

EPA is publishing this approval action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective September 17, 1990, 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If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices.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 such comments are received, the public is advised that this action will be effective September 17, 1990.

#### C. Final Action

Because the State and Union Carbide have fulfilled all the requirements of the Final Emissions Trading Policy of EPA, EPA approves the Union Carbide Alternative Emission Reduction Plan ("Bubble") as a revision to the Louisiana SIP. The approved LDEQ permit for this trade is #1836T (M-1) dated April 23, 1987, and revised May 5, 1990.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities.

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 8, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. 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, Hydrocarbons, Incorporation by reference, Ozone.

**Note:** Incorporation by reference of the State Implementation Plan for the State of Louisiana was approved by the Director of the Federal Register on July 1, 1982.

Dated: June 8, 1990.

Joe D. Winkle,

Acting Regional Administrator (6A).

40 CFR part 52 is amended as follows:

#### Subpart T—Louisiana

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

Authority: 42 U.S.C. 7401-7842.

2. Section 52.970 is amended by adding paragraph (c)(55) to read as follows:

##### § 52.970 Identification of plan.

(c) \* \* \*

(55) A revision to allow an alternative emission reduction plan ["bubble"] for the Union Carbide facility in Hahnville, Louisiana, as submitted by the Governor on October 19, 1983, and amended by Louisiana Department of Environmental Quality Air Quality Division permit #1836T(M-1) issued April 23, 1987, and revised on May 5, 1990.

##### (i) Incorporation by reference

(a) Louisiana Department of Environmental Quality Air Quality Division permit #1836T(M-1), issued April 23, 1987, and revised on May 5, 1990.

##### (ii) Additional material

None.

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#### 40 CFR Part 61

[FRL-3810-9]

#### National Emission Standards for Hazardous Air Pollutants; Radionuclides

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of stay.

**SUMMARY:** Today's action announces a 60-day stay pending judicial review of subpart I of 40 CFR part 61, National Emission Standards for Hazardous Air Pollutants for Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission and Non-DOE Federal Facilities (54 FR 51654 December 15, 1989). EPA is issuing this stay pursuant to section 10(d) of the Administrative Procedure Act, 5 U.S.C. 705, which grants the Administrator discretion to postpone the effective date of Agency rules pending judicial review, which for 40 CFR part 61, subpart I, (Subpart I), is ongoing in the United States Court of Appeals for the D.C. Circuit. Also relevant to this decision is that EPA is currently reconsidering subpart I. This action extends the existing stay granted by the Administrator pursuant to the same authority, on March 15, 1990, 55 FR

10455 (March 21, 1990), which in turn extended the stay put in place at the time of promulgation of subpart I, on December 15, 1990, which stay was granted pursuant to the Clean Air Act section 307(d)(7)(B) 54 FR 51654 (December 15, 1989).

**EFFECTIVE DATE:** Effective July 13, 1990, subpart I of 40 CFR part 61 is stayed until September 11, 1990.

**FOR FURTHER INFORMATION CONTACT:** Fran Cohen, Environmental Standards Branch, Criteria and Standards Division (ANR-460), Office of Radiation Programs, Environmental Protection Agency, Washington, DC 20460, (202) 475-9610.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

On October 31, 1989, EPA promulgated under section 112 of the Clean Air Act (the "Act"), 42 U.S.C. 7412, National Emission Standards for Hazardous Air Pollutants ("NESHAPs") controlling radionuclide emissions to the ambient (outdoor) air from several source categories, including emissions from Licensees of the Nuclear Regulatory Commission and Non-DOE Federal Facilities. This rule was published in the Federal Register on December 15, 1989 (54 FR 51654; to be codified at 40 CFR part 61, subpart I) (subpart I). At the same time, EPA granted reconsideration of subpart I. 54 FR 51667-51668. In so doing, EPA established a 60-day period to receive further information and comments on these issues, and also granted a 3-month stay of subpart I as provided by Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B). That stay expired on March 16, 1990. On March 15, 1990, EPA announced that it was extending the existing stay for 120 days pending judicial review pursuant to section 10(d) of the Administrative Procedure Act, 5 U.S.C. 705, 55 FR 10455 (March 21, 1990).

At least 11 petitions for review, made pursuant to Clean Air Act section 307, 42 U.S.C. 7607, challenging EPA's radionuclide NESHAPs (54 FR 51654 December 15, 1989) have been filed with the United States Court of Appeals for the DC Circuit. Some of these petitions take issue with the rulemaking generally, while others are narrowly addressed to particular source categories such as subpart I. For instance, the Nuclear Management and Resources Council, Inc. ("NUMARC") has petitioned only insofar as the rules apply to nuclear power plants and fuel fabrication facilities (DC Circuit Case No. 90-1073), and thus its petition challenges only aspects of subpart I. In



any event, all petitions have been consolidated by the court, *sua sponte*, under the heading *FMC Corp. v. EPA*, No. 90-1057 (DC Cir.).

#### B. Issuance of Stay

EPA today further stays, pending judicial review, for an additional 60 days until September 11, 1990, the NESHAP for NRC-Licensees and Non-DOE Federal Facilities, 40 CFR part 61, subpart I. This stay is issued pursuant to the authority granted by section 10(d) of the Administrative Procedure Act ("APA"), 5 U.S.C. 705, and is intended to have the effect of continuing in place the stay initially issued by EPA pursuant to Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), on December 15, 1989, 54 FR 51668, and extended for 120 days by subsequent stay issued on March 15, 1990, pursuant to APA section 10(d). 55 FR 10455 (March 21, 1990). APA section 10(d) states that "[w]hen an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review." Therefore, because petitions challenging this rule have been filed with the D.C. Circuit (e.g. NUMARC's petition), EPA is authorized to issue this stay. In addition, should the D.C. Circuit at some future point determine that it lacks jurisdiction to judicially review subpart I, authority for this stay may be additionally found as inherent to EPA's general rulemaking authority under Clean Air Act section 301(a), 42 U.S.C. 7601(a).

EPA has an ongoing proceeding for reconsideration of subpart I, announced on December 15, 1989, 54 FR 51667-51668. Because reconsideration has not concluded and no final decision has been made by the Agency as to whether to propose modification to subpart I, and given the ongoing judicial review proceedings on the D.C. Circuit, justice requires that the stay of the effective date of subpart I, be continued for 60 days. EPA believes that most facilities subject to this rule are in compliance and that, during the short period provided by this stay, their emissions are unlikely to increase. Thus, granting the stay would have little or no potential to have any adverse effects on public health, and is therefore consistent with the public interest.

Dated: July 12, 1990.

William K. Reilly,  
Administrator.

[FR Doc. 90-10753 Filed 7-17-90; 8:45 am]

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## OFFICE OF PERSONNEL MANAGEMENT

### 45 CFR Part 801

#### Voting Rights Program

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule with request for comments.

**SUMMARY:** The Office of Personnel Management (OPM) is establishing a new office for filing applications or complaints under the Voting Rights Act of 1965, as amended. The Attorney General has determined that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution.

**DATES:** This rule is effective July 16, 1990. In view of the need for its publication without an opportunity for prior comment, comments will still be considered. To be timely, comments must be received on or before August 17, 1990.

**ADDRESSES:** Send or deliver comments to Nichole Jenkins, Attorney, Office of Personnel Management, room 7541, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Nichole Jenkins, (202) 606-1701.

**SUPPLEMENTARY INFORMATION:** The Attorney General has designated Brooks County, Georgia, as an additional examination point under the provisions of the Voting Rights Act of 1965, as amended. He determined on July 11, 1990, that this designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, OPM will appoint Federal Examiners to review the qualifications of applicants to be registered to vote and Federal Observers to observe local elections.

Under section 553(b)(3)(B) of title 5 of the United States Code, the Director finds that good cause exists for waiving the general notice of proposed rulemaking. The notice is being waived because of OPM's legal responsibilities under 42 U.S.C. 1973e(a) and other parts of the Voting Rights Act of 1965, as amended, which require OPM to publish counties certified by the U.S. Attorney General and locations within these counties where citizens can be federally listed and become eligible to vote, and where Federal observers can be sent to observe local elections.

Under section 553(d)(3) of title 5 of the

United States Code, the Director finds that good cause exists to make this amendment effective in less than 30 days. The regulation is being made effective immediately in view of the pending election to be held in the subject county, where Federal observers will observe the election under the authority of the Voting Rights Act of 1965, as amended.

#### E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it adds one new location to the list of counties in the regulations concerning OPM's responsibilities under the Voting Rights Act.

#### List of Subjects in 45 CFR Part 801

Administrative practice and procedure, Voting rights.

U.S. Office of Personnel Management.  
Constance Berry Newman,  
Director.

Accordingly, OPM is amending 45 CFR part 801 as follows:

### PART 801—VOTING RIGHTS PROGRAM

1. The authority citation for part 801 is revised to read as follows, and all other authority citations in the part are removed:

Authority: 5 U.S.C. 1103; secs. 7, 9, 79 Stat. 440, 411 (42 U.S.C. 1973e, 1973g).

2. Appendix A to part 801, is amended by adding alphabetically the Georgia County of Brooks to read as follows:

§ 801.202 Time and place for filing and forms of application.

#### Appendix A

\* \* \* \* \*

#### Georgia

County, Place for filing: Beginning date.

\* \* \* \* \*

Brooks; Georgian Motel, room 8, 803 East Screven Street, Quitman, GA 31643; (912) 263-6306 or 263-9307, July 17, 1990.

\* \* \* \* \*

[FR Doc. 90-10889 Filed 7-16-90; 3:27 pm]

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