

SUPPLEMENTARY INFORMATION:**I. Background on the Colorado Program**

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program, can be found in the December 15, 1980, **Federal Register** (45 FR 82173). Subsequent actions concerning Colorado's program and program amendments can be found at 30 CFR 906.15 and 906.30.

II. Proposed Amendment

By letter dated August 23, 1988 (Administrative Record No. CO-384), Colorado submitted a proposed amendment to its permanent regulatory program pursuant to SMCRA. Colorado submitted the proposed amendment in response to letters that OSMRE sent on May 7, 1986, and June 9, 1987, in accordance with 30 CFR 732.17(c) (Administrative Records Nos. CO-282 and CO-342). OSMRE published a notice in the October 5, 1988, **Federal Register** (53 FR 39150) announcing the receipt of the proposed amendment and invited public comment on the adequacy of the proposed amendment (Administrative Record No. CO-399). The public comment period ended October 31, 1988.

During its review of the proposed amendment, OSMRE identified concerns and notified Colorado of the concerns by letter dated February 7, 1989 (Administrative Record No. CO-428). Colorado responded to OSMRE's concerns in a letter dated April 10, 1989, submitting additional explanatory information and revised amendments (Administrative Record No. CO-433 and that portion of Administrative Record No. CO-389 concerning the 24-hour storm event design justification), and requested that OSMRE withdraw certain proposed revisions from consideration in the proposed amendment. The regulations that Colorado proposes to amend or withdraw are:

Use of Explosives

Colorado proposes to amend Rules 4.08.1, 4.08.4, and 4.08.5.

Excess Spoil

Colorado proposes to amend Rule 4.09.1 and presented explanatory information concerning Rules 4.09.2 and 4.09.4.

Coal Exploration

Colorado presented explanatory information concerning Rules 2.02.7 and 4.21.4.

Hydrology and Geology

Colorado proposes to amend Rule 4.05.8 and presented explanatory information concerning Rules 2.04.6, 2.05.6, 4.05.8, and 4.05.13. Part of Rule 2.05.6 and all of Rule 4.05.18 were withdrawn.

Diversions

Colorado proposes to amend Rules 4.05.3 and 4.05.4, and presented explanatory information concerning Rule 4.05.1.

Siltation Structures and Impoundments

Colorado proposes to amend Rules 1.04(64) and 4.05.6, and presented explanatory information concerning Rules 4.05.6 and 4.05.9.

Coal Mine Waste

Colorado proposes to amend Rule 4.09.2 and presented explanatory information concerning Rule 4.11.5. Rule 4.10.1 has been withdrawn.

Alluvial Valley Floors

Colorado presented explanatory information concerning Rule 2.06.8.

Backfilling and Grading

Colorado proposes to amend Rule 1.04(94)(a) and presented explanatory information concerning Rule 4.14.2. Rule 4.14.6 has been withdrawn.

Archaeology and Cultural Resources

Colorado presented explanatory information concerning Rule 2.02.3.

III. Public Comment Procedures

OSMRE is reopening the comment period on the proposed Colorado program amendment to provide the public an opportunity to reconsider the adequacy of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSMRE is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Colorado program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Albuquerque Filed Office will not be considered in the final rulemaking or include in the Administrative Record.

List of Subjects in 30 CFR Part 906

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Date: May 5, 1989.

Raymond L. Lowrie,

Assistant Director, Western Field Operations.

[FR Doc. 89-11495 Filed 5-12-89; 8:15 am]

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[FRL-3570-7 and KY-044]

Approval and Promulgation of Implementation Plans; Kentucky, Redistribution of Allowable Sulfur Dioxide Emissions at TVA's Paradise Steam Plant

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is today proposing to approve a redistribution of allowable sulfur dioxide emissions at the Paradise Steam Plant of the Tennessee Valley Authority (TVA). This redistribution was submitted to EPA as a State Implementation Plan (SIP) revision by the Kentucky Natural Resources and Environmental Protection Cabinet on June 29, 1987. The revision allows unit-specific sulfur dioxide emission limits of 1.2 pounds per million BTU heat input (lb/mmBTU) on Units 1 and 2 and 5.4 lb/mmBTU on Unit 3. Overall, these limits are equivalent to the 3.1 lb/mmBTU emission limit specified for each unit in the current SIP. Dispersion modeling shows that the revision will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards. This SIP revision was evaluated under the full criteria of an ordinary SIP revision, and not under the streamlined criteria allowed when a SIP revision qualifies as a "bubble" under EPA's Emissions Trading Policy Statement.

DATES: Comments must be received on or before June 14, 1989.

ADDRESSES: Comments may be mailed to Richard A. Schutt, U.S. Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365. Copies of the documents relevant to this proposed action are available for public inspection during normal business hours at the following locations: U.S. Environmental Protection Agency, Region IV, Air Programs Branch, 345

Courtland Street, NE., Atlanta, Georgia 30365.

Kentucky Natural Resources and Environmental Protection Cabinet, Department of Environmental Protection, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT:

Richard A. Schutt, U.S. Environmental Protection Agency, Region IV, Air Programs Branch at the above listed address or at (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: The Paradise Steam Plant is a three-unit coal-fired facility operated by the Tennessee Valley Authority (TVA) and located in Muhlenberg County, Kentucky. Units 1 and 2 have an electric generating capacity of 704 megawatts (MW) each and are served by 800-foot (183-meter) stacks. Unit 3, with a generating capacity of 1150 MW, is served by an 800-foot (244-meter) stack. Since they were constructed prior to December 31, 1970, all three stacks were grandfathered from the stack height regulations.

Muhlenberg County is currently classified in 40 CFR Part 81 as nonattainment for the secondary National Ambient Air Quality Standards (NAAQS) for sulfur dioxide. On October 31, 1980 (45 FR 72153), EPA approved Kentucky's most recent SIP submittal for Muhlenberg County under Part D of the Clean Air Act. This SIP revision requires each unit at the Paradise Plant to meet an emission limit of 3.1 lb/mmBTU. A federally enforceable consent decree in 1979 established new limits of 0.9 lb/mmBTU for Units 1 and 2 and 5.7 lb/mmBTU for Unit 3 which are equivalent to the 3.1 lb/mmBTU emission limit specified for each unit in the Part D SIP. In 1983, the TVA constructed a coal-washing plant and installed scrubbers on Units 1 and 2 to meet these emission limits. Monitoring data for Muhlenberg County showed no exceedances of the NAAQS for 1984-1986.

Based on its experience in operating the sulfur dioxide control system at Paradise, the TVA is requesting a redistribution of the allowable sulfur dioxide emission rates for the three units. The proposed emission rates are 1.2 lb/mmBTU for Units 1 and 2 and 5.4 lb/mmBTU for Unit 3. Although the scrubbers on Units 1 and 2 are capable of meeting a standard of 0.9 lb/mmBTU, they can only do so reliably if these units burn coal with a sulfur content equivalent to 5 lb SO₂/mmBTU or less. The proposed unit-specific emission limits would result in substantial cost savings because they would enable TVA

to fine-tune the washing process and produce a coal that conforms more closely to pollution control requirements. On a plantwide basis, the proposed emission limits are equivalent to the 3.1 lb/mmBTU emission limit specified for each unit in the current SIP for Paradise.

An evaluation estimating ambient sulfur dioxide concentrations resulting from the proposed emission limits and assessing the attainment of ambient sulfur dioxide air quality standards for the Paradise Steam Plant has been completed. The modeling techniques used in the initial demonstration supporting this SO₂ redistribution are, for the most part, based on modeling guidance in place at the time that the analysis was performed, i.e., the EPA "Guideline on Air Quality Models (1978)." Revisions to the modeling were required and the then current 1986 guidelines were followed. Since that time, revisions to modeling guidance have been promulgated by EPA (53 FR 392, January 6, 1988). Because the modeling analysis was under way prior to publication of the revised guidance, EPA accepts the analysis. The grandfathering of the modeling analysis is also based on a July 9, 1986, memorandum from EPA Region IV to EPA's Office of Air Quality Planning and Standards listing sources, including TVA Paradise, which should be grandfathered under the then current EPA modeling guidance. This evaluation includes an inventory of sources within 50 km of Paradise and estimates of ambient sulfur dioxide concentrations using screening techniques and coarse receptor grids to identify extreme concentrations. Fine-grid analyses and estimates of ambient background concentrations are also included. The modeling analysis was based on block averaging. For further information on this evaluation, the reader may consult a Technical Support Document which contains a more detailed discussion of the model input, the annual-average screening analysis, the short-term analysis, and the background concentrations utilized to estimate the ambient sulfur dioxide concentrations resulting from the proposed emission limits. This document is available at the EPA address given above.

The dispersion models employed to estimate ambient sulfur dioxide concentrations resulting from the proposed emission limits were the long-term version of the Industrial Source Complex model (ISCLT), and the Multiple Point Source Model with Terrain Adjustments (MPTEP). ISCLT was used in the annual-average screening analysis to identify sources

having a potential to interact with the Paradise Steam Plant. The MPTEP model was used in screening analyses for the 3-hour and 24-hour averaging times. Once the maximum concentrations were identified, more detailed fine-grid evaluations were also made using MPTEP. Results were interpreted in accord with current EPA modeling practices.

The table below shows the extreme concentrations resulting from the refined multiple-source analysis. These estimates are made up of contributions from both the Paradise Steam Plant and the Green River Steam Plant. In the short-term analysis, the Green River Steam Plant was the only source besides Paradise considered. A 25 micrograms/cubic meter background concentration was included in the extreme concentrations below.

Concentration type	Total sulfur dioxide (modeled + background) concentration (micrograms/cubic meter)	Ambient standard micrograms/cubic meter	Percent of standard
Highest Annual...	45	80	56
High 2nd High 24-Hour	238	365	65
High 2nd High 3-Hour	914	1300	70

The extreme concentrations demonstrate that the sulfur dioxide National Ambient Air Quality Standards in the vicinity of the Paradise Steam Plant are protected when the plant is operated at the proposed emission limits of 1.2 lb/mmBTU on Units 1 and 2 and 5.4 lb/mmBTU on Unit 3.

After a public hearing held on March 23, 1987, the Kentucky Natural Resources and Environmental Protection Cabinet adopted this redistribution pursuant to the provisions of Regulation 410 KAR 61:015, section 3. Kentucky Regulation 401 KAR 50:015, Documents incorporated by reference, incorporates 40 CFR Part 60, Method 6 entitled "Determination of sulfur dioxide emissions from stationary sources". This method is listed under 401 KAR 50:015 section 1(c)(1)(1), and is the method required for sulfur dioxide compliance determinations for Paradise Units 1-3.

Proposed Action

EPA is today proposing to approve a redistribution of allowable sulfur dioxide emissions at Tennessee Valley Authority's (TVA's) Paradise Steam

Plant. This redistribution allows unit-specific sulfur dioxide emission limits of 1.2 lb/mmBTU on Units 1 and 2 and 5.4 lb/mmBTU on Units 3. These limits are equivalent to the 3.1 lb/mmBTU emission limit specified for each unit in the current SIP for Paradise. Modeling has demonstrated that the ambient air quality standards are protected when the plant is operated at the proposed emission limits. The State authority for this revision is provided in Regulation 401 KAR 61:015, section 3.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

List of Subjects in 40 CFR Part 52

Air pollution control,
Intergovernmental relations, Sulfur oxides.

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

Date: March 28, 1989.

Lee A. DeHihns III,

Acting Regional Administrator.

[FR Doc. 89-11584 Filed 5-12-89; 8:45 am]

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40 CFR Part 52

[FRL-3570-5]

Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Gas Sweetening and Sulfur Recovery Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes approval of revisions to Oklahoma Air Quality Control Regulation (OAQCR) 3.4(c)(1)(C), "Gas Sweetening and Sulfur Recovery Plants" which was submitted by the Governor on March 31, 1986. EPA has reviewed the revision and found it to be less stringent in some cases than the corresponding New Source Performance Standard (NSPS), Subpart LLL, but is nevertheless proposing approval because the State must apply the NSPS in those cases.

DATES: Comments must be received at the Region 6 office by June 14, 1989. Public comment on this submittal is requested and will be considered before taking final action.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs of the EPA Region 6,

Air Programs Branch, SIP/NSR Section (address below). Copies of the administrative record, including a technical evaluation report, underlying this proposed action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-AN), 1445 Ross Avenue, Dallas, Texas 75202.

Oklahoma State Department of Health, Air Quality Service, 1000 Northeast 10th Street, P.O. Box 53551, Oklahoma City, Oklahoma 73152.

FOR FURTHER INFORMATION CONTACT:

Gregg Guthrie, Air Programs Branch, EPA Region 6, telephone (214) 655-7214 or (FTS) 255-7214.

SUPPLEMENTARY INFORMATION: Under its Federally approved State Implementation Plan (SIP), Oklahoma regulates the emission of sulfur dioxide (SO₂) from new and modified sulfur recovery plants under OAQCR 3.4(c)(1)(C), which set emission limits, monitoring/recordkeeping requirements, and performance testing requirements for such facilities. EPA initially approved these regulatory provisions, which were then part of OAQCR 16, at 41 FR 32890 (August 6, 1976), and subsequently approved a clarifying revision at 49 FR 17756 (April 25, 1984).

After EPA's approvals, Oklahoma attempted to apply the emission standards of OAQCR 3.4(c)(1)(C) in issuing a permit to Leede Oil & Gas Company for construction of the State's first deep sour gas well. The proposed facility was significantly different than the types of facilities the State had considered in adopting its emission standard, whose application would have required Leede to install a tail gas cleanup unit at an estimated cost of \$3 million. As a practical matter, this incremental cost was so high that it effectively prohibited deep sour gas wells in Oklahoma.

In December of 1984, Oklahoma publicly proposed amendments to OAQCR 3.4(c), partly in response to the unforeseen problem involving deep sour gas wells and, to a lesser degree, to make "housekeeping" changes to its procedural requirements. At about the same time, EPA proposed "Standards of Performance for Onshore Natural Gas Processing: SO₂ Emission," NSPS Subpart LLL at 49 FR 2656 (January 20, 1984). On May 8, 1985, the State adopted the proposed amendments, after which EPA promulgated Subpart LLL at 50 FR 40158 (October 1, 1985). On March 31, 1986, the Governor of Oklahoma submitted the State's amendments to EPA for review and approval as a SIP

revision. EPA now proposes to approve the State's amendments to OAQCR 3.4(c)(1)(C).

Emission Standards

As amended, Oklahoma's emission limit for natural gas processing operations is somewhat different from the corresponding Federal NSPS in Subpart LLL. Both State and Federal standards are expressed in the form of exponential equations relating the required percentage control of SO₂ emissions to the quantity in long tons per day (LT/D) of sulfur in the concentrated acid gas stream from the sweetening (amine) unit. The Federal standard, however, also uses the concentration of H₂S in the acid gas as an additional parameter and specifies two separate levels of control: one for the initial performance with fresh catalyst and one for continuous performance with used catalyst. Because of these differences, which are further explained in EPA's technical Evaluation Report, the State's regulation is more stringent than EPA's NSPS over part of its range, but the NSPS is more stringent than OAQCR 3.4(c)(1)(C)(i)(a) for the remainder.

This disparity between Oklahoma's revised regulation and NSPS will, however, have not practical effect on air quality. Both Oklahoma standards and EPA's NSPS are applied *via* preconstruction permits the State issues to new or modified sources under OAQCR 1.4.2(a)(1), which EPA approved at 48 FR 22297 (May 18, 1983). In pertinent part, that regulation requires that, in cases of conflict between a State standard and applicable Federal NSPS, the more stringent of the two standards shall apply.

Likewise, the revision's relaxation of OAQCR 3.4(c)(1)(C)(i)(a) will not interfere with maintenance of the National Ambient Air Quality Standard (NAAQS) for SO₂ in Oklahoma or contiguous states. The entire state of Oklahoma is attainment for SO₂. Prior to the revision, the standard was applied to no sources in Oklahoma and the revision does not, therefore, change the emission limits applicable to any existing source. Hence, there is no change in circumstances which might jeopardize the effectiveness of Oklahoma's Prevention of Significant Deterioration (PSD) program, which EPA approved at 48 FR 38635 (August 25, 1983).

The State's regulation limiting emissions from other types of sulfur recovery operations remains unchanged except for numbering. Former OAQCR

3.4(c)(1)(C)(i)(b) is now OAQCR 3.4(c)(1)(C)(ii).

Monitoring and Recordkeeping

As previously approved, OAQCR 3.4(c)(1)(C)(ii) listed monitoring and recordkeeping requirements for sulfur recovery facilities. Oklahoma has since replicated those requirements in an appendix to OAQCR 5.1, which regulation EPA approved at 37 FR 10887 (May 31, 1972), and has accordingly replaced the redundant requirements in OAQCR 3.4(c)(1)(C)(ii), which it has renumbered 3.4(c)(1)(C)(iii), with a reference to requirements adopted under OAQCR 5.1.

From the State's perspective, this is only a "housekeeping" amendment, but from EPA's, it totally deletes applicable monitoring standards from the SIP inasmuch as the appendix is not federally approved. EPA nevertheless proposes to approve the deletion because all sources to which OAQCR 3.4(c)(1)(C) will apply must comply with the monitoring requirements of the NSPS in accordance with OAQCR 1.4.2(a)(1). Those NSPS monitoring requirements are more stringent than the State's former SIP standard now embodied in the unapproved appendix to Regulation 5.1.

Performance Testing

As previously approved, OAQCR 3.4(c)(1)(C)(iii) required that (1) performance testing be conducted under State approved procedures, (2) in determining such procedures, the State would consider Federal test procedures for "similar processes," and (3) all performance tests be "conducted, supervised, or approved by" a qualified person. In the revised version, which is numbered 3.4(c)(1)(C)(iv), the second and third requirements are deleted. The State considered both requirements mere surplusage, the second because it was too ambiguous to be enforced and the third because it is duplicated in OAQCR 4.1, which EPA approved at 37 FR 10887 (May 31, 1972). Although it agrees with the State's reasons for deleting these requirements, EPA points out that performance testing requirements of the NSPS, like its recordkeeping requirements, must be applied in permits Oklahoma issues in accordance with OAQCR 1.4.2(a)(1).

Proposed Action

By this notice EPA is proposing full approval of the State's revision.

Regulatory Process

Under 5 U.S.C. 605(b), the Administrator has certified that this SIP revision will not have a significant

economic impact on a substantial number of small entities. (See 46 FR 8709).

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

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Reporting and Recordkeeping requirements, Sulfur dioxide.

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

Date: January 21, 1988

Robert E. Layton Jr.,

Regional Administrator.

[FR Doc. 89-11585 Filed 5-12-89; 8:45 am]

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40 CFR Part 372

[OPTS-400030; FRL-3571-1]

Copper Phthalocyanine Pigments; Toxic Chemical Release Reporting; Community Right-to-Know; Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to grant a petition to exempt Pigment Blue 15, Pigment Green 7, and Pigment Green 36 from reporting requirements under the category "copper compounds" of the list of toxic chemical under section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). The proposal is based on EPA's conclusion that there is no evidence that the three chemicals cause or can reasonably be anticipated to cause adverse human health or environmental effects as specified under section 313(d). EPA is also seeking public comment on how to approach a number of issues pertaining to the chemical categories listed under section 313.

DATES: Comments must be received on or before July 14, 1989.

ADDRESSES: Written comments should be submitted in triplicate to: OTS Docket Clerk, TSCA Public Docket Office, Environmental Protection Agency, Mail Stop TS-793, Rm. NE-G004, 401 M St., SW., Washington, DC 20460, Attention: Docket Control Number OPTS-400030.

FOR FURTHER INFORMATION CONTACT: Robert Israel, Acting Petition Coordinator, Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop OS-120, 401 M St., SW., Washington, DC 20460, Toll free:

800-535-0202, In Washington, DC and Alaska: 202-479-2449.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

The response to this petition is issued under section 313(e)(1) of Title III of SARA. Title III of SARA is also referred to as the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.

B. Background

Section 313 of SARA Title III requires certain facilities using toxic chemicals to report annually their environmental releases of such chemicals. Section 313 establishes an initial list of toxic chemicals that is composed of more than 300 chemicals and 20 chemical categories. Any person may petition EPA to add chemicals to or delete chemicals from the list.

EPA issued a statement of petition policy and guidance in the *Federal Register* of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for submitting petitions. EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petition has been denied.

In addition to responding to petitions, EPA has authority under section 313(d) to modify the list of chemicals to further the objectives of section 313. EPA has therefore begun to evaluate candidates for addition to the list based on data available to EPA from its various chemical review and assessment activities. EPA anticipates that this review will result in the initiation of a rulemaking proceeding during calendar year 1989.

II. Description of Petition

On June 1, 1988, EPA received a petition from The Dry Color Manufacturers' Association (DCMA) to exempt three phthalocyanine pigments from the reporting requirements under the list of toxic chemicals category "copper compounds." Pigment Blue 15 (PB-15), Pigment Green 7 (PG-7), and Pigment Green 36 (PG-36) are phthalocyanine pigments covalently bound to copper. Since the pigments are copper-containing compounds, they are reportable under section 313. The statutory deadline for EPA's response is March 26, 1989, which includes a 4-month suspension at the request of DCMA.

III. Summary of EPA's Review of Copper Phthalocyanine Pigments

A. Toxicity Evaluation

EPA's health and environmental review of the three copper pigments included the assessment of absorption/metabolism, acute toxicity, chronic toxicity, neurotoxicity, carcinogenicity, mutagenicity, developmental/reproductive system toxicity, and ecotoxicity. All readily available data including those provided in the petition, studies retrieved from literature searches, and documents prepared by EPA were considered in the health and environmental assessment.

1. *Acute toxicity.* Based on test data, all three pigments were determined to be at most, slightly acutely toxic by the oral route.

2. *Chronic toxicity.* Data from 13-week oral studies of PB-15 and PG-7 in rats and mice suggest a very low potential for chronic toxicity for the three pigments. No adverse treatment-related effects were observed except for decreased body weight gain in rats exposed to PG-7.

The National Toxicology Program (NTP) also conducted 13-week oral studies of PB-15 and PG-7 in rats and mice at dose levels similar to those mentioned above. The results showed no signs of compound-related toxicity; however, there were statistically significant elevations of copper in the liver and kidneys of mice exposed to PB-15 and in the liver and kidneys of mice exposed to PG-7.

The systemic chronic health concerns for the phthalocyanine pigments appear to be dependent on the amount of residual free copper impurities present in the pigments. A 20-day rat study in which 25.4 mg/kg/day of copper was administered by gavage showed liver and kidney toxicity.

3. *Carcinogenicity.* There is insufficient evidence to determine the human carcinogenic potential of the phthalocyanine pigments.

4. *Developmental/reproductive system toxicity.* There is insufficient information with which to evaluate adequately the effects of the phthalocyanine pigments on reproduction or development.

5. *Neurotoxicity.* There is insufficient information to evaluate the potential neurotoxicity of the phthalocyanine pigments.

6. *Mutagenicity.* The data available do not adequately characterize the intrinsic mutagenic potential of the phthalocyanine pigments, nor do they address the issue of chemical interaction of these pigments in the mammalian gonad. Therefore, no conclusions can be

drawn about the mutagenic potential of these substances.

7. *Environmental effects.* The three phthalocyanine pigments are not expected to be toxic to aquatic organisms at saturation even under long-term exposures and are not expected to bioconcentrate because of their extremely high log P values (>10), low water solubilities, high molecular weights, large cross sectional diameters, and high molecular volumes. Mammalian and avian acute and chronic toxicities are expected to be low.

B. Use, Release, and Exposure

1. *Production and use.* EPA estimates that there are 6 major producers, 16 processors of the crude pigment to pigment grade, and 21 importers of PB-15 at a total of 45 sites. There may be 1 producer, approximately 14 processors, and 12 importers of PG-7 at a total of 26 sites. There are approximately 5 processors and 4 importers of PG-36 at a total of 9 sites.

2. *Exposure and release.* There were no concerns resulting from the health and environmental review of the three copper pigments, and therefore specific release and exposure estimates were not made. However, manufacture of these pigments does result in the generation of other copper-containing wastes. It is anticipated the deletion of these three copper pigments from the copper compounds category will not necessarily relieve manufacturers from reporting requirements. Each facility is required to consider all copper-containing compounds in their threshold determination for reporting under section 313. For example, facilities that manufacture PB-15, PG-7, and PG-36 are processors of copper-containing chemicals used as precursors in the manufacture of the phthalocyanine pigments. Therefore, EPA has estimated exposures for copper-containing wastes resulting from the manufacture of phthalocyanine pigments. A worst-case exposure scenario was based on a company that manufactures, conditions, and processes at one site.

Human exposure via drinking water to copper released from manufacturing sites was estimated using site specific surface water flow rates for a known manufacturing site. Exposure of an individual drawing water 10 km downstream was estimated to be 7.3 ug/yr.

Human exposure to copper via groundwater contamination by leaching of landfilled pigment manufacturing wastes is estimated to be as high as 200 mg/yr, which results from copper concentration of 3 mg/l in groundwater

for the first 10 years. A 70-year long-term average groundwater concentration of approximately 0.4 mg/L of copper can be estimated for use in lifetime exposure estimates.

A conservative estimate of the ambient air concentration was estimated to be less than 1 ug/m³, 100 meters from the point source.

Conditioners and users will be releasing copper-containing wastes; however similar modeling studies, as those mentioned above, show that human exposure will be significantly lower than those exposures estimated for the manufacturing releases.

C. Summary of the Technical Review

EPA's health and environmental review showed that the three phthalocyanine pigments are not expected to cause acute, chronic, or environmental toxicity. The residual copper level, present as an impurity in the pigments, is not toxicologically significant.

IV. Explanation for Proposed Action to Delete

EPA is granting the petition submitted by the DCMA by proposing to delete Pigment Blue 15, Pigment Green 7, and Pigment Green 36 from the copper compounds category on the section 313 list of toxic chemicals. The decision to grant the petition is based on EPA's toxicity evaluation of these three copper compounds. EPA believes that there is no evidence which suggests that these three phthalocyanine pigments are known to cause or can reasonably be anticipated to cause health or environmental effects as set forth in section 313(d)(2).

However, this petition has raised a number of important questions about how EPA should deal with individual members of listed chemical categories. With such a large number of chemicals included within each category, it is conceivable that individual chemical exclusions from the listed categories could become larger than the toxic chemical list itself. EPA is seeking public comment on future petitions of this type as well as developing an approach to better define the categories. EPA may choose to develop an overall category policy before any final action is taken to delete these three copper compounds from the section 313 list of toxic chemicals.

EPA will continue to consider petitions to delete individual chemicals within one of the listed section 313 chemical categories. Among such petitions, EPA will give a higher priority to those involving individual chemicals

for which the toxicity assessment under section 313 (d)(2) is unambiguous (such as is the case for the three copper pigments which are the subject of this petition). However, until EPA has developed a strategy to deal with the category issues discussed below, EPA may consider deferring responses to other petitions to delete individual chemicals in a listed category for which the toxicity assessment is not clear cut.

V. Request for Public Comment

Although EPA has determined that Pigment Blue 15, Pigment Green 7, and Pigment Green 36 do not meet the criteria for listing under section 313(d)(2), the petition to delete these chemicals raises a number of difficult questions as to how EPA should deal with the listing or deleting of "nontoxic" members of a chemical category from the section 313 list. The section 313 list of toxic chemicals includes 20 different listings of chemical categories under 40 CFR 372.65(c). Each one of these categories may contain hundreds to thousands of individual chemicals. For example, EPA has determined that the copper compounds category, which includes the above phthalocyanine pigments, consists of approximately 3,700 different individual chemicals.

EPA recognizes, as this notice indicates, that perhaps not all individual chemicals within each of the 20 listed categories meet the toxicity criteria of section 313(d)(2) and that this proposal to delete the three phthalocyanine pigments could result in numerous other petitions to delete chemicals from within any one of the 20 listed categories.

EPA is concerned with regard to the resources needed to conduct the toxicity, exposure, and site-specific risk analyses for each one of the innumerable chemicals for which a petition to delete may be submitted, and EPA believes that such resource commitments may severely affect EPA's ability to implement other important components of the section 313 community-right-to-know program. For example, resources that are utilized to evaluate the thousands of individual members of the 20 listed categories may detract from EPA's implementation of other statutory obligations under section 313. This is particularly troublesome given that the analyses that would need to be done as to whether other chemical category members meet any of the section 313(d)(2) criteria may be more difficult and less clear-cut than the analysis that has been conducted for the three copper pigments at issue here.

Thus, EPA is considering the development of a strategy to evaluate chemical categories that are listed under

section 313(c), with the following goals in mind: (1) To insure that the section 313 list of "toxic chemicals" is composed of chemicals that meet the toxicity criteria of section 313(d)(2); and (2) to allocate resources within the section 313 program such that all of EPA's statutory obligations, such as the development of a publicly-accessible computer data base, are met.

EPA requests comment on approaches for addressing the issues raised by this petition with regard to chemical categories under section 313. EPA is presenting the following four options as possibilities: EPA is considering whether to keep the listed categories intact and make no individual assessments on whether certain members within any one of the listed categories should be deleted from the section 313 list. Under this approach, EPA would not conduct independent analyses of each listed category to distinguish between "toxic" and "nontoxic" members within the category. EPA would respond to petitions to delete named chemicals from a category, but would give such petitions a secondary priority to those which pertain to individually-listed chemicals.

A second approach would be for EPA to subcategorize the listed categories by assessing the chemical structure of the chemicals within each category. Such an effort would not involve an independent assessment of each chemical within a category but would consist of a broad attempt to segregate the toxic chemicals from the "nontoxic" chemicals in the listed categories. For example, under this approach EPA may evaluate the bioavailability of the toxic metals among chemicals within a category by examining their chemical bonding, i.e., ionic vs. covalent. EPA would propose to delete those chemicals from the category listing which do not meet a "bioavailability" standard. This approach would assist in the goal of insuring that the section 313 list is composed of "toxic" chemicals but may involve the expenditure of considerably more resources than the first approach outlined above.

As a third alternative, EPA could attempt to independently evaluate the many thousands of chemicals within the listed categories to determine if the individual chemicals meet the toxicity criteria of section 313(d)(2). EPA, however, is not actively considering this option because of the innumerable chemicals for which individual assessments would have to be made.

In addition, the section 313 reporting rule allows facilities to aggregate and report on the total weight of the parent metal released, rather than submitting

separate reports for all the individual metal compounds (40 CFR 372.25(h)). Thus, facilities' reporting burdens may be significantly reduced. However, if EPA conducted an extensive analysis of each chemical within all the listed categories and deleted those chemicals which failed to meet the section 313(d) criteria, EPA may decide to modify the reporting requirement such that separate reports would have to be filed for each of the remaining chemicals in the category listings. An EPA decision to require such individual reporting for chemicals within a category is supported by the legislative history of section 313 (Joint Explanatory Statement of The Committee of Conference at 296). This approach, which would effectively transform category listings into separate listings for each chemical within a category that meets the toxicity criteria, would increase the reporting burden for facilities and increase EPA's costs of maintaining the section 313 data base.

Finally, in order to ensure that the public is aware of the total burden on the environment of all chemicals defined by each category, EPA may consider the set of chemicals defined by each section 313 category as inseparable units for the purposes of making modifications to the list of toxic chemicals. Petitions for deletions to the list would only be considered for an entire category or a specifically listed section 313 chemical.

EPA requests comments on these approaches and other methods for addressing the listing of categories under section 313. All comments must be submitted on or before July 14, 1989.

VI. Public Record

The record supporting this decision is contained in docket number OPTS-400030. All documents, including the index of the docket, are available to the public in the TSCA Public Docket Office from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Room NE-G004, 401 M St., SW., Washington, DC 20460.

List of Subjects in 40 CFR Part 372

Community right-to-know, Environmental protection, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: April 28, 1989.

Victor J. Kimm,

Acting Assistant Administrator, Office of Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 372 be amended as follows:

PART 372—[AMENDED]

1. The authority citation for Part 372 would continue to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

§372.65 [Amended]

2. In § 372.65(c) by adding the following language to the copper compounds listing "(except for C.I. Pigment Blue 15 (PB-15), C.I. Pigment Green 7 (PG-7), and C.I. Pigment Green 36 (PG-36) and except for the entire CAS NO. entry for 147-14-8, 1328-53-6, and 14302-13-7)."

[FR Doc. 89-11586 Filed 5-12-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 2, 25, 80, and 87**

[GEN Docket No. 89-103; FCC 89-125]

Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: This Notice of Proposed Rule Making is the first in a series of rule making proceedings implementing the Final Acts of the 1987 World Administrative Radio Conference for Mobile Services (1987 Mobile WARC) into the Commission's Rules. This proceeding addresses those revisions of the International Radio Regulations that become effective on October 3, 1989. It proposes to amend the Table of Frequency Allocations (§ 2.106), the Radiodetermination Satellite Service (RDSS), and certain maritime mobile and aeronautical mobile service rules. The international aspects of the Mobile Satellite Service (MSS) is discussed here but the domestic MSS issue is deferred to Gen. Docket No. 84-1234 which is currently pending further reconsideration before the Commission.

DATES: Comments must be received on or before June 5, 1989, and reply comments on or before June 20, 1989.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kathryn S. Hosford, Special Services Division, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554; or telephone (202) 632-7197.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, GEN Docket No. 89-103, adopted April 26, 1989, and

released May 5, 1989. The complete text of the Notice of Proposed Rule Making, including Appendices, is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The full text also may be purchased from the Commission's copy contractor: International Transcription Service, 2100 M Street NW., Suite 140, Washington, DC 20037; telephone 202-857-3800.

List of Subjects**47 CFR Part 2**

Frequency allocations, Radio, Treaties.

47 CFR Part 25

Radio, Satellite radio communications, Satellites.

47 CFR Part 80

Coast stations, Communications equipment, Marine safety, Radio, Ship stations, Telegraph, Telephone.

47 CFR Part 87

Aeronautical stations, Air transportation, Communications equipment, General aviation, Radio.

Summary of Notice of Proposed Rule Making**I. Introduction**

1. The purpose of this proceeding is to implement the Final Acts of the 1987 World Administrative Radio Conference for Mobile Services (1987 Mobile WARC) into the Commission's Rules. The 1987 Mobile WARC was broad in scope, covering two-thirds of the International Radio Regulations reserved exclusively to the mobile services. It revised many portions of the international frequency allocations as well as the technical regulations regarding the mobile services, mobile satellite services (MSS), radionavigation, and radiodetermination satellite services (RDSS). The revisions are scheduled to come into force on two different dates, October 3, 1989, and July 1, 1991.

2. This proceeding proposes to modify Parts 2, 25, 80, and 87 to reflect the revisions of the Radio Regulations that become effective on October 3, 1989. It also includes changes to the Radio Regulations from earlier conferences, particularly the 1983 World Administrative Radio Conference for Mobile Services (1983 Mobile WARC), that have not been implemented in the Commission's Rules to date.¹ The 1987

Mobile WARC revisions scheduled to come into effect on July 1, 1991, will be treated in separate rule making proceedings.

II. Background

3. Actions taken by the 1967 and 1974 Maritime Conferences paved the way for introducing modern telecommunication technology into the maritime services. By the time of the 1979 World Administrative Radio Conference (1979 WARC) of the International Telecommunications Union (ITU), further revisions to the Radio Regulations were needed to keep up with the requirements of the mobile services. The 1979 WARC, however, did not have the time or resources to cope with the requirements of the mobile services and deferred action to later specialized conference, pursuant to its Resolution No. 202. The first of these conferences, the 1983 Mobile WARC held in Geneva from February 28 to March 18, 1983, dealt primarily with distress and safety matters; specifically, the Global Maritime Distress and Safety System (GMDSS).² The next conference, the 1987 Mobile WARC held in Geneva from September 14 to October 17, 1987, covered a much broader range of mobile telecommunications matters, including provisions for implementing the GMDSS. The purpose of the 1987 Mobile WARC was to review and revise the Radio Regulations concerning the mobile services, the mobile satellite services, and the radionavigation and radiodetermination satellite services.

4. In preparation for the 1987 Mobile WARC, the Commission instituted a proceeding in 1984 to obtain public comments and recommendations regarding the proposals that the United States (U.S.) would make to the conference.³ As part of the proceeding, a Federal Advisory Committee was established to serve as a focal point for developing a comprehensive recommendation for the private sector.⁴

1983 Mobile WARC. However, a few changes remaining from the 1983 Mobile WARC are still relevant and those are included herein.

² The GMDSS will replace the present maritime distress and safety system which relies on ship-to-ship distress alerting using manual Morse code. The GMDSS will rely primarily on ship-to-shore distress alerting using satellites and high frequency (HF) terrestrial systems employing digital selective calling (DSC) techniques. This system is expected to be phased in from 1992 to 1999.

³ See Report and Order in General Docket No. 84-607, 2 FCC Rcd 821 (1987).

⁴ See Memorandum Opinion and Order in General Docket No. 84-607, FCC 85-88, 50 FR 14451 (1985), adopted February 22, 1985, released March 29, 1985.

¹ Generally, the revisions of the 1987 Mobile WARC superseded those changes called for by the