

writing. They now have been added to the final rule as § 100.510(c).

The regulated area defined by these regulations is the same as the one covered by temporary special local regulations issued annually for years. The Optimist Club Power Boat Regatta generally consists of power boats ranging from 8 to 23 feet long racing around an oval course. Three to twelve boats race at once, at speeds up to 140 miles per hour. The races last for three to four hours and the regulations usually are effective for one hour before and after each series of races.

Economic Assessment and Certification

These regulations are considered non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policy and procedures (44 FR 11034, February 26, 1979). Because closure of the entire waterway is not anticipated and because marine traffic will be allowed to proceed up the Susquehanna River using that portion of the waterway east of Garrett Island, commercial marine traffic will be inconvenienced only slightly. The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the final rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Impact

This final rule has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction (COMDTINST) M16475.1B. A Categorical Exclusion Determination statement has been prepared and has been placed in the final rule docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A new § 100.510 is added to read as follows:

§ 100.510 Susquehanna River, Havre de Grace, Maryland.

(a) *Definitions*—(1) *Regulated area*. The waters of the Susquehanna River west of Garrett Island, bounded on the south by the Conrail Railroad Bridge centered at latitude 39°33'16.5" North, longitude 76°05'07.0" West; and on the north by the B&O Railroad Bridge centered at latitude 39°34'05.0" North, longitude 76°05'20.0" West.

(2) *Coast Guard Patrol Commander*. The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Coast Guard Group Baltimore.

(b) *Special local regulations*. (1) Except for vessels operated by the Susquehanna Optimist Club and participants in the Optimist Club Power Boat Regatta, no person or vessel may enter or remain in the regulated area without the permission of the Coast Guard Patrol Commander.

(2) Spectator vessels may enter and anchor in the special spectator anchorage areas described in paragraph (c) of this section without the permission of the Patrol Commander, if they proceed at a slow no wake speed while in the regulated area.

(3) The operator of any vessel in the immediate vicinity of the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Coast Guard commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any Coast Guard commissioned, warrant, or petty officer.

(c) *Spectator Vessel Anchorage Areas*—(1) *Anchorage Area A*. The waters bounded by a line connecting the following points:

Latitude	Longitude
39°33'28.0" N	76°05'13.0" W
39°33'28.0" N	76°05'16.0" W
39°33'22.5" N	76°05'18.0" W
39°33'19.0" N	76°05'24.0" W
39°33'16.0" N	76°05'24.0" W
39°33'20.0" N	76°05'13.0" W

(2) *Anchorage Area B*: The waters bounded by a line connecting the following points:

Latitude	Longitude
39°33'30.0" N	76°05'13.0" W

39°33'52.0" N	76°05'28.0" W
39°33'51.0" N	76°05'28.0" W
39°33'28.0" N	76°05'18.0" W

(3) *Anchorage Area C*: The waters bounded by a line connecting the following points:

Latitude	Longitude
39°33'52.0" N	76°05'30.0" W
39°34'00.0" N	76°05'30.0" W
39°33'58.0" N	76°05'39.0" W

(d) *Effective period*: The Commander, Fifth Coast Guard District, publishes a notice in the *Federal Register* and the Fifth Coast Guard District Local Notice to Mariners that announces the times and dates this section is in effect.

Dated: March 15, 1988.

A.D. Breed,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 89-6792 Filed 3-23-89; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Second-Class Publications—Requirements for Reentry

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rulemaking amends postal regulations to spell out that the Postal Service may reevaluate a publication's eligibility for second-class postage rates when considering an application to reenter the publication on a different frequency of issuance, at a new office of publication, or under a new title. This change is designed to help prevent the use of the reentry process to mail publications, or issues of publications, at rates of postage for which they are not eligible.

EFFECTIVE DATE: June 18, 1989.

FOR FURTHER INFORMATION CONTACT: Leo F. Raymond, (202) 268-5199.

SUPPLEMENTARY INFORMATION: On August 8, 1988, the Postal Service published a proposed rule to modify the procedures applicable to the reentry of a publication with a new frequency, a new title, or a different office of publication. 53 FR 29748-50. The rule provided for enhanced administrative review of publications which request a modification to their current title, office of original entry, or frequency of issuance to ensure that such amendments will not result in either the publication or some of its "issues" being ineligible for second-class mail privileges. The publication's request for reentry would be approved or denied

based on the findings of the Postal Service's review. If reentry were denied, the publisher would have the option of abandoning the reentry request, or paying for subsequent mailings at another rate of postage for which the publication might qualify while pursuing an appeal of the denial.

The Postal Service received five comments on the proposed rule. Four of the commenters objected to what they perceived to be a needless new second-class verification process that would create substantial new work for the Postal Service and for publishers. Two of these commenters specifically identified other current methods of verification that they believe provide sufficient information to the Postal Service to determine the continued eligibility of second-class publications. These include the marked copy of the publication and the mailing statement submitted to the Postal Service with each second-class mailing, the Postal Service's periodic review of publisher's records, and the annual submission of a publisher's Statement of Ownership, Management and Circulation.

The Postal Service recognizes that these are available methods for verifying compliance with second-class mailing requirements. They each have a particular purpose and use. However, as explained in the proposed rule, the submission of an application for reentry indicates that the publisher is planning to change the publication or its distribution. That change could be minor or it could be sufficient to cause subsequent issues of the publication to be ineligible for mailing at second-class rates. Because of this, the Postal Service continues to believe that the submission of an application for reentry is an occasion that warrants a further inquiry into the publication's second-class eligibility.

The commenters' concerns about this process creating substantial new work for the Postal Service and publishers is based upon an apparent misconception of what the proposed process will require. The review of reentry applications will not automatically require a laborious verification of publisher records. Verification of qualification will be performed only when examination of the reentry application gives the reviewing official reason to believe that verification is warranted. We agree with the commenters that such situations will arise with only a small percentage of applications. Most applications are expected to be granted immediately, or perhaps after a clarifying telephone call.

Two commenters questioned the provision in the proposed rule that

would preclude independent audit bureaus from performing verification of circulation for publications applying for reentry. We will retain this limitation because postal personnel can better conduct the specific verification that might be required because of eligibility questions raised by a reentry application.

One commenter asked why "proposed § 444.44 indicates that all issues or editions of the publication will come under scrutiny." Many second-class publishers now publish multiple editions of some or all of the issues of their publications. Since the characteristics and distribution of editions can vary significantly, § 427.44 provides that the Postal Service may review the various editions of a publication's issues in determining if the publication, as reentered, will meet all second-class requirements. For this reason, we will retain this language in the final rule.

Effective March 19, 1989, chapter 4, Second-Class Mail, of the DMM was reorganized. The regulations adopted in this final rule have been renumbered to be consistent with revised chapter 4. Based on the proposed rule and after careful consideration of the comments received, the Postal Service adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR Part 111.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 5001.

PART 427—REENTRY

2. Revise 427.4 and 427.5 to read as follows:

427.4 Application Review Process.

427.41 Responsibility. The General Manager, Rates and Classification Center (RCC) that serves the known office of publication issues the initial decision on all reentry applications. Before taking action on an application, the General Manager may ask the publisher for additional information or evidence to complete or clarify the application. The publisher's failure to furnish such information is sufficient grounds for denying the application.

427.42 Mailing While Application is Pending. Copies of an authorized second-class publication will be accepted for mailing at the second-class

rates while an application for reentry is pending an initial decision by the General Manager, RCC.

427.43 Review of Continued Qualification. In reviewing a reentry application, the Postal Service will examine the qualification of the publication, as reentered, for second-class entry. Publishers must be able to substantiate, to the satisfaction of the Postal Service, that the publication, as reentered under the application, will continue to comply with all applicable second-class requirements.

427.44 Evidence of Qualification and Supporting Documentation. As part of the evidence of continued qualification that must be made available in support of the application for reentry, the publisher may be required to produce circulation records (such as those described in 425.21 and 425.3) to permit verification by postal personnel that all issues or editions of the publication, as reentered, will comply with all applicable second-class requirements (see also 425.53). Other documentation, including circulation records for other issues or editions, must be made available upon request. Refusal or failure to produce such evidence will be sufficient grounds to deny the reentry request.

427.45 Granting an Application. If the General Manager, RCC, grants the application, he will notify the publisher and the postmaster of the original entry office, who will then notify any additional entry offices.

427.46 Denying an Application. If a verification is performed (as provided by 427.43, 427.44 and 425.53) and it reveals that the publication (as modified by the requested reentry) will not comply with applicable second-class requirements, the General Manager, RCC, will deny the reentry application, and notify the publisher in writing, specifying the reasons for the denial. Within 15 days of receipt of such notice, the publisher may elect to: (1) Return to the publication status that existed before the application for reentry was submitted; or (2) pursue and appeal under 427.5. If no appeal is filed under 427.5, the denial will become effective 15 days from the publisher's receipt of the General Manager's decision.

427.5 Appeal of a Denial Reentry.

427.51 Procedures. All appeals of denials of reentry applications must be filed with the Director, Office of Classification and Rates Administration, USPS Headquarters, Washington, D.C. 20260–5360. The Director may ask the publisher for additional information or evidence to supplement or clarify the

appeal. The publisher's failure to furnish such information is sufficient grounds for denying the appeal. Upon completing a review of the appeal and the General Manager's decision, the Director will issue a written decision which will be sent to the publisher, the RCC and the office of publication. The Director will issue the final agency decision on appeals concerning changes of name, frequency, or known office of publication under 427.1. The Director's decision concerning a change in qualification category under 427.2 may be appealed in accordance with 423.645.

427.52 Mailings Deposited While Appeal is Pending.

427.521 Applicable Rates During Appeal Period. If a publication is denied reentry under 427.1 to change its title, frequency of issuance, or known office of publication, copies of any issues of the publication found to be unqualified for the second-class mail privileges will be accepted in a pending status at the applicable third- or fourth-class rates. "Pending status," for purposes of this section, begins on the date the appeal is filed and continues until the conclusion of the appeal process. If a publication is denied reentry under 427.2 to change its qualification category, copies of the publication will be accepted at the currently applicable second-class rate during the consideration of the appeal.

427.522 Mailing Statements. The publisher must submit Form 3541, *Statement of Mailing—2nd Class Pubs Except Requester Publications* (or as appropriate, Form 3541A, *Statement of Mailing—Second-Class/Requester Publications*), and Form 3602, *Statement of Mailing with Permit Imprints*, with each mailing of the publication submitted in a pending status while the appeal of the denial of reentry is pending. The publisher's failure to submit these forms will be sufficient grounds to deny a refund of postage under 427.523.

427.523 Refunds of Postage. If the reentry application is approved on appeal, the publisher will be refunded the difference between the applicable second-class postage and the third- or fourth-class postage paid during the period that the appeal was pending, provided records to substantiate the amount of the refund have been submitted by the publisher. If the reentry application is denied on appeal, no refund will be provided.

PART 425—MAINTENANCE AND VERIFICATION OF PUBLISHER RECORDS

425.5 Verification Procedures.

3. Amend 425.51 by adding "Except as provided by 425.53," to the beginning of the section.

4. Add a new 425.53 to read as follows:

427.53 Verifications performed in support of an application for reentry must be performed by postal personnel. For such verifications, reports by independent audit bureaus may not be substituted as accepted alternatives to postal verification.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted automatically to subscribers. Notice of issuance of the transmittal letter will be published in the *Federal Register* as provided by 39 CFR 111.3.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 89-7070 Filed 3-23-89; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3541-41]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Reasonably Available Control Technology for New Departure Hyatt

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Connecticut. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions from New Departure Hyatt, Division of General Motors Corporation in Bristol, Connecticut. The intended effect of this action is to approve a source-specific RACT determination made by the State in accordance with commitments made in its Ozone Attainment Plan which was previously approved by EPA on March 21, 1984 (49 FR 10542). This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective 60 days from the date of publication unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Room 2313, Boston, MA 02203; and the Air Compliance Unit, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: David B. Conroy, (617) 565-3252; FTS 835-3252.

SUPPLEMENTARY INFORMATION: On July 28, 1988, the State of Connecticut submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of State Order No. 8023 which the State of Connecticut issued to New Departure Hyatt, Division of General Motors Corporation in Bristol, Connecticut. The provisions of the Connecticut Department of Environmental Protection's (DEP's) State Order define and impose RACT on New Departure as required by subsection 22a-174-20(ee), "Reasonably Available Control Technology for Large Sources," of Connecticut's Regulations for the Abatement of Air Pollution.

Under subsection 22a-174-20(ee), the Connecticut DEP determines and imposes RACT on all stationary sources with the potential to emit one hundred tons per year or more of VOC that are not already subject to RACT under Connecticut's regulations developed pursuant to the control techniques guidelines (CTG) documents. EPA approved this regulation on March 21, 1984 (49 FR 10542) as part of Connecticut's 1982 Ozone Attainment Plan. That approval was granted with the agreement that all source-specific RACT determinations made by the DEP would be submitted to EPA as source-specific SIP revisions.

Summary of RACT Determination

In the past, New Departure Hyatt operated 15 cold, conveyorized parts washers, 11 cold cleaners, 1 cold parts cleaning spray booth, and 4 open-top vapor degreasers. The control of solvent metal cleaning operations in Connecticut is covered under subsection 22a-174-20(f), "Metal cleaning," of Connecticut's regulations. Final approval of this regulation was granted by EPA on February 1, 1984 (49 FR 3986). Under subparagraph 22a-174-20(f)(2)(iii)

of Connecticut's solvent metal cleaning regulation, however, open top vapor degreasers and conveyorized degreasers that were in operation prior to July 1, 1980 are exempt from meeting the control and operating requirements prescribed in subsection 22a-174-20(f). All of New Departure Hyatt's cold, conveyorized parts washers were in operation prior to July 1, 1980 and thus were exempt from meeting RACT under subsection 22a-174-20(f). These cold conveyorized parts washers are now being required to meet RACT pursuant to subsection 22a-174-20(ee).

New Departure Hyatt has converted 11 of its 15 cold, conveyorized parts washers from Amsco Mineral Spirits 66/3 to Mineral Seal Oil, which has a very low volatility (approximately 0.008 mm Hg. at 20 °C) and does not appreciably volatilize under normal operating conditions. As such, the State Order is not requiring any control requirements on these 11 parts washers. The State has accepted this alternative control strategy due to the fact that it achieves greater emissions reductions than the strategy recommended for conveyorized degreasers in the solvent metal cleaning CTG (EPA-450/2-77-022). The State Order does, however, contain requirements for the 11 parts washers in case New Departure Hyatt ever converts any of them back to using a more volatile VOC. The State Order requires New Departure Hyatt to meet the control requirements of subsection 22a-174-20(f) for any parts washer that it converts back to a more volatile VOC on the day it starts production using the more volatile VOC. This requirement is also applicable to the two vapor degreasers that New Departure Hyatt still operates (out of the original four) which presently use an exempt freon.

New Departure Hyatt has removed the remaining 4 cold, conveyorized parts washers from service in early 1988. The State Order requires that these four units remain permanently shutdown.

The remaining solvent metal cleaning operations at New Departure Hyatt (the 11 cold cleaners and the cold parts cleaning spray booth) have always been subject to subsection 22a-174-20(f) of Connecticut's regulations. The State Order, however, imposes additional requirements on the 11 cold parts cleaners and the cold parts cleaning spray booth to increase the stringency of the control requirements imposed on these degreasing units. The control requirements imposed on these units by the State Order, some of which are already contained in subsection 22a-174-20(f) of Connecticut's regulations, are as follows:

(A) For any of the eleven (11) cold cleaners which spray VOC, New Departure Hyatt is required to spray the VOC in a solid fluid stream (not a fine, atomized or shower type spray) at a pressure which does not exceed 10 pounds per square inch as measured at the pump outlet. Additionally, New Departure Hyatt is required to perform all such spraying only within the confines of the cold cleaner. The cold parts cleaning spray booth has been exempted from this requirement due to the stringent cleaning requirements necessary for the bearings cleaned in this unit and the low usage of VOC to perform this operation. This unit is limited by the State Order to using no more than 2 gallons of solvent per day.

(B) New Departure Hyatt is required to store the waste degreasing solvent from the eleven (11) cold cleaners and the cold parts cleaning spray booth only in covered containers and is required to dispose of the waste degreasing solvent in a manner such that no greater than twenty (20) percent of the waste degreasing solvent (by weight) can evaporate into the atmosphere.

(C) New Departure Hyatt is required to have covers for the eleven (11) cold cleaners and the cold parts cleaning spray booth. The covers on these units shall be closed whenever parts are sitting in the solvent for two (2) minutes or longer and when the units are not in use.

(D) New Departure Hyatt is required to drain cleaned parts in the eleven (11) cold cleaners and the cold parts cleaning spray booth for a minimum of fifteen (15) seconds or until dripping ceases, whichever is longer.

(E) New Departure Hyatt is not allowed to operate any parts washer with any visible solvent leak until the leak is repaired; or New Departure Hyatt is required to empty and shut down the parts washer.

(F) New Departure Hyatt is required to provide a permanent, conspicuous label on or posted near each degreaser summarizing the operating requirements presented in the State Order and subsection 22a-174-20(f) of Connecticut's regulations.

(G) New Departure Hyatt is required to wipe up any solvent spilled during the transfer either from the dispensing area or to any parts washer upon occurrence, and is required to store the wipe rags in a closed container until proper disposal.

(H) New Departure Hyatt is required to maintain a solvent temperature below 100°F in every parts cleaner.

(I) New Departure Hyatt is required to minimize the drafts across the top of open cold cleaners such that each cold

cleaner is not exposed to drafts greater than 40 meters/minute, as measured between 1 and 2 meters upwind, and at the same elevation as the tank lip.

Additionally, the State Order contains a requirement for the cold cleaners if any of them are converted to using a VOC with a vapor pressure greater than 33 millimeters of mercury, measured at 100°F. (Presently, all of them use a less volatile solvent.)

That requirement requires New Departure to fit the cold cleaner with one of the following control devices:

(A) A freeboard that gives a freeboard ratio greater than or equal to 0.7; or

(B) A water cover (solvent must be insoluble in and heavier than water); or

(C) Another system of equivalent control, such as a refrigerated chiller or carbon adsorption unit.

Additionally, the State Order requires New Departure to maintain a recordkeeping system of all additions to each cold cleaner and the cold parts cleaning spray booth. Further, New Departure Hyatt is required to maintain a recordkeeping system of all waste VOC that is generated from the cold cleaners and the cold parts cleaning spray booth. With this information, New Departure is required to calculate the VOC emissions from its degreasing operations on a quarterly basis.

New Departure Hyatt also uses five gallon cans containing VOC to dip clean small parts at work benches. The State Order requires that these cans remain covered when not being used or when a part is sitting in the solvent for two minutes or longer.

EPA has reviewed State Order No. 8023 and has determined that the level of control required by this Order represents RACT for New Departure Hyatt.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. 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. If no such comments are received, the public is advised that this action will be effective on May 23, 1989.

Final Action

EPA is approving Connecticut State Order No. 8023 as a revision to the Connecticut SIP. The provisions of State Order No. 8023 define and impose RACT on New Departure to control VOC emissions as required by subsection 22a-174-20(ee) of Connecticut's regulations.

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 48 FR 8709.)

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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 23, 1989. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

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

Date: March 17, 1989.

William K. Reilly,
Administrator.

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

PART 52—[AMENDED]**Subpart H—Connecticut**

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

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

2. Section 52.370 is amended by adding paragraph (c)(46) to read as follows:

§ 52.370 Identification of plan.

* * *

(c) * * *

(46) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on July 26, 1988.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated July 26, 1988 submitting a revision

to the Connecticut State Implementation Plan.

(B) State Order No. 8023 and attached Compliance Timetable for New Departure Hyatt, Division of General Motors Corporation in Bristol, Connecticut. State Order No. 8023 was effective on July 8, 1988.

(ii) Additional materials.

(A) Technical Support Document prepared by the Connecticut Department of Environmental Protection providing a complete description of the reasonably available control technology determination imposed on the facility.

[FR Doc. 89-6871 Filed 3-23-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[FRL-3516-1]

Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of an Exemption for Four Carbon Black Plants From Further Controls on Acetylene Emissions as Required Under Louisiana Air Quality Regulation 22.8

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves a revision to the Louisiana State Implementation Plan (SIP) which exempts four carbon black plants in Louisiana from further controls on acetylene emissions as is required under Louisiana Air Quality Regulation (LAQR) 22.8. The rulemaking is based upon review of a request to revise the Louisiana SIP submitted to EPA by the Governor of Louisiana on January 12, 1987, and an amended proposal submitted on May 13, 1987.

EFFECTIVE DATE: This final rulemaking becomes effective April 24, 1989.

ADDRESSES: Copies of the submittal are available for public inspection during normal business hours at the following offices:

EPA Region VI, 1445 Ross Avenue, Air Programs Branch, Dallas, Texas 75202-2733;

Louisiana Department of Environmental Quality, 625 North 4th, 8th Floor, Baton Rouge, Louisiana 70804-4096; Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Barbara Durso, (214) 655-7214 or FTS 255-7214.

SUPPLEMENTARY INFORMATION: On September 2, 1987, at 52 FR 33250, EPA proposed to approve a revision to the

Louisiana SIP which will exempt four carbon black plants from further controls on acetylene emissions from waste gas streams. The SIP now controls such emissions under LAQR 22.8, the waste gas stream regulation. Although the four carbon black plants combust a portion of their waste gases in existing plant processes (e.g., in dryers), these actions do not meet the requirements of LAQR 22.8.

Since the publication of the notice of proposed rulemaking, EPA has received one letter on this issue during the period of public comment. This letter from the Sid Richardson Carbon and Gasoline Company (Sid Richardson) criticized EPA's proposed approval on a number of points, and the Agency will respond to those remarks here.

Comment: Sid Richardson suggests that the Agency has improperly separated a similar proposed SIP revision affecting its carbon black plant in Addis, Louisiana, from consideration with this SIP revision.

Response: EPA notes that the Sid Richardson plant is in an urban ozone nonattainment area, unlike the four carbon black plants considered in this notice. Three of these plants are in the rural ozone nonattainment parish of St. Mary, and the fourth is in the rural ozone attainment/unclassified parish of Evangeline. Because of the geographical differences, EPA believes that it has correctly considered the Sid Richardson plant in "separate package."

Facilities in urban ozone nonattainment areas are subject to the policy published April 4, 1979, at 44 FR 20372. This policy states that an "ozone SIP must assure reasonable further progress [RFP] and attainment in all nonattainment areas, [but] the SIP need not include a specific demonstration of reasonable further progress and attainment in rural areas." Moreover, this policy separates treatment of urban and rural volatile organic compounds (VOCs) sources, because the Agency believes that demonstration of attainment in all urbanized areas should assure RFP and attainment in rural areas. EPA policy clearly differentiates between urban and rural ozone nonattainment areas and supports the decision to consider the SIP revision for the Sid Richardson plant separately from the other four carbon black plants.

Comment: Sid Richardson contends that its Addis plant qualifies for approval at least as well as the other four carbon black plants, despite its location. First, the plant emits only about 1,500 tons per year of acetylene compared to 21,189 tons per year of acetylene for the other four plants.