

Claims as filed in the prior application, less any claims cancelled by amendment below

For—	Number filed	Number extra	Rate	Fee
Total claims	—10=	-----	×\$2=	-----
Independent claims	— 1=	-----	×10=	-----
Basic fee (minimum amount required)				\$65
Total filing fee.-----				

4. [] The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. ----- A duplicate copy of this sheet is enclosed.

5. [] A check in the amount of \$----- is enclosed.

6. [] Cancel in this application original claims ----- of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

7. [] Amend the specification by inserting before the first line the sentence:— This is a [] continuation, [] division, of application serial no. -----, filed -----

8. [] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of base issue fee.)

8a. [] New formal drawings are enclosed.

8b. [] Priority of application serial no. ----- filed on ----- in ----- is (country)

claimed under 35 U.S.C. 119.

[] The certified copy of the priority application has been filed in prior application serial no. -----, filed -----

9. [] The prior application is assigned of record to -----

10. [] The power of attorney in the prior application is to ----- (name, registration number, and address)

a. [] The power appears in the original papers in the prior application.

b. [] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. [] Address all future communications ----- (May only be completed by applicant, or attorney or agent of record.)

----- (date) ----- (signature)

Address of signer: -----

- [] Inventor(s)
- [] Assignee of complete interest
- [] Attorney or agent of record
- [] Filed under § 1.34(a)

Dated: May 12, 1977.

C. MARSHALL DANN,
Commissioner of Patents,
and Trademarks.

Approved: May 15, 1977.

JORDAN J. BARUCH,
Assistant Secretary
for Science and Technology.

[FR Doc. 77-15348 Filed 5-31-77; 8:45 am]

Title 39—Postal Service
CHAPTER I—U.S. POSTAL SERVICE
PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Contractor Use of Agency Official Mail; Miscellaneous Revisions in Regulations Governing Official Mail Privilege of Federal Agencies

Correction

In FR Doc. 77-13435, appearing at page 24266 in the issue of May 13, 1977, in the second column on page 24270, immediately before the last paragraph which begins "(1) Application," insert the phrase "c. Controlled Circulation".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 739-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa: Approval and Disapproval of Plan Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document formally approves revised air pollution control regulations as part of the Iowa State Implementation Plan (SIP). Two subrules are disapproved. Approval of the regulations means they can be enforced by the EPA as well as the State.

EFFECTIVE DATE: June 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Dewayne E. Durst, Chief, Air Support Branch, Air and Hazardous Materials Division, EPA, Region VII, 1735 Baltimore, Kansas City, Missouri 64108 (816-374-3791).

SUPPLEMENTARY INFORMATION: On May 31, 1972 (37 FR 10865), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, the State of Iowa plan for the implementation of the National Ambient Air Quality Standards (NAAQS). On November 5, 1976 (41 FR 48750), the agency announced that the State proposed to revise its implementation plan by making a number of amendments to the Iowa Rules and Regulations Relating to Air Pollution Control. These amendments were adopted in public hearings after public notice by the Iowa Air Quality Commission (IAQC) and, in one case, by the Department of Environmental Quality (DEQ) Executive Committee. Rules adopted by the Executive Committee affect all divisions of the DEQ. The significant changes are discussed below.

On November 20, 1975, a new Chapter 52 of the Iowa Administrative Code was adopted by the Executive Committee, establishing a procedure for release, upon request, of information submitted to the DEQ. The procedure provides for confi-

dential treatment of data which are subject to a valid claim of confidentiality and specifically exempts air emissions data from confidential treatment. The chapter was made effective on January 19, 1976.

In accordance with the above action, the IAQC abolished its own regulation 2.1(4), "Confidentiality," effective February 16, 1976.

Chapter 3, of the Air Pollution Control Regulations, is amended to require the director, upon written request, to determine the acceptability of the location of proposed new equipment.

Chapter 3 now also requires that permit applications be complete before the 60-day limit for approval or denial begins.

The director can now require new permits for portable equipment which has been moved, as well as for modifications to existing stationary sources. He can also require additional control equipment on a portable source if, in its new location, it will prevent the attainment or maintenance of ambient air quality standards.

Exempted from permit requirements are fugitive dust controls, unless a control efficiency can be assigned to the equipment, equipment which eliminates all emissions to the atmosphere, and equipment which emits odors, unless it also emits particulate matter or other air contaminants.

According to Chapter 3, variances from New Source Performance Standards (NSPS) are not allowed.

Chapter 4, "Emission Standards," is amended to include, by reference, the federal NSPS for electric arc furnaces promulgated September 23, 1975 (40 FR 43850), and also by reference, any changes made before December 31, 1975, in the previously adopted NSPS.

The director is now allowed to impose an exhaust gas limit of 0.1 grain of particulate matter per standard cubic foot on any process which, though meeting the emission limits of the process weight rate table, will cause air pollution, as defined, by Iowa State law.

A new Chapter 14, "Rules of Practice," has been adopted. This chapter specifies an organization for the IAQC, its general methods of operation, rules of practice, and provides a description of the various forms used by the DEQ Air Quality Management Division.

The above revisions to Chapters 2, 3, 4 and 14 were adopted by the IAQC on February 12, 1976, and became effective April 26, 1976.

A section of Chapter 14, describing a reporting form provided to owners of vehicles which have been cited for violation, has been reworded to specifically make submission of the form voluntary rather than mandatory. This corrects an error in the original printing of Chapter 14. The corrected version became effective June 7, 1976.

Section 4.3(3) is amended to increase the sulfur dioxide (SO₂) emission limit to 8-pounds-per-million Btu heat input for existing solid fuel-burning sources over 500-million-Btu-per-hour

heat input except for those sources located in specified counties of the State. A limit of 6-pounds-per-million Btu heat input applies to sources over 500-million Btu per-hour heat input located in the following counties: Black Hawk (Waterloo); Clinton (Clinton); Des Moines (Burlington); Dubuque (Dubuque); Jackson, Lee (Keokuk); Linn (Cedar Rapids); Louisa, Muscatine, and Scott (Davenport). A 6-pound limit is in effect statewide for new sources under 250-million Btu heat input.

It should be noted that the presently approved SIP emission limit for SO₂ from solid fuel-burning sources is 5-pounds-per-million Btu heat input. The State adopted a 6-pound limit, but requested that EPA not take action approving it as part of the SIP pending further revision of the regulations. The regulation adopted by the State is intended to supplant both the previous State regulation of 6-pounds-per-million Btu and the federally approved SIP regulation of 5-pounds-per-million Btu.

Liquid fuel-burning sources are limited to 2.5 pounds of SO₂ per-million Btu except for sources subject to NSPS.

Once a violation of the SO₂ ambient standards has occurred, the director may subject all solid fuel-burning sources within 20 kilometers of that particular monitoring site to a 6-pounds-per-million Btu emission limit rather than the 8-pound limit.

The revisions to Section 4.3(3) were adopted April 15, 1976, and became effective July 19, 1976.

In addition to the above revisions, the State has made a number of revisions in the codification and internal cross-referencing of the regulations. These are minor changes that do not affect the control strategy in the SIP.

In the notice of proposed rulemaking, public comment was solicited with regard to Iowa's amended regulations and the opportunity to request public hearing was provided. Copies of the materials submitted by the State were made available for public inspection at the Agency's Region VII office in Kansas City, Missouri; EPA headquarters in Washington, D.C.; and at the office of the Iowa DEQ. No requests for public hearing were received. Comments were received from the Iowa Manufacturers Association and the Iowa DEQ. Both commenters supported the proposed revisions to Section 4.3(3). In addition, the DEQ offered additional technical information in support of these revisions.

The challenge filed by the Administrative Rules Review Committee of the Iowa General Assembly to the revisions which specify different SO₂ limits in different counties has been rescinded by the Committee. The objection was discussed in the proposal document, but since it is withdrawn, it does not affect the approvability of the regulations.

All the above changes constitute a proposed revision to the State of Iowa SIP. The Administrator's decision to approve or disapprove revisions to a plan is based on whether or not they meet the requirements of section 110(a)(2)

(A)-(H) of the Clean Air Act and 40 CFR Part 51 "Requirements for Preparation, Adoption and Submittal of State Implementation Plans."

After a careful review of all the changes contained in the proposed revision, the Administrator has determined that the proposed revisions to the SO₂ emission limits contained in Chapter 4 are inadequate to maintain the NAAQS for SO₂.

Technical documentation submitted to support Subrule 4.3(3)a(1), which relaxes SO₂ emission limits for major solid fuel-burning sources in all but 10 counties, was inadequate to demonstrate continued compliance with the NAAQS. Subrule 4.3(3)a(5) would reduce the allowable emissions from 8-pounds-per-million BTU to 6-pounds-per-million BTU if a violation of the NAAQS is monitored within 20 kilometers. This provision cannot be interpreted as adequately providing for attainment and maintenance of the NAAQS, since a violation of the NAAQS must occur before the section can be enforced. It could serve as a back-up provision if there was an adequate demonstration showing that within the technical limitations of predictive dispersion modeling the regulations would provide for maintenance of the NAAQS.

For the above reasons, Subrules 4.3(3)a(1) and 4.3(3)a(5) cannot be approved as part of the SIP.

Subrule 4.3(2)a, which permits the Director to impose a particulate matter emission limit of 0.1 grains-per-standard-cubic-foot of exhaust gas upon a source meeting the generally applicable process weight regulation if the Director determines that the source is causing air pollution in a specific area of the State, is being approved by the Administrator. Approval of this discretionary mechanism, however, does not in itself relieve the State from submitting to the Administrator for review and approval/disapproval, pursuant to section 110 of the Clean Air Act, a control strategy for particulate matter, including categorical or source specific-emission limitations and supporting air quality demonstrations pursuant to the call for revisions made on July 16, 1976 (41 FR 29479). The imposition of more stringent emission limitations by the Director under Subrule 4.3(2)a may result in emission limitations which are sufficient to attain NAAQS for particulate matter, in which case the plan deficiencies would be corrected upon submission to, and approval by, the Administrator of those more stringent emission limitations. However, since the limitations under Subrule 4.3(2)a are not federally enforceable until approved by the Administrator as plan revisions, and since it cannot be determined now whether exercise of Subrule 4.3(2)a will result in sufficient control to attain and maintain NAAQS, the deficiencies identified in the July 16, 1976, call for revisions for particulate matter cannot be considered to have been corrected by this approval action.

With the exception of Subrules 4.3(3)a(1) and 4.3(3)a(5) the revisions are

determined to meet the requirements of section 110 and 40 CFR Part 51. Accordingly, with the exception of the specified amendments to Chapter 4, which are disapproved, this plan revision is hereby approved and made a part of the State of Iowa implementation plan.

(Sec. 110, 301, Clean Air Act as amended (42 U.S.C. 1857c-5, 1857g))

Dated: May 25, 1977.

DOUGLAS M. COSTLE,
Administrator.

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

Subpart Q—Iowa

1. Section 52.820 is amended by adding paragraphs (c) (25) and (c) (26) as follows:

§ 52.820 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified: * * *

(25) Revisions to Rules 1.2, 2.1, 3.1, 4.1, 4.3, 4.4, and new Chapters 14 and 52 of the Iowa Administrative Code Relating to Air Pollution Control were submitted June 9, 1976, by the Department of Environmental Quality (Subrules 4.3(3)a(1) and 4.3(3)a(5) were disapproved).

(26) Additional air quality modeling to support the sulfur dioxide emission standards of Subrules 4.3(3)a(1) and 4.3(3)a(2) was submitted March 4, 1977, by the Department of Environmental Quality (Non-regulatory).

[FR Doc.77-15478 Filed 5-31-77;8:45 am]

[FRL 730-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revisions to the Texas Plan
AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action approves revisions to Rules 23 and 24 of the General Rules of the State Implementation Plan (SIP) for Texas. The rules as revised reflect the requirement of applicable sources to comply with New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). Approval of the SIP revisions will help to ensure compliance with NSPS and NESHAPS requirements by applicable sources.

EFFECTIVE DATE: May 27, 1977.

FOR FURTHER INFORMATION CONTACT:

Oscar Cabra, Jr., Air Program Branch, Environmental Protection Agency, Region VI, Dallas, Texas 75270 (214-749-3837).

SUPPLEMENTARY INFORMATION: On May 9, 1975, the Governor of Texas submitted revisions to Rules 23 and 24