

weight, at certain of their fuel burning sources.

Both MMAPI and HOVIC are located in the southern industrial complex on the Island of St. Croix. Sources in this location currently are required by regulation to burn fuel oil with a maximum sulfur content of 0.50 percent, by weight. However, this regulation provides for a variance to this limit if the applicant can demonstrate that the use of a higher sulfur content fuel oil will not interfere with attainment and maintenance of national ambient air quality standards. VIDCCA originally requested a variance allowing MMAPI and HOVIC to burn 1.5 percent sulfur content fuel in February 1980. This request was approved by EPA on May 2, 1980 (45 FR 29293). Since then, final approval of additional extensions of this variance have been granted on September 3, 1981 (46 FR 44188), March 4, 1983 (48 FR 9257) and on February 26, 1985 (50 FR 7769). The revision is intended to continue this variance.

The submittal by the Virgin Islands consists of a dispersion modeling analysis, recent ambient air quality data collected through September 1985, a letter indicating the Virgin Islands' approval of a request by MMAPI and HOVIC for a one-year extension of their existing variance and a notice of a Virgin Islands' public hearing held on November 27, 1985.

EPA has reviewed the technical material submitted by the Virgin Islands, and has determined that none of the national ambient air quality standards or Prevention of Significant Deterioration increments will be exceeded, if the Virgin Islands Implementation Plan revision is approved. The technical support material submitted has demonstrated that the dispersion modeling analysis did not rely on dispersion techniques prohibited under section 123 of the Clean Air Act.

EPA is publishing this action without prior proposal because the Agency views it as a noncontroversial action and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register 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If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices.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 comments are received, the public is advised that this

action will be effective 60 days from today.

Under 5 U.S.C. Section 605(b), the Administrator has certified that implementation plan approvals do not have a significant economic impact on a substantial number of small entities (46 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of publication. This action may not be challenged later in proceedings to enforce its requirements. (Sec. 307(b)(2).)

List of Subjects in 40 CFR Part 52:

Air pollution control, Sulfur oxides, Incorporation by reference.

Dated: November 28, 1986.

Lee M. Thomas,
Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

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

Subpart CCC—Virgin Islands

2. Section 52.2770 is amended by adding a new paragraph (c)(16) and (c) introductory text is republished to read as follows:

§ 52.2770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(16) Revision submitted on February 11, 1986 by the Virgin Islands Department of Environmental Conservation and Cultural Affairs which grants a variance establishing, for one year from April 14, 1987, a maximum sulfur-in-fuel-oil limitation of 1.5 percent, by weight; for the Hess Oil Virgin Islands Corporation and the Martin Marietta Properties facilities located on the Island of St. Croix.

[FR Doc. 87-3122 Filed 2-12-87; 8:45 am]
BILLING CODE 6580-50-M

40 CFR Part 52

[A-10-FRL-3135-9]

Approval and Promulgation of State Implementation Plan; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rulemaking action approves an Oregon State Implementation Plan (SIP) revision pertaining to the carbon monoxide (CO) attainment plan for the Medford area. The SIP revision, which adds a mandatory vehicle inspection and maintenance (I/M) program to the existing plan, was submitted to EPA by the Oregon Department of Environmental Quality (ODEQ) on October 9, 1985, and was supplemented on February 13, 1986. EPA is also approving two other aspects of the Oregon plan: first, it is approving a modification to the Oregon I/M regulations for underhood inspections which eliminates existing tampering checks for 1974 and older model vehicles; second, it is removing an existing ban on the construction of major stationary sources of carbon monoxide in the Medford CO nonattainment area.

EFFECTIVE DATE: April 14, 1987.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at: Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Air Programs Branch, (10A-85-22), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101. State of Oregon, Department of Environmental Quality, 522 SW. Fifth, Yeon Building, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: Loren C. McPhillips, Air Programs Branch; M/S 532, Environmental Protection Agency, 1200 Sixth Avenue; Seattle, Washington 98101. Telephone: (206) 442-4233, FTS: 399-4233.

SUPPLEMENTARY INFORMATION:

1. Background

In June, 1985, the Oregon Legislature passed HB 2845, which directed the Oregon Environmental Quality Commission (EQC) to designate the boundaries of areas needing I/M programs and to implement the programs in those areas if such a program has been designated in the SIP.

On October 9, 1985, the Oregon Department of Environmental Quality submitted to EPA a revised State Implementation Plan (SIP) revision for the Medford area which contained the commitment to implement the inspection and maintenance (I/M) program and to attain the carbon monoxide (CO) standard by December 31, 1987.

For a detailed summary of the background of the Medford, Oregon, I/M program, refer to the proposed rulemaking that was published on June 27, 1986 (51 FR 23435).

II. Response to Comments

On June 27, 1986, (51 FR 23435) EPA provided a 30-day public comment period on this proposed approval. No comments were received.

III. Final Rulemaking Action

Today, EPA is approving the Medford mandatory vehicle inspection and maintenance program as a revision to the existing SIP. In addition, EPA is approving a modification to the Oregon I/M regulation for underhood inspections which eliminates existing tampering checks for 1974 and older model vehicles. Since the state's submittal corrects SIP deficiencies in the Medford area, EPA is also removing of the section 110(a)(2)(I) construction moratorium (ban on the construction of major stationary CO sources in the Medford CO nonattainment area).

IV. Administrative Review

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 14, 1987. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and Recordkeeping requirements, incorporation by reference.

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

Dated: December 23, 1986.

Lee M. Thomas,
Administrator.

PART 52—[AMENDED]

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

Subpart MM—Oregon

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

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

2. Section 52.1970 is revised by adding paragraph (c)(75) as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *
(75) A revision to the Oregon State Implementation Plan was submitted by the Director of Department of Environmental Quality (DEQ) on October 9, 1985, and supplemented with technical appendices on February 13, 1986. This revision adds a mandatory vehicle inspection and maintenance (I/M) program to the existing Medford Carbon Monoxide plan, modifies the Oregon I/M regulations for underhood inspections by eliminating tampering checks of 1974 and older model vehicles and removes the existing section 110(a)(2)(I) construction moratorium.

(i) Incorporation by Reference.
(A) A letter dated October 9, 1985, from Department of Environmental Quality to EPA Region 10.

(B) A letter dated February 13, 1986 from Department of Environmental Quality to EPA Region 10.

(C) OAR 340-24-301 (Boundary Designations), OAR 340-24-320 (Light Duty Motor Vehicle Emission Control Test Criteria), and OAR 340-24-325 (Heavy Duty Motor Vehicle Emission Control Test Criteria), which were adopted by the Environmental Quality Commission on September 27, 1985.

(D) October 20, 1982 letter to EPA from the Department of Environmental Quality and section 4.9.3.2 (Emission Reduction Necessary for Attainment) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(E) Section 4.9.5.1 (Reasonable Further Progress) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(F) Section 4.9.5.5 (Conformity of Federal Actions) of the Control Strategy for Medford-Ashland Quality Maintenance Area 1982 State Implementation Plan Revision for Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

(G) Section 4.9.4 (Control Strategy) of the Control Strategy for Medford-Ashland Air Quality Maintenance Area 1982 State Implementation Plan Revision for the Carbon Monoxide as adopted by the Environmental Quality Commission on October 15, 1982.

3. Section 52.1973 is amended by revising the table to read as follows:

§ 52.1973 Attainment dates for National Standards.

Air quality control region and nonattainment area	Pollutant						
	TSP		SO ₂		NO ₂	CO	O ₃
	1st ¹	2nd ²	1st ¹	2nd ²			
Portland Interstate AQCR							
Interstate AQCR (Washington portion):							
1. Portland-Vancouver (Oregon portion).....	a.....	f.....	a.....	b.....	b.....	h.....	b
2. Salem.....	a.....	b.....	a.....	b.....	b.....	e.....	b
3. Eugene-Springfield AQMA.....	a.....	i.....	a.....	b.....	b.....	h.....	b
4. Remainder of AQCR.....	c.....	c.....	a.....	b.....	b.....	d.....	c
Southwest Oregon Intrastate AQCR:							
1. Medford-Ashland AQMA.....	i.....	k.....	a.....	b.....	b.....	i.....	b
2. Remainder of AQCR.....	c.....	c.....	a.....	b.....	b.....	b.....	b
Northwest Oregon Intrastate AQCR.....	a.....	b.....	a.....	b.....	b.....	b.....	b
Central Oregon Intrastate AQCR.....	a.....	c.....	a.....	b.....	b.....	b.....	b
Eastern Oregon Intrastate AQCR.....	c.....	c.....	a.....	b.....	b.....	b.....	b

¹ 1st—Primary.
² 2nd—Secondary;

a. Air designated as having air quality levels presently below the primary standards or area is unclassifiable. b. Area designated as having air quality levels presently below secondary standards or area is unclassifiable. c. May, 1975. d. May 31, 1976. e. Dec. 31, 1982. f. Dec. 31, 1986. g. Later than Dec. 31, 1982 but before Dec. 31, 1987. h. Dec. 31, 1985. i. Dec. 31, 1987. j. Dec. 31, 1984. k. Dec. 31, 2000.

§ 52.1983 [Removed and Reserved]

4. Section 52.1983 is removed and reserved.

[FR Doc. 87-1100 Filed 2-12-87; 8:45 am]
 BILLING CODE 6560-50-M

40 CFR Part 52

[A-8 FRL-3155-7]

Approval and Promulgation of State Implementation Plans; Colorado Prevention of Significant Deterioration Regulation

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The purpose of this notice is to make corrections to final rulemaking published for the Colorado Prevention of Significant Deterioration (PSD) Regulation on September 2, 1986 (51 FR 31125). Some language in 40 CFR 52.343(a) now being revised inadvertently disapproved the Colorado PSD Regulation for whole categories of sources when EPA intended to disapprove only for sources which would not otherwise be required to obtain a Colorado PSD permit. In addition, 40 CFR 52.343(b) is being revised to clarify that EPA's PSD regulations at 40 CFR 52.21 are incorporated into the Colorado State Implementation Plan only as to those sources for which the Colorado PSD regulation had previously been found to be inadequate, and sources on Indian Reservations (where State regulations do not apply).

FOR FURTHER INFORMATION CONTACT: Dale Wells, Air Programs Branch, Environmental Protection Agency, One Denver Place, Suite 500, 999 18th Street, Denver, Colorado 80202, (303) 293-1773.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, and Hydrocarbons; Incorporation by reference.

Dated: January 14, 1987.
 Alexandra B. Smith,
 Acting Regional Administrator.

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

Subpart G—Colorado

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

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

2. Section 52.343 is amended by revising paragraphs (a)(1) and (8) and (b) and adding (a)(9) to read as follows:

§ 52.343 Significant deterioration of air quality.

(a) * * *

(1) The following sources for which fugitive emissions are considered in calculating potential to emit under 40 CFR 52.21 unless the source is required to obtain a Colorado PSD permit pursuant to regulations identified in § 52.320(c) 36 and 37:

- Kraft Pulp Mills
- Primary Zinc Smelters
- Primary Aluminum Ore Reduction Plants
- Primary Copper Smelters
- Municipal Incinerators (capable of charging more than 250 tons of refuse per day)
- Hydrofluoric-Sulfuric and Nitric Acid Plants
- Phosphate Rock Processing Plants
- Sulfur Recovery Plants
- Carbon Black Plants (furnace process)
- Primary Lead Smelters
- Secondary Metal Production Plants
- Chemical Process Plants
- Taconite Ore Processing Plants
- Glass Fiber Processing Plants
- Charcoal Production Plants.

(8) Sources which were regulated under section 111 or 112 of the Clean Air Act as of August 7, 1980 with the exception of those sources for which fugitive emissions will be included in calculating potential to emit in the Colorado Regulation, and with the exception of sources which will be required to obtain a Colorado PSD permit pursuant to regulations identified in § 52.320(c) 36 and 37.

(9) Sources locating on Indian Reservations.

(b). Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 (b) through (w) are hereby incorporated and made a part of the applicable state plan for the State of Colorado for the sources identified in paragraph (a) as not

meeting the requirements of sections 160-165 of the Clean Air Act.

[FR Doc. 87-3104 Filed 2-12-87; 8:45 am]
 BILLING CODE 6560-50-M

40 CFR Part 799

[OPTS-211021; FRL 3147-1]

Denial of Petition To Reconsider and Withdraw Test Rule for 1,2- and 1,4-Dichlorobenzene

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of denial of petition.

SUMMARY: The Chlorobenzene Producers Association (CPA) and the Chemical Manufacturers Association Chlorobenzenes Program Panel (CMA-CPP) petitioned EPA under section 21 of the Toxic Substances Control Act (TSCA) to reconsider and withdraw the final test rule for 1,2- and 1,4-dichlorobenzene (1,2- and 1,4-DCB; CAS Nos. 95-50-1 and 106-46-7, respectively). The test rule was issued under section 4 of TSCA and requires that 1,2- and 1,4-DCB be tested for reproductive effects. This notice announces the decision of EPA to deny the CPA and CMA-CPP petition.

ADDRESS: A copy of the petition and all related information, under docket number (OPTS-211021), is located at: Environmental Protection Agency, Rm. NE-G004, 401 M St. SW., Washington, DC 20460.

This material is available for viewing and copying from 9 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799); Office of Toxic Substances, Rm. E-543, 401 M St. SW., Washington, DC 20460; (202) 554-1404.

SUPPLEMENTARY INFORMATION: EPA is denying the CPA and CMA-CPP petition to reconsider and withdraw the testing requirements for 1,2- and 1,4-dichlorobenzene.

I. Introduction.

Section 21 of TSCA (15 U.S.C. 2620) provides that any person may petition the Administrator of EPA to initiate a proceeding for the issuance,