Island to the western end of Clover Island at Kennewick, Washington.

(c) When deemed appropriate, the Coast Guard may establish a patrol consisting of active and auxiliary Coast Guard vessels in the area described in paragraph (b). The patrol shall be under the direction of a Coast Guard officer or petty officer designated as Coast Guard Patrol Commander. The Patrol Commander is empowered to forbid and control the movement of vessels in the area described in paragraph (b) of this section.

(d) The Patrol Commander may authorize vessels to be underway in the area described in paragraph (b) of this section during the hours this regulation is in effect. All vessels permitted to be underway in the controlled area shall do so only at speeds which will create minimum wake, seven (7) miles per hour or less. This maximum speed may be reduced at the discretion of the Patrol Commander.

(e) A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the order of the patrol vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR Part 100.35)

Dated: July 12, 1984.

R.R. Garrett,

*Captain, U.S. Coast Guard Commander, 13th CG District Acting.*

[FR Doc. 84-19150 Filed 7-18-84; 8:45 am]

BILLING CODE 4910-14-M

## 33 CFR Part 165

**[COTP San Francisco Regulation 84-03]**

## Security Zone Regulations; San Francisco Bay

**AGENCY:** Coast Guard, DOT.

**ACTION:** Emergency rule.

**SUMMARY:** The Coast Guard is establishing a security zone around Pier 45 San Francisco which will be the scene of a major activity associated with the Democratic National Convention. The zone is needed to safeguard this waterfront facility and its occupants against injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATES:** This regulation becomes effective on 16 July 1984. It terminates on completion of the Democratic National Convention party at Pier 45.

**FOR FURTHER INFORMATION CONTACT:** LTJG William W. Whitson, Marine Safety Office San Francisco Bay (415) 437-3073.

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed.

### Drafting Information

The drafters of this regulation are LTJG William Whitson project officer for the Captain of the Port, and CDR W.K. Bissell, project attorney, Twelfth Coast Guard District Legal office.

### Discussion of Regulation

The event requiring this regulation is planned to occur on 16 July 1984 when the Democratic National Convention hosts a party at Pier 45 on the San Francisco cityfront. The security of the democratic candidates, a past president and associated guests is a matter of national importance. A security zone around Pier 45 will provide the Captain of the Port San Francisco Bay, California with the authority necessary to help ensure the safety of the people assembled at this waterfront facility.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

### Regulation

### PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33, Code of Federal Regulations, is amended by adding a new § 165.T1203 to read as follows:

**§ 165.T1203 Security Zone: San Francisco Bay.**

(a) *Location.* The following area is a security zone: (1) A security zone is established around Pier 45 on the San Francisco cityfront on the north and east side for a distance of 100 yards. On the west side of Pier 45 the security zone extends out for 25 yards from the pier. The security zone will be enforced from 1700, 16 July 1984 until 0200, 17 July 1984 or until the completion of the event requiring this regulation.

(b) *Regulation:* (1) In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port. Section 165.33 also contains other general requirements.

(50 U.S.C. 191; E.O. 10173; and 33 CFR 6.04-6)

Dated: July 6, 1984.

K.F. Bishop, Jr.,

*Captain, U.S. Coast Guard, Captain of the Port, San Francisco Bay.*

[FR Doc. 84-19151 Filed 7-18-84; 8:45 am]

BILLING CODE 4910-14-M

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[MO 1515; OAR-FRL-2633-8]**

## Approval and Promulgation of Missouri State Implementation Plan (SIP) for Lead

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

**ACTION:** Final action to approve the modeling and attainment date in the Missouri lead SIP

**SUMMARY:** On October 21, 1983 (48 FR 48982), EPA proposed to approve the attainment date and modeling portions of the Missouri lead SIP In an earlier action (April 27, 1981, 46 FR 23412), EPA had approved the Missouri lead SIP, except for these two items. Subsequent to the April 27, 1981, final rulemaking, the three primary lead smelters located in Missouri submitted a petition for reconsideration of EPA's partial disapproval. The petition was granted in part, and upon reconsidering the earlier action, EPA proposed to reverse the disapproval. This notice reviews the comments submitted on our proposal and takes final action to approve the attainment date and modeling in the Missouri lead SIP

**EFFECTIVE DATE:** August 20, 1984.

**ADDRESSES:** Copies of the Petition for Reconsideration, dated June 30, 1981, the Response to Petition for Reconsideration of Missouri Lead Plan and Notice of Policy Change Regarding Attainment Date for State Implementation Plans for Lead, the proposal to approve the Missouri lead SIP (for attainment date modeling), the public comments on the proposal, and a Technical Support Document which explains the rationale for EPA's final action in this notice are available for public review during normal business hours at the following locations:

Environmental Protection Agency, Region VII, Air Branch, 324 East 11th Street, Kansas City, Missouri 64106

Missouri Department of Natural Resources, 1101 Rear Southwest

Boulevard, Jefferson City, Missouri 65102

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

Public Information Reference Unit, Environmental Protection Agency (PM-211A), 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Dewayne E. Durst at (816) 374-3791, FTS 758-3791.

**SUPPLEMENTARY INFORMATION:** On September 2, 1980, Missouri submitted a lead SIP which was designed to provide for attainment and maintenance of the ambient air quality standards for lead in the state. After reviewing the plan, EPA proposed to approve all parts of the Missouri lead SIP, except two items which were identified as major deficiencies. These two items were: (1) the attainment date for meeting the lead standard, and (2) dispersion modeling at the three primary lead smelters in the state. Because the state did not correct the deficiencies, EPA disapproved these two portions of the Missouri lead SIP in the final rulemaking on April 27, 1981.

As a result of a petition for reconsideration, EPA reviewed the final action to disapprove the attainment date and modeling in the Missouri lead SIP. Based upon that review, EPA proposed to approve these two items on October 21, 1983. In a separate Federal Register notice EPA also proposed to disapprove the control strategy for a primary lead smelter in Missouri (48 FR 48981). EPA plans to complete action on that proposal at a later date.

Disapproval of the attainment date in the Missouri SIP resulted from the fact that the SIP did not follow EPA guidance concerning interpretation of the attainment date in sections 110(a)(1) and 110(a)(2) of the Clean Air Act (CAA). The Missouri SIP stated that the attainment date would be three years from the date EPA approved their lead SIP (plus the 2 year extension). EPA's interpretation of the Act required a uniform national attainment date for all lead SIPs. Based on the statutory timetable for submission and approval of plans, EPA announced in the October 5, 1978, Federal Register (43 FR 46246) that all lead SIPs had to provide for attainment "no later than October of 1982" (or up to October 1984 with an approved extension).

After reexamining the issue, EPA concluded that Missouri's interpretation of the attainment date as contained in their lead SIP is correct, i.e., that attainment must occur no late than three years from actual date of plan approval (plus any approved extension period of up to 2 years).

In its 1980 submittal, the State of Missouri requested a two-year extension for attaining the lead standard in two areas of the state. These areas are in the vicinity of the St. Joe and AMAX smelters. EPA approved the request because it met the criteria for an attainment date extension under section 110(e) of the CAA. The full two year extension was granted because expeditious compliance schedules for the St. Joe and AMAX smelters contained in Missouri's SIP indicated that two years beyond the October 1982 uniform attainment date would be required to complete the control measures needed to meet the standard. Because EPA proposed to use Missouri's interpretation of attainment date, as a result of the Administrator's reconsideration, EPA determined that the full two year extension was not needed to install the controls contained in the SIP. Thus, EPA proposed to modify its approval of the extension request by granting an extension for attainment of the lead standard in the vicinity of the St. Joe and AMAX smelters until October 31, 1984.

### Comments on Attainment Date and Two-Year Extension

Three commenters submitted comments on the proposal to approve the attainment date in the Missouri lead SIP. These comments were submitted by officials or representatives of the St. Joe Lead Company, AMAX, Inc., and the Missouri Department of Natural Resources. All three commenters agreed with EPA's proposal that the attainment date (without extension) should be three years from EPA approval of the SIP.

Two commenters disagreed with EPA's proposal to modify the two year extension request for the areas around the St. Joe and AMAX smelters. The Missouri Department of Natural Resources commented that the full two year extension period will be needed to install the controls and then to determine whether the air quality standards are actually met. The state pointed out that there were considerable uncertainty about the validity of the date used to develop the lead SIP, and thus, additional time is needed to determine whether the control strategies which are being implemented will provide for attainment of the standard.

The approved SIP contained consent orders for the St. Joe and AMAX primary smelters which required application of emission controls on what was considered an expeditious schedule. Based upon the best information which was available at the time the SIP was submitted, the control strategy included control measures which were estimated to provide for attainment of the primary air quality standard for lead. Because a substantial portion of the emission controls at the smelters was designed to reduce fugitive lead emissions and because the techniques for controlling fugitive emissions were not available at the time the SIP was submitted, EPA approved an attainment date extension.

The extension period which was originally granted for the area near the St. Joe smelter provided for attainment of the lead standard on the date of final compliance with the consent order. Under EPA's original interpretation of the attainment date, this meant that St. Joe needed the full two year extension for the area near St. Joe. Under the revised interpretation of attainment date, the SIP shows that the area near St. Joe only needs a six month extension to reach final compliance.

Under EPA's original interpretation of attainment date, EPA found that AMAX also needed the full two year extension. This was because the consent order for AMAX contained in the plan showed that the controls necessary to meet the standard would not be in place until two years beyond the October 1982 attainment date. The EPA originally granted the full two year extension for the area near AMAX. Under the revised interpretation of the attainment date, AMAX needs only a six month extension to complete installation of controls to meet the air quality standard.

Attainment date extensions can only be granted under section 110(e) of the Clean Air Act, for periods up to two years, if the Administrator determines that a source is unable to reach compliance within three years from the date of plan approval because the necessary technology or other alternatives are not available. EPA determined that the final compliance dates in the consent orders represented dates by which the necessary control technology would be available at St. Joe and AMAX to attain the air quality standards. This was the basis for originally granting the attainment date extension. None of the commenters submitted information demonstrating that the technology necessary for attainment will not be available and in place by October 31, 1984. Thus, the attainment date for the areas near the St. Joe and AMAX lead smelters is October 31, 1984.

EPA agrees with the Missouri Department of Natural Resources that time is needed to determine whether implementation of the approved control

strategies results in attainment of the standard. This evaluation process should be continuous during the period the control measures are being put in place. Based upon measured air quality data and estimates of the emissions reductions obtained from the various control measures which are completed, the state must make a determination whether the lead standards will be met. In fact, the Missouri lead SIP contains a procedure by which the state is committed to perform periodic attainment evaluations. Also, the major portions of the control strategies will have been implemented well before the attainment date, so there is no reason to wait until October 31, 1984, to initiate an evaluation of the adequacy of the control measures in the presently approved lead SIP

Another comment was submitted on behalf of the St. Joe Lead Company objecting to EPA's proposal to modify the two year extension. The comment stated that St. Joe entered the consent order with the State of Missouri with the understanding that a full two year extension would be granted. The commenter indicated that it would not have agreed to the consent order had it known that the full two year extension would not be granted.

As a minimum, St. Joe requests that EPA recognize the need for a year of monitoring, commencing after October 1984, to evaluate the success of the equipment installed pursuant to the consent order.

In responding to this comment, it is necessary to specifically describe the nature of the consent order which St. Joe entered with the State of Missouri. The order contains ten specific emission control measures, each concerning an identifiable lead source or group of sources. Each control measure has a required completion date. In addition, the text of the lead SIP provides data which quantifies the amount of lead emission reduction provided by each control measure.

Nine of the ten control measures at St. Joe were to be completed on or before April 30, 1982. These nine measures provide 97% of the lead emission reductions required by the consent order. Installation of equipment for the tenth measure was to be completed by April 27, 1984, with six additional months allowed for completing and placing the equipment in normal operation. In the comment letter, St. Joe stated they planned to meet all construction commitments in the consent order. It does not appear reasonable to wait until after October 1985 to determine the success of control equipment, most of which had been installed prior to April 30, 1982. In any event, as stated previously, a section 110(e) extension cannot be granted for the purpose of determining the adequacy of the control equipment.

### EPA Action on Attainment Date

EPA approves the attainment date in the Missouri lead SIP as three years from the date of plan approval in areas without an extension, as is provided in section 110(a)(2)(A) of the Clean Air Act. Thus, the lead attainment date for most portions of the state is April 27, 1984. EPA is approving an extension of approximately six months for attainment of the lead standard in the vicinity of the St. Joe and AMAX smelters, until October 31, 1984. The attainment date for the urban areas of Missouri (St. Louis and Kansas City) will remain November 1, 1982, as is stated in the Missouri lead SIP.

### Modeling

EPA regulations require that the attainment demonstrations for lead SIPs include atmospheric dispersion modeling for each area around certain major point sources of lead, 40 CFR 51.84. The Missouri lead SIP did not contain dispersion modeling for the three primary lead smelters in the State. Primary lead smelters are one of the categories for which the regulations require dispersion modeling.

The State attempted dispersion modeling for the areas around the two smelters where monitored violations occurred, but found that the modeling results did not correlate with measured air quality data. The test for correlation was not considered rigorous. However, because of limited air monitoring data and lack of detailed site specific meteorological and emission data, the State of Missouri concluded that any modeling which could be performed within the agreed upon timeframe for submission of the Missouri lead SIP would not produce reliable predictions of lead concentrations in the vicinity of the lead smelters. The State used the results of air monitoring to devise the control strategies for the lead smelters. Because the Missouri lead SIP did not utilize dispersion modeling to develop the control strategies for the lead smelters, EPA disapproved that portion of the SIP and required the State to submit dispersion modeling for the three primary smelters within twelve months after EPA's disapproval action (46 FR 23412).

The smelters petitioned EPA to reconsider the disapproval action. The petition was granted and upon reconsideration, EPA concluded that the State had used the most accurate methods available to it in performing the attainment demonstration for the two lead smelters. Consequently, EPA proposed to approve those demonstrations as satisfying 40 CFR 51.84. In making this determination, EPA relied on the intent of the regulation, which is to insure that states use the most reliable methods available in demonstrating attainment of the lead standard.

In EPA's opinion this approach is consistent with the Clean Air Act's strict schedule for the development and promulgation of initial implementation plans (e.g., nine months for state submission and four months for EPA review). On the other hand, the same approach does not apply to subsequent revisions to already promulgated implementation plans because the time for submission of such revisions is not subject to these statutory deadlines and more extensive site-specific meteorological, emission and monitoring data should be available. Thus, EPA will require that any subsequent SIP revisions be supported by atmospheric dispersion modeling.

### Comments on Modeling

Two comments were received on EPA's proposal to approve the dispersion modeling portions of the lead SIP submitted by Missouri in 1980. The comments were submitted on behalf of the St. Joe and AMAX lead smelters in Missouri. Both comments supported EPA's proposed action to approve the modeling in the Missouri lead SIP.

However, both smelters commented that there were reasons other than lack of on-site meteorological data and fugitive emission data which caused unreliable modeling predictions. EPA agrees that there may have been other factors which contributed to problems with the modeling at the two smelters, but these two factors were specifically mentioned in the proposed rulemaking because they were identified by the State of Missouri.

It should be noted that ASARCO, Inc., initiated a modeling effort for their smelter near Glover, Missouri, after the 1981 disapproval. That project resulted in modeling results which were acceptable to ASARCO, the State of Missouri, and EPA as representative predictions of ambient lead levels in the vicinity of the ASARCO plant.

A comment by AMAX implied that EPA intended that modeling was to have been used to determine attainment of the lead standards. The modeling performed to meet 40 CFR 51.84 is actually intended to be used in developing the control strategy for

demonstrating attainment. That modeling, together with all other data described under Subpart E of 40 CFR Part 51, are designed to result in a control strategy which adequately demonstrates attainment of the Ambient Air Quality Standard for lead. Once adopted and approved by EPA, air monitors which are properly sited and operated are to be used to judge attainment of the standard. This is the intent of EPA's regulations for preparation of lead SIPs as well as the expressed intent of the Missouri lead SIP as approved by EPA.

A comment by St. Joe indicated that EPA recommended models cannot be used to accurately predict ambient lead concentrations in the vicinity of facilities such as their lead smelter in Herculaneum, Missouri. The reason for this is because the models cannot account for the complex terrain and building level emissions from the plant. While the accuracy of modeling predictions may vary considerably among types of sources and for various sites, EPA has not determined that modeling is inappropriate for any of the primary lead smelters in Missouri. The decision to approve the Missouri lead SIP for modeling does not mean that the modeling requirements of 40 CFR 51.84 are eliminated. The approval merely recognizes that Missouri used the most reliable information available in preparing the lead SIP submitted in 1980.

EPA Action on Modeling

EPA approves the dispersion modeling portions of the lead SIP submitted by Missouri in 1980 as meeting the requirements of 40 CFR 51.84.

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

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.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: July 13, 1984.

William D. Ruckelshaus,

*Administrator.*

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

§ 52.1323 [Amended]

1. Section 52.1323 is amended by removing the last sentence at the end of the section which reads:

* * * The attainment date for attainment of the lead standard as stated in the Lead plan is disapproved.

[FR Doc. 84-19109 Filed 7-18-84; 8:45 am]

BILLING CODE 6560-50-M

## 40 CFR Part 81

## Air Programs; Section 107 Attainment Status Designations; Massachusetts; Correction

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects an error contained in a final rulemaking notice that appeared in the Federal Register of Wednesday, July 20, 1983 (48 FR 32983). This action is necessary to change the section 107 citation for Massachusetts.

**FOR FURTHER INFORMATION CONTACT:** Thomas F. Wholley, FTS 223-4862. (617) 223-4862.

Accordingly, the Environmental Protection Agency is correcting the FR Doc. [83-19575] by changing the section 107 citations from § 81.346 to § 81.322 on page 32984 of the Federal Register published on Wednesday, July 20, 1983.

Dated: July 13, 1984.

Paul G. Keough,

*Acting Regional Administrator, Region I.*

[FR Doc. 84-19109 Filed 7-18-84; 8:45 am]

BILLING CODE 6560-50-M

## GENERAL SERVICES ADMINISTRATION

## 41 CFR Part 101-47

[FPMR Amendment H-144]

## Transfers

**AGENCY:** Federal Property Resources Service, GSA.

**ACTION:** Final rule.

**SUMMARY:** This amendment to the regulations removes the requirement that GSA obtain OMB concurrence before transferring excess real property valued in excess of $1,000,000 where the requesting agency provides 100 percent reimbursement of the estimated fair market value of the requested property. This requirement is obviated by a recent amendment to the FPMR's which requires that Federal agencies be charged 100 percent reimbursement for excess real property transferred to them, with very limited exceptions. This change will allow GSA regional offices to proceed more expeditiously with transfers where full reimbursement is provided.

**EFFECTIVE DATE:** This regulation is effective July 19, 1984.

**FOR FURTHER INFORMATION CONTACT:** James H. Pitts, Office of Real Property, (202) 535-7067

**SUPPLEMENTARY INFORMATION:** GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Pursuant to a revision to § 101-47.203-7(f) published in the Federal Register on December 17, 1982, transfers will be based on a 100 percent reimbursement requirement and OMB must approve any exception to this requirement. Accordingly, separate OMB concurrence in transactions exceeding $1,000,000 or in unusual cases serves no useful purpose since it was based on an earlier rule under which reimbursement was discretionary. In view of the change to § 101-47.203-7(f), the requirement for obtaining OMB concurrence prescribed by § 101-47.203-7(c) is deleted and the reference to such concurrence contained in § 101-47.203-7(b) is removed.

List of Subjects in 41 CFR Part 101-47

Surplus government property, Government property management.

Accordingly, 41 CFR Part 101-47 is amended as follows: