

all of the provisions required under 29 CFR 1952.10. Accordingly, it is felt that further opportunity for public comment is unnecessary.

5. *Decision.* After consideration, the Alaska Safety and Health Poster described above is approved under Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In accordance with the provisions of 29 CFR 1903.2(a)(2), posting of the Alaska poster by employers covered by the State plan shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. In addition, § 1952.244 of 29 CFR Part 1952 is hereby amended to reflect completion of a developmental step by adding a new paragraph to § 1952.244, as follows:

§ 1952.244 Completed developmental steps.

(c) In accordance with the requirements of § 1952.10 the Alaska Safety and Health Poster for private and public employees was approved by the Assistant Secretary of Labor on September 28, 1976.

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

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,  
Assistant Secretary of Labor.

[FR Doc.76-28850 Filed 9-30-76; 8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplements to Virgin Islands State Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act), for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1973, notice was published in the FEDERAL REGISTER (38 FR 24896) of the approval of the Virgin Islands Plan and adoption of Subpart S of Part 1952 containing the decision and describing the plan. On March 8, 1976, the Virgin Islands submitted supplements to the plan involving developmental changes. (See Subpart B, 29 CFR Part 1953).

The supplements contain a description of the Virgin Islands Management Information System (MIS); a program of basic and continuing training for compliance and consultant personnel; and the Virgin Islands safety and health posters for both public and private sectors which are to be posted at all covered workplaces in the State.

2. *Description of supplements—(a) Management Information System.* The Virgin Islands Management Information

System is a manual system. The system provides, among other things, data on inspection type, employee participation, employee discrimination complaints, number and type of violations, proposed penalties and collection of penalties, employee complaints, safety and health complaints, serious and nonserious penalties and violations, training time utilization, and contested cases.

(b) *Staff training.* The State has submitted a statement certifying the completion of the training objectives as set forth in the State Plan. The training included all compliance and consultant personnel completing basic training courses at the OSHA Institute in Chicago and subsequent in-house and on-the-job training conducted by the State, the Area Office in San Juan, and the Region.

(c) *Posters.* The Virgin Islands safety and health poster for private employees contains, among other things, provisions notifying employees of their obligations and protections under the Virgin Islands occupational safety and health legislation; their right to request inspections and their right to remain anonymous as a result; their right to participate in inspections; their protection against discharge or discrimination under both Federal and State laws; and their right to file complaints about the administration of the State program with the Occupational Safety and Health Administration. The poster also contains provisions for sanctions and for prompt notice to employers and employees when alleged violations occur.

The poster for the public sector does not contain provisions for monetary sanctions or for submission of discharge or discrimination complaints to the Occupational Safety and Health Administration. Since the definition of "employer" under the Federal Act excludes public employers, section 11(c) rights are not available to public employees.

3. *Location of the plan and its supplements for inspection and copying.* A copy of this supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Technical Data Center, Occupational Safety and Health Administration, Room N-3620, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Department of Labor, Occupational Safety and Health Division, Building No. 1, Second floor, Government Complex, Room 207, Lagoon Street, Frederiksted, St. Croix, Virginia Island 00840.

4. *Public participation.* Under § 1953.2 (c) of this chapter the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the Virgin Islands plan supplements described above are consistent with commitments contained in the approved plan, which were previously made avail-

able for public comment. Accordingly, it is found that further public comment is unnecessary.

5. *Decision.* After careful consideration, the Virgin Islands plan supplements described in 2 (a), (b) and (c) above are hereby approved under Subpart B of Part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. In addition, Subpart S of 29 CFR Part 1952 is hereby amended to reflect these approved plan changes. Accordingly, § 1952.254 of Subpart S is hereby amended as follows:

§ 1952.254 Completed developmental steps.

(c) In accordance with § 1952.253(a) the Virgin Islands has completed the training as described therein.

(d) The Virgin Islands has developed and implemented a manual Management Information System.

(e) In accordance with the requirements of § 1952.10 the Virgin Islands safety and health posters for private and public employees were approved by the Assistant Secretary on September 28, 1976.

This decision is effective October 1, 1976.

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

Signed at Washington, D.C., this 28th day of September 1976.

MORTON CORN,  
Assistant Secretary of Labor.

[FR Doc.76-28849 Filed 9-30-76; 8:45 am]

Title 40—Protection of Environment  
[FRL 616-1]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Iowa Plan Revisions and Clarifying Amendments

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. On February 24, 1976 (41 FR 8071), 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.

The proposed amendments were publicly advertised, and hearings were held on September 11, 1974, and October 9, 1974, in accordance with 40 CFR 51.4. The Iowa Air Quality Commission (IAQC) adopted these amendments on November 14, 1974.

The State proposal contains several amendments to the Iowa regulation, some of which are minor (clarifications, deletions of delayed effective dates, etc.), and some of which constitute significant

changes to the control strategy which is presently in the approved Iowa plan. The significant changes are discussed in detail below.

The State has amended Regulation 4.1 to adopt, by reference, the Environmental Protection Agency (EPA) regulations for the following categories of new sources which are specified in 40 CFR Part 60: asphalt concrete plants, petroleum refineries, secondary lead smelters, secondary brass and bronze ingot production plants, iron and steel plants, and sewage treatment plants. These standards are adopted in addition to those previously adopted by the State which were approved by EPA on April 8, 1975 (40 FR 15879).

The State has adopted these standards for the categories of new sources specified to enable it to assume enforcement and implementation activities that are conducted by the EPA. The State requested the delegation of EPA authority to implement and enforce the standards of performance for new sources for the source categories listed above on February 27, 1975, and EPA granted the requested delegation on June 6, 1975, subject to certain conditions. One of the conditions is that EPA retains concurrent authority to implement and enforce these standards. In addition, EPA will continue to be the agency solely responsible for the implementation of New Source Performance Standards (NSPS) for categories which the State has not adopted.

The IAQC has adopted Regulation 3.1 (3) e., which exempts incinerators with a rated refuse-burning capacity of less than 25-pounds per hour from the new source permit requirements (Regulation 3.1(1)). This means that such proposed incinerators would no longer be reviewed prior to construction to determine whether their emissions would interfere with the attainment or maintenance of a National Ambient Air Quality Standard. However, these incinerators must still comply with the applicable emissions standards as defined in Regulation 4.4. The Iowa Department of Environmental Quality (IDEQ) has submitted an analysis of this exemption which indicates that small incinerators operating in compliance with applicable emission standards have an insignificant impact on air quality.

The State had also amended Regulations 4.3(3) a. and 4.3(3) b., which set sulfur dioxide emission standards for fuel-burning sources. However, on June 9, 1976, EPA was advised that the State had again revised these regulations. Therefore, Regulations 4.3(3) a. and 4.3(3) b., as adopted by the IAQC on November 14, 1975, are not approved as parts of the Iowa State Implementation Plan (SIP).

The amended fugitive dust regulation 4.3(2) c., was withdrawn from consideration as a revision to the SIP by the State. Therefore, Regulation 4.3(2) c., as adopted by the IAQC on November 14, 1975, is not approved as a part of the Iowa SIP.

In the notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1976 (41 FR 8071), public comment was solicited with regard to Iowa's amended regulations which were adopted on November 14, 1974. 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; at EPA headquarters in Washington, D.C.; and at the office of the IDEQ. No comments were received in response to the Agency's notice of proposed rulemaking.

The amendments to the Iowa Rules and Regulations Relating to Air Pollution Control which were adopted on November 14, 1974, by the IAQC, with the exception of Regulation 4.3(2) c., which was withdrawn and Regulations 4.3(3) a. and 4.3(3) b., on which we take no action, constitute a proposed revision to the State of Iowa implementation plan pursuant to § 51.6 of this chapter. The Administrator's decision to approve or disapprove revisions to a plan is based on whether they meet the requirements of Section 110(a)(2)(A)-(E) of the Clean Air Act and 40 CFR Part 51, "Requirements for Preparation, Adoption and Submittal of State Implementation Plans."

After careful review of all the changes contained in the proposed revision, the Administrator has determined that this revision meets the requirements mentioned above. Accordingly, this plan revision is hereby approved and made a part of the State of Iowa implementation plan.

The amendments to Part 52.820c., which are being published today, also reflect additions to the amendments which were published on March 2, 1976 (41 FR 8956). These additions are merely clarifying the existing list and impose no additional requirements. Therefore, the Administrator finds for good cause that it is unnecessary and impractical to subject these clarifications to notice and public comment procedures.

The Agency finds that good cause exists for making these amendments effective immediately on (date of publication) for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of state and federal law, which provided for adequate public hearings and comments, and further participation is unnecessary and impracticable;
2. Immediate effectiveness of the amendments enables the sources involved to proceed with certainty in conducting their affairs and persons wishing to seek judicial review of the amendments may do so without delay;
3. The new source standards adopted by the State consist of previously existing EPA regulations and, therefore, impose no new requirements on affected facilities; and
4. The clarifying amendments are merely for record keeping concerning

existing lists and impose no requirements.

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

Dated: September 16, 1976.

JOHN QUARLES,  
Acting Administrator.

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

Subpart Q—Iowa

1. In 52.820, paragraph (c) is revised to read as follows:

§ 52.820 Identification of plan.

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

(1) Request for a two-year extension to meet the National Primary and Secondary Ambient Air Quality Standards for nitrogen dioxide in the Metropolitan Omaha-Council Bluffs Interstate Air Quality Control Region was submitted by the Governor on January 27, 1972. (Non-regulatory)

(2) Revisions of Appendices D and G of the plan were submitted on February 2, 1972, by the State Department of Health. (Non-regulatory)

(3) Source surveillance and record maintenance statements were submitted on April 14, 1972, by the State Department of Health. (Non-regulatory)

(4) Revised statement regarding public availability of emission data was submitted on May 2, 1972, by the State Department of Health. (Non-regulatory)

(5) State submitted Senate File 85 which created the Department of Environmental Quality and replaced the Iowa air pollution control statute which appeared as Chapter 136B of the Code of Iowa, on May 4, 1972. (Regulatory)

(6) A letter describing the issuance of a Certificate of Acceptance for the local air pollution control programs conducted by the Linn County Board of Health for the jurisdictions of the City of Cedar Rapids and Linn County, and the Des Moines-Polk County Health Department for the jurisdictions of the City of Des Moines and Polk County was submitted by the State Department of Health on December 14, 1972. (Non-regulatory)

(7) Compliance schedules were submitted by the State in February 1973. (Regulatory)

(8) Compliance schedules were submitted by the State in May 1973. (Regulatory)

(9) The State of Iowa High Air Pollution Episode Contingency Plan was submitted on June 20, 1973, by the Governor.

(10) The letter which requested the inclusion of the Linn County Health Department Rules and Regulations, the City of Cedar Rapids Air Pollution Control Ordinance, the Polk County Rules and Regulations—Air Pollution Control, and the City of Des Moines Air Pollution Control Regulations in the State of Iowa implementation plan was submitted by

the State Department of Environmental Quality on June 25, 1974. (No approval action was taken on the request because it did not meet the procedural requirements specified in 40 CFR Part 51.)

(11) Revisions of Rules 2.1, 3.1, 3.4, 4.1, 4.3(3) and 4.3(4) of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on April 24, 1974 (by the Governor's office). (No approval or disapproval action was taken on amended Subrule 4.3(3) a., which restricts emissions of sulfur oxides from fuel-burning sources.) (Regulatory)

(12) Compliance schedules were submitted by the State in May 1974.

(13) Compliance schedules were submitted by the State in May 1974.

(14) Compliance schedules were submitted by the State in July 1974.

(15) Compliance schedules were submitted by the State in August 1974.

(16) A letter from the Director of the Department of Environmental Quality, dated August 29, 1974, which requested that no further action be taken on Subrule 4.3(3) a. as submitted on April 24, 1974. (Regulatory)

(17) Compliance schedules were submitted by the State in September 1974.

(18) Compliance schedules were submitted by the State in November 1974.

(19) Compliance schedules were submitted by the State in February 1975.

(20) Compliance schedules were submitted by the State in April 1975.

(21) Compliance schedules were submitted by the State in June 1975.

(22) Revisions of Rules 1.2, 2.1, 3.1, 3.4, 4.1, 4.2, 4.3, 5.1, 7.1, 8.3 and 8.4 of the Iowa Rules and Regulations Relating to Air Pollution Control were submitted on July 17, 1975, by the Governor's office. (Regulatory) (No approval or disapproval action was taken on Subrules 4.3(2) c. or 4.3(3) b.)

(23) Summary of the public hearing which was held on the revised rules which were submitted on July 17, 1975, by the Governor's office was submitted by the Iowa Department of Environmental Quality on September 3, 1975. (non-regulatory)

(24) Letter which withdrew amended Subrule 4.3(2) c. from the proposed Iowa plan revision submitted on July 17, 1975, was submitted by the Governor's office on January 20, 1976.

[FR Doc.76-28712 Filed 9-30-76;8:45 am]

[FRL 622-1]

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

##### Revision to New Jersey State Implementation Plan

This notice announces approval by the Environmental Protection Agency (EPA) of a revision to the New Jersey State Implementation Plan.

As proposed by the State to EPA on June 15, 1976, this revision permits the temporary use of fuel oil with a sulfur content of 2.5% by weight in boilers number 1, 2, 3 and 4 at the Hunt-Wesson Foods, Inc. facility located in Bridgeton, Cumberland County, New Jersey. A full

description of this revision was published by EPA in the July 29, 1976, FEDERAL REGISTER at 41 FR 31574.

In its July 29 notice EPA also established a 30-day period for receipt of comments from the public on whether or not this revision to the New Jersey Implementation Plan should be approved. No comments were received.

EPA has found no reason to change its preliminary determination that this revision affecting the Hunt-Wesson Foods facility will not cause contravention of national ambient air quality standards in its area of impact. The proposed revision has been found to be consistent with current EPA policies and goals set forth in the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and EPA regulations in 40 CFR Part 51 and, therefore, is hereby approved.

EPA approval is granted for a period of six months from the effective date of this action. This is consistent with the New Jersey administrative order initiating this revision request, which also only is effective for six months from the date of EPA approval.

Effective date: This revision will become effective October 1, 1976 since it does not result in the imposition of additional substantive burdens on the affected source and can be implemented without delay if the source desires.

(42 U.S.C. 1857c-5 and 1857g)

Dated: September 24, 1976.

RUSSELL E. TRAIN,  
Administrator,  
Environmental Protection Agency.

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

##### Subpart FF—New Jersey

1. In § 52.1570, paragraph (c) is amended by adding a new subparagraph (13) as follows:

##### § 52.1570 Identification of plan.

(c) Supplemental information was submitted on:

(13) An administrative order directed to Hunt-Wesson Foods, Inc. in Bridgeton, Cumberland County and issued pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27-9.5(a), dated June 15, 1976, and technical support for this order received by EPA on April 27, 1976, both from the New Jersey Department of Environmental Protection.

[FR Doc.76-28713 Filed 9-30-76;8:45 am]

##### SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 625-8; RP6F1703/R114]

#### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### Difenzoquat

On February 9, 1976, the Environmental Protection Agency (EPA) gave notice

(41 FR 5655) that American Cyanamid Co., PO Box 400, Princeton, NJ 08540, had filed a pesticide petition (PP6F1703). This petition proposed that 40 CFR 180 be amended by the establishment of tolerances for residues of the herbicide difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl-1H-pyrazolium methyl sulfate) in or on the raw agricultural commodities barley straw and wheat straw at 20 parts per million (ppm), barley grain at 0.2 ppm, wheat grain at 0.05 ppm, and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of filing.

American Cyanamid has subsequently amended the petition to express the proposed tolerances in terms of residues of difenzoquat (1,2-dimethyl-3,5-diphenyl-1H-pyrazolium) derived from application of the methyl sulfate salt and calculated as the cation. It has been determined administratively that the tolerances should be expressed in terms of difenzoquat (1,2-dimethyl-3,5-diphenyl-1H-pyrazolium ion).

The data submitted in the petition and all other relevant material have been evaluated, and the herbicide is considered to be useful for the purposes for which the tolerances are sought. The tolerances established by amending 40 CFR 180 will be adequate to cover residues that would result in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep and there is no reasonable expectation of residues in eggs and milk as delineated in 40 CFR 180.6(a)(3). It has been determined that these tolerances will protect the public health, and it is concluded, therefore, that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before November 1, 1976, file written objections with the Hearing Clerk, Environmental Protection Agency, East Tower, Rm. 1019, 401 M St. SW, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on October 1, 1976, 40 CFR 180 is amended by adding the new § 180.369 as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2).)

Dated: September 27, 1976.

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

Title 40, Part 180, Subpart C, is amended by adding the new § 180.369 containing tolerances for residues of the herbicide difenzoquat in or on raw agricultural commodities to read as follows: