

Flathead	Park
Gallatin	Powell
Granite	Sanders
Jefferson	Silver Bow
Lake	Stillwater
Lewis and Clark	Sweet Grass
Madison	Teton
Meagher	Wheatland
Missoula	

Nevada

All

New Mexico

Bernalillo	Sante Fe
Catron	Sierra
Grant	Socorro
Hidalgo	Taos
Los Alamos	Torrance
Rio Arriba	Valencia
Sandoval	

Utah

Beaver	Piute
Box Elder	Rich
Cache	Salt Lake
Carbon	Sanpete
Davis	Sevier
Duchesne	Summit
Emery	Tooele
Garfield	Utah
Iran	Wasatch
Juab	Washington
Millard	Wayne
Morgan	Weber

Washington

Chelan	Mason
Clallam	Okanogan
Clark	Pacific
Cowlitz	Pierce
Douglas	San Juan Islands
Ferry	Skagit
Grant	Skamania
Gray Harbor	Snohomish
Jefferson	Thurston
King	Wahkiakum
Kitsap	Whatcom
Kittitas	Yakima
Lewis	

Wyoming

Fremont	Teton
Lincoln	Uinta
Park	Yellowstone National
Sublette	Park

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BILLING CODE 6560-30-M

40 CFR Part 429

[WH-FRL 1936-2]

Timber Products Processing Point Source Category Effluent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule; Technical Amendment and Correction.

SUMMARY: On January 26, 1981, EPA promulgated effluent guidelines and standards under the Clean Water Act for pollution discharges from the timber products industry. Shortly afterwards,

the American Hardboard Association (AHA) expressed concerns about the new source performance standard promulgated for the wet process hardboard subcategory. AHA also brought to EPA's attention an error in the definition of process wastewater for the dry process hardboard, veneer, finishing, particleboard, and sawmills and planing mills subcategories.

In response to AHA's concerns, EPA is today limiting the applicability of the new source performance standards for the wet process hardboard subcategory. It is also correcting the inadvertent error in the definition of process wastewater for the dry process hardboard and other subcategories.

EFFECTIVE DATE: These amendments will become effective December 23, 1981. In accordance with 40 CFR 100.01 (45 FR 26048), these amendments shall be considered issued for purpose of judicial review at 1:00 p.m. Eastern time on December 7, 1981.

ADDRESS: The record for this rulemaking is available for public inspection and copying at EPA's Public Information Reference Unit, Room 2404 (Rear) PM-213 (EPA Library), 401 M St., S.W., Washington, D.C. 20460. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Richard E. Williams, Environmental Protection Agency, Effluent Guidelines Division (WH-552), 401 M St., S.W., Washington, D.C. 20460, (202) 426-2554.

SUPPLEMENTARY INFORMATION:

I. New Source Performance Standards—Wet Process Hardboard Subcategory

On January 26, 1981, EPA promulgated effluent guidelines and standards for various subcategories in the timber products industry. These standards included a new source performance standard for the wet process hardboard subcategory, which required new sources to achieve no discharge of process wastewater pollutants (see 40 CFR 429.64, 46 FR 8290). Shortly after promulgation, the AHA requested EPA to rescind the wet process hardboard new source performance standard. AHA based its request on concerns about the Agency's proposed criteria for identifying "new sources." These criteria define "new source" to include not only sources which are constructed where no other industrial sources presently exist (i.e., "greenfield" sites) but also sources which are constructed at the site of an existing source and either totally replace the processes causing the discharge at the existing source or are substantially independent

of the processes causing the discharge at the existing source (see 45 FR 59343-59344, September 9, 1980). AHA pointed out that, in promulgating the new source performance standard for the wet process hardboard subcategory, EPA only evaluated the impact of this no discharge requirement on new sources constructed at "greenfield" sites—not on new sources created by the modification of existing sources. AHA suggested that, without undertaking further analysis, it was improper for EPA to require new sources other than "greenfield" facilities to meet the no discharge limitation.

EPA agrees that AHA's concerns have merit. Achievement of the no discharge new source performance standard for the wet process hardboard subcategory depends, to a large extent, on the application of spray irrigation—a particularly land-intensive treatment technology. It was appropriate for EPA to assume that "greenfield"-type new sources have the flexibility to obtain the land required for spray irrigation. Without engaging in further analysis, however, it was inappropriate for EPA to assume that non-"greenfield" new sources would always have the ability to obtain the land required for spray irrigation. Consequently, EPA is amending the new source performance standard for the wet process hardboard subcategory to make it applicable only to "greenfield" facilities. As a result of this amendment, substantial modifications of existing sources, which might possibly qualify as new sources under the previous definition, will only be required to comply with the limitations applicable to existing sources. This change will be restricted to the wet process hardboard subcategory and will not affect the Agency's general definition of "new source" or the criteria for identifying the sources which fit within this definition. That definition and the accompanying criteria, once finalized, will be generally applicable to all other industrial subcategories.

II. Process Wastewater Definition—Dry Process Hardboard, Veneer, Finishing, Particleboard, and Sawmills and Planing Mills Subcategories

In its January 26, 1981 promulgation of effluent guidelines and standards for the timber industry, EPA included, for the sake of completeness, a number of timber effluent guidelines and standards which had been previously promulgated in 1974-1976 and were not substantively amended by the 1981 promulgation. Among these were the effluent guidelines and standards for the dry process hardboard, veneer, finishing,

particleboard, and sawmills and planing mills subcategories.

In the course of republishing these limitations and standards, EPA inadvertently neglected to exclude fire control water from the definition of process wastewater for these subcategories. EPA is amending the process wastewater definition to correct its error.

Promulgation Without Notice and Comment

The Administrative Procedure Act requires agencies engaged in rulemaking to provide notice and opportunity for public comment before taking final action. An exception is created where notice and opportunity for comment are "impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. 553. The Administrator has determined that there is good cause to promulgate these amendments without prior notice and opportunity for comment because they are either corrective or technical in nature. In view of the limited impact of these amendments, notice and opportunity for comment are unnecessary. Additionally, it would be a disservice and possible source of confusion to the few persons affected by these amendments to fail to immediately correct the Agency's errors.

Executive Order 12291

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 it is technical in nature and has the effect of relaxing regulatory requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. Although this rule is not subject to this requirement because it is not being proposed, EPA has determined that for the reasons discussed above, it does not have a significant adverse impact on small entities.

Dated: November 17, 1981.

Anne M. Gorsuch,
Administrator.

PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

40 CFR Part 429 is amended as follows:

1. The authority citation for Part 429 reads as follows:

Authority: Sections 301, 304(b), (c), (e), and (g), 306(b) and (c), 307(a), (b), and (c), and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act"); 33 U.S.C. 1311, 1314(b), (c), (e), and (g), 1316(b) and (c), 1317(b) and (c), and 1361; 86 Stat. 815, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

2. In § 429.11, paragraph (c) is revised to read as follows:

§ 429.11 General definitions.

* * * * *

(c) The term "process wastewater" specifically excludes noncontact cooling water, material storage yard runoff (either raw material or processed wood storage), and boiler blowdown. For the dry process hardboard, veneer, finishing, particleboard, and sawmills and planing mills subcategories, fire control water is excluded from the definition.

* * * * *

Subpart E—Wet Process Hardboard Subcategory

3. Section 429.64 is amended by adding the following sentence at the beginning of the section:

§ 429.64 New source performance standards (NSPS).

For purpose of this new source performance standard only, "new source" means a source which is constructed at a site at which no other source covered by this Part is located.

* * *

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40 CFR Part 429

[WH-FRL-1989-2]

Timber Products Point Source Category; Availability of the Final Development Document for Effluent Limitations Guidelines and Standards

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA promulgated final rules for the Timber Products Point Source Category on January 26, 1981 (46 FR 8260; 40 CFR Part 429; Subparts A-N). These regulations are required by the Clean Water Act of 1977. The development document presents the

findings of the study which supports the final regulations.

ADDRESS: Copies of the Development Document may be obtained by contacting the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22151; (703) 487-4600. (Refer to accession number PB81 227282.) The cost is \$35.00 for a paper copy or \$3.50 for a microfiche.

FOR FURTHER INFORMATION CONTACT: Richard Williams, (202) 426-2554.

Dated: November 13, 1981.

Bruce R. Barrett,
Acting Assistant Administrator for Water.

[FR Doc. 81-33334 Filed 11-20-81; 8:45 am]
BILLING CODE 6560-29-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Amdt. E-248]

Procurement Leadtimes

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation updates the table of procurement leadtimes in the FPMR to provide guidance to activities in the requisitioning of the listed commodities, and to aid agencies in estimating delivery dates of items GSA purchases for them.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Walter L. Eckbreth, Director, Office of Policy and Planning (703-557-0700).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effect. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

PART 101-26—GENERAL

Section 101-26.4801 is revised to read as follows: