ADDRESS: Comments should be sent to the Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580. Requests for copies of the petition should be sent to Public Reference Branch, Room 130.

FOR FURTHER INFORMATION CONTACT: George T. O'Brien, Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326–2972.

SUPPLEMENTARY INFORMATION: The petitioner, GC Services Corp. is a major debt collection agency for businesses throughout the United States. The order modification requested by petitioner would set aside the order on the basis that the Fair Debt Collection Practices Act, enacted subsequent to the order, covers all the practices prohibited by the order and is directly enforceable by the Commission. The petition was placed on the public record on March 12, 1987.

List of Subjects in 16 CFR Part 13

Delinquent debt collection, Coercing and intimidation, Threatening suits, Not in good faith.

Emily H. Rock,

Secretary.

[FR Doc. 87–5747 Filed 3–17–87; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8130]

Income Tax; Taxable Years Beginning After December 31, 1953; Temporary Regulations—Alaska Native Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations

SUMMARY: This document contains temporary regulations relating to certain corporations included in a consolidated return with a Native Corporation established under the Alaska Native Claims Settlement Act. The applicable law was amended by the Tax Reform Act of 1984 and Tax Reform Act of 1986. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the Proposed Rules section of this issue of the **Federal Register**.

DATE: The regulations are effective March 13, 1987, and apply to taxable years beginning after December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Mark S. Jennings of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T) or telephone 202–566–3458 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 60(b) of the Tax Reform Act of 1984 (the "1984 Act") (Pub. L. 98–369; 98 Stat. 948) amended section 1504 (a) of the Internal Revenue Code of 1986 ("the Code") to alter the general requirements for affiliation and add an 80 percent equity ownership test. In the case of the affiliation of a corporation with a Native Corporation ("ANC") established under the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 *et seq.*), paragraph (5) of section 60(b) delayed the effective date of the changes to the affiliation rules until taxable years beginning in 1992 or a subsequent year.

Section 1804(e)(4) of the Tax Reform Act of 1986 (the "1986 Act") (Pub. L. 99–514; 100 Stat. 2085) amended section 60(b)(5) of the 1984 Act to liberalize the requirements for affiliation with an ANC or with a wholly owned subsidiary of an ANC for any taxable year beginning after 1984 and before 1992. Under section 1804(e)(4), affiliation with an ANC or with a wholly owned subsidiary of an ANC is to be determined solely according to the provisions expressly contained in section 1504(a) of the Code as it existed before the amendments of the 1984 Act, without regard to escrow arrangements, redemption rights, or similar provisions. Section 1804(e)(4) additionally provides, in general, that no provision of the Code or principle of law shall deny the benefit or use of losses or credits of an ANC which is the common parent of an affiliated group of corporations (an "ANC group") filing a consolidated return, or of a wholly owned subsidiary of such an ANC, to the group.

The Alaska Native Claims Settlement Act of 1971 established 12 Native regional corporations and more than 150 Native village corporations to manage the land and cash granted to Alaska Natives in satisfaction of their aboriginal land claims. Many of the ANCs have incurred large net operating losses and have earned numerous business tax credits that they will not be able to utilize internally in the foreseeable future. Section 60(b)(5) of the 1984 Act and section 1804(e)(4) of the 1986 Act (the "ANC affiliation rules") were intended to provide special relief to ANCs by allowing the losses and credits of an ANC and its wholly owned subsidiaries to be used on a consolidated return against the income and tax liability of a profitable corporation, and to allow the ANC group to share in the resulting tax benefits. 132 Cong. Rec. S8175–76 (daily ed. June 23, 1986) (statement of Sen. Stevens).

In effect, the ANC affiliation rules generally were intended to allow an ANC to sell its tax losses and credits through the device of artificial affiliation with another corporation or group of corporations. The temporary regulations make clear that the ANC affiliation rules result in no tax saving, tax benefit, or tax loss to any person, other than the use of the losses and credits of an ANC and its wholly owned subsidiaries. In particular, except as approved by the Secretary, no positive adjustment under § 1.1502–32(b)(1) will be made with respect to the basis of stock of a corporation that is affiliated with a Native Corporation through application of the ANC affiliation rules. In general such approval by the Secretary shall take into account the economic effect of the investment by the Native Corporation in the corporation with which it is so affiliated.

Regulatory Flexibility Act; Executive Order 12291

A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary regulations. Accordingly, these temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6). The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required.

Drafting Information

The principal author of these temporary regulations is Mark S. Jennings of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, other personnel of the Internal Revenue Service and the Treasury Department participated in developing the regulations, or matters of both substance and style.

List of Subjects in 26 CFR 1.1502–1 through 1.1564–1

Income taxes, Controlled group of corporations, Consolidated returns.

Adoption of amendments to the regulations

PART 1—[AMENDED]

Accordingly, Part 1 of Title 26 of the Code of Federal Regulations is amended as follows:

Paragraph 1. The authority citation for part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805; * * * § 1.1502–81T also is issued under 26 U.S.C. 1502.

Par. 2. New § 1.1502–81T is added as follows:

§ 1.1502–81T Alaska Native Corporations.

(a) *General Rule.* The application of section 60(b)(5) of the Tax Reform Act of 1984 and section 1804(e)(4) of the Tax Reform Act of 1986 (relating to Native Corporations established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*)) is limited to the use on a consolidated return of losses and credits of a Native Corporation, and of a corporation all of whose stock is owned directly by a Native Corporation, during any taxable year (beginning after the effective date of such sections and before 1992), or any part thereof, against the income and tax liability of a corporation affiliated with the Native Corporation. Thus, no other tax saving, tax benefit, or tax loss is intended to result from the application of section 60(b)(5) of the Tax Reform Act of 1984 and section 1804(e)(4) of the Tax Reform Act of 1986 to any person (whether or not such person is a member of an affiliated group of which a Native Corporation is the common parent). In particular, except as approved by the Secretary, no positive adjustment under § 1.1502–32(b)(1) will be made with respect to the basis of stock of a corporation that is affiliated with a Native Corporation through application of section 60(b)(5) of the Tax Reform Act of 1984 and section 1804(e)(4) of the Tax Reform Act of 1986.

(b) *Effective Dates.* This section applies to taxable years beginning after December 31, 1984.

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved: March 12, 1987.

J. Roger Mentz,

Assistance Secretary of the Treasury.

[FR Doc. 87–5789 Filed 3–13–87; 12:46 pm]

BILLING CODE 4830–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 860

Pension and Retirement Plans

AGENCY: Equal Employment Opportunity Commission (EEOC).

ACTION: Final rule.

SUMMARY: This action rescinds the interpretations of the Age Discrimination in Employment Act of 1967 (ADEA), as amended, 29 U.S.C. 621, *et seq.*, codified at 29 CFR 860.120(f)(1)(iv)(B), which hold that the ADEA permits employers to cease contributions and accruals to pension and retirement plans for employees who continue to work beyond normal retirement age.

Employers and others may no longer rely on the rules codified at 29 CFR 860.120(f)(1)(iv)(B) as a good-faith defense to liability for failure to contribute to a pension plan.

SUPPLEMENTARY INFORMATION: This rescission is done pursuant to an Order entered on February 26, 1987 by Judge Harold Greene in *American Association of Retired Persons, et al., v. Equal Employment Opportunity Commission,* Civil Action No. 86–1740, United States District Court for the District of Columbia.

EFFECTIVE DATE: March 18, 1987.

FOR FURTHER INFORMATION CONTACT: Paul E. Boymel or Joseph N. Cleary, Office of Legal Counsel, Room 214, EEOC, 2401 E Street, NW., Washington, DC 20507, (202) 634–6423.

This rescission action has been reviewed by the Office of Management and Budget in accordance with the provisions of Executive Order 12291.

The Chairman of the EEOC certifies that this rescission will not have a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Act analysis is not required.

Authority: Section 9 of the ADEA authorizes the EEOC, as the agency responsible for the administration and enforcement of the statute, to issue rules and regulations that it considers necessary or appropriate to implement the statute.

Text: The Equal Employment Opportunity Commission, pursuant to court order, hereby rescinds the rules codified as 29 CFR 860.120(f)(1)(iv)(B) that allow employers to cease pension contributions and accruals at a plan's normal retirement age. Employers and others may no longer rely on the rules codified as 29 CFR 860.120(f)(1)(iv)(B) as a good-faith defense to liability for failure to accrue benefits or make contributions to a pension plan for persons who choose to continue working beyond normal retirement age. Therefore, 29 CFR 860.120(f)(1)(iv)(B) is removed.

Dated: March 13, 1987.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

[FR Doc. 87–5856 Filed 3–17–87; 8:45 am]

BILLING CODE 6570–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A–5–FRL–3158–2]

Designations of Areas for Air Quality Planning Process Attainment Status Designations; Ohio

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: USEPA is revising the sulfur dioxide (SO_2) designation for Columbiana and portions of Summit County (Northwest corner) from nonattainment to attainment of the National Ambient Air Quality Standard (NAAQS). In addition, USEPA is denying the State of Ohio's request for the redesignation of Cuyahoga, Lorain, Morgan and Washington Counties. USEPA is taking no action at this time on Ohio's redesignation request for portions of Summit (center area), Coshocton, Lake, Gallia, Lucas and Jefferson Counties. USEPA is addressing the redesignation of Clermont County in a separate **Federal Register** notice.

USEPA's action is in response to Ohio Environmental Protection Agency's (OEPA) request to redesignate all areas currently classified as nonattainment for sulfur dioxide in Ohio to full attainment. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

EFFECTIVE DATE: This final rulemaking becomes effective on April 17, 1987.

ADDRESSES: Copies of the redesignation request, technical support documents and the supporting air quality data are available at the following addresses:

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

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

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: Under section 107(d) of the Act, the Administrator of USEPA has promulgated the NAAQS attainment status for each area of every State. See 43 FR 8962 (March 3, 1978) and 43 FR 45993 (October 5, 1978). These area designations may be revised whenever the data warrant.

USEPA's criteria for data that warrant redesignating an area are set out in a April 21, 1983, memorandum, "Section 107 Designation Policy Summary" from Sheldon Meyers, Director, Office of Air Quality Planning and Standards. Accordingly, SO_2 redesignations must be supported by:

(a) Ambient monitoring data showing no violations over the most recent consecutive eight quarters (or four quarters if actual, commensurate, enforceable, concurrent emission reductions have also occurred).

(b) A USEPA reference modeled attainment demonstration at the SIP allowable emission limitations.

(c) Certification of compliance with the SIP limits based on the federally approved test methods.

On December 14, 1982, OEPA requested USEPA to designate all areas currently classified as nonattainment for SO_2 in Ohio to full attainment. This request was based on available ambient air quality data which have shown no violations since at least January 1980.

On July 17, 1984 (49 FR 28888), USEPA proposed the following action on the State's request. (1) USEPA proposed to approve the redesignation for Columbiana and portions of Summit County (northwest corner [1]; (2) USEPA proposed to deny the redesignation of Clermont, Coshocton, Cuyahoga, Lake, Lorain, Morgan, Washington, and portions of Summit County (central area); and (3) USEPA proposed to take no action on the redesignation for Gallia, Lucas, and Jefferson Counties for the reasons that the U.S. Court of Appeals of the District of Columbia, on October 11, 1983, ordered USEPA to reconsider portions of its "stack height" regulations for stationary sources and these counties include sources which could be affected by this remand. In today's notice, USEPA is taking final action as discussed above with the exception of the following: (1) USEPA is addressing Clermont County in a separate **Federal Register** notice and (2) USEPA is taking no action at this time on the redesignation of portions of Summit County (center area) [2], Coshocton and Lake Counties.

[1] Entire area northwest of the following lines—Route 80 east to Route 91. Route 91 north to the county line.

[2] Area bounded by the following lines: North—Bath Road (48) east to Route 8, Route 8 north to Barlow Road, Barlow Road east to the county line, East Summit/Portage County line, South—Interstate 76 to Route 93, Route 93 south to Route 619, Route 619 east to the county line, West—Summit/Medina county line.

Public Comments

During the public comment period, comments were submitted by OEPA, the City of Cleveland, Division of Air Pollution Control, and several Ohio utilities. These comments and USEPA's response are summarized below.

I. Stack Heights

1. *Comments:* Revisions to USEPA's Stack Height Rules are irrelevant to attainment status designations. Section 107 of the Clean Air Act deals only with actual air quality, while section 123 of the Clean Air Act, dealing with stack heights of stationary sources, does not.

Response: Section 123 of the Clean Air Act indicates that the degree of emission limitation required for control of any air pollutant under a SIP shall not be affected by so much of the stack height of any source that exceeds good engineering practice (GEP) as determined in accordance with regulations promulgated by USEPA. USEPA's policy on section 107 designations of attainment has always required compliance with section 123 of the Clean Air Act. Specifically, areas (which are attaining the SO_2 NAAQS) cannot be designated as attainment if the NAAQS are being met solely or partially through the use of unauthorized dispersion techniques, such as a stack of greater than GEP height (see "Attainment/Nonattainment Status Designations", January 3, 1978, memorandum; 43 FR 8962, March 3, 1978; 43 FR 45993, October 5, 1978; and "Section 107 Designation Policy Summary", April 21, 1983, memorandum). This view is based on section 171(2) of the Act, 42 U.S.C. section 7501(2), which provides that a "nonattainment area" is any area "which is shown by monitored data or *which is calculated by air quality modeling* . . . to exceed any National Ambient Air Quality Standard. . . ." (Emphasis added.)

On July 8, 1985 (50 FR 27892), USEPA promulgated revised stack height regulations in response to the recent Court decision *(Sierra Club vs. USEPA,* 719 F.2d 436 (D.C. Cir. 1983), *cert. den.* 52 U.S.L.W. 3929 (U.S., July 2, 1984). Pursuant to these regulations, Ohio is required to review the SIP and submit SIP revisions made necessary by the stack height rules. Since Ohio is still in the process of performing this review, USEPA believes it is reasonable to temporarily postpone action on Ohio's request for all areas potentially affected by the stack height regulations. During the public comment period, OEPA agreed with USEPA's action to postpone rulemaking for the affected counties. Consequently, we will continue to take no action on the redesignation request for Gallia, Lucas, and Jefferson Counties.

The notice of proposed rulemaking also mentioned that some other counties (i.e., Lake and Coshocton) were also affected by the Court decision but could not be approved for other reasons (i.e., lack of compliance certification). For Lake County, no compliance data were provided for CEI Eastlake, the major source in the nonattainment area. For Coshocton County, acceptable compliance data were provided for Units 1–4 at C&SOE Conesville, but no such data were provided for Units 5–6. Consequently, the redesignation requests for these counties are still not approvable. Nevertheless, USEPA is not taking action on the designation of these areas until the stack height issues at Eastlake and Conesville, are resolved.

2. *Comment:* USEPA's decision to delay action on the Gallia and Jefferson Counties' designations ignores specific findings on stack height credit for the Kyger Creek and Cardinal Plants in connection with promulgation of SO_2 emission limitations for the two plants.

Response: The previous GEP stack height determinations for these two plants were based on the February 8, 1982, Stack Height Regulations. The District of Columbia Circuit Court decision discussed above affected not only the February 8, 1982, Regulations themselves, but also related stack height determinations. Furthermore, under the final stack height regulations, the GEP stack height determination would differ from the determinations made using the methods in the 1982 regulations. As

noted previously, USEPA will defer action on Ohio's redesignation request for all affected counties (including these two counties) until Ohio has completed its SIP review pursuant to the stack height regulations.

II. Compliance Certifications

1. *Comment:* Compliance with emission limits should not be a necessary condition for redesignation, since these limits are developed using worst-case assumptions (e.g., maximum allowable emissions and worst-case meteorology), not actual conditions.

Response: According to "Section 107 Designation Policy Summary" (April 21, 1983), the support for an attainment designation must include ". . . evidence of an implemented control strategy that USEPA had fully approved." This is necessary since, in most cases in Ohio, the SO_2 limits provide only for enough control to just meet the NAAQS. Thus, in order to ensure continued attainment, compliance with the emission limit is required. (Note, the use of modeling for designation purposes is an established part of USEPA's designation policy (see the April 21, 1983, memorandum) and has been upheld by the courts (for example, in the Summit County remand case, in *PPG Industries, Inc., v. Costle,* 630 F.2d 462, 464 (6th Cir. 1980), and more recently in *Wisconsin Electric Power Company vs. Costle,* 715 F.2d 323, 329–331 (7th Cir. 1983)).

2. *Comment:* USEPA must honor its commitment to the Sixth Circuit Court in *Columbus and Southern Ohio Electric Company vs. Costle,* 638 F.2d 910 (6th Cir. 1980) that, once compliance is achieved, the nonattainment areas will be redesignated attainment, on the basis that compliance with limits shown to ensure attainment and maintenance is sufficient to redesignate.

Response: USEPA will redesignate the area to attainment provided that there is both an existing valid attainment demonstration and a certification of source compliance with the modeled SIP emission limits. As indicated above, for certain counties, USEPA is not sure that the current attainment demonstration will continue to be valid, because of uncertainty about how the stack height requirements will affect the demonstration.

3. *Comment:* All sources in Cuyahoga County are either in compliance with the SIP or have closed. Since the SIP limits have been demonstrated to ensure attainment of the NAAQS, compliance with these limits is a sufficient basis for redesignating the county to attainment.

Response: The SIP regulations for some sources cited by the commentor are, in fact, the State rules which have not been approved as part of the Ohio SIP and, thus, are not enforceable by USEPA. As noted previously, USEPA's enforceability of the emission limits in the approved SIP is a necessary condition. Thus, the Commentor's claim does not support redesignating the county to full attainment.

4. *Comment:* The July 17, 1984, **Federal Register** and Technical Support Document (TSD) do not clearly state what data is missing for what sources and in which counties the sources are located.

Response: The sources for which USEPA has no data indicating compliance were identified in Attachment 1 of the TSD. Note, in Ohio's August 15, 1984, letter, Ohio recognized the need for stack test data from major sources.

5. *Comment:* CG&E submitted results of a recent stack test for its Beckjord Plant and requested Clermont County be designated attainment.

Response: USEPA has reviewed these data and believes that: (a) The stack tests demonstrate compliance with the SIP emission limits for Units 1–4 (1.84 lbs/MMBTU) and Units 5–6 (7.18 lbs/MMBTU), and (b) the coal burned during the tests is representative of the current coal supply. Consequently, these compliance data, together with the modeled attainment demonstration for the SIP limits, and the available monitored data showing no violations support redesignation to full attainment. USEPA is addressing the redesignation of Clermont County in a separate **Federal Register.**

6. *Comment:* In Lake County, a utility claimed that there are currently 10 monitors which show attainment of the NAAQS. Therefore, they felt it is inappropriate to require additional proof by way of emission stack tests. A policy memorandum ("Section 107 Designation Policy") does not support USEPA's action.

Response: No monitored data were provided by the commentor to support their claim of monitored attainment. Even if these data were available, however, the absence of compliance certification data is a sufficient basis for not approving a designation of attainment.

With respect to the use of policy memorandum, USEPA maintain that modeling data for designation purposes is supported by both the Clean Air Act and various court decisions. (See *PPG Industries, Inc. v. Costel,* 630 F.2d 462, 464 (6th Cir., 1980), and *Wisconsin Electric Power Company v. Costle,* 715 F.2d 323, 329–331 (7th Cir. 1983).

7. *Comment:* On October 31, 1984, OEPA submitted some data for U.S. Steel's Lorain Plant which they claimed certified compliance and requested that Lorain County be redesignated to full attainment.

Response: USEPA has reviewed the submitted data and disagrees that it supports redesignation of Lorain County to attainment. First, it is not clear whether the data represent actual operating emissions data or just a restatement of allowable emissions.

Second, the allowable emissions cited in the submittal represent the State's rules, not the current Federal SIP which is different, in some cases, than the State's rules for this plant.

III. Court Remands

1. *Comment:* USEPA's characterization of Summit County as currently carrying a nonattainment designation is erroneous, due to the invalidity of USEPA's original designation as determined by the Sixth Circuit.

USEPA's initial nonattainment designation of Coshocton County (Franklin Township) was set aside by the Sixth Circuit in *Columbus and Southern Ohio Electric Company v. Costle,* 638 F.2d 910 (6th Cir. 1980). Therefore, USEPA, characterization of Franklin Township is carrying a nonattainment designation is erroneous.

If OEPA's requested redesignations to attainment for both Coshocton and Summit are denied, then USEPA should clarify that the current underlying unclassifiable designations will remain in effect.

Response: USEPA acknowledges the remand of the nonattainment designations for central Summit County and Franklin Township, Coshocton County. Contrary to the commentor's claim, however, USEPA believes that these areas currently have no designation for two reasons. First, the court's decision simply remanded the nonattainment designation and did not impose an unclassifiable designation on all SO_2 and TSP areas not designated within 180 days after August 7, 1977. That decision is not applicable here since these two areas were designated (as nonattainment, under section 107(d)(1)(B)) within the necessary timeframe, and the court remand did not purport to convert these counties into 107(d)(4) unclassifiable areas. Thus, USEPA believes the remand both removed any designations from these areas, and directed USEPA to establish supportable designations.

In order to more fully respond to the comments concerning the Court remands, a discussion of USEPA's

actions since the remands and USEPA's intended future actions is necessary.

Summit—On September 30, 1980, PPG Industries, Inc., v. Costle, 630 F.2a the U.S. Court of Appeals, Sixth Circuit 462, 464 (6th Cir–1980), remanded USEPA's designation of nonattainment for central Summit County because USEPA's action was not supported by the administrative record. The Court acknowledges that the designation might remain unchanged (i.e., nonattainment) in light of the Agency's remodeling data, which were available but were not included in the record.

Before USEPA responded to the remand, PPG requested USEPA to designate the Barberton area to full attainment on December 30, 1981. The State formally requested a designation of attainment for the Barberton area on May 17, 1982. On November 23, 1982, in response to both the Court remand and the requests from PPG and Ohio, USEPA proposed the SO_2 nonattainment designation for Summit County. During the public comment period, six commentors requested that the entire county be designated attainment. These comments, however, raised questions about the compliance status of sources in the Akron area. For this reason, USEPA proceeded with action on the Barberton area (Notice of Final Rulemaking was published on September 26, 1984) and deferred action on the remainder of central Summit County. Furthermore, the attainment demonstration for General Tire and Goodyear are affected by the Stack Height Regulations.

On July 17, 1984, USEPA proposed to designate this central Summit County area as primary nonattainment based on the remodeling analysis noted above and the lack of source compliance data. On October 18, 1984, OEPA notified USEPA that it would obtain the necessary compliance data for the major SO_2 sources in the county.

Even if the State provides this information, however, USEPA could still not approve a designation of attainment, at this time, because of the stack height issues. Consequently, USEPA is taking no action on the designation of central Summit County until the stack height issues are resolved.

Coshoton —On September 30, 1980, the U.S. Court of Appeals, Sixth Circuit remanded USEPA's designation of nonattainment for Franklin Township for additional development of the record, especially as it deals with USEPA's use of the "Class A assumption" in its computer modeling of air quality.

On June 29, 1978, the Sixth Circuit remanded to USEPA the use of certain technical assumptions underlying the Agency's modeling for isolated rural power plants, the Pasquill-Gifford (PG) dispersion coefficients for stability Class A. In question were the emission limitations for four Ohio power plants. On June 19, 1980, USEPA published its reconsideration of the Class A issue and responded to numerous public comments. On March 22, 1984, the Sixth Circuit upheld USEPA's decision to employ the PG Class A coefficients, *Ohio Power Company vs. USEPA*, 729 F.2d 1096. Since the Franklin Township remand was tied to USEPA's reconsideration of the Class A issue, the Agency did not proceed with designating the Township while the Class A litigation was still in progress. Even though the Court recently settled the Class A issue, USEPA intends to take no further action on the designation of this area until the stack height issue is resolved.

IV. Regulatory Requirements

1. *Comment:* Inaction on the Gallia and Jefferson Counties designations is inconsistent with USEPA's mandatory duty to promulgate designations within 60 days of submittal.

Response: USEPA disagrees with the commentor's claim that it is required to act on redesignation requests within 60 days. The 60-day deadline in section 107(d)(2) applied to USEPA's action on the State's original list of attainment/nonattainment areas. Section 107(d)(5), which applies to redesignations, specifies no schedule for USEPA action. Furthermore, under the circumstances, USEPA would be forced to disapprove these redesignation requests before final regulations on stack heights were promulgated.

Final Action

Based on available ambient air quality data which have shown no violations in Columbiana and portions of Summit County (northwest corner) in the last several years, and based on modeling data for these areas as well as compliance data, USEPA is designating these areas to attainment for sulfur dioxide. In addition, USEPA is denying the State of Ohio's request for the redesignation of Cuyahoga, Lorain, Morgan and Washington Counties. USEPA is taking no action, at this time, on Ohio's redesignation request for portions of Summit (center area), Coshocton, Lake, Gallia, Lucas, and Jefferson Counties. USEPA is addressing the redesignation of Clermont County in a separate **Federal Register** notice.

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

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 May 18, 1987. (See 307 (b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks.

Dated: February 12, 1987.

Lee M. Thomas,

Administrator.

PART 81—DESCRIPTION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. In § 81.336 the Table for Ohio Sulfur Dioxide is amended by revising Columbiana and Summit Counties as follows, and by revising footnote 2 and 3, and by adding footnote 4 to read as follows:

OHIO—SO_2

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * * * * * *				
Columbiana County				X
Summit County:				
Area bounded by the following lines—North—Interstate 76, East—Route 93, South—Vanderhoof Road, West—Summit County Line.				X

OHIO—SO_2—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Area bounded by the following lines—North—Bath Road (48 east to Route 8, Route 8 north to Barlow Road, Barlow Road east to county line, East—Summit/Portage County line, South Interstate 76 to Route 93, Route 93 south to Route 619, Route 619 east to County line, West—Summit/Medina County line.	(2)	(2)	(2)	(2)
Entire area northwest of the following line Route 80 east to Route 91, Route 91 north the County line.				X[3]
The remainder of Summit County				X[4]

* * * * *

[2] This area remains undesignated at this time as a result of a court remand in *PPG Industries, Inc. vs. Costle,* 630 F.2d 462 (6th Cir. 1980).
[3] This area was affected by the Sixth Circuit Court remand but has since been designated.
[4] The area was not affected by the court remand in *PPG Industries, Inc. vs. Costle,* 630 F.2d 462 (6th Cir. 1980).

[FR Doc. 87-5804 Filed 3-17-87; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[FRL-3168-9]

Tolerance Exemption for N,N-Bis(2-(Omega-Hydroxypolyoxyethylene)Ethyl) Alkylamine; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects a chemical reaction for a listing in 40 CFR 180.1001(d), which was inadvertently introduced in an amendment published in the **Federal Register** of September 18, 1978 (43 FR 41391).

DATE: Effective March 18, 1987.

FOR FURTHER INFORMATION CONTACT: Rosalind Gross, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Registration Support and Emergency Response Branch, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-7700.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 18, 1978 (43 FR 41391), EPA added to 40 CFR 180.1001(d) the entry "*N, N*-Bis 2-(*omega*-hydroxypolyoxyethylene) ethyl alkylamine; the reaction product of 1 mole *N,N*-Bis(2-hydroxyethyl) alkylamine and 3–60 moles of poly(oxyethylene) alkylamine, where the alkyl group (C_8–C_{18}) is derived from coconut, cottonseed, soya, or tallow acids." The reaction "1 mole *N,N*-Bis(2-hydroxyethyl) alkylamine and 3–60 moles of poly(oxyethylene) alkylamine" should have read the reaction product of "1 mole *N,N*-Bis(2-hydroxyethyl) alkylamine and 3–60 moles of ethylamine oxide." The reaction as currently stated in § 180.1001(d) is not chemically possible, as both reactants are ethylated amines. Therefore, the entry is corrected to read as follows:

N,N-Bis(2-(omega-hydroxypolyoxyethylene)ethyl) alkylamine; the reaction product of 1 mole *N,N*-Bis(2-hydroxyethyl) alkylamine and 3–60 moles of ethylene oxide, where the alkyl group (C_8–C_{18}) is derived from coconut, cottonseed, soya, or tallow acids.

This change is nonsubstantive; it merely corrects an inaccurate chemical expression.

Authority: 21 U.S.C. 346a.

Dated: March 4, 1987.

Edwin F. Tinsworth,

Director, Registration Division.

[FR Doc. 87-5574 Filed 3-17-87; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[FRL-3169-1]

Tolerance Exemption for Octyl and Decyl Glucosides Mixture; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule correction.

SUMMARY: This document corrects a typographical error in 40 CFR 180.1001(e), which was inadvertently introduced when an amendment published in the **Federal Register** of September 2, 1975 (40 FR 40161) was incorporated in the 1976 version of the Code of Federal Regulations.

DATE: Effective March 18, 1987.

FOR FURTHER INFORMATION CONTACT: Rosalind Gross, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Registration Support and Emergency Response Branch, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-7700.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 2, 1975 (40 FR 40161), EPA added to 40 CFR 180.1001(e) the entry "Octyl and decyl glucosides mixture with a mixture of octyl and decyl oligosaccharides and related reaction products (primarily *n*-decanol) produced as an aqueous-based liquid (68–72 percent solids) from the reaction of straight chain alcohols (C_8 (45 percent), C_{10} (55 percent)) with anhydrous glucose." In 40 CFR 180.1001(e), revised as of July 1, 1976, the expression "the reaction of straight chain alcohols (C_8 (45 percent), C_{10} (55 percent))" was incorrectly transcribed as "the reaction of straight chain alcohols (C_8 (45 percent), C_{15} (55 percent))", and the incorrect experession has been carried in subsequent editions of the CFR. Therefore, this document corrects "C_{15} (55 percent))", in the expression to read "C_{10}".

Authority: 21 U.S.C. 346a.

Dated: March 4, 1987.

Edwin F. Tinsworth,

Director, Registration Division.

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