

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplanes to a location where the requirements of this AD can be accomplished.

(d) The installation shall be done in accordance with SAAB-Scania Service Bulletin SF340-29-004, Revision 1, dated November 9, 1990, which includes the following list of effective pages:

Page No.	Revision level	Date
1, 2, 4, 5.....	1.....	November 9, 1990.
3.....	(Original).....	September 15, 1988.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC.

(e) This amendment (39-8197), AD 92-07-01, becomes effective on April 28, 1992.

Issued in Renton, Washington, on March 3, 1992.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.

[FR Doc. 92-6744 Filed 3-23-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8345]

RIN 1545-AP49

Arbitrage Restrictions on Tax Exempt Bonds; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary regulations.

SUMMARY: This document contains a correction to the temporary regulations (T.D. 8345), which were published Thursday, April 25, 1991, (56 FR 19023). The regulations relate to the arbitrage rebate requirements applicable to tax exempt bonds issued by States and local

governments under section 103 of the Internal Revenue Code.

EFFECTIVE DATE: April 25, 1991.

FOR FURTHER INFORMATION CONTACT: William P. Cejudo (202) 566-3283 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations amend the Income Tax Regulations (26 CFR part 1) promulgated with respect to sections 103, 148, and 149 of the Internal Revenue Code to simplify, clarify, and expand certain provisions of the temporary and proposed regulations §§ 1.148-0T through 1.148-9T and § 1.149(d)-1T published in the Federal Register for May 15, 1989 (54 FR 20787).

Need for Correction

As published, the temporary regulations contain an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the temporary regulations (T.D. 8345), which was the subject of FR Doc. 91-9559, is corrected as follows:

Paragraph 1. On page 19028, second column, in § 1.148-0T, paragraph (b)(4), line 5 from the top of the column, the language "1991. See § 1.148-1T(d)(3)" is corrected to read "1991. See § 1.149(d)-1T(d)(3)".

Dale D. Goode,

Federal Register Liaison Officer, Assistant
Chief Counsel (Corporate).

[FR Doc. 92-6712 Filed 3-23-92; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 301

[T.D. 8398]

RIN 1545-AN47

Sale of Seized Property; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations (T.D. 8398), which were published Tuesday, March 3, 1992, (57 FR 7545). The final regulations provide guidance relating to requests for the sale of seized property under section 6355(f) of the Internal Revenue Code (the "Code").

EFFECTIVE DATE: April 2, 1992.

FOR FURTHER INFORMATION CONTACT: Kevin B. Connelly, (202) 535-9682 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections amend the Procedure and Administration Regulations (26 CFR part 301) pursuant to section 6335 of the Code.

Need for Correction

As published, the final regulations contain errors which may prove to be misleading and are in need of clarifications.

Correction of Publication

Accordingly, the publication of the final regulations (T.D. 8398), which was the subject of FR Doc. 92-4615, is corrected as follows:

Paragraph 1. On page 7546, column 2, in the third paragraph, line 12, the language "interests of the taxpayer Because of" is corrected to read "interests of the Internal Revenue Service. Because of".

Par 2. On page 7546, column 2, in the third paragraph, line 30, the language "someone with one expertise in the area" is corrected to read "someone with no expertise in the area".

Dale D. Goode,

Federal Register Liaison Officer, Assistant
Chief Counsel (Corporate).

[FR Doc. 92-6711 Filed 3-23-92; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900-AF26

Disability Evaluations for HIV-Related Illnesses

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its rating schedule for evaluation of disabilities caused by the human immunodeficiency virus (HIV). This amendment is necessary because prior provisions in the rating schedule did not adequately address all levels of impairment which may be associated with these disabilities. The amendment reflects current medical knowledge regarding HIV-related diseases and allows more equitable evaluations.

EFFECTIVE DATE: This amendment is effective March 24, 1992.

FOR FURTHER INFORMATION CONTACT: Bob Seavey, Consultant, Regulations Staff, Compensation and Pension

Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to amend 38 CFR part 4 in the *Federal Register* of August 2, 1991 (56 FR 37053). Interested persons were invited to submit written comments, suggestions or objections on or before September 3, 1991. We received comments from the Veterans of Foreign Wars, the American Legion of Colorado, and two private individuals.

One commenter felt that all federal agencies should use the same classification system for HIV-related illnesses, and asked whether VA had considered using the Walter Reed staging classification or the system devised by the Centers for Disease Control (CDC).

VA's rating schedule is primarily a guide in the evaluation of disabilities, with percentage ratings representing average impairment in earning capacity. By law (38 U.S.C. 1155 [formerly 355]), the rating schedule must be constructed so as to provide ten grades of disability. We are aware of the several classification systems for HIV-related illnesses used by other agencies, but those systems were developed principally for medical purposes and are more suited to selecting treatment protocols or designing and evaluating clinical trials than to VA's statutory objective of assessing impairment of earning capacity. Also, those systems are not regulatory; they are subject to change without the notice-and-comment period required for VA regulations. For these reasons, the commenter's suggestion that the VA incorporate one of those classification systems intact into the rating schedule is not a reasonable alternative to the rule as proposed.

The same commenter believes that including depression in the evaluation criteria only at the 10 percent level creates confusion on rating HIV infection when mental illness is one of its manifestations.

As a general rating principle, the practice of evaluating one aspect of a disability under more than one diagnostic code is prohibited by regulation (see 38 CFR 4.14, "Avoidance of pyramiding"). The second Note following the rule as proposed emphasized this principle by stating that central nervous manifestations, opportunistic infections, and neoplasms may be rated separately under appropriate codes if a higher overall evaluation results, but not in combination with percentages otherwise

assignable under the criteria for HIV-related illness. This general rating principle clearly applies to depression of other psychiatric manifestations of HIV-related illness. However, for the sake of clarity and in order to avoid the possibility of confusion which the commenter foresees, we have amended the second Note to specify that psychiatric manifestations may also be rated separately if doing so would be to the veteran's advantage.

The same commenter proposed an alternative rating method relying specifically on the CDC classifications. The commenter would require rating specialists to make a separate assessment of the veteran's functional limitations which would influence the evaluation assigned under the CDC categories.

In order to apply the alternative method recommended, VA would have to include in this regulation both the CDC classifications and a separate table of functional limitations. As previously explained, use of the unmodified CDC classifications is not suited to VA's statutory objectives. The principle of functional impairment is a basic and integral part of all evaluation criteria throughout the rating schedule (See 38 CFR 4.10). To establish a listing of functional limitations apart from the criteria themselves would be inconsistent with the arrangement of the schedule as a whole, and of no discernible advantage to veterans.

Another commenter recommended that the criteria proposed as 0 percent disabling (i.e., asymptomatic HIV infection with or without lymphadenopathy or decreased T4 cell count) should be 10 percent, and that the other levels below 100 percent be increased in percentage to accommodate this change.

VA does not concur. Specifically, this commenter suggested a 10 percent evaluation for HIV infection with either lymphadenopathy and decreased T4 cell count, or for low grade fever with skin rash and extreme fatigue. Since neither lymphadenopathy nor decreased T4 cell count is inherently symptomatic or disabling, they do not, either alone or in combination as the sole manifestation(s) of HIV-related illness, warrant a compensable evaluation. We also note that low grade fever, skin rash, and extreme fatigue would generally qualify for a 10 percent evaluation under this rule as "definite medical symptoms," since it is unlikely they would occur in the absence of a T4 cell count less than 500 and the need for approved medications.

The same commenter suggested that this section of the rating schedule be

titled "systemic and infectious diseases" rather than "systemic conditions" because most of the listed conditions are infectious.

This suggestion is beyond the scope of the current rulemaking, which addresses solely the evaluation of HIV-related illness. Since VA is in the process of systematically reviewing each section of the rating schedule, it would be more appropriate for us to assess the suitability and accuracy of the title when that portion of the rating schedule dealing with systemic diseases is reviewed as a whole.

Another commenter suggested that HIV infections be evaluated solely on the extent of immune system destruction as measured by T4 cell count, and that opportunistic infections or other symptoms should be separately evaluated.

VA does not concur. Rating the clinical stage of a disease and its disabling manifestations separately would be a clear violation of the general rating principle prohibiting "pyramiding," as explained above. The current rule allows rating specialists the flexibility to rate according to the disabling symptoms or the stage of HIV-related illness, whichever is to the claimant's advantage, thereby assuring the greatest permissible evaluation.

Another commenter objected to a statement in the preamble to the proposed rule which included shortened lifespan among the aggregate effects of HIV illnesses, noting that the statutory authority for the rating schedule is limited to "average impairment of earning capacity" (38 U.S.C. 1155).

The commenter's reading of VA's statutory authority to create the rating schedule is generally correct. Shortened lifespan was mentioned in the preamble to the proposed rule as part of the total impact of HIV-related illness, and one of many factors demonstrating the need for a revision of that portion of the schedule. However, we did not mean to indicate that ratings would be based on shortened life expectancy, and in fact shortened life expectancy is not a criterion in the text of the rule.

VA appreciated the comments submitted in response to the proposed rule, which is now adopted with the amendment noted above.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA

beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual impact on the economy of \$100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance numbers are 64.104 and 64.109.

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: February 7, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 4, subpart B is proposed to be amended as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

Subpart B—Disability Ratings

1. The authority citation for part 4 continues to read as follows:

Authority: 72 Stat. 1125; 38 U.S.C. 1155.

2. Section 4.88a is amended by removing diagnostic codes 6352 and 6353; and revising the heading and diagnostic criteria for diagnostic code 6351 to read as follows:

§ 4.88a Schedule of ratings—systemic diseases.

* * * * *

	Rating
6351 HIV-Related Illness:	
AIDS with recurrent opportunistic infections or with secondary diseases afflicting multiple body systems; HIV-related illness with debility and progressive weight loss, without remission, or few or brief remissions.....	100
Refractory constitutional symptoms, diarrhea, and pathological weight loss; or minimum rating following development of AIDS-related opportunistic infection or neoplasm.....	60

	Rating
Recurrent constitutional symptoms, intermittent diarrhea, and on approved medication(s); or minimum rating with T4 cell count less than 200, or Hairy Cell Leukoplakia, or Oral Candidiasis.....	30
Following development of definite medical symptoms, T4 cell count less than 500, and on approved medication(s); or with evidence of depression or memory loss with employment limitations.....	10
Asymptomatic, following initial diagnosis of HIV infection, with or without lymphadenopathy or decreased T4 cell count.....	0

Note (1): The term "approved medication(s)" includes medications prescribed as part of a research protocol at an accredited medical institution.

Note (2): Psychiatric or central nervous manifestations, opportunistic infections, and neoplasms may be rated separately under appropriate codes if higher overall evaluation results, but not in combination with percentages otherwise assignable above. [FR Doc. 92-6580 Filed 3-23-92; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA-12-8-5281; FRL-4115-6]

Approval and Promulgation of Implementation Plans; State of California; South Coast Air Quality Management District and San Diego County and Ventura County Air Pollution Control Districts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rulemaking.

SUMMARY: On April 5 and May 13, 1991, the California Air Resources Board (CARB) submitted to the EPA revisions to the California State Implementation Plan (SIP) for the South Coast Air Quality Management District (AQMD), San Diego County and Ventura County Air Pollution Control Districts (APCDs). This notice takes direct final action on rules that control organic compounds from dry cleaning facilities. EPA is approving these revisions under section 110(k)(3) as meeting the requirements of section 110 and part D of the Clean Air Act, as amended (CAA).

DATES: This action will be effective on May 26, 1992 unless notice is received within 30 days of publication that adverse or critical comments will be submitted. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Comments should be sent to: Daniel A. Meer, Chief, Southern California and Arizona, Rulemaking Section, A-5-3; Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, FAX: (415) 744-1076.

Copies of the rule revisions and EPA's evaluation reports of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Rule Evaluation Section, Stationary Source Division, 1219 K Street, Sacramento, CA 95814.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

Ventura County Air Pollution Control District, 702 County Square Drive, Ventura, CA 93003.

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

FOR FURTHER INFORMATION CONTACT:

Cynthia G. Allen, Southern California and Arizona, Rulemaking Section, (A-5-3), Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Tel: (415) 744-1189 or FTS: 484-1189.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA), that included the South Coast AQMD and San Diego County and Ventura County APCDs. 43 FR 8964, 40 CFR 81.305. Because these areas were unable to reach attainment by the statutory attainment date of December 31, 1982, California requested, and EPA approved, an extension of the attainment date for ozone to December 31, 1987. 1977 CAA section 172(a)(2). On May 26, 1988, EPA notified the Governor of California that the above districts' portions of the California State Implementation Plan (SIP) were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted.

Public Law 101-549, 104 Stat. 1399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to pre-amendment section 107 nonattainment areas that were again designated nonattainment upon enactment and classified as marginal or above under section 181(a)(1) by operation of law. Such areas must adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in preamendment guidance.¹ EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The South Coast AQMD and the San Diego and Ventura Areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.²

The State of California submitted many revised RACT rules for incorporation into its SIP on April 5 and May 15, 1991, including the rules being acted on in this notice. This notice addresses EPA's final action on the following rules:

April 5, 1991

San Diego County APCD

Rule 67.8 Dry Cleaning Facilities Using Halogenated Organic Solvent

Ventura County APCD

Rule 74.5 Dry Cleaning (*deletion*)

Rule 74.5.1 Petroleum Solvent Dry Cleaning

Rule 74.5.2 Synthetic Solvent Dry Cleaning

May 13, 1991

South Coast AQMD

Rule 1102 Petroleum Solvent Dry Cleaners

Rule 1102.1 Perchloroethylene Dry Cleaning Systems

San Diego County and Ventura County APCDs rules were found to be complete on May 21, 1991 and South Coast AQMD rules were found to be complete on July 10, 1991 pursuant to EPA's completeness criteria set forth in 40 CFR part 51, appendix V³ and are being granted approval.

This notice addresses volatile organic compound (VOC) rules that control emissions from petroleum and perchloroethylene dry cleaning facilities. VOCs contribute to the production of ground level ozone. San Diego County rule 67.8, Ventura County rules 74.5.1 and 74.5.2, and South Coast AQMD rules 1102 and 1102.1 were originally adopted as part of San Diego's, Ventura's, and South Coast's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and have been revised in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation for San Diego's rule 67.8, Ventura's rules 74.5.1 and 74.5.2, and South Coast's rules 1102 and 1102.1.

EPA Evaluation

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA, EPA regulations, and EPA policy. These requirements are found in section 110 and part D of the CAA, 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans), and the guidance referred to in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of reasonably available control technology (RACT) for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA has prepared a series of Control Technique Guideline (CTG) documents which specify the minimum requirements that a rule must contain in order to be approved into the SIP. Under the amended Act, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to San Diego County rule 67.8, Dry Cleaning Facilities Using Halogenated Organic Solvent, Ventura County rule 74.5.2, Synthetic Solvent Dry Cleaning and South Coast AQMD rule

1102.1, Perchloroethylene Dry Cleaning Systems is entitled, "Control of Volatile Organic Emissions from Perchloroethylene Dry Cleaning Systems", EPA document No. EPA-450/2-78-050. The CTG applicable to Ventura County rule 74.5.1, Petroleum Solvent Dry Cleaning and South Coast AQMD rule 1102, Petroleum Solvent Dry Cleaners is entitled, "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", EPA document No. EPA 450/3-82-009. Further interpretation of EPA policy is found in the Blue Book. In general, these requirements have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

EPA has evaluated San Diego's submitted rule 67.8, Ventura's submitted rules 74.5.1 and 74.5.2, and South Coast's submitted rules 1102 and 1102.1 for consistency with the CAA, EPA regulations, and EPA policy and has found that the revisions address and correct the deficiencies previously identified by EPA. These corrected deficiencies have resulted in clearer, more enforceable rules. All of the rules will achieve greater enforceability through the inclusion of test methods and recordkeeping requirements. A brief description of each rule change is provided below.

San Diego County

Rule 67.8, Dry Cleaning Facilities Using Halogenated Organic Solvents

San Diego rule 67.8 regulates VOC emissions from dry cleaning operations. The "fugitive liquid leak" definition has been revised to include a visible mist of halogenated organic solvent. The exemption for facilities using methylene chloride has been deleted. The averaging period for measuring allowable exhaust concentration from drying tumblers, washers and cabinets has been reduced from five minutes to one minute. The rule adds sufficient recordkeeping requirements to show the dates and amounts of halogenated organic solvent being purchased and to show daily records of the total dry weight of fabric processed. The rule specifies the appropriate EPA test method to determine compliance.

South Coast AQMD

Rule 1102, Petroleum Solvent Dry Cleaners

South Coast rule 1102 controls emissions of VOCs from petroleum solvent dry-cleaning facilities. The revised rule adds new sections for definitions, recordkeeping requirements,

¹ Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing Control Technique Guidelines (CTGs).

² The South Coast AQMD was designated nonattainment and classified as extreme and San Diego County and Ventura County APCDs were designated nonattainment and classified as serious by operation of law pursuant to section 107(d) and section 181(a) on November 15, 1990. See 56 FR 56694 (November 6, 1991).

³ EPA has since adopted completeness criteria pursuant to section 110(k)(1)(A) of the amended Act. See 56 FR 42216 (August 26, 1991). These will replace the completeness criteria currently set forth in 40 CFR part 51, appendix V.

and test methods. The small user exemption has been eliminated. A solvent recovery dryer is required which must remain closed for one minute until there is no visible flow of recovered solvent. The revised rule requires that the overall solvent consumption must be no more than 4.5 kilograms (kg) (or 6.5 kilograms for dry cleaners using a still) of solvent per 100 kilograms of fabrics cleaned. The revised rule requires that cartridge filters are to be used or filter waste losses are to be limited to 1 kilogram of solvent 100 kilograms of fabric cleaned. Articles to be dried must be transferred from the washer to the dryer within five minutes or stored in closed carts. The revised rule prohibits the operation of the equipment if it is leaking. Solvents must be stored in closed containers.

Rule 1102.1, Perchloroethylene Dry Cleaning Systems

South Coast Rule 1102.1 controls emissions of VOCs from perchloroethylene solvent dry-cleaning facilities. The revised rule adds recordkeeping requirements to verify claims for exemptions. The rule specifies the appropriate EPA test method to determine control efficiency. Requirements for visual inspection are added to comply with the liquid leak provisions.

Ventura County APCD

Rule 74.5, Dry Cleaning, previously approved on October 11, 1983 and April 17, 1987, is being deleted and is being replaced with rules 74.5.1, Petroleum Solvent Dry Cleaning and 74.5.2, Synthetic Solvent Dry Cleaning, submitted on April 5, 1991.

Rule 74.5.1, Petroleum Solvent Dry Cleaning

Ventura Rule 74.5.1 regulates emissions from petroleum dry cleaning operations. The rule deletes diatomaceous earth filters from the filter system options. The revised rule adds new requirements for solvent handling and operating requirements to reduce emissions and ensure compliance with state hazardous waste disposal laws. The revised rule allows small users until July 1, 1993, to install the control equipment needed to comply with the emission control requirements of this rule. The revised rule adds recordkeeping requirements and test methods.

Rule 74.5.2, Synthetic Solvent Dry Cleaning

Ventura rule 74.5.2 regulates emissions from dry cleaning operations using any halogenated solvent including

perchloroethylene. The revised rule adds new definitions. The revised rule exempts facilities which use 320 gallons of solvent or less per year. The rule requires all equipment installed after the date of adoption to consist of dry-to-dry units. The revised rule adds new requirements for solvent handling and operating requirements to reduce emissions and requirements to ensure compliance with state hazardous waste disposal laws. The revised rule adds recordkeeping requirements and test methods.

EPA Action

EPA has concluded that the submitted rules listed above are consistent with the CAA, EPA regulations, and EPA policy and that the revisions address and correct all of the deficiencies previously identified by EPA. Moreover, these submitted rule revisions will improve and strengthen the current SIP. Therefore, EPA is approving the submitted rules under section 110(k)(3) as meeting the requirements of section 110 and part D of the CAA.

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

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment action and anticipates no adverse comments. This action will be effective May 26, 1992, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this notice 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 May 26, 1992.

Regulatory Process

Under 5 U.S.C. 605(b), I certify that these SIP revisions will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709)

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 Office of Management and Budget waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: March 4, 1992.

John Wise,

Acting Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(183) and (c)(184)(i)(B) to read as follows:

§ 52.220 Identification of plan.

(c) . . .
(183) New and amended regulations for the following APCD's were submitted on April 5, 1991, by the Governor's designee.

(i) Incorporation by reference.
(A) San Diego County Air Pollution Control District.

(1) Rule 67.8, adopted on December 18, 1990.

(B) Ventura County Air Pollution Control District.

(1) Rules 74.5.1 and 74.5.2, adopted on December 4, 1990.

(184) . . .
(i) . . .

(B) South Coast Air Quality Management District.

(1) Rules 1102 and 1102.1, adopted on December 7, 1990.

[FR Doc. 92-6619 Filed 3-23-92; 8:45 am]

BILLING CODE 5560-50-M

40 CFR Part 52

[A-1-FRL-4115-3]

Approval and Promulgation of Air Quality Implementation Plans Single Source Revision; Connecticut; Connecticut Light and Power**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 requires the use of low sulfur fuels in two units of the Connecticut Light and Power (CL&P) facility at Montville, Connecticut. It also requires the retirement of another unit at that facility. The intended effect of this action is to approve a Connecticut State Order which limits emissions in accordance with the provisions of subsection 22a-174-24(d) of Connecticut's Administrative Regulations for the Abatement of Air Pollution. This action is being taken in accordance with section 110 of the Clean Air Act.

DATES: This action will become effective May 26, 1992, 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: Comments may be mailed to Linda M. Murphy, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th Floor, Boston, MA; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

FOR FURTHER INFORMATION CONTACT: Ian D. Cohen, (617) 565-3229; FTS 835-3229.

SUPPLEMENTARY INFORMATION: On February 28, 1991, the State of Connecticut submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of State Order No. 7017. This order was issued to CL&P after modeling studies using the

Industrial Source Complex Short-Term (ISCST) model revealed possible violations of the National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂). No monitored violations occurred.

The State Order was issued to limit the emissions of SO₂ by requiring CL&P to retire one unit (Unit #4) and use low sulfur diesel fuel in its two diesel generators (Units D10 and D11). A modeling study, completed in accordance with the requirements listed in the EPA Guideline on Air Quality Models (EPA-450/2-78-027R, July 1986) and Connecticut's Ambient Impact Analysis Guide (AIAG), has shown that these actions will prevent future violations of the NAAQS.

Background Information

The Connecticut Light and Power Company (CL&P) operates a facility located on Lathrop Road in Montville, Connecticut. A Multi-source modeling study done in conjunction with a new source review conducted for a nearby facility, the U.S. Naval Base in Groton, Connecticut, revealed some potential violations of the NAAQS. Some of these violations were attributed to CL&P. The State of Connecticut issued notices of violation to two facilities in the area, CL&P and Stone Connecticut Paperboard Corporation. Two State orders, Nos. 1073A and 7017, have been submitted to EPA to make these conditions federally enforceable. This action only concerns State Order No. 7017.

State Order No. 7017 requires two changes in procedure for CL&P. They are to retire one unit (Unit #4) and use diesel fuel with a sulfur content no greater than 0.25% by weight in their two emergency diesel generators, D10 and D11, which are located at the same facility. The State Order also requires CL&P to maintain records of the sulfur content of all fuel oil delivered to the CL&P Montville facility. This will allow the State of Connecticut to monitor the fuel used by CL&P and insure their compliance with the sulfur-in-fuel restriction.

The retirement of Unit #4 was previously planned by CL&P. This unit is being replaced by a new unit, Unit #7. Unit #7 is powered by natural gas, and does not have significant emissions of SO₂.

The restrictions imposed by State Order No. 7017 will remain in force until CL&P is able to demonstrate that a relaxation of these restrictions will not cause violations of the NAAQS, and the demonstration is approved as a SIP revision by EPA.

Enforcement

State Order No. 7017 contains requirements that CL&P keep records of each purchase of fuel. These records will allow the state to monitor compliance. State Order No. 7017 also contains a schedule of fines which CL&P must pay if a violation occurs, as well as the name and address of the person at the Connecticut Department of Environmental Protection to whom payments are to be sent.

EPA has reviewed State Order No. 7017 and has determined that the restrictions in sulfur content and oil firing are sufficient to maintain the NAAQS in the vicinity of CL&P's facility in Montville, Connecticut.

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 May 26, 1992, 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 simultaneously 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 26, 1992.

Final Action

EPA is approving State Order No. 7017 as a revision to the Connecticut SIP. The provisions of State Order No. 7017 limit CL&P to the use of facilities and fuels which will provide sufficiently low sulfur emissions to maintain ambient air quality standards in the Montville, Connecticut area.

Under 5 U.S.C. section 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 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).

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

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation

plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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 26, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. 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, Reporting and recordkeeping requirements, Sulfur oxides.

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.

Dated: March 6, 1992.

Paul Keough,

Acting Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart H—Connecticut

2. Section 52.370 is amended by adding paragraph (c)(61) to read as follows:

§ 52.370 Identification of plan.

* * *

(c) * * *

(61) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on February 28, 1991.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated February 28, 1991 submitting a revision to the Connecticut State Implementation Plan.

(B) State Order No. 7017 and attached compliance timetable for the Connecticut Light and Power Company of Montville, Connecticut. State Order

No. 7017 was effective on February 25, 1991.

(ii) Additional materials.

(A) Memorandum dated September 14, 1990 approving the modeling analysis for Connecticut Light and Power.

(B) Letter dated April 23, 1991 confirming that the revised configuration approved by State Order No. 7017 will not lead to violations.

(C) Modeling Study dated January 26, 1990 for Connecticut Light and Power.

[FR Doc. 92-6620 Filed 3-23-92; 8:45 am]

BILLING CODE 5560-50-M

40 CFR Part 52

(IL15-1-5139; FRL-4107-1)

Approval and Promulgation of Air Quality Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule.

SUMMARY: USEPA is today approving a site specific revision to the Illinois State Implementation Plan (SIP) for ozone. The revision being approved applies to a facility in Richland County, Illinois operated by Roadmaster Corporation. Roadmaster's facility uses black and white flowcoaters to apply extreme performance coatings to miscellaneous metal parts and products. The revision would set a ceiling of 5.9 pounds of Volatile Organic Matter (VOM) per gallon of paint, based on weekly averaging, for the existing black and white flowcoaters. This revision expires on January 1, 2000.

The Illinois SIP applies Reasonable Available Control Technology (RACT) statewide. Consequently, emission limits currently applicable to the Roadmaster facility for VOM are RACT. Those applicable limits are cited in § 215.204(j)(3) of title 35 of the Illinois Administration Code (IAC). This section was approved for incorporation in the Illinois SIP on February 21, 1980, (45 FR 11472) as Pollution Control Board Rule 205(n)(1). The State subsequently recodified this rule as part of the IAC. This section limits the VOM content of coating materials, excluding water, delivered to the applicator for coating miscellaneous metal parts and products for extreme performance coatings to 3.5 pounds of VOM per gallon of coating. The revision being approved would limit the coatings used by the Roadmaster facility's existing black and white flowcoaters to 5.9 pounds of VOM per gallon of coating, based on weekly averaging.

Richland County, Illinois is in attainment of the ozone National

Ambient Air Quality Standard (NAAQS). While Part D of the Clean Air Act (CAA) requires RACT level controls only in nonattainment areas and does not require it in attainment areas, such as Richland County, Illinois, a state can impose more stringent requirements than those imposed by the CAA. Under the site specific revision, VOM emissions from Roadmaster's facility in excess of those allowed under the current applicable limit are estimated to be 37.5 tons per year, which additional emissions are not expected to cause or contribute to a violation of the NAAQS for ozone.

DATES: This action will be effective May 26, 1992, unless notice is received within 30 days of publication 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 documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

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

FOR FURTHER INFORMATION CONTACT: Patricia Morris, Regulation Development Section, U.S. Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8656 or (FTS) 353-8656.

SUPPLEMENTARY INFORMATION:

Background

Roadmaster manufactures bicycles, toy wagons, tricycles, exercise equipment and various related items. Roadmaster is located near Olney in Richland County, Illinois, an area that is attainment for ozone. See 40 CFR 81.314 (1988).

On April 26, 1990, The Illinois Pollution Control Board (Board) adopted final rulemaking which amended title 35 of the IAC, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter C: Emissions Standards and Limitations for Stationary Sources, Part 215, Organic Material Standards and Limitations, Subpart F: Coating Operations, by adding § 215.214 Roadmaster Emission Limits. On September 18, 1990, the Illinois Environmental Protection Agency (IEPA) submitted § 215.214 to USEPA as a proposed site-specific revision to the Illinois SIP for ozone.