

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3) and 1399(c)(6).

2. Appendix A to part 2644 is amended by adding to the end of the table therein a new entry as follows:

Appendix A to Part 2644—Table of Interest Rates

* * * * *

From	To	Date of quotation	Rate (percent)
1/01/93	3/31/93	12/15/92	6

Issued in Washington, DC, on this 12th day of January 1993.

James B. Lockhart III,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 93-1032 Filed 1-14-93; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF THE TREASURY**Fiscal Service****31 CFR Part 250**

RIN-AA29

Payment of Account of Awards of the Foreign Claims Settlement Commission of the United States

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Final rule, nomenclature changes.

SUMMARY: Treasury is revising its regulation to update the mailing address for the forwarding of forms used in connection with the payment on awards certified to the Secretary of the Treasury by the Foreign Claims Settlement Commission.

EFFECTIVE DATE: January 15, 1993.

FOR FURTHER INFORMATION CONTACT: Mia Abeya on (202) 874-8740.

SUPPLEMENTARY INFORMATION: This rule is not a major rule for the purpose of Executive Order 12291 of February 17, 1981, and a regulatory impact analysis is not required. As explained above, this revision is merely a correction of the mailing address for the forwarding of Foreign Claims forms to the Financial Management Service. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

List of Subjects in 31 CFR Part 250

Foreign claims.

Accordingly, 31 CFR part 250 is amended as follows:

1. The authority citation for part 250 continues to read as follows:

Authority: Sec. 7, 64 Stat. 16, Sec. 310, 69 Stat. 573, Sec. 413, 72 Stat. 530, Sec. 213, 76 Stat. 1111; 22 U.S.C. 1626, 1641; 16421, 50 U.S.C. App. 20171.

2. Sections 250.2, 250.3(a)(1), 250.4(f) and 250.6 are amended by removing the words "Washington, DC 20226" and inserting in their place the words "Hyattsville, MD 20782".

3. Sections 250.3(b) and 250.4(b)(1) are amended by removing the words "Investments Branch" and inserting in their place the words "Credit Accounting Branch".

Russell D. Morris,
Commissioner.

[FR Doc. 93-1043 Filed 1-14-93; 8:45 am]

BILLING CODE 4810-35-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[WA2-2-5568; FRL-4546-4]

Approval and Promulgation of State Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this action, EPA is approving in part, disapproving in part, and taking no action in part, on numerous revisions to the State of Washington Implementation Plan which were submitted by the Washington Department of Ecology (WDOE) on January 23, 1989 and May 14, 1991. These revisions are essentially administrative in nature and were made to improve the clarity, effectiveness, and enforceability of the state's regulations. The revisions were submitted in accordance with the requirements of section 110 of the Clean Air Act (hereinafter the Act). EPA is also taking no action on a number of provisions

which are unrelated to the purposes of the implementation plan.

EFFECTIVE DATE: January 15, 1993.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Air & Radiation Branch, Docket #WA2-2-5568, Environmental Protection Agency, 1200 Sixth Avenue, AT-082, Seattle, Washington 98101.

State of Washington, Department of Ecology, 4550 Third Ave. SE., Lacey, Washington 98504.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

David C. Bray, Environmental Protection Agency, 1200 Sixth Avenue, AT-082, Seattle, Washington 98101, Telephone: (206) 553-4253.

SUPPLEMENTARY INFORMATION:**I. Background**

In response to EPA's promulgation of revised ambient air quality standards for particulate matter (PM-10) on July 1, 1987, the State of Washington Department of Ecology (WDOE) amended many of its regulations. On January 23, 1989 WDOE submitted new regulations for Solid Fuel Burning Device Standards (WAC 173-433), Solid Waste Incinerator Facilities (WAC 173-434) and Ambient Air Quality Standards for Particulate Matter (WAC 173-470), as well as amendments to existing regulations for General Regulations for Air Pollution Sources (WAC 173-400), Implementation of Regulations for Air Contaminant Sources (WAC 173-403), Kraft Pulping Mills (WAC 173-405), Sulfite Pulping Mills (WAC 173-410), Primary Aluminum Plants (WAC 173-415), Open Burning (WAC 173-425), and Emergency Episode Plan (WAC 173-435).

In the spring of 1989, WDOE undertook a project to improve the overall quality, consistency, and enforceability of its regulations. On May 14, 1991 WDOE submitted amended regulations for General Regulations for Air Pollution Sources (WAC 173-400),

Kraft Pulping Mills (WAC 173-405), Sulfite Pulping Mills (WAC 173-410), Primary Aluminum Plants (WAC 173-415), Open Burning (WAC 173-425), Burning of Field and Forage and Turf Grasses Grown for Seed (WAC 173-430), Solid Fuel Burning Device Standards (WAC 173-433), Solid Waste Incinerator Facilities (WAC 173-434), Sensitive Areas (WAC 173-440), Emission Standards and Controls for Sources Emitting Volatile Compounds (WAC 173-490) and Weather Modification (WAC 173-495). In addition, the regulation for Implementation of Regulations for Air Contaminant Sources (WAC 173-403) was repealed. Many of the regulations and amendments in the January 23, 1989 submittal were superseded by the updated regulations in the May 14, 1991 submittal.

On September 28, 1992 (57 FR 44530), EPA proposed to approve in part, disapprove in part, and take no action in part, on 12 of the 14 amended regulations submitted on January 23, 1989 and May 14, 1991. Action on the amended Emission Standards and Controls for Sources Emitting Volatile Compounds (WAC 173-490) is being proposed under separate rulemaking. The regulation for Weather Modification (WAC 173-495) is not related to the purposes of the Act and, therefore, EPA is taking no action on the submittal of this regulation. See the September 28, 1992 Notice of Proposed Rulemaking for a discussion of the amendments to each of the 12 regulations and EPA's proposed actions thereon.

II. Response to Comment

EPA received no comments on its September 28, 1992 (57 FR 44530) proposal to approve in part, disapprove in part, and take no action in part, 12 of the 14 amended regulations as revisions to Washington state implementation plan.

III. Summary of Action

EPA today is approving in part, disapproving in part, and taking no action in part, on numerous revisions to the State of Washington Implementation Plan. Specifically, EPA is approving the following as revisions to the Washington SIP:

(1) WAC 173-400 (except for -040(1)(c) and (d); -040(2); -040(4); the second paragraph of -040(6); the exception provision in -050(3); -070(7); -075; -115; -120; -131; -136; -141; and -180), as in effect on March 22, 1991.

(2) WAC 173-405 (except for -033; -035; -040(1)(b), (1)(c), (3)(b), (3)(c), and (4); -040(7), (8), and (9); and -072(2)), as in effect on March 22, 1991.

(3) WAC 173-410 (except for -035; the exception provision in -040(3); and -040(5)), as in effect on March 22, 1991.

(4) WAC 173-415 (except for -020(1) and (2); -030(1); -030(3)(b); -040; and -060(1)(a), (b), and (d)), as in effect on March 22, 1991.

(5) WAC 173-425, as in effect on October 18, 1990.

(6) WAC 173-430, as in effect on October 18, 1990.

(7) WAC 173-433, as in effect on October 18, 1990.

(8) WAC 173-434 (except for -110, -120, and -130(2)), as in effect on October 18, 1990.

(9) WAC 173-435 (except for -070(1)), as in effect on January 3, 1989.

(10) WAC 173-440, as in effect on October 18, 1990.

(11) WAC 173-470 (except for -110 and -150), as in effect on January 3, 1989. EPA is approving the repeal of WAC 173-403.

EPA is disapproving the following:

(1) WAC 173-400-040(1)(c) and (d), the second paragraph of -040(6), the exception provision in -050(3), -120, -131, -136, -141, and -180.

(2) WAC 173-405-040(7), (8), and (9).

(3) the exception provision in WAC 173-410-040(3).

(4) WAC 173-415-030(3)(b).

(5) WAC 173-435-070(1).

(6) WAC 173-470-150.

EPA is taking no action on the following:

(1) WAC 173-400-040(2), -040(4), -070(7), -075, and -115.

(2) WAC 173-405-033; -035, -040(1)(b), (1)(c), (3)(b), (3)(c), and (4); and -072(2).

(3) WAC 173-410-035 and -040(5).

(4) WAC 173-415-020(1) and (2); -030(1); -040; and -060(1)(a), (b), and (d).

(5) WAC 173-434-110, -120, and -130(2).

(6) WAC 173-470-110.

(7) WAC 173-495.

IV. Administrative Review

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et. seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301, and subchapter I, Part D of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the

federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S.E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

EPA's disapproval of the state request under section 110 and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose any new federal requirements. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it impose any new federal requirements.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from date of publication). Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)) (See 42 U.S.C. 7607 (b)(2))

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: December 1, 1992.

Charles Findley,
Acting Regional Administrator.

Title 40, chapter I of part 52 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: Sections 42 U.S.C. 7401-7642.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(38) to read as follows:

§ 52.2470 Identification of plan.

* * *

(c) * * *

(38) On January 23, 1989 and May 14, 1991 the Director of the Department of Ecology submitted amended regulations as revisions to the Washington state implementation plan. EPA has approved the following as revisions to the implementation plan: WAC 173-400 (except for -040(1) (c) and (d); -040(2); -040(4); the second paragraph of -040(6); the exception provision in -050(3); -070(7); -075; -115; -120; -131; -136; -141; and -180) as in effect on March 22, 1991; the repeal of WAC 173-403 as in effect on March 22, 1991; WAC 173-405 (except for -033; -035; -040(1)(b); -040(1)(c); -040(3)(b); -040(3)(c); -040(4); -040(7); -040(8); -040(9); and -072(2)) as in effect on March 22, 1991; WAC 173-410 (except for -035; the exception provision in -040(3); and -040(5)) as in effect on March 22, 1991; WAC 173-415 (except for -020(1); -020(2); -030(1); -030(3)(b); -040; and -060(1) (a), (b), and (d)) as in effect on March 22, 1991; WAC 173-425 as in effect on October 18, 1990; WAC 173-430 as in effect on October 18, 1990; WAC 173-433 as in effect on October 18, 1990; WAC 173-434 (except for -110, -120, and -130(2)) as in effect on October 18, 1990; WAC 173-435 (except for -070(1)); as in effect on January 3, 1989; WAC 173-440 as in effect on October 18, 1990; WAC 173-470 (except for -110 and -150) as in effect on January 3, 1989.

(i) Incorporation by reference.

(A) January 23, 1989 letter from the Director of the Department of Ecology to EPA Region 10 submitting amendments to the Washington state implementation plan.

(B) May 14, 1991 letter from the Director of the Department of Ecology to EPA Region 10 submitting amendments to the Washington state implementation plan.

(C) Washington Administrative Code, Chapter 173-400 (General Regulations for Air Pollution Sources) (except for -040(1) (c) and (d), -040(2), -040(4), the second paragraph of -040(6), the exception provision in -050(3), -070(7), -075, -115, -120, -131, -136, -141, and -180) as in effect 3/22/91; Washington Administrative Code, Chapter 173-405 (Kraft Pulp Mills) (except for -033; -035; -040(1)(b), (1)(c), (3)(b), (3)(c), and (4); -040 (7), (8), and (9); and -072(2)) as in effect 3/22/91; Washington Administrative Code Chapter 173-410 (Sulfite Pulping Mills) (except for 035; the exception provision in -040(3); and -040(5)) as in effect 3/22/91; Washington Administrative Code Chapter 173-415 (Primary Aluminum Plants) (except for -020 (1) and (2); -030(1); -030(3)(b); -040; and -060(1) (a), (b), and (d)) as in effect 3/22/91; Washington Administrative Code Chapter 173-425 (Open Burning) as in effect 10/18/90; Washington Administrative Code Chapter 173-430 (Burning of Field and Forage and Turf Grasses Grown for Seed) as in effect 10/18/90; Washington Administrative Code Chapter 173-433 (Solid Fuel Burning Device Standards) as in effect 10/18/90; Washington Administrative Code Chapter 173-434 (except for -110, -120, and -130(2)) as in effect 10/18/90; Washington Administrative Code Chapter 173-435 (Emergency Episode Plan) (except for -070(1)) as in effect 1/3/89; Washington Administrative Code Chapter 173-440 (Sensitive Areas) as in effect 10/18/90; and Washington Administrative Code Chapter 173-470 (Ambient Air Quality Standards for Particulate Matter) (except for -110 and -150) as in effect 1/3/89.

3. Section 52.2479 is revised to read as follows:

§ 52.2479 Contents of the federally approved, state submitted implementation plan.

The following sections of the Washington State Implementation Plan for Compliance with Requirements of the Federal Clean Air Act (as adopted on the dates indicated) have been approved and are part of the current federally-approved, state-submitted implementation plan.

Washington State Implementation Plan for Compliance With Requirements of the Federal Clean Air Act

WAC 173-400 General Regulations for Air Pollution Sources

Section 010 Policy and purpose (3/22/91)
Section 020 Applicability (3/21/91)
Section 030 Definitions (3/21/91)

Section 040 General standards for maximum emissions (except -040(1)(c) and (d); -040(2); -040(4); and the second paragraph of -040(6)) (3/22/91)
Section 050 Emission standards for combustion and incineration units (except for the exception provision in -050(3)) (3/22/91)
Section 060 Emission standards for general process units (3/21/91)
Section 070 Emission standards for certain source categories (except -070(7)) (3/21/91)
Section 100 Registration (3/21/91)
Section 105 Records, monitoring and reporting (3/21/91)
Section 110 New source review (NSR) (3/21/91)
Section 151 Retrofit requirements for visibility protection (3/21/91)
Section 161 Compliance schedules (3/21/91)
Section 171 Public involvement (3/21/91)
Section 190 Requirements for nonattainment areas (3/21/91)
Section 200 Creditable stack height and dispersion techniques (3/21/91)
Section 205 Adjustment for atmospheric conditions (3/21/91)
Section 210 Emission requirements for prior jurisdictions (3/21/91)
Section 220 Requirements for board members (3/21/91)
Section 230 Regulatory actions (3/21/91)
Section 240 Criminal penalties (3/21/91)
Section 250 Appeals (3/21/91)
Section 260 Conflict of interest (3/21/91)

WAC 173-402 Civil Sanctions Under Washington Clean Air Act (6/24/80)

WAC 173-403 Kraft Pulp Mills

Section 012 Statement of purpose (3/21/91)
Section 021 Definitions (3/21/91)
Section 040 Emission standards (except -040(1)(b), -040(1)(c), -040(3)(b), -040(3)(c), -040(4), -040(7), -040(8), and -040(9)) (3/21/91)
Section 045 Creditable stack height and dispersion techniques (3/21/91)
Section 061 More restrictive emission standards (3/21/91)
Section 072 Monitoring requirements (except -072(2)) (3/21/91)
Section 077 Report of startup, shutdown, breakdown or upset conditions (3/21/91)
Section 078 Emission inventory (3/21/91)
Section 086 New source review (NSR) (3/21/91)
Section 087 Prevention of significant deterioration (PSD) (3/21/91)
Section 091 Special studies (3/21/91)

WAC 173-410 Sulfite Pulping Mills

Section 012 Statement of purpose (3/21/91)
Section 021 Definitions (3/21/91)
Section 040 Emission standards (except for the exception provision in -040(3) and -040(5)) (3/21/91)
Section 045 Creditable stack height and dispersion techniques (3/21/91)
Section 062 Monitoring requirements (3/21/91)
Section 067 Report of startup, shutdown, breakdown or upset conditions (3/21/91)
Section 071 Emission inventory (3/21/91)

- Section 086 New source review (NSR) (3/21/91)
 Section 087 Prevention of significant deterioration (PSD) (3/21/91)
 Section 100 Special studies (3/21/91)

WAC 173-415 Primary Aluminum Plants

- Section 010 Statement of purpose (3/21/91)
 Section 020 Definitions (except -020(1) and (2)) (3/21/91)
 Section 030 Emission standards (except -030(1) and -030(3)(b)) (3/21/91)
 Section 045 Creditable stack height and dispersion techniques (3/21/91)
 Section 050 New source review (NSR) (3/21/91)
 Section 051 Prevention of significant deterioration (PSD) (3/21/91)
 Section 060 Monitoring and reporting (except -060(1)(a), (b) and (d)) (3/21/91)
 Section 070 Report of startup, shutdown, breakdown or upset conditions (3/21/91)
 Section 080 Emission inventory (3/21/91)

WAC 173-420 State Jurisdiction Over Motor Vehicles (3/29/77)**WAC 173-422 Motor Vehicle Emission Inspection (12/31/81)****WAC 173-425 Open Burning**

- Section 010 Purpose (10/18/90)
 Section 020 Applicability (10/18/90)
 Section 030 Definitions (10/18/90)
 Section 036 Curtailment during episodes or impaired air quality (10/18/90)
 Section 045 Prohibited materials (10/18/90)
 Section 055 Exceptions (10/18/90)
 Section 065 Residential open burning (10/18/90)
 Section 075 Commercial open burning (10/18/90)
 Section 085 Agricultural open burning (10/18/90)
 Section 095 No burn area designation (10/18/90)
 Section 100 Delegation of agricultural open burning program (10/18/90)
 Section 115 Land clearing project (10/18/90)
 Section 120 Department of natural resources—smoke management plan (10/18/90)
 Section 130 Notice of violation (10/18/90)
 Section 140 Remedies (10/18/90)

WAC 173-430 Buring of Field and Forage and Turf Grasses Grown for Seed

- Section 010 Purpose (10/18/90)
 Section 020 Definitions (10/18/90)
 Section 030 Permits, conditions and restrictions (10/18/90)
 Section 040 Mobile field burners (10/18/90)
 Section 050 Other approvals (10/18/90)
 Section 060 Study of alternatives (10/18/90)
 Section 070 Fees (10/18/90)
 Section 080 Certification of alternatives (10/18/90)

WAC 173-433 Solid Fuel Burning Device Standards

- Section 010 Purpose (10/18/90)
 Section 020 Applicability (10/18/90)
 Section 030 Definitions (10/18/90)
 Section 100 Emission performance standards (10/18/90)
 Section 110 Opacity standards (10/18/90)

- Section 120 Prohibited fuel types (10/18/90)
 Section 130 General emission standards (10/18/90)
 Section 150 Curtailment (10/18/90)
 Section 170 Retail sales fee (10/18/90)
 Section 200 Regulatory actions and penalties (10/18/90)

WAC 173-434 Solid Waste Incinerator Facilities

- Section 010 Purpose (10/18/90)
 Section 020 Applicability (10/18/90)
 Section 030 Definitions (10/18/90)
 Section 050 New source review (NSR) (10/18/90)
 Section 070 Prevention of significant deterioration (PSD) (10/18/90)
 Section 090 Operation and maintenance plan (10/18/90)
 Section 100 Requirement for BACT (10/18/90)
 Section 130 Emission standards (except -130(2)) (10/18/90)
 Section 160 Design and operation (10/18/90)
 Section 170 Monitoring and reporting (10/18/90)
 Section 190 Changes in operation (10/18/90)
 Section 200 Emission inventory (10/18/90)
 Section 210 Special studies (10/18/90)

WAC 173-435 Emergency Episode Plan

- Section 010 Purpose (1/3/89)
 Section 015 Significant harm levels (1/3/89)
 Section 020 Definitions (1/3/89)
 Section 030 Episode stage criteria (1/3/89)
 Section 040 Source emission reduction plans (1/3/89)
 Section 050 Action procedures (1/3/89)
 Section 060 Enforcement (1/3/89)
 Section 070 Sampling sites, equipment and methods (except -070(1)) (1/3/89)

WAC 173-440 Sensitive Areas

- Section 010 Purpose (10/18/90)
 Section 020 Applicability (10/18/90)
 Section 030 Definitions (10/18/90)
 Section 040 Sensitive areas designated (10/18/90)
 Section 100 Standards (10/18/90)
 Section 900 Appendix A—Map (10/18/90)

WAC 173-470 Ambient Air Quality Standards for Particulate Matter

- Section 010 Purpose (1/3/89)
 Section 020 Applicability (1/3/89)
 Section 030 Definitions (1/3/89)
 Section 100 Ambient air quality standards (1/3/89)
 Section 160 Reporting of data (1/3/89)

WAC 173-490 Emission Standards and Controls for Sources Emitting Volatile Organic Compounds

- Section 010 Purpose (8/20/80)
 Section 020 Definitions (6/29/82)
 Section 025 General Applicability (6/29/82)
 Section 030 Registration and Reporting (8/20/80)
 Section 040 Requirements (6/29/82)
 Section 070 Schedule of Control Dates (8/20/80)
 Section 071 Alternative Schedule of Control Dates (8/20/80)
 Section 080 Exceptions (6/29/82)

- Section 090 New Source Review (4/26/79)
 Section 120 Compliance Schedules (4/26/79)

- Section 130 Regulatory Actions (4/26/79)
 Section 135 Criminal Penalties (4/26/79)
 Section 140 Appeals (4/26/79)
 Section 200 Petroleum Refinery Equipment Leaks (8/20/80)

- Section 201 Petroleum Liquid Storage In External Floating Roof Tanks (8/20/80)
 Section 202 Leaks from Gasoline Transport Tanks and Vapor Collection Systems (8/20/80)

- Section 203 Perchloroethylene Dry Cleaning Systems (6/29/82)
 Section 204 Graphic Arts Systems (6/29/82)
 Section 205 Surface Coating of Miscellaneous Metal Parts and Products (6/29/82)

- Section 207 Surface Coating of Flatwood Paneling (8/20/80)

- Section 208 Aerospace Assembly and Component Coating Operations (6/29/82)

WAC 463-39 General Regulations for Air Pollution Sources

- Section 010 Purpose (7/23/79)
 Section 020 Applicability (7/23/79)
 Section 030 Definitions (except (4), (7), (10), (24), (25), (30), (35), (36)) (7/23/79)
 Section 040 General Standards for Maximum Permissible Emissions (except introductory paragraph) (7/23/79)
 Section 050 Minimum Emission Standards for Combustion and Incineration Sources (7/23/79)
 Section 060 Minimum Emission Standards for General Process Sources (7/23/79)
 Section 080 Compliance Schedules (7/23/79)
 Section 100 Registration (7/23/79)
 Section 110 New Source Review (except (1), the first two sentences of (3)(b), (3)(c), (3)(d), (3)(e)) (7/23/79)
 Section 120 Monitoring and Special Report (7/23/79)
 Section 130 Regulatory Actions (7/23/79)
 Section 135 Criminal Penalties (7/23/79)
 Section 150 Variance (7/23/79)
 Section 170 Conflict of Interest (7/23/79)

Puget Sound Air Pollution Control Authority—Regulation I

- Article 1 Policy, Short Title & Definitions (except 1.07(s), 1.07(rr) and 1.07(xx) (12/74)

- Article 1.07(s) General Definitions, "Facility" (10/11/83)

- Article 1.07(rr) General Definitions, "Source" (10/11/83)

- Article 1.07(xx) General Definitions, "Volatile Organic Compound" (10/11/83)

- Article 3 General Provisions (12/74)

- Article 6 Notices of Construction and Orders of Approval (except 6.07(b)(7) and 6.08) (12/74)

- Article 6.07(b)(7) Issuance of Approval or Order (10/11/83)

- Article 6.08 Special Conditions for New Air Contaminant Sources Which Will Significantly Impact A NonAttainment Area (10/11/83)

- Article 9.02 Outdoor Fires (6/13/73)

- Article 9.02A (6/20/74)

- Article 9.03 Emission of Air Contaminant: Visual Standard (1/77)
 Article 9.04 Deposition of Particulate Matter (1/77)
 Article 9.05 Incinerator Burning (1/77)
 Article 9.06 Refuse Burning Equipment: Time Restriction (1/77)
 Article 9.07(c) Emission of Sulfur Dioxide (8/12/70)
 Article 9.07(d) Emission of Sulfur Dioxide (1/77)
 Article 9.07(e) Emission of Sulfur Dioxide (1/77)
 Article 9.09 Emission of Particulate Matter: Weight Rate Standard (1/77)

Puget Sound Air Pollution Control Authority—Regulation II

- Article 1 Purpose, Policy, Short Title and Definitions (except 1.02) (4/8/82)
 Article 1, Section 1.02 Policy (12/13/84)
 Article 2 Volatile Organic Compound Emission Standards Group 1 (except 2.13) (4/8/82) *
 Article 2, Section 2.13 Schedule of Control Dates (12/13/84)
 Article 3 Volatile Organic Compound Emission Standards—Group 2 (except 3.11) (4/8/82)
 Article 3, Section 3.11 Schedule of Compliance Dates (12/13/84)
 Article 4 General Provisions (except 4.02) (4/8/82)
 Article 4, Section 4.02 Scope, Registration, Reporting and Notice of Construction (12/13/84)

Northwest Air Pollution Authority—Regulations

- Section 455.11 Particulate Matter Standard (8/9/78)

Spokane County Air Pollution Control Authority—Regulation II

- Article IV, Section 4.01 Particulate Emissions—Grain Loading Restrictions (1/6/75)

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 92-27; Notice 2]

RIN 2127-AE41

Federal Motor Vehicle Safety Standards; Wheel Nuts, Wheel Discs, and Hub Caps

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: In this final rule, NHTSA amends Federal Motor Vehicle Safety Standard No. 211 *Wheel Nuts, Wheel Discs, and Hub Caps* to relax the current prohibition against all wheel nuts,

wheel discs, and hub caps with winged projections. As amended, the standard will permit winged wheel nuts, wheel discs, and hub caps, if, when those items are installed on a wheel rim, the projections do not extend beyond the side of the wheel rim. Pedestrian or cyclist safety will not be compromised by this change.

DATES: This final rule is effective February 16, 1993.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret Gill, Office of Vehicle Safety Standards, NRM-12, room 5320, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Gill's telephone number is (202) 366-6651.

SUPPLEMENTARY INFORMATION:

Background

Standard No. 211, *Wheel Nuts, Wheel Discs, and Hub Caps* (49 CFR 571.211) was issued in 1967 (32 FR 2408) as one of the initial Federal Motor Vehicle Safety Standards. Standard No. 211 applies to motor vehicles and motor vehicle equipment. The Standard currently prohibits wheel nuts, wheel discs, and hub caps that incorporate "winged projections" (for the sake of brevity and simplicity, all three are generically referred to hereafter as "winged hub caps"). This prohibition applies to all winged hub caps, regardless of the size of the winged projections, and regardless of how far outward they jut when the hub cap is installed on any wheel rim on which it is or can be mounted.

By petition dated September 3, 1991, Consolidated International Automotive, Inc., Dayton Wheel Products, and Gorilla Automotive Products (petitioners) petitioned the agency to amend Standard No. 211. Petitioners sought an amendment that would permit the manufacture and installation of some types of hub caps. Petitioners asserted that the record contained no evidence substantiating any safety related hazards associated with the hub caps regulated by Standard No. 211. To bolster this position, petitioners enclosed the results of a survey of automotive parts wholesale and retail establishments. The survey showed no reports of injuries resulting from winged hub caps. (The results of this survey are in NHTSA Docket No. 92-27; Notice 1.) Petitioners further stated that the agency provided no guidance as to what constitutes a "winged projection," and that it is therefore difficult to discern what types of equipment are prohibited by the standard. Petitioners petitioned for Standard No. 211 to be amended so that it does not prohibit the manufacture and installation of hub caps with

"winged projections" that, when installed, "do not extend beyond the outermost plane of the wheel." On December 2, 1991, NHTSA granted the petitioners' petition for rulemaking.

Notice of Proposed Rulemaking

On June 8, 1992, NHTSA implemented the grant of rulemaking by publishing in the *Federal Register* a notice of proposed rulemaking (57 FR 24207) proposing to amend Standard No. 211 to permit hub caps incorporating "winged projections" that, when installed, do not "extend beyond the plane that is tangent to the outboard edge of the wheel rim * * *". Before issuing the proposal, the agency reexamined the safety need to prohibit winged hub caps. In doing so, the agency examined available information provided by the petitioners and by other sources. This review by NHTSA was summarized in the NPRM.

In the NPRM, the agency described the accident data sources it reviewed to determine the extent of injuries involving winged hub caps. Pedestrians, motorcyclists, and bicyclists are potentially at risk from injuries resulting from contact with winged hub caps. The agency's analysis was based on a review of accident data files from the Pedestrian Injury Causation Study (PICS), the National Accident Sampling Systems (NASS), and complaints to NHTSA's Office of Defects Investigation. The data examined by NHTSA indicated that, since 1979, significant injury has not been caused to pedestrians or cyclists as a result of accidental contact with wheels or hub caps. Based on this, the agency tentatively concluded that safety would not be compromised by amending Standard No. 211 so that it permits winged hub caps if, when the winged hub caps are installed on a wheel rim, the winged projections do not extend outward beyond the plane tangent to the outside of that wheel rim.

Public Comments to the NPRM

In response to the NPRM, the agency received twenty eight public comments. The agency received separate comments from two automobile manufacturers, and a comment from counsel for the petitioners. The other comments were from automotive parts wholesale and retail establishments. All these commenters supported the proposed amendment to Standard No. 211. The majority of the commenters stated that they were not aware of any instances in which accidental contact with a winged projection on a hub cap, resulted in an injury. None of the twenty eight commenters opposed any aspect of the NPRM.