

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, Military personnel.

Accordingly, 32 CFR Part 199 is amended as follows:

PART 199—[AMENDED]

1. The authority citation continues to read as follows:

Authority: 10 U.S.C. 1079, 1086; 5 U.S.C. 301.

§ 199.14 [Amended]

2. Section 199.14(f)(1)(i)(B)(2) is revised to read as follows:

(2) The base period shall be a period of 12 calendar months and shall be adjusted at least once a year, unless the Director, OCHAMPUS, determines that a different period for adjustment is appropriate and publishes a notice to that effect in the *Federal Register*. Prior to publishing the final notice, a notice of intent shall have been published, which allowed a 30-day period for public comment on the proposed action.

August 12, 1988.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 88-18603 Filed 8-16-88; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 375

[DoD Directive 5122.5]

Assistant Secretary of Defense (Public Affairs)

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: The position of Assistant Secretary of Defense (Public Affairs), (ASD(PA)), is authorized under the provision of Title 10, United States Code with responsibilities, functions, and authorities as prescribed by the Secretary of Defense. As indicated in the subject Part, the ASD(PA) serves as the principal staff advisor and assistant to the Secretary of Defense for all facets of public information required within the Department of Defense.

This Part has been updated to reflect an organizational change within the Office of the ASD(PA). Based on a recommendation by an Office, Secretary of Defense study team which was required by the Goldwater-Nichols Act of 1986, the Defense Information Services Activity (DISA) was disestablished and its manpower and functions were transferred to the Office of the ASD(PA). This revision reflects the changes in organization and functions.

EFFECTIVE DATE: August 4, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. R. Kennedy, Office of the Director for Administration and Management, Washington, DC 20301-1155, telephone (202) 697-1142.

SUPPLEMENTARY INFORMATION:**List of Subject in 32 CFR Part 375**

Organization and management.

Accordingly, 32 CFR Part 375 is revised to read as follows:

PART 375—ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS)**Sec.**

375.1 Reissuance and purpose.

375.2 Definition.

375.3 Responsibilities.

375.4 Functions.

375.5 Relationships.

375.6 Authorities.

375.7 Effective date.

Authority: 10 U.S.C. 136.

§ 375.1 Reissuance and purpose.

This part:

(a) Revises 32 CFR Part 375 and establishes, pursuant to the authority vested in the Secretary of Defense under 10 U.S.C. 136, one of the positions of Assistant Secretary of Defense as the Assistant Secretary of Defense (Public Affairs) (ASD(PA)), with responsibilities, functions, and authorities as prescribed herein.

(b) Disestablishes the Defense Information Services Activity (DISA) and consolidates its functions into the Office of the Assistant Secretary of Defense (Public Affairs) (OSDA(PA)).

§ 375.2 Definition.

DoD Components. The Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, the Office of the Inspector General of the Department of Defense (OIG, DoD), the Defense Agencies, and the DoD Field Activities.

§ 375.3 Responsibilities.

The Assistant Secretary of Defense (Public Affairs) ASD(PA) shall:

(a) Serve as principal staff advisor and assistant to the Secretary of Defense for DoD public information, internal information, the Freedom of Information act, mandatory declassification review and clearance of DoD information for public release, community relations, information training, and audiovisual matters.

(b) Ensure a free flow of news and information to the media, appropriate forums, the general public, and to the internal audiences of the Armed Forces, limited only by national security

constraints as authorized by E.O. 12356 and statutory mandates.

(c) Act as the releasing agency for DoD information and audiovisual materials to news media representatives. Evaluate news media requests for DoD support and cooperation and determine appropriate level of DoD participation.

§ 375.4 Functions.

The ASD(PA) shall:

(a) For each of the areas of responsibility cited in § 375.3.

(1) Develop policies, plans, and programs in support of DoD objectives and operations.

(2) Monitor evaluate, and develop systems, standards, and procedures for the administration and management of approved policies, plans, and programs.

(3) Issue policy guidance to DoD Components.

(4) As required, participate with the Comptroller of the Department of Defense in planning, programming, and budgeting activities.

(5) Promote coordination, cooperation, and mutual understanding among DoD Components and with other Federal, State, and local agencies and the civilian community.

(6) Serve on boards, committees, and other groups, and represent the Secretary of Defense outside of the Department of Defense.

(b) Conduct security reviews, consistent with E.O. 12356 and DoD Directives 5230.9¹ and 5400.4², of all material prepared for public release and publication originated by the Department of Defense, including testimony before congressional committees, or by its contractors, DoD employees as individuals, and material submitted by sources outside the Department of Defense for such review.

(c) Review for conflict with established DoD and national security policies or programs, official speeches, news releases, photographs, films, and other information originated within the Department of Defense for public release, or similar material submitted for review by other executive agencies of the U.S. Government.

(d) Oversee the provision of news analysis and news clipping services for the OSD, OJCS, and the Military Departments' headquarters.

(e) As required, prepare speeches, public statements, congressional

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, Attn: Code 1062, 5801 Tabor Avenue, Philadelphia, PA 19120

² See footnote 1 to § 375.4(b)

testimony, articles for publication, and other materials for public release by selected DoD and White House officials.

(f) Serve as official point of contact for public and media appearances by DoD officials, and conduct advanced planning and coordination, as required, with private, public, and media organizations for such events.

(g) Receive, analyze, and reply to inquiries regarding DoD policies, programs, or activities that are received from the general public either directly or from other Government Agencies. Prepare and provide to the referring office replies to inquiries from the general public that are forwarded from the Congress and the White House.

(h) Evaluate and approve:

(1) Requests for DoD cooperation in programs involving relations with the public consistent with 32 CFR Parts 237 and 238.

(2) Requests by news media representatives or other non-DoD personnel for travel in military carriers for public affairs purposes.

(i) Establish policy for the Department of Defense Freedom of Information Act Program consistent with 5 U.S.C. 552 and 32 CFR Part 285.

(j) Direct and administer the Freedom of Information Act Program consistent with 32 CFR Part 285 and DoD Instruction 5400.10³ and the access portion of the DoD Privacy Act consistent with DoD Directive 5400.11 for the OSD, OJCS, and other DoD Components as may be assigned.

(k) Direct and administer the Mandatory Declassification Review Program consistent with E.O. 12356 and DoD Directive 5200.1⁴ for the OSD, OJCS, and other DoD Components as may be assigned.

(l) Exercise direction, authority, and control over the American Forces Information Service (AFIS) in accordance with 32 CFR Part 372. The policy and program responsibilities of AFIS include the following:

(1) Management of the DoD Internal Information Program.

(2) Armed Forces Radio and Television Service (AFRTS), consistent with 32 CFR Part 372a.

(3) DoD visual information and audiovisual activities, and joint visual information services, consistent with DoD Directives 5040.2⁵ and 5040.3.⁶

(4) DoD newspapers, including European and Pacific *Stars and Stripes*, and civilian enterprise publications, consistent with 32 CFR Part 297.

(5) DoD periodicals, consistent with 32 CFR Part 248.

(6) American Forces Press and Publications Service (AFPPS).

(7) DoD information training, to include providing policy guidance regarding the Defense Information School, consistent with DoD Directive 5160.48.⁷

(m) Provide DoD assistance to non-Government, entertainment-oriented motion picture, television, and video productions consistent with DoD Instruction 5410.16.⁸

(n) Evaluate and coordinate the DoD response to requests for speakers received by the Department of Defense and, as required, assist in scheduling, programming, and drafting speeches for the participation of qualified personnel.

(o) Perform such other functions as the Secretary of Defense may assign.

§ 375.5 Relationships.

(a) In the performance of assigned duties, the ASD(PA) shall:

(1) Coordinate and exchange information with DoD Components having collateral or related functions.

(2) Use existing facilities and services of the Department of Defense and other Federal Agencies to avoid duplication and achieve maximum efficiency and economy.

(3) Maintain liaison with and provide assistance to the general public, representatives of the news media, and private organizations seeking information relating to the activities of the Department of Defense.

(b) Heads of DoD Components shall coordinate with the ASD(PA) on all matters related to the functions cited in § 375.4.

§ 375.6 Authorities.

The ASD(PA) is hereby delegated authority to:

(a) Issue DoD Instructions, publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M, which carry out policies approved by the Secretary of Defense in assigned fields of responsibility. Instructions to the Military Departments shall be issued through the Secretaries of those Departments, or their designees. Instructions to Unified and Specified Commands regarding public affairs matters shall be issued directly to the Commanders of the Unified and Specified Commands. Instructions that

have operational implications shall be coordinated with the Chairman, Joint Chiefs of Staff (CJCS), consistent with DoD Directive 5105.35.⁹

(b) Obtain reports, information, advice, and assistance, consistent with the policies and criteria of DoD Directive 7750.5,¹⁰ as necessary.

(c) Communicate directly with DoD Components. The channel of communications with the Unified and Specified Commands regarding public affairs matters shall be between the ASD(PA) and the Commanders of the Unified and Specified Commands. Communications that have operational implications shall be coordinated with the CJCS consistent with DoD Directive 5105.35.

(d) Communicate with other Government Agencies, representatives of the legislative branch, and members of the public.

(e) Establish arrangements for DoD participation in those non-DoD Government programs for which the ASD(PA) has been assigned primary staff cognizance.

(f) Act as the sole agent at the Seat of Government for the release of official DoD information for dissemination through any form of public information media.

(g) Establish accreditation criteria and serve as the approving and issuing authority for credentials for news gathering media representatives traveling in connection with coverage of official DoD activities.

(h) Approve military participation in public exhibitions, demonstrations, and ceremonies of national or international significance.

(i) In the absence of a known DoD originator of classified information, declassify official information submitted for security review, mandatory declassification review, and in response to Freedom of Information Act actions.

§ 375.7 Effective date.

This part is effective August 4, 1988.

Linda M. Bynum,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

August 12, 1988.

[FR Doc. 88-18562 Filed 8-16-88; 8:45 am]

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³ See footnote 1 to § 375.4(b).

⁴ See footnote 1 to § 375.4(b).

⁵ See footnote 1 to § 375.4(b).

⁶ See footnote 1 to § 375.4(b).

⁷ See footnote 1 to § 375.4(b).

⁸ See footnote 1 to § 375.4(b).

⁹ See footnote 1 to § 375.4(b).

¹⁰ See footnote 1 to § 375.4(b).

ENVIRONMENTAL PROTECTION AGENCY**40 CFR PART 52**

[FRL-3425-9; KY-046]

Approval And Promulgation of Implementation Plans; Kentucky: Opacity Variance for TVA's Paradise Steam Plant**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: EPA today approves an opacity variance for boiler Units 1 and 2 at Tennessee Valley Authority's (TVA's) Paradise Steam Plant. This variance was submitted by the Kentucky Natural Resources and Environmental Protection Cabinet (NREPC) on August 6, 1986. The opacity limitations approved for Units 1 and 2 are 61 percent and 50 percent, respectively. Testing under procedures agreed to by EPA and the Commonwealth of Kentucky has confirmed that both units can demonstrate compliance with the 0.11 pounds per million BTU (lbs/mm BTU) particulate emission limitation when the current 20 percent opacity standard of Regulation 401 KAR 61.015, Section 4(2), is exceeded. Today's approval makes the relaxed opacity limits federally enforceable.

DATES: This rule will become effective on September 16, 1988.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations.

U.S. Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Natural Resources and Environmental Protection Cabinet, Division of Air Pollution Control, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

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

FOR FURTHER INFORMATION CONTACT: Pamela E. Adams of the EPA Air Programs Branch at the above address, telephone (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: On August 6, 1986, Kentucky submitted to EPA a request for an opacity variance for Units 1 and 2 at TVA's Paradise Steam Plant in Muhlenberg County, Kentucky. This request was made in the form of a State Implementation Plan (SIP) revision so that the revised opacity

limits will be federally enforceable, and EPA will not enforce the limitations contained in Regulation 401 KAR 61.015. Opportunity for public participation and input relevant to this request was provided through a public hearing conducted on May 13, 1985, at the Capital Plaza Tower in Frankfort, Kentucky. Kentucky is requesting this opacity variance in accordance with the provisions of Regulation 401 KAR 50.055, Section 2(6). EPA proposed to approve this variance on August 24, 1987 (52 FR 31791). No comments were received in response to that proposal.

When boiler Units 1 and 2 are operated at normal full load with all associated emission control equipment optimized, TVA's Paradise Steam Plant is capable of complying with the 0.11 lbs/mmBTU particulate emission limitation but incapable of complying with the 20 percent opacity limitation of Regulation 401 KAR 61.015, Section 4(2), using EPA's Method 9. The TVA attributes the high opacity readings from Units 1 and 2 to nitrogen oxide (NO_x) formation associated with the boiler units rather than to particulate emissions.

Paradise Units 1 and 2 are identical crushed coal, cyclone-fired boilers. Due to the higher temperatures in the cyclones, these boilers produce twice as much NO_x as conventional pulverized coal-fired boilers. Units 1 and 2 are each equipped with an electrostatic precipitator and a wet limestone scrubber for emission control. The temperature of the flue gas leaving the scrubbers is reduced by approximately 125 degrees. Furthermore, oxygen is available within the scrubber units due to leakage and the addition of oxidizing air. These two factors result in more rapid conversion of nitrogen oxide to nitrogen dioxide (NO₂). Since NO₂ is a visible, brownish colored gas, TVA attributes the high opacity readings from Units 1 and 2 to this NO₂. Supporting this claim, TVA explains that Paradise Unit 3, which operates without a scrubber, does not produce high opacity emissions as do Units 1 and 2. In order to meet the requirements of Kentucky Regulation 401 KAR 50.055, Section 2(6), and establish the basis for an alternate opacity standard for Units 1 and 2, testing was conducted using procedures that were established in a "Compliance Test Protocol" mutually agreed upon by EPA and the Commonwealth of Kentucky.

On October 30 and 31, 1984, particulate stack tests were conducted on Unit 1 at the Paradise Steam Plant. Similar tests were conducted on Unit 2 at the plant on November 7 and 9, 1984.

The operating modes and testing procedures are discussed in detail in the Federal Register notice proposing approval of this opacity variance (52 FR 31791) and will not be repeated here. Testing determined the particulate emissions, visual opacity, and in-stack monitor opacity of boiler Units 1 and 2. Testing was performed by the Test and Performance Section of TVA. The tests were observed by representatives of the Kentucky Division of Air Pollution Control (KDAPC). Representatives of the Environmental Protection Agency observed the Unit 1 test.

Testing procedures were followed acceptably by TVA personnel, and the isokinetics for all six runs were within the acceptable range of 0.90 to 1.10. Results of the stack tests reveal that the actual particulate emission rate for both units was 0.04 lbs/mm BTU during testing. Identical mass particulate emissions from independent but identical units operated identically (optimized for maximum particulate emission control) show that the particulate emissions from Paradise Units 1 and 2 cannot be reduced below the measured 0.04 lb/mm BTU. These particulate emissions comply with the 0.11 lb/mm BTU standard. The Unit 1 average visual opacity reading value was 55 percent. The maximum six minute average reading observed during the stack tests was 61 percent. The in-stack monitor values corresponding to the times of the visual readings averaged 35 percent. The corresponding Unit 2 readings were 40 percent, 50 percent, and 38 percent respectively. For all test runs, the opacities (visual and monitor) exceeded the current 20-percent standard as the units operated under normal full load with all emission control equipment optimized.

The opacity limitations being approved in this notice for Units 1 and 2 of TVA's Paradise Steam Plant are 61 percent and 50 percent, respectively. These limitations were the highest recorded opacities for each unit during emission testing under procedures mutually agreed to by Kentucky and EPA. While EPA is approving these revised opacity limitations, EPA is uncomfortable with opacity variances since many factors can contribute to high opacities in each situation (e.g., NO_x, sulfur oxides, particulate, other sulfates). EPA is currently undertaking a study of high opacity situations and may recommend solutions other than opacity variances in the future.

Final Action: EPA is today finalizing approval of an opacity variance for TVA's Paradise Steam Plant boiler Units 1 and 2. This variance will allow 61

percent opacity according to EPA Method 9 for Unit 1 and 50 percent opacity according to EPA Method 9 for Unit 2. These proposed opacity limitations were the highest recorded for each unit during emission testing conducted with units operating under normal full load with all emission control equipment optimized. Both units can demonstrate compliance with the particulate emission limitation at these opacities.

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 October 17, 1988. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

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

Date: August 1, 1988.

Lee M. Thomas,
Administrator.

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

PART 52—[AMENDED]

Subpart S—Kentucky

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

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

2. Section 52.920 is amended by adding paragraph (c)(54) as follows:

§ 52.920 Identification of plan.

* * *

(c) * * *

(54) An opacity variance for boiler Units 1 and 2 of Tennessee Valley Authority's (TVA's) Paradise Steam Plant, submitted on August 6, 1986, by the Kentucky Natural Resources and Environmental Protection Cabinet.

(i) Incorporation by reference.

(A) Permit No. 0-86-75, for the TVA Paradise Steam Plant, issued by the Kentucky Natural Resources and Environmental Protection Cabinet on July 24, 1986.

(B) Letter of August 6, 1986, from the Kentucky Natural Resources and Environmental Protection Cabinet.

(ii) Other material—none.

[FR Doc. 88-17802 Filed 8-16-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300189A; FRL-3430-7]

Montmorillonite-Type Clay Treated With Polytetrafluoroethylene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts montmorillonite-type clay treated with polytetrafluoroethylene (PTFE; CAS Reg. No. 9002-84-0) from the requirement of a tolerance when used as an inert ingredient (carrier) in pesticide formulations applied to growing crops or raw agricultural commodities after harvest. This regulation was requested by Jellinek, Schwartz, Connolly, and Freshman, Inc., on behalf of Edward Lowe Industries, Inc.

EFFECTIVE DATE: Effective on August 17, 1988.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Kerry B. Leifer, Registration Support and Emergency Response Branch, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Office location and telephone number: Room 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-557-7700.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the Federal Register of June 22, 1988 (53 FR 23421), which announced that Jellinek, Schwartz, Connolly, and Freshman, Inc., on behalf of Edward Lowe Industries, Inc., had requested that 40 CFR 180.1001 be amended by establishing an exemption from the requirement of a tolerance for montmorillonite-type clay treated with polytetrafluoroethylene when used as a carrier in pesticide formulations applied to growing crops and raw agricultural commodities after harvest.

Inert ingredients are ingredients that are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and

diatomaceous earth; thickeners such as carageenan and modified cellulose; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

EPA has initiated new review procedures for tolerance exemptions for inert ingredients. Under these procedures the Agency conducts a review of the data base supporting any prior clearances, the data available in the scientific literature, and any other relevant data. Based on a review of such data, the Agency has determined that no additional test data will be required to support this regulation.

Based on the above information and review of its use, it has been found that when used in accordance with good agricultural practices this ingredient is useful and does not pose a hazard to humans or the environment. In conclusion, the Agency has determined that the amendment to 40 CFR Part 180 will protect the public health. Therefore, the regulation is being established as set forth below.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the grounds for the objections. A hearing will be granted if the provisions of the regulation deemed objectionable and the objections are supported by grounds legally sufficient to justify the relief sought.

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

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: August 5, 1988.

Douglas D. Campt,
Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

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