment in the Lye Brook Wilderness Area.

2. Ambient Sulfate Standards

A. Vermont's Program

Vermont has set secondary ambient air quality standards for sulfates of 2.0 ug/m³ on both a 24-hour basis (maximum concentration) and a summertime seasonal arithmetic mean (April through September), V.S.A. 5-310. The 24-hour sulfate standard is intended to be representative of the maximum concentration that might be experienced in Vermont due to natural sources. The Vermont agency estimates that for relative humidities of around 55%, such as are common on summer days, a visual range of over 30 miles would be maintained by achieving this standard. The 24-hour standard also serves as a significant impact level in Vermont's new source review program. Sources emitting significant quantities of sulfur dioxide and having impacts greater than the 24-hour standard would be required to obtain offsets of sulfur dioxide emissions. Because of the highly episodic nature of sulfate concentrations in Vermont, a seasonal mean standard will be easier to attain than the 24-hour standard. The summertime seasonal average standard has been set as a measure of progress toward the remedying of visibility impairment. Proposed new and modified stationary sources must demonstrate that they will not significantly contribute to any violation of the summertime standard, by showing no exceedance of a 0.2 ug/m³ level of significant impact over the seasonal averaging period.

B. EPA Requirements

EPA's visibility protection regulations address plume type impairment and do not establish or require ambient air quality sulfate standards.

C. EPA's Proposed Action

EPA proposes to take no action on the Vermont ambient sulfate standards. Since Vermont has demonstrated that there is no existing plume type impairment in the Lye Brook Wilderness area and that its visibility impairment is due to out-of-state sulfur emissions, EPA considers Vermont's ambient sulfate standards to be a regional haze measure that addresses the broader requirements of section 169A of the Act and not just the requirements of EPA's regulations. Section 169A of the Act requires EPA to promulgate regulations to implement the bare statutory requirements. Since EPA has not completed action on a national Phase II visibility program, the state is not required by section 110 to address regional haze impairment at this time. In addition, EPA has no criteria against which to judge the adequacy of regional haze measures such as ambient sulfate standards and therefore EPA is declining to take any action on the sulfate standards, at this time. However, because section 116 of the Act allows states to adopt standards more stringent than the federal requirements, Vermont can as a matter of state law apply and enforce these standards under its revised state regulations even though EPA does not make them federal rules.

3. New Source Review

A. Vermont's Program

Revisions to Vermont's regulations require proposed new or modified stationary sources to demonstrate that increases in allowable emissions will not cause or contribute to any violation of the 24-hour or summertime seasonal average ambient sulfate standard and will not adversely impact visibility. Vermont has set levels of significant sulfate impacts for these averaging periods in its state regulations. The state requires visibility screening using equations set out in EPA's *Workbook for Estimating Visibility Impairment* to demonstrate no adverse impact on visibility; the Vermont environmental agency will perform such screening. Applications submitted to the Vermont agency will be routinely coordinated with the Federal Land Manager for the Lye Brook Wilderness Area (U.S. Forest Service), allowing at least 30 days notification for the Federal Land Manager to review potential visibility impacts and at least 60 days notification to provide opportunity for comment before any public hearing on a proposed source occurs. Explanation of the Federal Land Manager's findings will be routinely provided by the Vermont agency through public notices in local newspapers.

B. EPA Requirements

EPA's visibility protection regulations require the review of proposed new major stationary sources or major modifications with respect to potential visibility impacts on affected Class I areas. 40 CFR 51.307. The state must notify all affected Class I area Federal Land Managers in writing and transmit relevant information on proposed new sources or modifications within 30 days of receipt and at least 60 days before a public hearing on an application for a permit to construct is held by the Vermont agency. Consideration must be given by the state permitting agency to any analysis performed by the Federal Land Manager that such proposed new source or modification may have an adverse impact on visibility. If the state permitting agency disputes the Federal Land Manager's analysis of adverse impact, the state must explain or describe where its explanation may be found in the notice of public hearing.

C. EPA's Proposed Action

EPA proposes to approve the Vermont new source review provisions as meeting the requirements of 40 CFR 51.307. This action, if made final, will supersede the promulgation of federal visibility new source review provisions for Vermont on July 12, 1985. 50 FR 28544. As discussed above, EPA proposes to take no action on the ambient sulfate standards; thus, it is also proposing to take no action on the portions of the new source review plan that pertain to ambient sulfate standards.

4. Emissions Reduction Plan

A. Vermont's Program

Vermont has demonstrated that visibility impairment in its Class I area is due predominantly to regional haze caused by out-of-state sulfur emissions. Having determined that neither control nor retirement of existing Vermont sources will improve the manmade visibility impairment in the Lye Brook Wilderness Area, Vermont specifies a phased national emissions reduction plan for the forty-eight contiguous states as part of its long-term strategy. Vermont calls for SIP measures that: (1) Cap sulfur dioxide (SO₂) emissions at the levels allowed in SIPs as of 1982; (2) comply with an average statewide SO₂ emission rate of 2.0 pounds per MMBtu by the year 1989 and 1.2 pounds per MMBtu by 1995 for all facilities with 100 MMBtu per hour or greater heat input; and (3) provide for the control of nitrogen oxides (NO_x) emissions.

The control provisions for NO_x include revision of the new source performance standards for electric utility steam generating plants and industrial boilers and the trading of NO_x for SO₂ emission reductions on a two to one ratio from stationary sources. This plan for national uniformity in average statewide SO₂ emissions borrows from provisions of the New England Acid Deposition Control Plan (NEADCP). Vermont believes that these reduction requirements and similar Canadian commitments will provide for attainment of its summer seasonal sulfate standard about half of the time.

B. EPA Requirements

EPA regulations and hence sections 169A and 110 of the Act do not require the states at this time to address visibility impairment in Class I areas caused by the regional haze.

C. EPA's Proposed Action

EPA proposes no action on the emissions reductions portion of Vermont's long-term strategy. EPA lacks authority to approve or disapprove this portion of Vermont's plan because EPA has yet to establish requirements for strategies relating to regional haze. Moreover, a national program, as set forth by Vermont, cannot be properly evaluated until EPA develops and implements a Phase II program to address regional haze.

Furthermore, it would be inappropriate for EPA to adopt the Vermont program at this time as a supplement to its 1980 regulations governing the development of visibility protection SIPs. When EPA requires states to adopt and submit visibility SIPs, section 169A of the Act requires EPA to give those states extensive guidance on how to allocate the necessary control burdens among the relevant sources. For instance, section 169A(b)(1) calls upon EPA to develop rules for assessing visibility impairments, modeling the extent to which emissions are causing or contributing to those impairments, and selecting abatement techniques. Indeed, the last sentence of section 169A(B) specifically contemplates that the states will make BART determinations for certain large power plants according to rules that EPA will promulgate. Beyond that, section 169A(b)(2) implicitly calls upon EPA to define—or at least set a framework for defining—the degree of progress for an area that would be reasonable and, hence, both the degree and the pace of emissions abatement that would be reasonable. The definition of what would be reasonable for the number of states that Vermont claims

are contributing to impairment in the Lye Brook Wilderness Area requires a balancing of an extraordinarily complex set of factors and developing a regulatory framework.

Vermont's program fails to provide the level of guidance required by section 169A. It lacks rules for assessing impairment, modeling, and selecting abatement techniques. But, more importantly, Vermont's program would dictate a single solution (average statewide emission rates by certain deadlines) to a problem that has a vast array of potentially acceptable solutions. For instance, in drawing from the NEADCP, Vermont would call upon each of the relevant states to meet a limit of 1.2 pounds of sulfur dioxide per MMBtu; however, the NEADCP does not analyze whether it would be more appropriate to apportion the control burdens according to the degree of contribution. These are difficult questions of great social and economic import, and hence deserve—as contemplated by section 169A—correspondingly extensive analysis—and debate at the national level. Indeed, there is substantial question whether Congress ever intended through section 169A to require EPA and the states to put into place the extraordinarily costly and widespread control program that would appear to be necessary to remedy regional haze impairment in eastern Class I areas. These issues are more appropriately resolved in the Phase II rulemaking procedures.

This would be so even if EPA had the scientific and technical tools necessary to perform this analysis in its hands now. Those tools, however, are not fully available. For instance, EPA does not have reference methods for monitoring nor modeling; thus further work is needed to develop a national regulatory program.

EPA is continuing to pursue active research into monitoring techniques and long range transport modeling that will enable it to develop an appropriate Phase II program. EPA created an Interagency Visibility Task Force in 1984 which reported its findings to the Administrator in 1985. The Task Force recognized that the most effective long-term regulatory approach in the eastern United States would be to link visibility improvement programs to related regional control programs such as the control of acid deposition. The Task Force concluded that this could be best implemented through new legislative authority. The Task Force recommended that in the absence of new legislative authority consideration be given to the development of a fine particle (less than

2.5 microns) secondary national ambient air quality standard in order to make improvements in regional visibility. EPA is considering publication of an advance notice of proposed rulemaking (ANPR) to solicit public comment on a fine particle standard.

5. Long-Term Strategy

A. Vermont's Program

Vermont's long-term strategy contains the following findings and provisions: (1) Measuring progress in remedying existing plume blight was rendered unnecessary by Vermont's demonstration that its visibility impairment is not due to plume blight; (2) the state evaluated forest management practices, agricultural burns, and construction activity in Vermont as area sources having a potential to impact visibility, and concluded that adequate measures to protect visibility from these sources are in place; (3) Vermont has revised its regulations to require a statewide average SO₂ emission rate of 1.2 pounds per MMBtu; (4) every three years beginning in December, 1988, the Vermont agency will review its long-term strategy, including its visibility monitoring network, for progress toward meeting the national visibility goal; (5) the state will prepare for the public and EPA's Administrator a report summarizing progress following each three-year review; (6) Vermont has set ambient sulfate standards, as discussed in a preceding section, as measures for assessing progress toward the national visibility goal.

B. EPA Requirements

EPA's visibility protection regulations require SIPs to include a long-term (10 to 15 years) strategy for making reasonable progress toward the national visibility goal, with respect to plume blight, as discussed in the preamble to EPA's existing visibility protection regulations, 45 FR 80084. The regulations also require a commitment to review this strategy in consultation with the Class I area Federal Land Manager as appropriate, but not less frequently than every three years. The regulations specify factors that must be considered in the development of the strategy, and assessments that must be made in the periodic review. 40 CFR 51.306.

C. EPA's Proposed Action

As discussed in a preceding section, EPA proposes to take no action on those provisions of Vermont's long-term strategy pertaining to ambient sulfate standards and the emissions reduction plan. EPA proposes to approve the

remaining provisions of Vermont's long-term strategy as meeting the requirements of § 51.306.

6. Monitoring

A. Vermont's Program

The Vermont agency will operate sulfate and fine particulate monitors at a rural background site in Underhill, Vermont. Visual range and humidity measurements are ongoing (since 1948) at the Burlington, Vermont airport. Vermont will review the adequacy and appropriateness of these monitors periodically as part of its long-term strategy.

B. EPA Requirements

EPA visibility protection regulations require SIPs to include a monitoring strategy for evaluating visibility by visual observation or other appropriate techniques. 40 CFR 51.305. Currently, EPA is working with the federal land managers to develop a cooperative national monitoring network, and development by EPA of a visibility monitoring reference method is underway.

C. EPA's Proposed Action

EPA proposes to approve Vermont's monitoring strategy as meeting the requirements of 40 CFR 51.305. This action, if made final, would supersede the promulgation on July 12, 1985 of a federal visibility monitoring program as it pertains to the State of Vermont. 50 FR 28544. Vermont's analysis of historical visibility data, as discussed in the Background section above, demonstrates that its monitoring network is appropriate for representing visibility conditions in the Lye Brook Wilderness Area.

7. Sensitive Areas

A. Vermont's Program

Vermont's revised regulations concerning visibility protection broaden application beyond the Lye Brook Wilderness Area to include all areas in the state at an elevation of 2,500 feet mean sea level or more. The state includes this broader designation of "sensitive areas" in its submission of the implementation plan. Vermont's designation of "sensitive areas" is based on an elevation cutoff that acts to define areas which are likely to be valued primarily for their recreational usage or to be sensitive to the effects of visibility impairment by ambient levels of sulfates.

B. EPA Requirements

EPA's visibility protection regulations and section 169A of the Act are

intended to provide protection for mandatory Class I federal areas as defined in sections 162 and 169A of the Act.

C. EPA's Proposed Action

EPA proposes no action on Vermont's broader applicability of its visibility protection plan to include designated sensitive areas. EPA considers such a designation to be outside of its authority under section 169A. Although the state could redesignate the areas Class I under section 164 of the Clean Air Act, these areas still would not receive visibility protection under section 169A. However, EPA's decision does not relieve Vermont sources of their obligation to meet requirements of state law.

Other Issues

Included in Vermont's visibility protection plan are modeling results which identify eight states—Ohio, Pennsylvania, West Virginia, Kentucky, Tennessee, Illinois, Indiana, and Michigan—whose emissions cause or contribute to impairment of visibility in the Lye Brook Wilderness Area. Vermont assessed the results of elemental tracer analysis, residence time trajectory analysis, and long range transport modeling to make this identification. Although not part of the state's visibility protection plan, Vermont has asked EPA to disapprove immediately the SIPs of these eight states because they do not contain adequate provisions to prohibit emissions which interfere with Vermont's visibility protection plan.

EPA recognizes that modeling techniques have improved since its visibility protection regulations were promulgated. However, until such time as EPA completes its development of a national Phase II visibility protection program to address interstate regional haze impacts on visibility in Class I areas, for which further model evaluation work is needed, EPA lacks authority to make any SIP calls for regional haze, including any to the identified eight states. EPA could call for a SIP revision only if the SIPs for the relevant state lacked "adequate provisions prohibiting any stationary source within the state from emitting any air pollutant in amounts which will . . . interfere with measures required to be included in the applicable implementation plan for any other state under part C . . . to protect visibility." Section 110(a)(2)(E), 42 U.S.C. 7410(a)(2)(E) (emphasis added); see also sections 110(a)(2)(H) and 110(c)(1)(C), 42 U.S.C. 7410(a)(2)(H) and 7410(c)(1)(C). Here, however, no measures relating to

regional haze are as yet "required to be included" in the SIP for any state under part C. In fact, for this reason, EPA has denied a similar request from the state of Maine. See 49 FR 48152, 48154 col. 1 (December 10, 1984) (final action); 49 FR 34851, 34855 cols. 2-3 (September 4, 1984) (proposal).

Vermont also asks EPA to add four states—Ohio, Pennsylvania, Illinois, and Indiana—to the list of those states EPA has required to develop visibility protection plans. To date, EPA has not listed these four states because they do not contain sources whose emissions cause or contribute to plume type impairment in mandatory Class I federal areas (see 45 FR 80086).

Summation

Vermont has demonstrated that visibility impairment in its Class I area is caused by regional haze and is attributable predominantly to out-of-state sulfur emissions. At present, EPA's regulations do not address regional haze, but instead are limited to plume blight only. Developmental work currently underway at EPA on a national Phase II program to address regional haze includes: consideration of an advance notice of proposed rulemaking on a fine particulate standard in response to recommendations made in 1985 by the Interagency Visibility Task Force; specifications for visibility monitoring methods; research to develop long range transport models for assessment of acid rain and visibility impacts; and a technical evaluation of existing long range transport models. Until EPA has a national Phase II program to address regional haze, we propose no action on those plan provisions which address regional haze. Nonetheless, where Vermont's plan provisions result in more stringent regulations for Vermont sources by exceeding EPA's requirements, Vermont can apply and enforce those more stringent provisions under its revised state regulations even though EPA has not acted to make them federal rules.

Proposed Action

EPA is proposing to approve the following provisions of Vermont's visibility protection plan: (1) The new source review procedures, excluding the sulfate standards; (2) the showing that BART is unnecessary for existing Vermont stationary sources; (3) the long-term strategy, excluding the 48-state emissions reductions plan; and (4) the monitoring program. EPA is proposing to take no action on all provisions concerning ambient sulfate standards,

on that portion of Vermont's long-term strategy outlining a phased emissions reduction plan to achieve a uniform statewide average SO_2 emission rate and added NO_x controls among 48 states, and on broader applicability of the plan to additional "sensitive areas." EPA solicits comment on whether it would be more appropriate to resolve the ambiguities in sections 110 (a)(2) and (a)(3) of the Clean Air Act by approving or disapproving these measures as opposed to taking "no action."

Under 5 U.S.C. 805(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. The Administrator's decision to approve or disapprove the plan revisions will be based on whether they meet the requirements of sections 110(a)(2)(A)-(K), 110(a)(3), and 169A of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Sulfur oxides, Nitrogen dioxide, Particulate matter.

Authority: 42 U.S.C. 7401-7642.

Dated: November 7, 1986.

Michael R. Deland,

Regional Administrator, Region I.

[FR Doc. 86-27032 Filed 12-1-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[FRL-3120-3]

Approval and Promulgation of Implementation Plans; Massachusetts; Automobile Surface Coating

AGENCY: Environment Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to disapprove a State Implementation Plan revision submitted by the Commonwealth of Massachusetts. The revision requests an extension of the final compliance dates for topcoating and final repair coating of automobiles from December 31, 1985 to August 31, 1987. General Motors in Framingham, Massachusetts is the only automobile surface coating source in the State. This action does not change the final emission limits at the General Motors

plant nor will it increase or decrease emissions.

The intended effect of this action is to ensure reasonable further progress towards the attainment of the ozone standard by the Massachusetts demonstration date of December 31, 1987.

DATES: Comments must be received on or before January 2, 1987. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2311, JFK Federal Bldg., Boston MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2311, JFK Federal Bldg., Boston, MA 02203 and the Department of Environmental Quality Engineering, Division of Air Quality Control, One Winter Street, 8th floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Greene (617) 565-3248; FTS 835-3248.

SUPPLEMENTARY INFORMATION: On December 30, 1985, S. Russell Sylva, Commissioner of the Department of Environmental Quality Engineering (DEQE), submitted a revision to the Massachusetts State Implementation Plan (SIP). The revision to the automobile surface coating regulation (310 CMR 7.18(7)) requests an extension of the final compliance dates from December 31, 1985 to August 31, 1987 for the topcoat and final repair applications.

Background

On September 16, 1980 (45 FR 61293), EPA approved Massachusetts Regulation 310 CMR 7.18(7) which contained the following schedule for compliance with the topcoat and final repair reasonable available control technology (RACT) emissions limitations. The topcoating application limitations were 5.8 lbs VOC/gallon of coating, minus water, by December 31, 1979; 5.0 lbs VOC/gallon of coating, minus water, by December 31, 1982; and 2.8 lbs VOC/gallon of coating, minus water, by December 31, 1985. The final repair application limitation was 4.8 lbs of VOC/gallon of coating, minus water, by December 31, 1985. These dates were consistent with a nationally developed schedule for achieving reductions from the automobile surface coating industry.

On June 7, 1985, GM informed the DEQE that it intended to meet the 2.8 lbs VOC/gallon of coating, minus water, for topcoat and 4.8 lbs VOC/gallon of

coating, minus water, emissions limitations by modifying its plant to use basecoat/clearcoat enamel coatings and by the installation of incinerators on the topcoat ovens. GM requested an extension of the final compliance date from December 31, 1985 to December 31, 1987 (changed to August 31, 1987 after DEQE's review of the permit application) in order to complete its major modification. General Motors submitted proposed plans, in a new source review, air permit application for the major modification, on August 7, 1985.

The Revision

The DEQE submitted this extension revision based on EPA's policy statement of October 20, 1981 (46 FR 51366) which established criteria that the Agency uses to review modifications to existing SIP compliance schedules for automobile paint shop operations. EPA evaluated this submittal based on the established criteria and has determined that it does not meet several of the established criteria for the following reasons.

Review of SIP Revision Relative to 46 FR 51366 Criteria

1. The purpose of the October 20, 1981 Federal Register policy statement was to allow deferral of the compliance dates for paint shop operations so that more cost-effective control methods could be implemented.

EPA Evaluation: In order to meet the emission limits, General Motors is modifying its plant by constructing a new paint shop capable of topcoating cars with basecoat/clearcoat enamel coatings and controlling the topcoating oven emissions with incinerators. The State did not document that the construction of new paint shop lines and installation of incinerators would be a more cost-effective control method than the installation of abatement equipment on the existing lacquer topcoating lines.

2. Any deferral of the compliance dates was still required to assure continued compliance with section 172 of the Clean Air Act (CAA) to implement reasonable available control technology (RACT) as expeditiously as practicable.

EPA Evaluation: General Motors did not document that it was impracticable for the company to meet the existing compliance date using incineration on the existing lines or on lines modified to accommodate the basecoat/clearcoat technology. Based on experience at other plants, EPA believes that such technology existed long enough before the end of 1985 to permit General

Motors to install the basecoat/clearcoat technology before that date. Instead, however, General Motors did not decide on its control method until June 7, 1985 when it requested, in a letter to DEQE, an extension until December 31, 1987. General Motors' 1985 request for an extension, only six months from the final compliance date and at least three years after the availability of the basecoat/clearcoat technology, under a policy statement that was published in 1981, cannot be considered implementing reasonably available control technology as expeditiously as practicable.

3. Additionally, EPA's 1981 policy stated that postponement of the compliance dates would be allowed for further development of coating technology.

EPA Evaluation: The basecoat/clearcoat technology and incineration technology have already been developed, and General Motors has not documented, that with the technology it intends to use in Framingham, it needs two additional years for technology development.

4. Under EPA's policy, an increase in the amount of emissions from the source is not allowed during deferral of the compliance dates.

EPA Evaluation: The DEQE SIP submittal predicts that General Motors' emissions during the deferral would increase above the 1984 actual emissions, thus making it ineligible for the deferral.

5. The policy states that any modifications must be designed to be capable of subsequent adoption of a new generation of low solvent coatings.

EPA Evaluation: The State has not demonstrated that General Motors' new basecoat/clearcoat lines will be capable of implementing low solvent technology.

6. Each revision has to be evaluated for its impact on the overall State Implementation Plan, including emission reductions necessary to demonstrate reasonable further progress (RFP) toward attainment of the ozone standard.

EPA Evaluation: The entire Commonwealth of Massachusetts is nonattainment for ozone, with an attainment deadline of December 31, 1987. Massachusetts experienced 14 days of violations of the ozone standard during the 1985 ozone season.

7. The DEQE stated in its response to comments given at the public hearing, that General Motors' emissions would not affect the State's ability to demonstrate a 35% reduction in emissions of volatile organic compounds (VOCs). (VOCs are precursors to ozone.) This percentage was used in the 1982

SIP to demonstrate attainment with the ozone standard in the Boston Air Quality Control Region.

EPA Evaluation: The DEQE did not submit a complete RFP demonstration with the compliance status of VOC sources and graphs representing annual linear reductions. A complete RFP report is needed to support the DEQE's claim that the ozone primary standard for protecting public health will be attained by the end of 1987 despite the compliance date extension for General Motors and that RFP will be achieved in the interim. Based on the number of ozone violations and their magnitude, EPA believes that there is some evidence that Massachusetts will continue to experience violations of the standard beyond December 31, 1987.

Therefore, EPA is proposing to disapprove the proposed revision to the Massachusetts State Implementation Plan, submitted on December 30, 1985, extending the final compliance dates for the topcoat and final repair applications under the automobile surface coating regulation.

EPA is soliciting public comments on issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

Proposed action

EPA is proposing to disapprove the SIP revision to the Massachusetts automobile surface coating regulation, 310 CMR 7.18(7), to extend the topcoat and final repair applications final compliance dates.

This disapproval will prevent GM from deferring the topcoat and final repair compliance dates (from December 31, 1985 to August 31, 1987 by revising the State regulation. Extensions of the December 31, 1985 date should instead be obtained through an enforcement mechanism.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities because it affects only one source. In addition, this action imposes no additional requirements on the source.

Under Executive Order 12291, today's action is "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone.

Dated: July 1, 1986.

Michael R. Deland,

Regional Administrator, Region I.

[FR Doc. 86-27030 Filed, 12-1-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 62

[A-4-FRL-3119-2; KY-028]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Kentucky; Revision in 111(d) Plan for Fluoride Emissions From Primary Aluminum Reduction Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a portion and take no action on a portion of the revision to Kentucky's 111(d) plan for fluoride emissions from primary aluminum reduction plants which was submitted on April 3, 1986. The approvable parts of the revision include minor wording changes and a relaxed emission limit for plants which do not use dry scrubbing technology as their primary fluoride removal system. The relaxation has been justified by technical and economic criteria, and its approval is consistent with EPA's policy on welfare-related pollutants.

The applicability provisions of Kentucky's primary aluminum reduction regulation have also been revised to state that if an existing primary aluminum reduction plant modifies its method of operation (e.g., removes its scrubbers), this would not be considered a "modification" and the plant would not be subject to the more stringent requirements of 40 CFR Part 60, Subpart S (New Source Performance Standards for Primary Aluminum Reduction Plants).

Because EPA action on this language is beyond the scope of this 111(d) rulemaking, EPA is proposing to take no action on that portion of Kentucky's rule.

The effect of this action will be to relax the 111(d) emission standard for gaseous fluorides that applies to plants which do not use dry scrubbing technology. However, approval of the new 111(d) standard does not exempt a source from compliance with any applicable NSPS requirements.

DATES: To be considered, comments must be received on or before January 2, 1987.

ADDRESSES: Written comments should be addressed to Janet Hayward of EPA

Regions IV's Air Programs Branch (see Region IV address below). Copies of the State's submittal are available for review during normal business hours at the following locations:

Environmental Protection Agency,
Region IV Office, Air Programs
Branch, 345 Courtland Street NE.,
Atlanta, Georgia 30365
Kentucky Department of Environmental
Protection, Division of Air Pollution
Control, 18 Reilly Road, Building #2,
Fort Boone Plaza, Frankfort, KY 40601.

FOR FURTHER INFORMATION CONTACT:
Janet Hayward of the EPA Region IV Air
Programs Branch, at the above address
and following phone: 404/347-3286 or
FTS 257-3286.

SUPPLEMENTARY INFORMATION: EPA
approved Kentucky's original plan for
controlling fluoride emissions from
existing primary aluminum reduction
plants on May 26, 1982 (47 FR 22955).
The original plan included emission
limits for existing aluminum reduction
plants which use either wet scrubbing or
dry scrubbing technology. Only one
plant, National Southwire Aluminum
(NSA), used wet scrubbing, and it was
required to meet both a gaseous fluoride
limitation as well as a particulate
limitation on emissions from their
primary control system stack. The
company is presently using a
combination of multicyclones,
electrostatic precipitators (ESPs) and
wet scrubbers to meet those emission
limitations.

Due to the control costs associated
with running the wet scrubbers, NSA
asked the State of Kentucky to revise
the gaseous fluoride emission limitation
applicable to their plant so that they
could cease operating the scrubbing
system and still comply with State
111(d) regulations. Kentucky changed
their regulations to meet NSA's request.
This 111(d) plan revision was submitted
to EPA for approval on April 3, 1986.

Kentucky's plan revision included
changes to air pollution regulation 401
KAR 61:165 (existing primary aluminum
reduction plants). These changes are
described as follows:

- A new paragraph (2) was added to
401 KAR 61:165, section 1
(Applicability). This new paragraph
provides that certain changes in
potroom groups "shall not be a
modification." The apparent intent of
this provision is to exempt such changes
from EPA's new source performance
standards (NSPS) for primary aluminum
reduction plants, 40 CFR 60.190 et seq.

The application of NSPS to sources is
outside the scope of this rulemaking,
which deals only with the State's plan
for designated facilities under section

111(d). EPA therefore proposes to take
no action on 401 KAR 61:165, Section 1,
Paragraph (2). Interested persons should
note, however, that EPA's approval of
Kentucky's 111(d) plan would not
exempt sources from compliance with
any applicable NSPS requirements.

- 401 KAR 61:165, section 2
(Definitions) was revised to delete the
definition of "wet scrubbing plant."
Since the State has renamed such plants
as "primary aluminum reduction plants
other than dry scrubbing plants," and
there are only two types of primary
aluminum reduction plants in the State,
this definition is no longer needed.

- The wording of sections 3, 4, 5, and
6 of 401 KAR 61:165 was also revised.
Every time the words "wet scrubbing
plant primary control system" appeared,
they were replaced with "primary
aluminum reduction plant other than a
dry scrubbing plant." This change was
made because the definition of "wet
scrubbing plant" has been deleted. The
changes are approvable because there
are only two existing primary aluminum
reduction plants in the State, National
Southwire and one which uses dry
scrubbing technology.

- 401 KAR 61:165, section 7 (Test
Methods and Procedures) was revised to
clarify that a dry scrubbing plant is
being addressed by the rule.

- Section 4 of 401 KAR 61:165
(Standard for Fluoride) was revised to
change the gaseous fluoride emission
limit (that applies to NSA) from 1.0
pounds per ton of aluminum produced
(lb/ton Al) to 290 pounds per hour (lb/
hr). This new limit corresponds to 13.18
lb/ton Al, which is thirteen times the
original limit. Approval of this new limit
would allow the release of an additional
1,174 tons of gaseous fluorides per year
into the atmosphere. NSA has shown
through economic figures and ambient
data that this new limit is approvable.
Under § 111(d) of the Clean Air Act and
40 CFR Part 60, states are given
substantial flexibility in developing
plans for existing primary aluminum
plants, and are permitted to relax limits
if the new limits are justified by
economic, technical or other related
criteria.

National Southwire submitted data to
show that, aside from running the
scrubbers, they are spending \$14.25/ton
Al per year to control fluoride
emissions. This cost figure exceeds the
expected control costs in EPA's
guideline document (EPA 450/2-78-
049b) by \$9.25/ton Al per year. The
operation of the scrubbers would cost
NSA an additional \$10.48/ton Al per
year.

Since without the scrubbers, NSA is
already spending over and above what

is expected for controlling total fluoride
emissions, the new limit of 290 lb/hr is
reasonable. The existing system
(multicyclones and ESPs) without the
scrubbers will continue to provide
substantial fluoride removal.

NSA submitted monitoring data to
show that ambient gaseous fluoride
concentrations would not increase as a
result of the new emission limit.
Dispersion modeling was also performed
for the plant to show that ambient
concentrations will not exceed certain
welfare-related threshold
concentrations. Although section 111(d)
of the Clean Air Act does not establish
any ambient standards, this modeling
does provide an indication of the
insignificant environmental effects of
this 111(d) plan revision.

- 40 KAR 61:165, section 4, was also
revised to specify a minimum stack
height for NSA's primary control system.
This height of 400 feet was included in
the regulation solely to ensure that NSA
will not use a lower stack.

All of the above changes to 401 KAR
61:165 are approvable as revisions to the
Kentucky 111(d) plan except for the
"modification" provisions of section 1,
paragraph (2).

Further details describing the
economic and technical justification of
this 111(d) plan revision are contained in
the technical support document, which
is available for public inspection at
EPA's Regional Office in Atlanta,
Georgia.

Proposed Action

EPA is proposing to approve
Kentucky's 111(d) plan revision for
primary aluminum plants which was
submitted on April 3, 1986, except for
the revision to 401 KAR 61:165, section 1,
on which EPA is proposing to take no
action.

All interested persons are invited to
submit written comments on the
proposed actions. After reviewing all
comments submitted, the Administrator
of U.S. EPA will publish the Agency's
final action in the Federal Register.

Under 5 U.S.C. 605(b), the
Administrator has certified that 111(d)
approvals do not have a significant
economic impact on a substantial
number of small entities. (See 46 FR
6709.)

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

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride,
Aluminum.

Authority: 42 U.S.C. 7401-7642.

Dated: June 23, 1986.

Jack E. Ravan,
Regional Administrator.

[FR Doc. 86-27029 Filed 12-1-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 799

[OPTS-42082A; FRL-3121-8]

Toxic Substances; 1,1-Dichloroethylene; Proposed Test Rule; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA is extending the comment period for the proposed rule on 1,1-dichloroethylene published in the Federal Register of August 12, 1986. The extension responds to a request by the Chemical Manufacturers Association (CMA) for additional time for comment.

DATES: Written comments on the proposed rule should be submitted on or before January 15, 1987. Requests to make oral comments at a public meeting have already been submitted to the Agency, and a meeting will be held on February 12, 1987.

ADDRESS: Submit written comments, identified by the document control number [OPTS-42082A], in triplicate to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St. SW., Washington, DC 20460.

The public record supporting this action is available for inspection in Rm. NE-G004 at the above address from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The meeting will be held at EPA headquarters, 401 M St., SW., Washington, DC in Rm. NE-103 from 1-4 p.m.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St. SW., Washington, DC 20460, Phone: (202) 554-1404.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule on 1,1-dichloroethylene, published in the Federal Register of August 12, 1986 (51 FR 28840). CMA has requested a 90-day extension of the comment period because of the large amount of existing toxicity data to review. The Agency has agreed to this request and extends the end of the comment period from October 14, 1986, to January 15, 1987. A public meeting will be held on February 12,

1987; active participation will be limited to those persons who arrange to present comments and to designated EPA participants.

Authority: 15 U.S.C. 2603.

Dated: November 21, 1986.

Charles L. Elkins,

Director, Office of Toxic Substances.

[FR Doc. 86-27034 Filed 12-1-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 222

Public Meeting on Proposed Regulations Governing Approaching Humpback Whales in Hawaiian Waters

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Announcement of public hearing.

SUMMARY: On November 24, 1986 (51 FR 42271) the NMFS published a proposed rule that would establish a distance limit for approaching humpback whales in Hawaiian waters. The purpose of this notice is to announce the location of the public hearing referenced in the proposed rule.

DATE: The hearing will be held at 7:00 p.m. Monday, December 15, 1986.

ADDRESS: The hearing will be held at the Lahaina Civic Center, 1840 Honoapiilani Hwy, Lahaina, Maui, Hawaii.

FOR FURTHER INFORMATION CONTACT: Eugene T. Nitta, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, P.O. 3830, Honolulu, HI 96812, Telephone (808/955-8831), or James H. Lecky, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731, Telephone (213/514-6199). Copies of the proposed rule and environmental assessment are available from these offices.

SUPPLEMENTARY INFORMATION: The purpose of the public hearing is to obtain public comments on the proposed rule (51 FR 42271, November 24, 1986). The proposed rule would not allow vessels or people to approach closer than 100 yards to a humpback whale or aircraft to approach humpback whales closer than 1000 feet. The rule is being proposed to reduce the level of disturbance experienced by humpback whales while on their calving and mating grounds in Hawaii. The public comment period for the proposed rule ends on December 24, 1986. Written

comments may be submitted to E.C. Fullerton, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731 through that date.

Dated: November 26, 1986.

James E. Douglas, Jr.

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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50 CFR Parts 611, 672, and 675

[Docket No. 61113-6213]

Foreign Fishing, Groundfish of the Gulf of Alaska, Groundfish of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of proposed 1987 initial specifications for groundfish; request for comments.

SUMMARY: NOAA proposes 1987 initial apportionments of optimum yields for each category of groundfish in the Gulf of Alaska, and initial specifications of total allowable catches and initial apportionments for each category of groundfish in the Bering Sea and Aleutian Islands Area. This action is necessary to provide the public with the Secretary of Commerce's (Secretary) preliminary determination of the initial apportionments, and to obtain public comment on the appropriateness of those apportionments. On the basis of comments received, and after consultation with the North Pacific Fishery Management Council (Council), the Secretary will make 1987 initial apportionments providing for proper and full utilization of the groundfish resources.

DATE: Comments are invited until January 2, 1987.

ADDRESS: Comments should be sent to Robert W. McVey, Director, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Chief Fisheries Management Division, NMFS, 907-586-7229).

SUPPLEMENTARY INFORMATION:

Background

Optimum yields (OYs) for groundfish species in the Gulf of Alaska are established by the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska. This FMP was developed under