partner would otherwise be considered to bear for such liability by reason of any obligation undertaken or interest as a creditor acquired prior to January 30, 1989 by a person related to such partner (within the meaning of § 1.752–1T(h)). For purposes of the preceding sentence, if a related person undertakes an obligation or acquires an interest as a creditor on or after January 30, 1989 pursuant to a written binding contract in effect prior to January 30, 1989 and at all times thereafter, such obligation or interest as a creditor shall be treated as if it were undertaken or acquired prior to January 30, 1989.

(*3*) *Transition rule for pre-March 1, 1984 partner nonrecourse debt.* If a partnership liability would, but for this paragraph (b)(4)(iv)(*m*)(*3*), constitute a partner nonrecourse debt and such liability constitutes grandfathered partner debt that is appropriately treated as a nonrecourse liability of the partnership under § 1.752–1 (as in effect prior to December 29, 1988)—

(*i*) Such liability shall, notwithstanding paragraph (b)(4)(iv) (*h*) and (*k*) of this section and § 1.704–1(b)(4)(iv), be treated as a nonrecourse liability of the partnership for purposes of this paragraph (b)(4)(iv) and for purposes of § 1.704–1(b)(4)(iv) to the extent of the amount, if any, by which the smallest outstanding balance of such liability during the period beginning at the end of the first partnership taxable year ending on or after December 31, 1986 and ending at the time of any determination under this paragraph (b)(4)(iv)(*m*)(*3*)(*i*) exceeds the aggregate amount of the adjusted basis (or book value) of partnership property that is allocable to such liability (determined in accordance with § 1.704–1(b)(4)(iv)(*c*) (*1*) and (*2*)) at the end of the first partnership taxable year ending on or after December 31, 1986); and

(*ii*) In applying this paragraph (b)(4)(iv) to such liability, paragraph (b)(4)(iv)(*c*) of this section shall be applied as if all of the adjusted basis of partnership property that is allocable to such liability is allocable to the portion of such liability that is treated as a partner nonrecourse debt and as if none of the adjusted basis of partnership property that is allocable to such liability is allocable to the portion of such liability that is treated as a nonrecourse liability under this paragraph (b)(4)(iv)(*m*)(*3*).

For purposes of the preceding sentence, a grandfathered partner debt is any partnership liability that is not subject to §§ 1.752–1T, –2T, and –3T but which would have been subject to those sections under § 1.752–4T(b) if such liability had arisen (other than pursuant to a written binding contract) on or after March 1, 1984. A partnership liability shall not be considered to be subject to §§ 1.752–1T, –2T, and –3T solely because a portion of such liability is treated as a liability to which such sections apply under § 1.752–4T(e).

* * * * *

5. Paragraph (b)(4)(iv)(*m*)(*4*) (as redesignated by this Treasury Decision) is amended by removing from the third sentence the reference to "paragraph (b)(4)(iv)(*m*)(*2*)" and by adding in its place the reference to "paragraph (b)(4)(iv)(*m*)(*4*)".

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 it 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.

Approved: October 27, 1989.

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 89–27106 Filed 11–20–89; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 621

Loan and Sale of Property

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Army announces a revision of the regulatory provisions granting the National Rifle Association exclusive purchase rights to M–1 (Garand) semiautomatic rifles. This revision is implemented at direction of the U.S. District Court decision of *Gavett* v. *Alexander*, issued on September 4, 1979 by Judge Harold Green. The decision struck down 10 U.S.C. 4308(a)(5), which directed the Department of the Army to sell firearms at cost to members of the National Rifle Association, on the grounds that it was a violation of the Constitution. This revision is reflected in Army Regulation 725–1, Special Authorization and Procedures for Issues Sales and Loans. 32 CFR part 621 was never revised.

EFFECTIVE DATE: December 21, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Kris Keydel, Supply Policy Branch, DALO–SMP–S, Washington, DC 20310–0546, (202) 697–6355.

Executive Order 12291

This final rule has been reviewed under Executive Order 12291 and the Secretary of the Army has classified this action as non-major. The effect of the final rule on the economy will be less than $100 million.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 and the Secretary of the Army has certified that this action does not have a significant impact on a substantial number of small entities.

Paper Reduction Act

This final rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

List of Subjects in 32 CFR Part 621

Loan and sale of property.

Kenneth L. Denton,

Alternate Army Liaison Officer With the Federal Register.

In 32 CFR Ch. V, subchapter H, part 621 is amended as follows:

PART 621—LOAN AND SALE OF PROPERTY

1. The authority citation for part 621 continues to read as follows:

Authority: Pub. L. 81–193: 10 U.S.C. secs. 2574, 4308, 4506, 4507, 4627, and 4655; and Pub. L. 92–249.

2. Section 621.2 is amended as set forth below by;

a. Revising paragraphs (e)(1) and (e)(5);

b. Removing paragraph (f)(1);

c. Redesignating paragraphs (f)(2) and (f)(3) as paragraphs (f)(1) and (f)(2) respectively;

d. Revising paragraphs (g)(1) and (h).

§ 621.2 Sales of ordnance property to individuals, non-federal government agencies, institutions, and organizations.

* * * * *

(e)(1) Sales of small arms weapons and ammunition are limited by statute (10 U.S.C. 4308). Such sales will be made in accordance with the provisions of this paragraph and with other rules and regulations approved by the Secretary of the Army.

* * * * *

(5) Approved, non-profit summer camp organizations that are of a civic nature are allowed to purchase from the DCM at cost plus shipping and handling charges, 300 rounds of .22 caliber ammunition for each junior who is participating in a summer camp marksmanship program.

* * * * *

(g)(1) Individuals desiring to purchase National Match Grade M1 service rifles will submit requests to the Director of Civilian Marksmanship, Department of the Army, Washington, DC 20314–0110. The request should contain the name and address of the shooting club with which the purchaser is affiliated and appropriate evidence of status as a competitive marksman.

* * * * *

(h) Marksmanship clubs affiliated with the DCM and individuals who are members of those clubs are authorized to purchase from the Army targets of types not otherwise available from commercial sources. Request for such purchases will be submitted to the Director of Civilian Marksmanship for approval and processing. Individuals who have in the past purchased rifles from the Army under the authority of 10 U.S.C. 4308(a)(5), may purchase spare parts for those rifles if the parts are available. Requests for purchase of spare parts will be submitted to the Director of Civilian Marksmanship for approval. If he/she approves the application, she/he will forward it to ARRCOM for processing. If he/she disapproves the application, she/he will return it to the applicant stating the reasons for disapproval. Current DA transportation security measures for weapons will be applied under procedures contained in paragraphs (d)(1) (i) and (ii) of this section.

* * * * *

[FR Doc. 89–27357 Filed 11–20–89; 8:45 am]
BILLING CODE 3710–08–M

SELECTIVE SERVICE SYSTEM

32 CFR Part 1697

Salary Offset

AGENCY: Selective Service System.

ACTION: Final rule.

SUMMARY: This part sets forth the Selective Service System's policy and procedures which implement 5 U.S.C. 5514 and 5 CFR part 550, Subpart K for the collection by administrative offset of a federal employee's salary with or without his/her consent to satisfy certain debts owed to the Federal government.

EFFECTIVE DATE: November 21, 1989.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, Phone: (202) 724–1167.

SUPPLEMENTARY INFORMATION: This part is not published for public comment because it relates to agency management and personnel matters.

List of Subjects in 32 CFR Part 1697

Administrative practice and procedure, Compensation, Debt collection, Personnel.

Dated: November 15, 1989.

Samuel K. Lessey Jr.,

Director.

Part 1697 is added to chapter XVI of title 32 CFR to read as follows:

PART 1697—SALARY OFFSET

Sec.

Authority: 5 U.S.C. 5514, and 5 CFR Part 550, Subpart K.

§ 1697.1 Purpose and scope.

(a) This regulation provides procedures for the collection by administrative offset of a federal employee's salary without his/her consent to satisfy certain debts owed to the federal government. These regulations apply to all federal employees who owe debts to the Selective Service System and to current employees of the Selective Service System who owe debts to other federal agencies. This regulation does not apply when the employee consents to recovery from his/her current pay account.

(b) This regulation does not apply to debts or claims arising under:

(1) The Internal Revenue Code of 1954, as amended, 26 U.S.C. 1 et seq.;

(2) The Social Security Act, 42 U.S.C. 301 et seq.;

(3) The tariff laws of the United States; or

(4) Any case where a collection of a debt by salary offset is explicitly provided for or prohibited by another statute (e.g., travel advances in 5 U.S.C. 5705 and employee training expenses in 5 U.S.C. 4108).

(c) This regulation does not apply to any adjustment to pay arising out of an employee's selection of coverage or a change in coverage under a federal benefits program requiring periodic deductions from pay if the amount to be recovered was accumulated over four pay periods or less.

(d) This regulation does not preclude the compromise, suspension, or termination of collection action where appropriate under the standards implementing the Federal Claims Collection Act 31 U.S.C. 3711 et seq. 4 CFR Parts 101 through 105 and 45 CFR Part 1177.

(e) This regulation does not preclude an employee from requesting waiver of an overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774 or 32 U.S.C. 716 or in any way questioning the amount or validity of the debt by submitting a subsequent claim to the General Accounting Office. This regulation does not preclude an employee from requesting a waiver pursuant to other statutory provisions applicable to the particular debt being collected.

(f) Matters not addressed in these regulations should be reviewed in accordance with the Federal Claims Collection Standards at 4 CFR 101.1 et seq.

§ 1697.2 Definitions.

For the purposes of the part the following definitions will apply:

"Agency" means an executive agency as is defined at 5 U.S.C. 105 including the U.S. Postal Service and the U.S. Postal Rate Commission; a military department as defined in 5 U.S.C. 102; an agency or court in the judicial branch, including a court as defined in Section 610 of title 28, United States Code, the District Court for the Northern Mariana Islands, and the Judicial Panel on Multidistrict Litigation; an agency of the legislative branch including the U.S. Senate and House of Representatives; and other independent establishments that are entities of the federal government.

"Creditor agency" means the agency to which the debt is owed.

"Debt" means an amount owed to the United States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interests, fines, forfeitures (except those arising under the Uniform Code of Military Justice) and all other similar sources.

"Director" means the Director of Selective Service or his designee.

"Disposable pay" means the amount that remains from an employee's federal pay after required deductions for social security, federal, state or local income tax, health insurance premiums, retirement contributions, life insurance premiums, federal employment taxes, and any other deductions that are required to be withheld by law.

"Employee" means a current employee of an agency, including a current member of the Armed Forces or a Reserve of the Armed Forces (Reserves).

"Hearing official" means an individual responsible for conducting any hearing with respect to the existence or amount of a debt claimed, and who renders a decision on the basis of such hearing. A hearing official may not be under the supervision or control of the Director of Selective Service.

"Paying Agency" means the agency that employs the individual who owes the debt and authorizes the payment of his/her current pay.

"Salary offset" means an administrative offset to collect a debt pursuant to 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his/her consent.

"Waiver" means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by 5 U.S.C. 5584, 10 U.S.C. 2774., 32 U.S.C. 716, 5 U.S.C. 8346(b), or any other law.

§ 1697.3 Applicability.

(a) These regulations are to be followed when:

(1) The Selective Service System is owed a debt by an individual currently employed by another federal agency;

(2) The Selective Service System is owed a debt by an individual who is a current employee of the Selective Service System; or

(3) The Selective Service System employs an individual who owes a debt to another federal agency.

§ 1697.4 Notice requirements.

(a) Deductions shall not be made unless the employee is provided with written notice signed by the Director of the debt at least 30 days before salary offset commences.

(b) The written notice shall contain:

(1) A statement that the debt is owed and an explanation of its nature and amount;

(2) The agency's intention to collect the debt by deducting from the employee's current disposable pay account;

(3) The amount, frequency, proposed beginning date, and duration of the intended deduction(s);

(4) An explanation of interest, penalties, and administrative charges, including a statement that such charges will be assessed unless excused in accordance with the Federal Claims Collection Standards at 4 CFR 101.1 et seq.;

(5) The employee's right to inspect or request and receive a copy of government records relating to the debt;

(6) The opportunity to establish a written schedule for the voluntary repayment of the debt;

(7) The right to a hearing conducted by an impartial hearing official;

(8) The methods and time period for petitioning for hearings;

(9) A statement that the timely filing of a petition for a hearing will stay the commencement of collection proceedings;

(10) A statement that a final decision on the hearing will be issued not later than 60 days after the filing of the petition requesting the hearing unless the employee requests and the hearing official grants a delay in the proceedings;

(11) A statement that any knowingly false or frivolous statements, representations, or evidence may subject the employee to:

(i) Disciplinary procedures appropriate under chapter 75 of title 5, United States Code, Part 752 of title 5, Code of Federal Regulations, or any other applicable statutes or regulations;

(ii) Penalties under the False Claims Act, sections 3729–3731 of title 31, United States Code, or any other applicable statutory authority; or

(iii) Criminal penalties under sections 286, 287, 1001, and 1002 of title 18, United States Code or any other applicable statutory authority.

(12) A statement of other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made; and

(13) Unless there are contractual or statutory provisions to the contrary, a statement that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee.

§ 1697.5 Hearing.

(a) *Request for hearing.* (1) An employee must file a petition for a hearing in accordance with the instructions outlined in the agency's notice to offset. (2) A hearing may be requested by filing a written petition addressed to the Director of Selective Service stating why the employee disputes the existence or amount of the debt. The petition for a hearing must be received by the Director no later than fifteen (15) calendar days after the date of the notice to offset unless the employee can show good cause for failing to meet the deadline date.

(b) *Hearing procedures.* (1) The hearing will be presided over by an impartial hearing official. (2) The hearing shall conform to procedures contained in the Federal Claims Collection Standards 4 CFR 102.3(c). The burden shall be on the employee to demonstrate that the existence or the amount of the debt is in error.

§ 1697.6 Written decision.

(a) The hearing official shall issue a written opinion no later than 60 days after the hearing.

(b) The written opinion will include: a statement of the facts presented to demonstrate the nature and origin of the alleged debt; the hearing official's analysis, findings and conclusions; the amount and validity of the debt, and the repayment schedule, if applicable.

§ 1697.7 Coordinating offset with another federal agency.

(a) *The Selective Service System as the creditor agency.* (1) When the Director determines that an employee of a federal agency owes a delinquent debt to the Selective Service System, the Director shall as appropriate:

(i) Arrange for a hearing upon the proper petitioning by the employee;

(ii) Certify in writing to the paying agency that the employee owes the debt, the amount and basis of the debt, the date on which payment is due, the date the government's right to collect the debt accrued, and that Selective Service System regulations for salary offset have been approved by the Office of Personnel Management;

(iii) If collection must be made in installments, the Director must advise the paying agency of the amount or percentage of disposable pay to be collected in each installment;

(iv) Advise the paying agency of the actions taken under 5 U.S.C. 5514(b) and provide the dates on which action was taken unless the employee has consented to salary offset in writing or signed a statement acknowledging receipt of procedures required by law. The written consent or acknowledgement must be sent to the paying agency;

(v) If the employee is in the process of separating, the Selective Service System

must submit its debt claim to the paying agency as provided in this part. The paying agency must certify any amounts already collected, notify the employee and send a copy of the certification and notice of the employee's separation to the creditor agency. If the creditor agency is aware that the employee is entitled to Civil Service Retirement and Disability Fund or similar payments, it must certify to the agency responsible for making such payments the amount of the debt and that the provisions of this part have been followed; and

(vi) If the employee has already separated and all payments due from the paying agency have been paid, the Director may request, unless otherwise prohibited, that money payable to the employee from the Civil Service Retirement and Disability Fund or other similar funds be collected by administrative offset as provided under 5 CFR 831.1801 or other provisions of law or regulation.

(b) *The Selective Service System as the paying agency.* (1) Upon receipt of a properly certified debt claim from another agency, deductions will be scheduled to begin at the next established pay interval. The employee must receive written notice that the Selective Service System has received a certified debt claim from the creditor agency, the amount of the debt, the date salary offset will begin, and the amount of the deduction(s). The Selective Service System shall not review the merits of the creditor agency's determination of the validity or the amount of the certified claim. (2) If the employee transfers to another agency after the creditor agency has submitted its debt claim to the Selective Service System and before the debt is collected completely, the Selective Service System must certify the total amount collected. One copy of the certification must be furnished to the employee. A copy must be furnished the creditor agency with notice of the employee's transfer.

§ 1697.8 Procedures for salary offset.

(a) Deductions to liquidate an employee's debt will be by the method and in the amount stated in the Director's notice of intention to offset as provided in § 1697.4. Debts will be collected in one lump sum where possible. If the employee is financially unable to pay in one lum sum, collection must be made in installments.

(b) Debts will be collected by deduction at officially established pay intervals from an employee's current pay account unless alternative arrangements for repayment are made with the approval of the Director.

(c) Installment deductions will be made over a period not greater than the anticipated period of employment. The size of installment deductions must bear a reasonable relationship to the size of the debt and the employee's ability to pay. The deduction for the pay intervals for any period must not exceed 15% of disposable pay unless the employee has agreed in writing to a deduction of a greater amount.

(d) Unliquidated debts may be offset against any financial payment due to a separated employee including but not limited to final salary or leave payment in accordance with 31 U.S.C. 3716.

§ 1697.9 Refunds.

(a) The Selective Service System will refund promptly any amounts deducted to satisfy debts owed to the Selective Service System when the debt is waived, found not owed to the Selective Service System, or when directed by an administrative or judicial order.

(b) The creditor agency will promptly return any amounts deducted by the Selective Service System to satisfy debts owed to the creditor agency when the debt is waived, found not owed, or when directed by an administrative or judicial order.

(c) Unless required by law, refunds under this subsection shall not bear interest.

§ 1697.10 Statute of Limitations.

If a debt has been outstanding for more than 10 years after the agency's right to collect the debt first accrued, the agency may not collect by salary offset unless facts material to the government's right to collect were not known and could not reasonably have been known by the official or officials who were charged with the responsibility for discovery and collection of such debts.

§ 1697.11 Non-waiver of rights.

An employee's involuntary payment of all or any part of a debt collected under these regulations will not be construed as a waiver of any rights that employee may have under 5 U.S.C. 5514 or any other provision of contract or law unless there are statutes or contract(s) to the contrary.

§ 1697.12 Interest, penalties, and administrative costs.

Charges may be assessed for interest, penalties, and administrative costs in accordance with the Federal Claims Collection Standards, 4 CFR 102.13

[FR Doc. 89-27256 Filed 11-20-89; 8:45 am]

BILLING CODE 8015-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FL-027; FRL-3682-1]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants in Florida; Total Reduced Sulfur (TRS) From Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA approved Florida's 111(d) plan for the control of total reduced sulfur (TRS) emission from Kraft Pulp Mills on August 10, 1988 (53 FR 30051). Final compliance for most TRS sources was due on May 12, 1989. Florida is extending the compliance date for Container Corporation of America, Fernandina Beach, Florida to June 1, 1990. EPA concurs with Florida that the extension is justified and is hereby approving the extended compliance schedule as a SIP revision.

DATE: This action will be effective January 22, 1990 unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Copies of the document relevant to this action are available for public inspection at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland St. N.E., Atlanta, Georgia 30365

Florida Bureau of Air Quality Management, Twin Towers Office Bldg., 2600 Blair Stone Road, Tallahassee, Florida 32301

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

FOR FURTHER INFORMATION CONTACT: R. Douglas Neeley, EPA Region IV, Air Programs Branch at above listed address and telephone numbers 404-347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: In accordance with section 111 of the Clean Air Act, "Standards of Performance for New Stationary Sources," EPA has promulgated standards of performance for criteria pollutants (those for which National Ambient Air Quality Standards have been published) and noncriteria pollutants. The standards apply to "new" sources (i.e., new, modified, or

reconstructed sources) which commenced construction after the date on which EPA proposed standards for that particular source category.

A source in existence prior to the date on which EPA proposed new source performance standards for that particular source category is defined as an "existing source." Paragraph (d) of section 111 of the Clean Air Act requires states to develop plans for the control of emissions of the same non-criteria, or designated, pollutants from such "existing" sources. The requirements for such plans are set forth in subpart B of 40 CFR part 60 (November 17, 1975; 40 FR 53346). Since total reduced sulfur (TRS) is a designated pollutant, regulated under section 111(d) of the CAA, states are required to develop section 111(d) plans for the control of TRS emissions from existing kraft pulp mills contained in the state.

The Florida Department of Environmental Regulations (FDER) submitted its section 111(d) plan for control of TRS emissions from kraft pulp mills and tall oil plants on May 24, 1985. This submittal contained certification that adoption of the plan had been preceded by adequate notice and public hearing.

The plan as submitted contained all the elements needed for an approvable section 111(d) plan pursuant to 40 CFR part 60, subpart B (Adoption and Submittal of State Plans for Designated Facilities), and the guideline document. This plan submittal included: regulations establishing emission standards for all affected sources along with the adoption of necessary definitions; regulations establishing the procedures for the development of individual source compliance schedules to include increments of progress; regulations establishing test methods and procedures for determining compliance with the emission standards; an emission inventory of all designated facilities; regulations establishing procedures for monitoring the status of compliance with emission standards through record-keeping, periodic inspections, and testing; and documentation that the State had legal authority to carry out the plan.

EPA approved the plan on August 10, 1988 (53 FR 30051). As part of that plan, final compliance for digester systems, multiple effect evaporation systems, condensate stripper systems, smelt dissolving tank vents, tall oil plants and combustion devices subject to FDER's Rule 17-2.600(4)(c), FAC was due May 12, 1989. One of the affected sources was Container Corporation of America, Fernandina Beach, Florida, hereinafter referred to as CCA. On March 19, 1987, CCA petitioned the FDER to issue a variance extending the final compliance date for the No. 5 Multiple Effect Evaporator System (MEES), batch digester system and Kamyr digester system to June 1, 1990. CCA presently operates two lime kilns (Nos. 2 and 3). As part of CCA's current modernization program and proposed "TRS conceptual Compliance Plan" submitted to FDER on January 30, 1988, the source elected to replace the two lime kilns with a new lime kiln which will be subject to subpart BB (Standards of Performance for kraft pulp mills) of 40 CFR part 60 (Standards of Performance for New Stationary Sources). The new lime kiln will be subject to a TRS emission standard of 8 ppm corrected to 10% oxygen. The existing lime kilns would have had to meet a 20 ppm standard by volume on a dry basic at standard conditions corrected to 10% oxygen as a 12-hour average.

As part of the "TRS Conceptual Compliance" for CCA, the source also elected to install a TRS noncondensible gas (NCG) handling system for capturing and transporting TRS emissions from the existing No. 5 MEES, batch digester system, and Kamyr continuous digester system, to the new lime kiln (No. 4) for incineration. Since the 2 existing lime kilns will be replaced with the No. 4 lime kiln, CCA felt that it would be redundant and not cost-effective to install and operate a temporary or secondary TRS control system connected to the No. 2 or 3 lime kilns, for the existing No. 5 MEES, batch digester system and Kamyr digester. However, since the proposed new No. 4 lime kiln cannot be constructed and in compliance by May 12, 1989 (the final compliance date for the existing No. 5 MEES, batch digester system and Kamyr digester system), the source requested a variance to extend the final compliance date to June 1, 1990 to allow for completion of construction and start-up of the new No. 4 lime kiln. FDER held a public hearing on March 3, 1988 concerning the variance request and issued the variance on March 17, 1988. FDER then submitted the variance request as a SIP revision to EPA on April 15, 1988.

Final Action

EPA is approving the variance as a SIP revision which extends the final compliance date for the three emission sources at CCA from May 12, 1989 to June 1, 1990.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the officer of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

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 (See 46 FR 8709.)

This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective 60 days from date of this **Federal Register** notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307)b)(1) of the Act, petition for judicial review of this action must be filed in the United States Court of Appeals or the appropriate circuit by January 22, 1990. 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 62

Air pollution control, Inter governmental relations, Paper and paper products industry, Reporting and Recordkeeping requirements.

Dated: November 6, 1989.

Lee A. DeHihns III,

Acting Regional Administrator.

PART 62—[AMENDED]

Part 62 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart K—Florida

1. The authority citation for Part 62 continues to read as follows:

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

2. Section 62.2350 is amended by adding paragraph (b)(4) to read as follows:

§ 62.2350 Identification of plan.

* * * * *

(b) * * *

(4) The final compliance date to achieve TRS emission limits for the No. 5 Multiple Effect Evaporation System, batch digester system and Kamyr digester system for Container Corporation of America in Fernadina Beach, Florida is June 1, 1990.

* * * * *

[FR Doc. 89-27329 Filed 11-20-89; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 799

[OPTS-42103A; FRL 3662-9]
RIN 2070-AB07

C.I. Disperse Blue 79:1; Testing Consent Order

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice announces that EPA has signed an enforceable Testing Consent Order with eight companies who have agreed to perform certain health and environmental effects tests with C.I. Disperse Blue 79:1 (DB-79:1)(CAS No. 3618-72-2). This action is in response to the TSCA Interagency Testing Committee's (ITC) recommendation of this substance for priority testing. EPA also announces its decision not to initiate rulemaking for C.I. Disperse Blue 79 (DB-79)(CAS No. 3956-55-6) and two of its analogs (CAS. Nos. 21429-43-6 and 3618-73-3) for health and environmental effects and chemical fate testing.

EFFECTIVE DATE: November 21, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Rm. EB-44, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Under procedures described in 40 CFR part 790, eight manufacturers of DB-79:1, also known as acetamide, N-5-[bis[2-(acetyloxy)ethyl]amino]-2-[(2-bromo-4,6-dinitrophenyl)azo]-4-methoxyphenyl], have entered into a Testing Consent Order with EPA in which they have agreed to perform certain health and environmental effects tests using DB-79:1. This rule amends subpart C of 40 CFR part 799 to add DB-79:1 to the list of chemical substances and mixtures ("chemicals") subject to Testing Consent Orders for which the export notification requirements of 40 CFR part 707 apply.

I. ITC Recommendations

In its Nineteenth Report to EPA, published in the **Federal Register** of November 14, 1986 (51 FR 41417) the ITC recommended that DB-79 (CAS No. 3956-55-6) be tested for (1) chemical fate (water solubility, and aerobic and anaerobic biodegradation); (2) environmental effects (acute and chronic toxicity to algae, aquatic invertebrates, fish, and benthic organisms, and bioconcentration in fish); and (3) health effects (absorption and chemical disposition, and 90-day subchronic toxicity).

In its Twentieth Report to EPA published in the **Federal Register** of May 20, 1987 (52 FR 19020), the ITC also recommended DB-79:1 (CAS No. 3618-72-2), the chloro/methoxy analog of DB-79 (CAS No. 3618-73-3), and the chloro/ethoxy analog (CAS. No. 21429-43-6), for the same testing as DB-79.

II. Testing Consent Order Negotiation

In the **Federal Register** of October 12, 1988 (53 FR 34786) and in accordance with the procedures established in 40 CFR 790.28, EPA requested persons interested in participating in or monitoring testing negotiations for DB-79:1 to contact EPA. EPA held public meetings on October 26, 1988, November 29, 1988, and January 24, 1989, to discuss testing appropriate for this chemical. On October 20, 1989 EPA and eight companies signed a Testing Consent Order for DB-79:1. The eight companies agreed to conduct or to provide for the conducting of the following studies: (1) subchronic oral toxicity in the rat, (2) sex-linked recessive lethal (SLRL) test in *Drosophila*, (3) developmental toxicity in the rat and rabbit, (4) metabolism in the rat, and (5) a rainbow trout fish partial life-cycle test. These tests are to be conducted by specific dates and according to the test standards and the Appendices of the Consent Order.

A group of companies who comprise the manufacturing and importing industry for DB-79:1 and DB-79 and its two analogs, have reported to EPA through the Ecological and Toxicological Association of Dyestuffs Manufacturing Industry (ETAD) that less than 1,000 pounds of DB-79 and less than 25,000 pounds of the chloro/methoxy analog were produced in 1985 (Ref. 1). The chloro/ethoxy analog was not manufactured or imported in 1985. The aggregated TSCA section 8(a) inventory update information supports this industry estimate (Ref. 2). Therefore, EPA is not initiating rulemaking proceedings for health, environmental, and chemical fate testing of these chemicals because there is little or no production.

However, because analogs of DB-79:1 could be used as substitutes for DB-79:1, EPA will monitor future manufacturing of these chemicals through the section 8(a) TSCA Inventory Update Rule, 40 CFR part 710, published in the **Federal Register** of June 12, 1986 (51 FR 21438), and section 5 TSCA premanufacture notification requirements, to determine whether further testing will be needed.

III. Technical Summary

A. Manufacture and Use

The estimated average annual production from 1980 to 1985 is 2 to 3 million pounds for DB-79:1 and related analogs as active colorants (Ref. 3). ETAD has estimated the current domestic sales market (1985) for DB-79.1 to be 1.8 million pounds of active colorant (Ref. 1). The aggregated TSCA section 8(a) inventory update data for 1987 support this industry estimate (Ref. 2).

Disperse Blue-79:1 and related products are used almost exclusively for dyeing or printing polyester fibers.

B. Human Exposure

1. *Occupational exposure.* Dermal and inhalation/ingestion exposure to DB-79:1 can occur during production, processing, and use of DB-79:1. A maximum of 180 workers (10 to 20 workers at 9 sites) are potentially exposed during production, while a maximum of 66 workers are exposed during processing (3 to 6 workers at 11 sites). In addition, from 1 to 3 dye weighers and 1 to 18 machine operators per site are potentially exposed to DB-79:1 during use according to an EPA engineering analysis of occupational exposure (Ref. 5). If the dye weighers are considered for potential worker exposure at 300 to 400 sites (ETAD estimate), then approximately 900 to 1,200 workers are potentially exposed via both inhalation/ingestion and dermal routes. If the machine operators are included, an additional 7,200 workers are potentially exposed via the dermal route. ETAD agrees that EPA's estimates of the number of workers potentially exposed through use are reasonable (Ref. 1).

The results from a preliminary review of a joint study on the occupational exposure of textile dye color on storeroom workers, conducted by the American Textile Manufacturers Institute (ATMI), EPA, and ETAD, support ETAD's supposition and reports that the average daily level of exposure to dye weighers is 0.09 mg (Ref. 7) and