

[6560-01-M]

[FRL 1054-2; OPP-00085A]

## FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA) SCIENTIFIC ADVISORY PANEL

## Open Meeting—Change in Agenda

On Monday, January 29, 1979, notice of the February 14-15, 1979 special subcommittee meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel was published in the FEDERAL REGISTER (44 FR 5712). The agenda should be amended as follows:

In addition to the upcoming subcommittee meeting, there will also be a regular meeting of the Panel during the afternoon of February 14. The Panel will formally convene in regular session to complete review action for conclusion of the rebuttable presumption against registration (RPAR) on pronamide.

The subcommittee will meet as originally scheduled during the morning of February 14 and all day on February 15 to discuss drafts of two Subparts of the Guidelines for Registering Pesticides in the United States.

**AUTHORITY:** Section 25(d) of FIFRA, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 138) and Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).

Dated: January 31, 1979.

EDWIN L. JOHNSON,  
Deputy Assistant Administrator  
for Pesticide Programs.

[FR Doc. 79-4221 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1054-1; OPP-50401]

## ISSUANCE OF EXPERIMENTAL USE PERMITS

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes. No. 21137-EUP-5. EM Laboratories, Inc., Elmsford, N.Y. 10523. This experimental use permit allows the use of sixty pounds of the insecticide chlordane on almonds and peaches to evaluate control of the peach twig borer and Oriental fruit moth. A total of twenty-five acres is involved. The experimental use permit is effective from January 19, 1979 to January 19, 1980. (PM-12, Room: E-229, Telephone: 202/426-9425)

No. 21137-EUP-6. EM Laboratories, Inc., Elmsford, N.Y. 10523. This experimental use permit allows the use

of sixty pounds of the insecticide chlordane on almonds and peaches to evaluate control of the peach twig borer and Oriental fruit moth. A total of twenty-five acres is involved. This program and the one above are authorized only in the State of California. This experimental use permit is also effective from January 19, 1979 to January 19, 1980. The permits will use same active ingredient, but different formulations. The permits are being issued with the limitation that all treated crops are destroyed or used for research purposes only. (PM-12, Room: E-229, Telephone: 202/426-9425)

No. 6704-EUP-20. U.S. Department of the Interior, Washington, D.C. 20240. This experimental use permit allows the use of one hundred pounds of the rodenticide zinc phosphid on sugarcane fields to evaluate control of the cotton rat and roof rat. A total of 360 acres is involved; the program is authorized only in the State of Florida. The experimental use permit is effective from January 19, 1979 to April 1, 1980. A permanent tolerance for residues of the active ingredient in or on sugarcane has been established (40 CFR 180.284). (PM-16, Room E-229, Telephone: 202/755-9315).

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

**AUTHORITY:** Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: January 26, 1979.

HERBERT HARRISON,  
Acting Director,  
Registration Division.

[FR Doc. 79-4220 Filed 2-6-79; 8:45 am]

[6560-01-M]

[FRL 1054-5]

## STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

## Delegation of Authority to State of Texas

Pursuant to section 111 of the Clean Air Act, as amended, the Administrator promulgated regulations establishing standards of performance for new stationary sources (NSPS). Pursuant to section 112 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for hazardous air pollutants (NESHAPS). Sections 111(c) and 112(d) of the Act direct the administrator to delegate authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, under section 111(c)(2) and 112(d)(2), the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to a State.

On May 9, 1975, Dolph Briscoe, Governor, State of Texas, requested delegation of authority to implement and enforce NSPS and NESHAPS to the Texas Air Control Board. Included in the initial request was information on the Board's procedures and resources for implementation and enforcement of NSPS and NESHAPS. Subsequently, the Board incorporated by reference the provisions of NSPS and NESHAPS in Board Rule 23. After a thorough review of the request, the Regional Administrator determined that the State procedures and authority were adequate. Pursuant to the authority delegated to her by the Administrator, the Regional Administrator notified Governor Briscoe in the following letter that authority to implement and enforce NSPS and NESHAPS subject to the conditions set forth in the letter was delegated to the State of Texas on behalf of the Texas Air Control Board.

NOVEMBER 15, 1978.

HONORABLE DOLPH BRISCOE,  
GOVERNOR OF TEXAS,  
State Capitol Building,  
Austin, Texas 78711.

DEAR GOVERNOR BRISCOE: This is in response to your letter of May 9, 1975 requesting delegation of authority for implementation and enforcement of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants to the Texas Air Control Board.

The pertinent laws of the State of Texas and the rules and regulations of the Texas Air Control Board have been reviewed and have been found to provide an adequate and effective procedure for implementation and enforcement of the New Source Performance Standards and National Emission Standards of Hazardous Air Pollutants by

the Texas Air Control Board and the State of Texas. The resources and capabilities of the Texas Air Control Board have been found to be adequate to implement and enforce the program.

Therefore, by virtue of authority granted by the Administrator, I hereby delegate authority to the Texas Air Control Board to implement and enforce New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, pursuant to Sections 111(d) and 112(d), respectively, of the Clean Air Act, subject to the conditions and limitations stated in this letter. Except as specifically limited in this letter, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 60 and 40 CFR Part 61 as of the date of this letter are delegated to the Texas Air Control Board. Any of such authority and responsibilities may be redelegated by the Board to its Executive Director or staff.

The conditions under which this authority is delegated are the following:

1. The Texas Air Control Board and the Region 6 office of the Environmental Protection Agency (EPA, Region 6) will develop a system of communication sufficient to guarantee that each office is fully informed and current regarding the compliance status of the subject sources. Initially, this communication will take the form of monthly worksheets to be provided by EPA, Region 6, to the Texas Air Control Board for completion. Attached is a sample page of the worksheet for sources subject to New Source Performance Standards. Attachment 2 is a sample page of the worksheet for sources subject to National Emission Standards for Hazardous Air Pollutants. These worksheets identify each source by name and state account number. The Texas Air Control Board will report any actions taken regarding each source and update the information shown regarding each source's compliance status and procedural status. These reports should be submitted to EPA by the 15th of each month.

It is understood that this system of communication is an interim method of reporting until the Texas Air Control Board can implement its new facility tracking system now under development. However, this interim method of reporting will provide all the information necessary regarding each source until a more permanent reporting system can be agreed on by the Texas Air Control Board and EPA, Region 6.

2. Implementation and enforcement of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in the State of Texas will be the primary responsibility of the Texas Air Control Board. If the State of Texas or the Texas Air Control Board 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 Texas Air Control Board 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 Texas.

3. The Texas Air Control Board shall give notice to EPA, Region 6, of the initiation of any enforcement proceeding, administrative or judicial, with respect to any New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants, or any source subject thereto. This

condition may be satisfied by submitting a copy of any such initiation of proceedings before or at the time of the service of such notice on the affected party or facility.

4. Acceptance of this delegation for New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants promulgated as of the date of this letter does not allow the State of Texas and the Texas Air Control Board to receive automatic delegation of future standards and requirements. Such delegations must be requested as future standards are promulgated.

5. Upon written approval of the Regional Administrator of the EPA, Region 6, the Texas Air Control Board may subdelegate its authority to implement and enforce New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants to air pollution control authorities in the State when such authorities have demonstrated that they want the authority and have the resources and capabilities to exercise it. If subdelegation approval is granted, appropriate address changes will be made in the FEDERAL REGISTER.

6. Acceptance of this delegation constitutes agreement by the Texas Air Control Board to follow all interpretations past and future, made by EPA of 40 CFR Parts 60 and 61 including determinations of applicability. The Texas Air Control Board agrees to consult with the EPA Region 6 on questions of interpretations of the New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants. A copy of each interpretation made by the Texas Air Control Board shall be sent to EPA, Region 6.

7. The State of Texas and the Texas Air Control Board are required to follow the provisions of 40 CFR Part 60 and are not authorized to grant any exemption, variance, or waiver from compliance with any provision of 40 CFR Part 60, except for the waiver of emission tests authorized in 40 CFR 60.8(b). A copy of any waiver of emission tests shall be sent to EPA, Region 6. Should the State of Texas or the Texas Air Control Board grant any other exemption, variance, or waiver to any source or category of sources, pursuant to any State law, regulation, or practice, the Texas Air Control Board shall immediately notify EPA, Region 6, of the granting of such exemption, variance or waiver and shall notify any source affected by such an exemption, variance or waiver that the State is not authorized to grant any exemption, variance or waiver from 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 Texas or the Texas Air Control Board shall also constitute grounds for revocation of delegation by EPA, in whole, or in part, in the discretion of the Regional Administrator of EPA, Region 6.

8. The State of Texas and the Texas Air Control Board are required to follow the provisions of 40 CFR Part 61 and 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. A copy of any waiver of emission tests shall be sent to EPA, Region 6. Should

the State of Texas or the Texas Air Control Board grant any other exemption, variance, or waiver to any source or category of sources pursuant to any State law, regulation, or practice, the Texas Air Control Board shall immediately notify EPA, Region 6 of the granting of such exemption, variance, or waiver that the State is not authorized to grant any exemption, variance or waiver from 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 other exemption, variance or waiver by the State of Texas or the Texas Air Control Board shall also constitute grounds for revocation of delegation by EPA, in whole or in part, in the discretion of the Regional Administrator of EPA, Region 6.

9. If any time there is a conflict between any State regulation and any provision of 40 CFR Part 60 or 61, the federal regulation must be applied to the extent that it is more stringent than that of the State. If the State of Texas or the Texas Air Control Board does not have the authority to enforce the more stringent federal regulation, the Texas Air Control Board shall immediately notify EPA, Region 6, pursuant to condition 2, above. The delegation may be revoked by EPA, Region 6, in whole or in part, in the event any such conflict makes implementation and enforcement of New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants administratively impractical.

10. For New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants, the State of Texas and the Texas Air Control Board shall utilize the methods and means of determining compliance specified in 40 CFR Part 60, including requiring performance tests within the time limit of 40 CFR 60.8, and 40 CFR Part 61. The 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 tests methods during either a pretest meeting or the actual sampling period. These minor modifications would have to produce results essentially identical to the referenced method results.

Approval of these minor modifications should be based on sound engineering judgment. Under no circumstances are modifications to be used which might result in the non-uniform application of the standards. In the event the State of Texas or the Texas Air Control Board is unable or unwilling to utilize the methods specified in 40 CFR Parts 60 and 61, the notification requirements of condition 2, above, shall apply.

11. The TACB should submit to EPA its quality assurance procedures which it plans to follow in enforcing and implementing the NSPS and NESHAP. As part of a good quality assurance program, the TACB shall conduct a pretest meeting with each source and shall observe each performance test.

12. At a minimum, the following records shall be maintained for each NSPSA and NESHAP performance test.

(a) Record or minutes of pretest meeting, to include the approval or disapproval of requested modifications to reference methods.

(b) Observer's report for the performance test, to include operating parameters of the affected process and control equipment.

(c) Evaluation of the performance test report, to include a recommendation whether or not the performance tests are acceptable.

13. If the Regional Administrator determines that, because of a State law or Board order, regulation, policy, practice, or procedure, the implementation and enforcement of the New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants is inadequate, or not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Texas Air Control Board.

14. In any instance where the State is unable under its own authority to obtain data or other information necessary to implement New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in the State, the State shall immediately so notify EPA, so that EPA may take action necessary to secure such data.

15. The State of Texas and the Texas Air Control Board shall permit access to and inspection by employees and agents of EPA of any and all reports or other records required by or pertaining to the implementation or enforcement of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants in the State of Texas. Access and inspection of reports and records shall be at any office where such records or reports may be filed, during the regular office hours for such office. Unless impractical to do so, the State of Texas and the Texas Air Control Board shall provide copies of such inspections or records upon request by EPA. If reproduction of such reports or records by the State of Texas or the Texas Air Control Board is impractical, the State of Texas and the Texas Air Control Board shall permit EPA to arrange for copies of such reports or records to be made.

16. If a claim of confidentiality or any other reason should ever legally prevent the State of Texas and the Texas Air Control Board from providing to EPA any and all information required by or pertaining to the implementation or enforcement of New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants, the Texas Air Control Board 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 which is to be sent directly to EPA.

17. Emission data must be made available to the public by the Texas Air Control Board. "Emission data" is defined in 40 CFR 2.301(a)(2). Emission data is to be correlated with applicable emission limitations or other measures in such a manner as to show the relationship between measured or estimated amounts of emissions and the amounts of such emissions which are allowable under the applicable emission limita-

tions or other measures. If any information which is defined as emission data is found to be not available to the public by reason of State law or other legal requirement, the Texas Air Control Board shall so notify EPA, Region 6, so that EPA may take the action necessary to release such data.

(a) EPA and the Texas Air Control Board each as an independent legal responsibility to ensure compliance by sources of air pollutants with the requirements of the New Source Performance Standards and the National Emission Standards for Hazardous Air Pollutants.

(b) EPA and the Texas Air Control Board each has the right and duty to select which sources covered it subjects to inspections and source tests and when it inspects and tests.

(c) EPA and the Texas Air Control Board, without participation by the other, may make source tests and inspections.

(d) EPA and the Texas Air Control Board, to the extent that it is reasonable, will coordinate inspections and source tests and will share results of these inspections and source tests with the other.

19. 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 Texas Air Control Board and in the discretion of EPA, Region 6, be transferred to the Texas Air Control Board for completion. Appropriate reproduction of pertinent file material in the EPA, Region 6, files in relation to source regulation under New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants shall be provided through mutual cooperation of the staffs of the respective offices.

A notice of this delegation will be published in the FEDERAL REGISTER in the near future. The notice will state, among other things, that effective immediately all reports, applications, submittals, and communications required pursuant to the Federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants by sources located in the State of Texas should be submitted to the Texas Air Control Board at 8520 Shoal Creek Boulevard, Austin, Texas 78758. Any such reports which have been or may be received by EPA, Region 6, will be promptly transmitted to the Texas Air Control Board.

Since this delegation is effective immediately, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State of Texas written notice of objection within ten days of the date of receipt of this letter, the State of Texas and the Texas Air Control Board will be deemed to have accepted all of the terms of the delegation.

Sincerely,

ADLENE HARRISON,  
Regional Administrator (6A).

cc: Mr. Bill Stewart, Executive Director, Texas Air Control Board, 8520 Shoal Creek Blvd., Austin, TX 78758.

Copies of the request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region 6 office, 1201 Elm Street, First International Building, Dallas, Texas 75270.

Effective immediately, all reports, applications, submittals, and commu-

nications required pursuant to the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) should not be submitted to the Environmental Protection Agency, Region 6 office, but instead should be submitted to the State Agency at the following address: Texas Air Control Board, 8520 Shoal Creek Boulevard, Austin, Texas 78758.

This Notice is issued under the authority of Sections 111, 112 and 301 of the Clean Air Act, as amended, 42 U.S.C. 7411, 7412 and 7601.

Dated: November 15, 1978.

ADLENE HARRISON,  
Regional Administrator,  
Region 6.

[FR Doc. 79-4222 Filed 2-6-79; 8:45 am]

[6560-01-M]

LOTS 0880005; FRL 1055-71

**TRANSFER OF TSCA INVENTORY  
INFORMATION TO CONTRACTOR**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data transfer.

**SUMMARY:** The Environmental Protection Agency will transfer data submitted by manufacturers and importers of chemical substances under the Toxic Substances Control Act (TSCA) Inventory Reporting Regulations to Informatics, Incorporated and through Informatics to its subcontractor, Value Engineering. The data transferred will not include any information about chemical substances whose identities have been claimed as confidential. Informatics has a contract with EPA to maintain and manage a computer data base for the Inventory, and Value Engineering, Informatics' subcontractor, will manage and operate the computer data center.

**DATE:** A partial information transfer will take place no sooner than the sixth working day after publication of this notice and will continue in controlled stages.

**FOR FURTHER INFORMATION CONTACT:**

John B. Ritch, Jr., Director, Industry Assistance Office (TS-799) EPA, 401 M Street, SW., Washington, D.C. 20460, Phone: 800-424-9065 or 554-1404 (Washington, D.C.).

**SUPPLEMENTARY INFORMATION:** Under the TSCA Inventory Reporting Regulations (40 CFR 710; 42 FR 64572; Dec. 23, 1977), manufacturers and importers of chemical substances reported information concerning the substances, their production sites, and