

February 22, 1980 (45 FR 11946), July 15, 1980 (45 FR 47549), July 7, 1981 (46 FR 35229), October 13, 1981 (46 FR 50445), and January 12, 1982 (47 FR 1354). Three additional standards submissions were approved by the Regional Administrator on January 11 and 20, 1982, and by the Assistant Secretary on January 26, 1982.

(1) The personnel operations of the Washington Industrial Safety and Health Administration under merit system rules were certified by the Director of the Seattle Regional Office, United States Office of Personnel Management (previously U.S. Civil Service Commission) as being in accordance with merit system standards by letter of January 21, 1976. The letter also judged Washington's affirmative action plan to be in compliance with the intent of these standards.

This certification covers all occupational safety and health issues covered under the Federal program as well as the State's program covering State and local government employees.

Location of the Plan and Its Supplements For Inspection and Copying

Copies of the supplements along with the approved plan, may be inspected and copied during normal business hours at the following locations:

Office of the Director of Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3613, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210
Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174
Department of Labor and Industries, General Administration Building, Olympia, Washington 98501

Effect of Certification

The Washington plan is certified effective January 26, 1982 as having completed all developmental steps on or before January 26, 1976. This certification attests to structural completion, but does not render judgment on adequacy of performance.

The Washington occupational safety and health program will be monitored and evaluated for a period of not less than one year after publication of this certification to determine whether the State program in operation provides for an effective program.

Level of Federal Enforcement

In accordance with 29 CFR 1902.35 Federal enforcement authority under

sections 5(a)(2), 8, 9, 10, 13, and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662, and 666) and Federal standards authority under section 6 of the Act (29 U.S.C. 655) will not be relinquished during the evaluation period. However, under the terms of an operational status agreement entered into between OSHA and the Washington Department of Labor and Industries effective May 30, 1975 (40 FR 44133), the exercise of this authority will continue to be limited to, among other things: complaints about employee discrimination; enforcement of new Federal standards including temporary emergency standards until adopted by the State, enforcement of standards in areas excluded from plan coverage; investigations for fulfillment of monitoring obligations under sections 18 (e) and (f) of the Act; and abatement dates from OSHA-issued citations, which extend beyond the date of State assumption of inspection responsibility Pursuant to 29 CFR 1954.3(f)(1) the agreement provides for resumption of Federal enforcement activity for failure to substantially comply with the provisions of the agreement or as a result of evaluation or other factors.

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

In accordance with this certification 29 CFR 1952.124 is hereby amended to reflect successful completion of the developmental period by changing the title of the section and by adding a paragraph (k) as follows:

§ 1952.124 Completion of developmental steps and certification

* * * * *

(k) In accordance with § 1902.34 of this chapter, the Washington occupational safety and health plan was certified effective January 26, 1982, as having completed all developmental steps specified in the plan as approved on January 26, 1973 on or before January 26, 1976. This certification attests to structural completion, but does not render judgment on adequacy of performance.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 26th day of January 1982.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 82-3421 Filed 2-8-82; 8:45 am]

BILLING CODE 4510-26-M

29 CFR Part 1953

Approval of Washington State Standards

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: This notice approves revised State standards comparable to Federal standards under 29 CFR 1926.451 Scaffolding. The State's adoption of the standards constitutes a change to the State's occupational safety and health plan in response to a Federal action proposing to reject previously submitted State construction scaffolding standards. This notice also terminates the rejection proceedings.

EFFECTIVE DATE: January 26, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph C. Acton, Project Officer, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-8045.

SUPPLEMENTAL INFORMATION:

Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards which are at least as effective as Federal standards promulgated pursuant to an approved State plan in accordance with section 18 (c)(2) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the *Federal Register* (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

Consistent with the State's schedule for adoption of State standards, by letter of October 7, 1976, the State submitted standards comparable to 29 CFR Part 1926, as published in the *Federal Register* (39 FR 22801) dated June 24, 1974. The State standards were promulgated after public hearing held on February 19, 1976.

Regional review pursuant to 29 CFR 1953.4 indicated that the State standards for construction scaffolding, WAC 296-155-485, contained additional provisions

under WAC 296-155-485(1)(e), General Requirements and WAC 296-155-485 (18) Plasterers' and Lathers' Tubular Welded Frame Scaffolds, which made the scaffolding standards less effective than those in 29 CFR 1926.451, Scaffolding. On August 16, 1977 a notice of the Regional Administrator's intent to reject the standards, which provided in detail the reasons therefor, was published in the Federal Register (42 FR 56812). Subsequently, a hearing was held before a Federal administrative law judge, Rhea M. Burrow, in Seattle, Washington, November 29, 1977, at the request of the State, to provide opportunity for the State and the Regional Administrator to present their cases. Following the hearing the parties agreed to waive a tentative decision by the Regional Administrator, and the records of the proceedings and post-hearing submissions, together with related material, were sent by way of Judge Burrow to the Assistant Secretary for a final decision.

After his consideration the Assistant Secretary concurred with the Regional Administrator that the standards were less effective than the Federal scaffolding standards. By letter dated November 18, 1981, Assistant Secretary Thorne G. Auchter advised the State designee for the Washington program, Samuel Kinville, Director of the Washington Department of Labor and Industries, that he intended to reject the State's scaffolding standards.

The State responded by using its emergency promulgation procedures to withdraw those portions of its scaffolding standards at WAC 296-155-485(1)(e) and 296-155-485(18) which rendered the original submission, WAC 296-155-485, Scaffolding, less effective than the Federal 29 CFR 1926.451, Scaffolding. The remaining provisions of WAC 296-155-485 are now substantially identical to 29 CFR 1926.451. The State's action took effect December 10, 1981; a copy of the standard reflecting the deletion of the less than effective portions was submitted by letter dated December 15, 1981. The State has expressed an intention to follow this emergency action with permanent promulgation. The State standards comparable to 29 CFR 1926.451 for construction scaffolding are now substantially identical to corresponding Federal provisions.

Location of the Plan Supplement for Inspection and Copying

A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of State Programs, Occupational Safety and

Health Administration, Room N3613, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 8048, 909 First Avenue, Seattle, Washington 98174; and the Department of Labor and Industries, General Administration Building, Olympia, Washington 98504.

Public Participation

Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause consistent with applicable law. The Assistant Secretary finds that the Washington plan supplement described above is substantially identical to comparable Federal provisions. Good cause is therefore found for the approval of the State standards without further public comment and notice.

Decision

After careful consideration the Washington standards described above, WAC 296-155-485 Scaffolding, are hereby approved under Subpart C of Part 1953 of this Chapter. The rejection proceedings relative to State scaffolding standards began on August 16, 1977 (42 FR 56812) are hereby terminated. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 26th day of January, 1982.

Thorne G. Auchter,
Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 82-3423 Filed 2-8-82; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 297

Deletion of Part; Office of the Secretary of Defense/Organization of the Joint Chiefs of Staff Implementation of the DOD Freedom of Information Program

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: The Office of the Secretary of Defense has cancelled the source document of 32 CFR Part 297 on implementation of the DoD Freedom of Information Program. This action removes this Part from the CFR since it is no longer valid.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. M. S. Healy, Federal Register Liaison Officer, Office of the Secretary of Defense, Pentagon, Washington, D.C. 20301, Telephone 202-697-4111.

PART 297—OFFICE OF THE SECRETARY OF DEFENSE/ ORGANIZATION OF THE JOINT CHIEFS OF STAFF IMPLEMENTATION OF THE DEPARTMENT OF DEFENSE FREEDOM OF INFORMATION PROGRAM [REMOVED]

Accordingly, 32 CFR is amended by removing Part 297.

M. S. Healy,
OSD Federal Register Liaison Officer,
Department of Defense.

February 3, 1982.

[FR Doc. 82-3356 Filed 2-8-82; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8 FRL 2009-6]

Approval and Promulgation of State Implementation Plans; Revisions to the Wyoming Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA is approving several revisions to the Wyoming State Implementation Plan (SIP). These revisions, submitted on August 26 and 27, 1981, eliminate the possibility for any Class III designations in the State, make several changes to the new source permitting program, provide information on Wyoming's air monitoring program in response to 40 CFR 58, and revise the Emergency Episode Contingency Plan. This Action will be effective on April 12, 1982 unless we receive notice by March 11, 1982 that someone wishes to submit adverse or critical comments.

DATES: This action is effective April 12, 1982.

ADDRESSES: Copies of the revision are available for public inspection between 8 a.m. and 4 p.m. Monday through Friday at the following offices:

Environmental Protection Agency,
Region VIII, Air Programs Branch,
1860 Lincoln Street, Denver, Colorado
80295;

Environmental Protection Agency,
Public Information Reference Unit,
Waterside Mall, 401 M Street, SW.,
Washington, D.C. 20460;

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

FOR FURTHER INFORMATION CONTACT: Barry Levene, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837-3711.

SUPPLEMENTAL INFORMATION: The State of Wyoming has submitted two sets of revisions to the Wyoming State Implementation Plan (SIP). The August 26, 1981, submittal contains (1) changes to the new source permitting regulations, (2) the Wyoming Air Monitoring Plan as required by 40 CFR 58, and (3) changes to the Emergency Episode Contingency Plan. The August 27, 1981, submittal consists of revisions to the Prevention of Significant Deterioration Regulation which eliminate references to designations of Class III areas.

Changes to Permit Requirements

Permit requirements in Section 21 of the Wyoming Air Quality Regulations have been revised to achieve three objectives:

- (1) Provide for a self-issuance permit system for portable sources.
- (2) Establish a requirement that a permit applicant demonstrate ownership of property as part of a permit application.
- (3) Provide the Wyoming Air Quality Division Administrator with the specific authority to determine that a proposed minor source has an insignificant emission rate and air quality impact and thus is exempt from the permit system.

EPA has reviewed these changes and has found them to be consistent with the New Source Review requirements in 40 CFR 51.18. The changes will enable Wyoming to streamline its permitting program with no adverse effect on air quality.

Air Monitoring Program

Subpart C of 40 CFR 58 contains the requirements that states must follow in submitting a SIP revision which describes its air quality monitoring plan. The August 26, 1981, submittal contains Wyoming's Air Quality Monitoring Plan which meets the requirements of 40 CFR 58.

Emergency Episode Contingency Plan

This plan is being revised to remove references to Coefficient of Haze measurements as a basis for determining emergency episodes. This measurement method is not a universally accepted technique. Measurement of total suspended particulate is satisfactory for emergency episodes.

Prevention of Significant Deterioration Program Revisions

On August 27, 1981, the State of Wyoming submitted revisions to its Air Quality Standards and Regulations which eliminate references to the possibility of designating areas of the State as Class III under its Prevention of Significant Deterioration Program. Federal regulations (40 CFR 51.24) allow states to designate certain areas to Class III. The air quality in such areas would then be allowed to deteriorate a larger incremental amount than other areas but not further than the National Ambient Air Quality Standards (NAAQS). The intent is to allow for substantial increases in industrial growth in these specified areas.

The State of Wyoming has determined that the preservation of high quality clean air is of prime importance to the citizens of Wyoming and that degradation of this resource would have a detrimental impact on the quality of life for Wyoming residents and the tourist industry. The State has also determined that industrial development is proceeding without the need to designate Class III areas and that clean air is easier to maintain than to restore. Elimination of Class III areas will allow the State to better manage its clean air resource. This provision is more stringent than federal requirements.

EPA today is approving these revisions. The public is advised that this action will be effective April 12, 1982. However, if we receive written notice by March 11, 1982 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw this final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements.

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.

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 imposes no new requirements. It only approves requirements adopted by the State.

(Sec. 110, Clean Air Act (42 U.S.C. 7410))

Dated: January 18, 1982.

Anne M. Gorsuch,
Administrator.

Note.—Incorporation by reference of the State Implementation Plan for the State of Wyoming was approved by the Director of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

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

(1) In § 52.2620, paragraph (c)(13) is added as follows:

§ 52.2620 Identification of plan.

(c) * * *

(13) On August 26, 1981 and August 27, 1981, Wyoming submitted revisions to the requirements for Prevention of Significant Deterioration, the Air Quality Monitoring Plan, revisions to the Emergency Episode Contingency Plan, and revisions to stationary source permitting regulations.

[FR Doc. 82-3213-Filed 2-8-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 55

[A-1-FRL-2026-4]

State and Federal Administrative Enforcement of Implementation Plan Requirements After Statutory Deadlines; Delayed Compliance Order for New England Power Company's Salem Harbor Generating Station

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) announces the issuance of an administrative order called a Delayed Compliance Order (DCO) to New England Power Company (NEPCO), allowing generating units 1, 2, and 3 of its Salem Harbor Generating Station, located in Salem, Massachusetts to convert from burning oil to burning coal. The increased particulate emissions caused by coal burning will mean that NEPCO will be unable to comply with certain provisions of the Massachusetts