

protection to employees in the State of Alaska.

(Secs. 8(g), 18; Pub. L. 91-596, 84 Stat. 1600, 1608; [29 U.S.C. 657(g), 667]; Secretary of Labor's Order No. 9-83 (48 FR 35736); 29 CFR Part 1953)

Signed at Washington, D.C. this 30th day of January 1984.

Thorne G. Auchter,
Assistant Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[A-6-FRL 2521-1]

Delegation of Authority to the State of Louisiana for National Emission Standard for Hazardous Air Pollutants (NESHAP)

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Authority delegations.

SUMMARY: EPA, Region 6, has delegated the authority for implementation and enforcement of the NESHAP program to the Louisiana Department of Natural Resources (LDNR). Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 61 are delegated to the LDNR. Any of such authority and responsibilities may be redelegated by the Department to its Program Administrator or staff.

EFFECTIVE DATE: October 14, 1983.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, Air Branch, Environmental Protection Agency, Region 6, InterFirst Two Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270; (214) 767-1594 or (FTS) 729-1594.

SUPPLEMENTARY INFORMATION: The LDNR has requested delegation of authority to implement and enforce NESHAP. After review of the Louisiana Emission Standards for Hazardous Air Pollutants (LESHAP), delegation of authority was granted October 14, 1983. The following represents the terms and conditions of the delegation:

1. Implementation and enforcement of the National Emission Standards for Hazardous Air Pollutants in the State of Louisiana will be the primary responsibility of the LDNR. If the State of Louisiana or the LDNR determines that such implementation or enforcement is not possible or feasible, either with respect to an individual source, a class of sources, or generally,

the LDNR shall within 30 days notify EPA Region 6, of such impossibility or infeasibility so that EPA may timely exercise its concurrent authority with respect to sources within the State of Louisiana.

2. The LDNR is authorized to assume NESHAP partial delegation responsibility for future standards and requirements without making a written request to EPA, subject to the delegation conditions and terms as set forth in this agreement. Partial delegation responsibilities include the technical and administrative review. Technical and administrative duties shall include, but not be limited to, determination of applicability, review and evaluation of NESHAP applications, review and evaluation of request for waivers of compliance under 40 CFR 61.11 and/or waivers of emission tests under 40 CFR 61.13, performance and evaluation of inspections, and observance and evaluation of stack tests and continuous emission monitoring tests.

3. Acceptance of this delegation constitutes agreement by the LDNR to follow all interpretations, past and future, made by EPA of 40 CFR Part 61 including determinations of applicability. The LDNR agrees to consult with the EPA Region 6 on questions of interpretations of the NESHAP. A copy of each interpretation (including compliance determinations) made by the LDNR shall be sent to EPA Region 6.

4. The State of Louisiana and the LDNR are not authorized to grant any exemption, variance, or waiver from compliance with any provision of 40 CFR Part 61 except for the waiver of emission tests authorized in 40 CFR 61.13 and the waiver of compliance authorized in 40 CFR 61.11. A copy of any waiver of emission tests under 40 CFR 61.13, or of any waiver of compliance under 40 CFR 61.11 shall be sent to EPA Region 6. Should the State of Louisiana or the LDNR grant any other exemption, variance or waiver to any source or category of sources pursuant to any state law, regulations, or practice which is contrary to the provisions of 40 CFR 61, then LDNR shall immediately notify EPA Region 6, of the granting of such an exemption, variance or waiver from the compliance with Federal requirements. EPA may consider any source receiving such relief to be violating or threatening to violate the applicable federal regulation and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of any exemption, variance, or waiver by the State of Louisiana or the LDNR shall also constitute grounds for revocation of

delegation by EPA, in whole or in part, at the discretion of the Regional Administrator of EPA Region 6.

5. The LDNR shall utilize methods and means of determining compliance at least as stringent as those specified in 40 CFR Part 61. All performance tests are to be conducted at normal maximum production. All requests from sources for equivalent or alternate methods shall be forwarded to EPA Region 6, with or without a recommendation. Authority is delegated to approve minor modifications to the reference test methods during either a pre-test meeting or the actual sampling period. These minor modifications would have to produce results essentially identical to the reference method results. Approval of these minor modifications should be based on sound engineering judgement. Under no circumstances are modifications to be used which might result in the non-uniform application of the standards.

6. If at any time there is a conflict between any State regulation and any provision of 40 CFR Part 61, the federal regulation must be applied to the extent that it is more stringent than that of the State. If the State of Louisiana or the LDNR does not have the authority to enforce the more stringent federal regulation, the LDNR shall immediately notify EPA, Region 6 pursuant to Provision 1 above. The delegation may be revoked by EPA, Region 6, in whole or in part, in the event any such conflict makes implementation or enforcement of the National Emission Standards for Hazardous Air Pollutants administratively impractical.

7. If a claim of confidentiality or any other reason should ever legally prevent the State of Louisiana and the LDNR from providing to EPA any and all information required by or pertaining to the implementation of NESHAP, the LDNR shall, upon request, assist EPA Region 6 in obtaining that information directly from the source. As a minimum, such assistance shall consist of providing to EPA an identification of the nature of the information withheld, adequate to allow EPA to identify to the source the information.

8. All matters in process at the time of delegation of authority may be processed through to completion by EPA Region 6, or may, at the request of the LDNR and at the discretion of EPA Region 6, be transferred to the LDNR for completion. Appropriate reproduction of pertinent file material in the EPA Region 6 files in relation to source regulation under NESHAP shall be provided through mutual cooperation of the staffs of the respective offices.

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

Effective immediately, all information pursuant to 40 CFR Part 61 by the sources locating in the State of Louisiana should be submitted directly to the State agency at the following address: Louisiana Department of Natural Resources, Air Quality Division, P.O. Box 44066, Baton Rouge, Louisiana 70804.

Partial delegation was granted to the LDNR on August 30, 1982. Federal Register Notice of the partial delegation was published November 4, 1982, which changed Part 61 of the Code of Federal Regulations to include the Louisiana State address. The address in the Code of Federal Regulations remains the same for full delegation.

List of Subjects in 40 CFR Part 61

Air pollution, Asbestos, Beryllium, Hazardous waste, Mercury, Reporting and recordkeeping requirements, Vinyl chloride.

This delegation is issued under the authority of Section 112 of the Clean Air Act, as amended (42 U.S.C. 7412).

Dated: January 27, 1984.

Frances E. Phillips,
Acting Regional Administrator.

[FR Doc. 84-3236 Filed 2-6-84; 8:45 am]

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40 CFR Part 81

[A-9-FRL 2521-4]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations in California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: In response to a request from the California Air Resources Board, this notice revises the attainment status designation of the Sacramento Valley Air Basin portions of Shasta County to attainment for ozone and all portions of Shasta County to attainment for the Primary and Secondary standards for total suspended particulate. Both areas were previously designated as unclassifiable. This action is based on ambient air quality data showing no violations of the standards.

EFFECTIVE DATE: This action is effective April 9, 1984.

ADDRESSES: Information pertinent to the redesignation is available for public inspection during normal business hours at the EPA Region 9 office listed below and at the following locations:

California Air Resources Board; 1102 "Q" Street, Sacramento, CA 95812.
Shasta County Air Pollution Control District, 1855 Placer Street, Redding, CA 96001.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Acting Chief, State Implementation Plan Section (A-2-3), Air Management Division, Air Programs Branch, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7641.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978, under paragraph 107(d)(2) of the Clean Air Act, as amended, EPA promulgated attainment status designations for all states (43 FR 8962). In California, EPA designated the SVAB portion of Shasta County nonattainment for the secondary TSP standard and for oxidant. On August 11, 1980, EPA published a final action in the Federal Register that redesignated the SVAB portion of Shasta County to unclassifiable for TSP and ozone. EPA used the fugitive dust policy and the new ozone standard in making this redesignation. This action was proposed on April 10, 1980, and was prompted by a California Air Resources Board (ARB) redesignation request.

On May 16, 1983, the ARB requested that the SVAB portion of Shasta County be redesignated from unclassifiable to attainment for ozone and that the entire County (including the Northeast Plateau Air Basin portion) be redesignated from unclassifiable to attainment for TSP. The ARB submitted sufficient data showing that the National Ambient Air Quality Standards (NAAQS) for TSP and ozone are attained in these areas.

EPA Actions

The ARB request to redesignate the SVAB portion of Shasta County for ozone and the entire County TSP satisfies EPA's criteria for a redesignation to attainment. There are two years of violation-free TSP data and zero expected ozone exceedances (3 year average). The unclassifiable designation applies to areas with insufficient data such that it is not

possible to determine whether an attainment or nonattainment designation is appropriate. In both these cases, there is now sufficient data to justify an attainment designation.

EPA therefore, concurs with the ARB request to redesignate the SVAB portion of Shasta County to attainment for ozone and the entire County to attainment for TSP.

EPA's approval of the above redesignation in California is being done without prior proposal because the redesignation is not controversial. The public should be advised that this approval action will be effective 60 days from the date this notice is published in the Federal Register. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, this approval action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

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

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: Sections 107(d) and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7407(d) and 7601(a).

Dated: February 1, 1984.

William D. Ruckelshaus,
Administrator.

PART 81—[AMENDED]

Subpart C of Part 81 of Chapter I, Title 40 of Code of Federal Regulation is amended as follows:

Subpart C—Section 107 Attainment Status Designation

Section 81.305—California, in the Sacramento Valley Air Basin and the Northeast Plateau Air Basin, the Shasta County designation is revised to read as follows:

§ 81.305 California.

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