

address the issue of PSD increment consumption, Virginia informed EPA on November 9, 1983 that the Portsmouth Incinerator was emitting the same TSP emissions rate at the time the baseline was triggered in the Portsmouth area as that which this variance request allows. Therefore, this SIP revision only has to address the ambient TSP standard but not PSD increment consumption.

Conclusion

In view of the above evaluation, the Administrator approves this variance to Part IV, Rule EX-7, section 4.71 of the Commonwealth of Virginia State Implementation Plan for the Portsmouth Municipal Incinerator. In conjunction with the Administrator's approval, 40 CFR 52.2420 (Identification of Plan) of Subpart VV (Virginia) is revised to incorporate these amendments.

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, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

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

Dated: May 29, 1984.

William D. Ruckelshaus,
Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart VV—Virginia

In § 52.2420 Identification of Plan, paragraph (c)(84) is added as follows:

§ 52.2420 Identification of plan.

(c) The plan revision listed below was submitted on the dates specified.

(84) A variance issued to the City of Portsmouth, exempting their Municipal Incinerator from Rule EX-7, section 4.71 for particulate emissions until February 15, 1985, submitted on May 6, 1983 by the Commonwealth of Virginia.

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40 CFR Part 52

[A-3-FRL-2599-5; EPA Docket No. AWO15DC and AWO16DC]

Approval of a Revision of the District of Columbia State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving two revisions to the District of Columbia State Implementation Plan (SIP), provided that no adverse comments are received within 30 days of this notice. The revisions being approved consist of procedures for public notification of air quality levels in the District and for assuring that decision makers involved in issuing and enforcing permits for sources in the District represent the public and disclose any potential conflicts of interest in these matters. **EFFECTIVE DATE:** This action will be effective on July 31, 1984 unless notification is received by July 2, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the District's revisions, along with associated support materials, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Programs Branch (3AM10), Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106

Office of Environmental Standards & Compliance, D.C. Department of Environmental Services, 5010 Overlook Avenue SW., Washington, DC 20032-5397

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

The Office of the Federal Register, 1100 L Street NW, Room 8401, Washington, DC 20408.

All comments submitted on or before July 2, 1984 will be considered and should be submitted to Mr. James E. Sydnor at the EPA Region III address

stated above. Please reference the EPA docket numbers found in the heading of this notice in any correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Ryan at the EPA Region III address above, or at (215) 597-8555.

SUPPLEMENTARY INFORMATION: On December 5, 1983, Mayor Marion Barry submitted a request for a revision to the District of Columbia State Implementation Plan (SIP). This revision consisted of procedures for publication of air quality, as required under section 127(a) of the Clean Air Act. The District's procedures for public notification are contained in a document dated September 1983 entitled "Revision to the Implementation Plan for the District of Columbia for Public Notification of Air Quality."

The District's procedures include provisions for daily and annual reporting. The daily reporting, coordinated by the Metropolitan Washington Council of Governments, consists of the Pollutant Standards Index (PSI) reports in the news media (newspaper and TV), and recorded messages from several sources.

The area covered by the PSI reporting encompasses the entire District of Columbia. The public is advised of health hazards associated with different air pollution levels by using standard index ranges in the PSI system.

The annual report, prepared by the D.C. Department of Environmental Services, lists all exceedances of the primary National Ambient Air Quality Standards, and indicates the area which each exceedance affects. The annual report includes a description of the health effects associated with elevated levels of air pollution.

The District also presented an extensive description of the procedures used to assure adequate public awareness and involvement, as well as procedures for public notification and follow-up for hearings concerning air quality plans and/or transportation measures.

On December 6, 1983, Mayor Barry submitted a request for approval of a revision to the D.C. SIP for procedures to implement Section 128 of the Act. This revision consists of various existing sections of the D.C. Code and other applicable regulations. These regulations ensure that: (1) The majority of the authorities who act on permits and enforce orders under the Act represent the public interest and do not derive any significant portion of their income from persons subject to these permits and orders, and (2) that any potential conflicts of interest of those

authorities is adequately disclosed. The District has submitted extensive documentation of the requirements which are intended to satisfy section 128 of the Clean Air Act.

The District has submitted information indicating that public hearings were held with proper notification and documentation for both of these SIP revisions. In addition, all other requirements for SIP revisions have been met.

EPA Action

EPA has reviewed the information submitted by the District and is approving these SIP revisions for Public Notification (section 127) and Conflict of Interest (section 128).

The Administrator's decision to approve the proposed revision was based on a determination that the amendments meet the requirements of section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and the other will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

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

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 40 FR 8709 (Jan. 27, 1981).

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 (60 days from today). 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, Intergovernmental relations, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Authority: 42 U.S.C. 7401-7402.

Dated: May 29, 1984.

William D. Ruckelshaus,
Administrator.

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

PART 52—[AMENDED]

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

Section 52.470 is amended by adding paragraphs (c)(23) and (c)(24) as follows:

Subpart J—District of Columbia

§ 52.470 Identification of plan.

- (c) * * *
- (23) Revision for Public Notification of Air Quality, submitted on December 5, 1983.
- (24) Revision for Conflict of Interest procedures, submitted on December 6, 1983.

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(FR Doc. 84-14081 Filed 5-31-84; 6:05 am)
BILLING CODE 6050-50-01

40 CFR Part 52

[EPA Action MO 1341; AD-FRL-2599-3]

Approval and Promulgation of Implementation Plans; Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice takes final action to approve a minor revision to the Missouri State Implementation Plan (SIP). On March 23, 1983, the Missouri Air Conservation Commission (MACC) granted a variance from the Missouri process weight regulation to the St. Joe Minerals Corporation, Pea Ridge Iron Ore Company located in Washington County near Sullivan, Missouri. The variance will allow the facility to continue operating in excess of the Missouri particulate regulation while it tests, evaluates, and installs new control equipment on each of its five furnaces. This SIP revision would not cause or contribute to violations of the National Ambient Air Quality Standards (NAAQS).

DATE: This action is effective July 2, 1984.

ADDRESSES: The State submittal is available for inspection during normal business hours at the following locations:

Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460

Missouri Department of Natural Resources, 1101 Rear Southwest Boulevard, Jefferson City, Missouri 65101

Office of the Federal Register, 1100 L Street NW., Rm. 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at (816) 374-3791 or FTS 758-3791.

SUPPLEMENTARY INFORMATION: On March 23, 1983, after proper notice and public hearing, the MACC granted a variance to the St. Joe Minerals Corporation for its Pea Ridge Iron Ore facility located in Washington County near Sullivan, Missouri. The variance allows the facility to emit in excess of Missouri Rule 10 CSR 10-3.050, "Restriction of Emissions of Particulate Matter from Industrial Processes." This variance was submitted to EPA as a revision to the Missouri SIP on July 1, 1983.

EPA reviewed the State's submittal and published a proposal to approve this variance on February 2, 1984 (49 FR 4113). The public comment period ended on March 5, 1984. No public comments were received.

This variance constitutes a revision to a variance issued to the plant on April 22, 1981, and approved by EPA on October 28, 1981, at 48 FR 53141. Final compliance with State regulation 10 CSR 10-3.050 was required by July 1, 1983. The allowable emission rate during the term of the variance was limited to that rate which existed on November 11, 1977. The plant is located in an area which is designated attainment for primary and secondary particulate NAAQS. Dispersion modeling demonstrated that the NAAQS would not be violated as a result of the emission rate specified in this variance. The new variance requires that the emission rate shall not exceed that which was specified in the variance already approved by EPA. Therefore, the NAAQS will not be violated as a result of the new variance.

The compliance schedule in the new variance calls for final compliance by