

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Commander (Gulfstream Aerospace,

Rockwell): Applies to Models 112 and 112B [Serial Numbers (S/N) 1 through 544, and 13000], 112TC and 112TCA (S/N's 13001 through 13309), and 114 and 114A (S/N's 14000 through 14540) airplanes certificated in any category.

Compliance: Required as indicated in the body of the AD unless already accomplished.

To prevent failure of the forward wing spar in the area of the main landing gear side brace fitting attachment, accomplish the following:

(a) Within the next 100 hours' time-in-service (TIS), after the effective date of this AD, inspect the left and right forward wing spars in the area of the main landing gear side brace fitting in accordance with the instructions specified in part I of Gulfstream Aerospace Service Bulletin (SB) Nos. SB-112-71C or SB-114-22C both dated November 1988 as applicable.

(1) If cracks are found in the left or right forward wing spar as noted in paragraph 8d, part I, of the above referenced service instructions, prior to further flight repair in accordance with part II of Gulfstream Aerospace SB Nos. SB-112-71C or SB-114-22C both dated November 1988, as applicable.

(2) If cracks are found in the left or right forward wing spar as noted in paragraph 8a, part I, of the above referenced service instructions, prior to further flight repair in accordance with Part IV of Gulfstream Aerospace SB Nos. SB-112-71C or SB-114-22C, both dated November 1988, as applicable.

(3) If cracks are found in the left or right forward wing spar as noted in paragraph 8b or 8e, part I of the above referenced service instructions, prior to further flight repair in accordance with part V of Gulfstream Aerospace SB Nos. SB-112-71C or SB-114-22C, both dated November 1988, as applicable.

(4) If cracks are found in the left or right forward wing spar, as noted in paragraph 8c, part I of the above referenced service instructions, prior to further flight modify the airplane in accordance with instructions obtained from the Manager, Airplane Certification Office, FAA, at the address listed in paragraph (e) of this AD.

(5) If no cracks are found, reinspect the spars thereafter at intervals not to exceed 100 hours' TIS, and within the next 300 hours' TIS, modify the airplane in accordance with the instructions in part II of Gulfstream Aerospace SB-112-71C or SB-114-22C, both dated November 1988 as applicable. The repetitive inspection may be discontinued once the airplane is so modified.

(b) If the airplane has been modified either in accordance with part II of Gulfstream Aerospace SB No. SB-112-71, or part II of SB No. SB-112-71A or Part II or Part V of SB No. SB-112-71B, repeat the inspections specified in paragraph (a) of this AD at intervals not to

exceed 100 hours' TIS after the initial inspection, and within the next 300 hours' TIS modify the airplane in accordance with the instructions in part III of Gulfstream Aerospace SB No. SB-112-71C. The repetitive inspection may be discontinued once the airplane is so modified.

(c) If the airplane has been modified either in accordance with part II of Gulfstream Aerospace SB-114-22, part II of SB-114-22A, or part II or Part V of SB-114-22B, repeat the inspection specified in paragraph (a) of this AD at intervals not to exceed 100 hours' TIS after the initial inspection and within the next 300 hours' TIS, modify the airplane in accordance with the instructions in part III of Gulfstream Aerospace SB No. SB-114-22C. The repetitive inspection may be discontinued once the airplane is so modified.

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where the repair can be performed, provided the following conditions are met:

(1) Existing cracks have not propagated together (in the event there are cracks above each bracket attachment bolts) and the cracks have not propagated beyond the limits in the service bulletin (as noted in paragraph 8c, part I of Accomplishment Instructions of Gulfstream Aerospace Service Bulletin Nos. SB-112-71C or SB-114-22C both dated November 1988, as applicable).

(2) The landing gear side brace and bracket are firmly attached such that proper extension and retraction of the gear will occur.

(3) Pilot only on board.

(4) Day VFR only, avoiding all rough weather possible, and with no intentional abrupt maneuvers.

(e) An alternate method of compliance or adjustment of the initial or repetitive compliance times, which provides an equivalent level of safety, may be approved by the Manager, Airplane Certification Office, ASW-150, FAA Southwest Region, Fort Worth, Texas 76193-0150; Telephone (817) 624-5150.

Note: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and send it to the Manager, Airplane Certification Office, Southwest Region.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Commander Aircraft Company, 7200 NW., 63rd Street, Hangar 8, Wiley Post Airport, Bethany, Oklahoma 73008; or may examine these documents at the FAA, Office of the Assistant Chief Counsel, room 1558, 601 East 12th Street, Kansas City, Missouri 64108.

This amendment supersedes AD 87-14-03, Amendment 39-5671 (52 FR 26472). This amendment becomes effective March 9, 1990.

Issued in Kansas City, Missouri, on January 22, 1990.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-2725 Filed 2-6-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-AWP-24]

Revision of Point Mugu, CA, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the description of the Point Mugu, CA, control zone. This action will eliminate the assumption by Point Mugu of the Oxnard, CA, control zone when Oxnard is not effective.

EFFECTIVE DATE: 0901 utc, May 3, 1990.

FOR FURTHER INFORMATION CONTACT: Jon L. Semanek, Airspace Specialist, System Management Branch, AWP-530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (213) 297-0433.

SUPPLEMENTARY INFORMATION:

History

On November 21, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the description of the Point Mugu, CA, control zone. This action would eliminate the assumption by Point Mugu of the Oxnard, CA, control zone when Oxnard is not effective (54 FR 48113). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations revises the description of the Point Mugu, CA, control zone. This action eliminates the assumption by Point Mugu, CA, of the Oxnard, CA, control zone when Oxnard is not effective.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air

traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

§ 71.171 [Amended]

2. § 71.171 is amended as follows:

Point Mugu, CA [Revised]

Within a 5-mile radius of NAS Point Mugu (lat. 34°07'05" N., long. 119°07'20" W.) and within the arc of a 12-mile radius circle centered on the Point Mugu TACAN, extending clockwise from the 200° radial to the 252° radial.

Issued in Los Angeles, California, on January 17, 1990.

Jacqueline L. Smith,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 90-2722 Filed 2-6-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 89-AGL-12]

Alteration of VOR Federal Airways, Compulsory Reporting Points, and Jet Routes; IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter the descriptions of all VOR Federal airways, compulsory reporting points, and jet routes that have been affected by the name change of South Bend, IN, very high frequency omnidirectional radio range and tactical air navigational aid (VORTAC) to Giper, IN, VORTAC. The actual VORTAC site remains the same. This action will alleviate the confusion

caused by the VORTAC having the same name identifier as the airport.

EFFECTIVE DATE: 0901 u.t.c., May 3, 1990.

FOR FURTHER INFORMATION CONTACT: Jesse B. Bogan, Jr. Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC. 20591; telephone: (202) 267-9253.

The Rule

These amendments to parts 71 and 75 of the Federal Aviation Regulations alter the descriptions of all VOR Federal airways, compulsory reporting points, and jet routes that have been affected by the name change of South Bend, IN, VORTAC to Giper, IN, VORTAC. The location of the VORTAC remains the same. This action will alleviate confusion for pilots and air traffic control (ATC) due to the VORTAC having the same name and identifier as the airport. This action will also facilitate coordination and clearance delivery between and by ATC facilities, thereby reducing workload. Because this action is a VORTAC name change and does not alter the dimensions or operating requirements of the affected airspace and involves the matter in which the public would not be particularly interested, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Sections 71.123, 71.203, 71.207 and 75.100 of the Federal Aviation Regulations were republished in Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, Compulsory reporting points and Jet routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, parts 71 and 75 of the Federal Aviation Regulations (14 CFR parts 71 and 75) are amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

V-6, V-10, V-55, V-156, V-193, V-228 and V-526 [Amended]

Wherever the words "South Bend" appear, substitute the word "Giper".

§ 71.203 [Amended]

3. § 71.203 is amended as follows:

South Bend, IN [Removed]

Giper, IN [New]

§ 71.207 [Amended]

4. § 71.207 is amended as follows:

South Bend, IN [Removed]

Giper, IN [New]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

5. The authority citation for part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; 14 CFR 11.69.

§ 75.100 [Amended]

6. § 75.100 is amended as follows:

J-146 and J-554 [Amended].

Wherever the words "South Bend" appear, substitute the word "Giper".

Issued in Washington, DC, on January 26, 1990.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 90-2724 Filed 2-6-90; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81****[FRL-3720-5; KY-053]****Approval and Promulgation of Implementation Plans; Kentucky: PM₁₀ SIP Revisions****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: On July 7, 1983, the State of Kentucky submitted revisions to its State Implementation (SIP) for particulate matter. The revisions became State-effective on April 14, 1988. The revisions were adopted pursuant to the requirements of section 110 of the Clean Air Act to provide for the attainment of EPA's new particulate matter standards, known as "PM₁₀" standards.

EFFECTIVE DATES: This action will be effective April 9, 1990 unless notice is received on or before March 9, 1990, that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to Richard A. Schutt, EPA Region IV's Air Programs Branch (see Region IV address below). Copies of the State's submittal are available for review during normal business hours at the following locations.

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

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, Division for Air Quality,
315 St. Clair Mall, Frankfort, Kentucky
40601

FOR FURTHER INFORMATION CONTACT:
Richard A. Schutt, Air Programs Branch,
EPA Region IV, at the above address
and telephone number (404) 347-2864 or
FTS 257-3975.

SUPPLEMENTARY INFORMATION: Pursuant to the 1977 amendments to the Clean Air Act, EPA, on July 1, 1987 (52 FR 24634), promulgated revised primary and secondary National Ambient Air Quality Standards (NAAQS) for particulate matter by replacing the total suspended particulate matter standard with a standard that included only those particles with an aerodynamic diameter less than or equal to a nominal 10

micrometers. The particles are referred to as PM₁₀.

In order for states to regulate PM₁₀ they must make certain changes in their rules and regulations and in the SIPs. The changes to the rules and the SIP must insure that the PM₁₀ NAAQS are attained and maintained; that new and modified sources which emit PM₁₀ are reviewed; that PM₁₀ is one of the pollutants to trigger alert, warning, and emergency actions; and that the state's monitoring network be designed to include PM₁₀ monitors. These changes must be made regardless of the existing levels of PM₁₀ in any area of the state.

Because PM₁₀ air quality data was lacking in most areas of the country, EPA could not arbitrarily designate areas as attainment or nonattainment. EPA then developed an analysis using historical ambient TSP data and any available PM₁₀ data to classify all counties in the nation into one of three groups based upon the statistical probabilities of not attaining the new PM₁₀ standards. EPA has classified the following: (1) Areas with a probability of not attaining the PM₁₀ standard of at least 95 percent as "Group I", (2) areas with a probability of not attaining the PM₁₀ standard of between 20 and 95 percent as "Group II", and (3) areas with a probability of not attaining the PM₁₀ standard of less than 20 percent as "Group III". All areas are currently conducting ambient monitoring to determine whether actual ambient PM₁₀ concentrations are above or below the PM₁₀ NAAQS.

A control strategy is required to show how PM₁₀ emissions will be reduced to provide for attainment and maintenance of the PM₁₀ NAAQS for a group I area. For Group II areas, the states are required to commit to perform additional PM₁₀ monitoring in that area and to prepare a control strategy if the data show with certainty that the standards are being exceeded. The commitments must be submitted in the form of a SIP revision and are termed a "committal" SIP. The regulations call for the PM₁₀ SIPs to be submitted nine months after the federal PM₁₀ regulations went into effect on July 31, 1987.

Historical TSP monitoring data and all available PM₁₀ data in Kentucky indicate there are no areas where the PM₁₀ standards are likely to be exceeded and only two areas where PM₁₀ NAAQS might be exceeded. Based on available TSP data and limited PM₁₀ data the areas bounded by the city limits of Ashland and Catlettsburg in Boyd County, Kentucky, as of February 17, 1988, are classified as Group II areas. This means that a committal SIP is

required and PM₁₀ monitoring will continue in accordance with the 40 CFR part 58 monitoring regulations.

Kentucky must also submit a current year annual inventory of actual and allowable PM and PM₁₀ emission. Kentucky must identify the emission control measure it is relying upon to maintain the NAAQS. Control measures that have not been approved by EPA must be submitted for approval and incorporation into the SIP.

In addition to the provisions stated above, each SIP for PM₁₀ must be revised to address the PM₁₀ NAAQS in the following ways:

- To include State ambient air quality standards for PM₁₀ at least as stringent as the NAAQS.
- To trigger preconstruction review for new or modified sources which would emit significant amounts of either PM or PM₁₀ emissions.
- To invoke the emergency episode plan to prevent PM₁₀ concentrations from reaching the significant harm level of 600 ug/m³.
- To meet ambient PM₁₀ monitoring requirements of 40 CFR part 58, and
- To meet the requirements of 40 CFR 51.322 and 51.323 to report actual annual emissions of PM₁₀ (beginning with emissions for 1988) for point sources emitting 100 tons per year or more.

The Kentucky submittal consists of two parts: The regulatory portion and the committal SIP. The regulatory portion consists of thirteen regulations which were amended to accommodate the new PM₁₀ NAAQS. These regulations are applicable statewide, both in Group II and Group III areas, and fully implement the federal strategy for adoption and enforcement of the PM₁₀ NAAQS in Kentucky. One regulation, 401 KAR 51:052, dealing with new source review, has been identified as deficient and EPA is not taking action on this regulation at this time. Kentucky is revising this regulation and will submit the revised regulation by the end of this year.

401 KAR 50:010, "Definitions and abbreviations", was revised to add or amend definitions relating to particulate emissions as promulgated by EPA. Specifically, the following terms and definitions are being added or amended: "Particulate matter", "Particulate matter emissions", "PM₁₀", "PM₁₀ emissions", "Total suspended particulates", and "Referenced methods". Additionally, the definition of "State Implementation Plan" is being added, since this term is used in these amendments and in other regulations of the Division of Air Quality. Abbreviations for some of these

definitions and other terms which are used in the regulations of the Division of Air Quality have also been added in Section 2.

401 KAR 50:015, "Documents incorporated by reference", incorporates by reference the methods required for demonstrating compliance with the regulations of the Division for Air Quality. This regulation is being amended to add reference methods, ASTM methods, and a document from the American Petroleum Institute which are used to demonstrate compliance with regulations that Kentucky is proposing. Some of the reference methods relate to the revised ambient air quality standard for particulate matter, PM_{10} . Sources of particulate matter which measure their PM_{10} emissions will use these reference methods. Some of the ASTM methods are being added while others are just being amended to incorporate the most recent version of the method.

401 KAR 50:035, "Permits", provides for the issuance of permits and specifies under what conditions permits are issued to sources. It also identifies what sources are exempt from permitting requirements. This regulation is being amended in section 6 to specify that the requirements that applied in non-attainment areas shall continue to apply once the area is redesignated, unless a SIP which is approved by EPA allows for other requirements. Sources that would be affected would be those sources in non-attainment areas which were required to obtain permits. Such sources would be required to maintain their permits if the area is redesignated. New sources locating in unclassified or attainment areas which were previously non-attainment would be subject to the provisions which apply in attainment or unclassified areas.

The exemption from permitting requirements for small sawmills in section 6(10) is also being amended to exempt specified sawmills which have a rated capacity of 5,000 board feet. The previous minimum value of 1,500 board feet was based on the previous exemption in section 6(1) of two tons per year of any source emitting specified pollutants. That minimum value was recently amended to exempt sources whose uncontrolled emissions are less than twenty-five tons per year and whose potential to emit is less than or equal to five tons per year of specified pollutants. On January 23, 1989, Kentucky submitted calculations showing that a process rate of 5000 board feet/hr level yields potential emissions less than 5 tons per year. Therefore, the exemption in subsection

(10) is being amended to have the same basis as the exemptions in subsection (11).

401 KAR 51:017, "Prevention of significant deterioration of air quality", provides for the prevention of significant deterioration (PSD) of ambient air quality. It applies to major stationary sources and major modifications constructing in areas that are designated as attainment or unclassified for the specified pollutants. It is being amended to incorporate the amendments to the federal PSD regulation relating to PM_{10} , as promulgated by EPA in the Federal Register of July 1, 1987 (52 FR 24634). These amendments would not affect any sources of particulate matter that were issued permits prior to July 31, 1987. Any new major stationary sources or major modifications of particulate matter locating in the Commonwealth after that date would be subject to this amended regulation.

401 KAR 53:005, "General provisions", provides for the establishment of general provisions, definitions, and time schedules as they pertain to title 401, chapter 53. In the Federal Register of July 1, 1987 (52 FR 24663), the EPA promulgated two reference methods which relate to the measurement of PM_{10} emissions. Kentucky is extending the definition of reference method to include all of the methods in 40 CFR part 50 in the definition of "reference method". Appendix H was promulgated February 8, 1979, and relates to the interpretation of the ambient air quality standards for ozone. 40 CFR part 50, Appendix I was reserved. In the future, should any source which emits particulate matter be required to monitor the ambient air, then it could be required to use the reference methods outlined in the two appendices which relate to PM_{10} emissions. Simply incorporating these appendices into this definition does not affect any sources or other entities in Kentucky.

401 KAR 53:010, "Ambient air quality standards", fixes the ambient air quality standards necessary for the protection of the public health, the general welfare, and the property and people in Kentucky. It is being amended to add the new primary and secondary PM_{10} standards; to delete the old particulate standards for TSP; and to clarify that the ambient air quality standards for particulate matter are measured as PM_{10} , as promulgated by EPA in the Federal Register of July 1, 1987 (52 FR 24663). All sources in Kentucky which emit particulate matter will now be subject to the new primary and secondary PM_{10} standards specified in Appendix A to this regulation.

401 KAR 55:005, "Significant harm criteria", defines those levels of pollutant concentration which must be prevented in order to avoid significant harm to the health of persons. It is being amended to revise the significant harm criteria of particulate matter from 1,000 $\mu g/m^3$ (measured as TSP) to 600 $\mu g/m^3$ (measured as PM_{10}) and to delete the combined significant harm criteria for sulfur dioxide and particulate matter, as promulgated by EPA in the Federal Register of July 1, 1987 (52 FR 24667). All sources in Kentucky which emit particulate matter will now be subject to the new significant harm criteria relating to PM_{10} .

401 KAR 55:010, "Episode criteria", defines those levels of pollutant concentrations, or episode criteria, which justify the proclamation of an air pollution alert, air pollution warning, and air pollution emergency. It is being amended to revise the episode criteria of particulate matter (measured as PM_{10}) as follows: alert status is changed from 375 $\mu g/m^3$ to 350 $\mu g/m^3$; warning status is changed from 625 $\mu g/m^3$ to 420 $\mu g/m^3$; emergency status is changed from 875 $\mu g/m^3$ to 500 $\mu g/m^3$; and the combined episode criteria for sulfur dioxide and particulate matter are deleted, as promulgated by EPA in the Federal Register of July 1, 1987 (52 FR 24668). All sources in Kentucky which emit particulate matter will now be required to take appropriate action when the revised episode criteria specified in Appendix A to this regulation are reached.

401 KAR 59:010, "New process operations", provides for the control of emissions from new process operations which are subject to another particulate emission standard within title 401, chapter 59 of the Kentucky Administrative Regulations. It is being amended to clarify that the fugitive emission standards of section 3(1)(b) shall apply to sources located in an area designated as non-attainment for TSP, rather than for particulate matter. The attainment status designations in 401 KAR 51:010, appendix A are for TSP. This regulation is also being amended to change the classification date in section 3(1)(c) to insert the date that the most recent amendment became effective: September 4, 1986.

401 KAR 61:020 "Existing process operations", provides for the control of emissions from existing process operations which are not subject to another particulate emission standard within title 401, chapter 61 of the Kentucky Administrative Regulations. It is being amended to clarify that the fugitive emission standards of section

3(1)(b) shall apply to sources located in an area designated as non-attainment for TSP, rather than for particulate matter. The attainment status designations in 401 KAR 51:010, appendix A are for TSP.

401 KAR 61:170, "Existing blast furnace casthouses", provides for the control of emissions from existing blast furnace casthouses. It is being amended to delete a reference in the necessity and function paragraph which is specific to sources located in an area designated as non-attainment for particulate matter. The original intent of this regulation as stated in the applicability section, was that it applied to all existing blast furnace casthouses. There is, however, only one source to which this regulation applies, and it is located in an area which is currently designated as non-attainment. The presently approved SIP requires that the provisions of this regulation remain in effect even after any redesignation of the area. Therefore, Kentucky is removing the reference to non-attainment in the necessity and function paragraph to avoid any ambiguity.

The classification date in section 2(3) is also being changed to insert the date that the most recent amendments became effective: April 1, 1984.

Armco Steel Corporation (I.D. No. 103-0340-0005) is currently the only source in the Commonwealth of Kentucky subject to the provisions of this regulation; however, since no new requirements are being added, that entity will not be required to add controls or change its method of operation.

The State has submitted a committal SIP for the two areas in Boyd County. The committal SIP contains all the requirements identified in the July 1, 1987, final promulgation of the SIP requirements for PM₁₀.

The final rulemaking promulgating EPA's PM₁₀ SIP requirements published on July 1, 1987 (52 FR 24682) discussed an Area Designation Policy with respect to TSP. EPA encouraged states to submit requests to redesignate TSP non-attainment areas to unclassified for TSP at the time the PM₁₀ control strategy for the area is submitted. The rulemaking stated that when EPA approves the control strategy as sufficient to attain and maintain the PM₁₀ NAAQS, it will also approve the redesignation. An area designation for TSP must be retained until EPA promulgates PM₁₀ increments, because the section 163 PSD increments depend upon the existence of section 107 designations. Section 107 does not provide for PM₁₀ area designation; thus, TSP area designations are retained until

such time as there is a provision for PM₁₀ designations.

401 KAR 51:010, "attainment status designations", designates the status of all areas of the state with regard to attainment of the NAAQS. On December 7, 1987, Kentucky requested that all areas presently classified as non-attainment for the primary and/or secondary TSP NAAQS, including those areas for which a request for redesignation to attainment already has been submitted, be reclassified as unclassified for the TSP standards.

EPA agrees with the Kentucky redesignation request and is also hereby approving the redesignation request for the following non-attainment areas to unclassified for TSP: Bell County, Boyd County, Bullitt County (Shepherdsville), Campbell County (Newport), Daviess County (Owensboro), Henderson County (Henderson), Jefferson County, Lawrence County (Louisia), Madison County (Richmond), McCracken County, Muhlenberg County, Perry County (Hazard), Pike County (Pikeville), and Whitley County (Corbin).

Action: EPA has reviewed the submitted material and found it to meet the requirements of 40 CFR part 51. Therefore, EPA is today approving Kentucky's revisions for PM₁₀.

For further information on EPA's analysis, the reader may consult a Technical Support Document which contains a detailed review of the materials submitted. This is available at the EPA address given above.

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

This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical economic and

environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

List of Subjects

40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated: December 14, 1989

Joe R. Franzmathes,
Acting Regional Administrator.

Parts 52 and 81 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

Subpart S—Kentucky

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

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

2. Section 52.920 is amended by adding paragraph (c)(66) to read as follows:

§ 52.920 Identification of plan.

(c) * * *

(66) On July 7, 1988, revisions to Kentucky's State Implementation Plan for PM₁₀ were submitted by the Kentucky Natural Resources and Environmental Protection Cabinet. The submittal included a committal SIP. EPA is taking no action on 401 KAR 51:052, Review of new sources in or impacting upon non-attainment areas.

(i) Incorporation by reference.

(A) The following revisions to 401 KAR were effective April 14, 1988:

(1) 50:010. Definitions and abbreviations: Section 1. Definitions and section 2. Abbreviations.

(2) 50:015. Documents incorporated by reference: Sections 1, 3, and 11.

(3) 50:035. Permits.

(4) 51:010. Attainment status designations: Section 1(1) and Appendices A and B.

(5) 51:017. Prevention of significant deterioration of air quality: Section 8(4) (e) and (f), section 8(9), section 12(1) (f) and (g), and Appendices A, B, C, and D.

(6) 53:005. General provisions: Section 3(2).

(7) 53:010. Ambient air quality standards: Appendix A.

(8) 55:005. Significant harm criteria.

(9) 55:010. Episode criteria: Headings and Appendix A.

(10) 59:010. New process operations: Section 3(1) (b) and (c).

(11) 61:020. Existing process operations: Section 3(1)(b).

(12) 61:170. Existing blast furnace casthouses: Necessity and function paragraph and section 2(3).

(ii) Other material.

(A) Letter of December 7, 1987, from the Kentucky Natural Resources and Environmental Protection Cabinet.

(B) Letter of July 7, 1988, from the Kentucky Natural Resources and Environmental Protection Cabinet.

(C) Letter of January 23, 1989, from the Kentucky Natural Resources and Environmental Protection Cabinet.

3. Section 52.935 is added as follows:

§ 52.935 **PM₁₀ State implementation plan development in group II areas.**

On July 7, 1988, the State submitted a committal SIP for the cities of Ashland and Catlettsburg in Boyd County. The committal SIP contains all the

requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM₁₀ at 52 FR 24681. The SIP commits the State to submit an emissions inventory, continue to monitor for PM₁₀, report data and to submit a full SIP if a violation of the PM₁₀ National Ambient Air Quality Standards is detected.

PART 81—[AMENDED]

Subpart C—Section 107 Attainment Status Designations

1. The authority citation for part 81 continues to read as follows:

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

2. In § 81.318 the attainment status designation table for TSP is revised to read as follows:

§ 81.318 Kentucky.

KENTUCKY—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Adair County				X
Allen County				X
Anderson County				X
Ballard County				X
Barren County				X
Bath County				X
Bell County			X	
Boone County				X
Bourbon County				X
Boyd County			X	
Boyle County				X
Bracken County				X
Breathitt County				X
Breckinridge County				X
That portion of Bullitt Co. in Shepherdsville			X	
Rest of Bullitt Co.				X
Butler County				X
Caldwell County				X
Calloway County				X
That portion of Campbell Co. in Newport			X	
Rest of Campbell Co.				X
Carlisle County				X
Carroll County				X
Carter County				X
Casey County				X
Christian County				X
Clark County				X
Clay County				X
Clinton County				X
Crittenden County				X
Cumberland County				X
That portion of Daviess Co. in Owensboro			X	
Rest of Daviess Co.				X
Edmonson County				X
Elliott County				X
Estill County				X
Fayette County				X
Fleming County				X
Floyd County				X
Franklin County				X
Fulton County				X
Gallatin County				X
Garrard County				X
Grant County				X
Graves County				X
Grayson County				X
Green County				X
Greenup County				X
Hancock County				X
Hardin County				X
Harlan County				X

KENTUCKY—TSP—Continued

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Harrison County				X
Hart County				X
That portion of Henderson Co. in Henderson			X	
Rest of Henderson Co.				X
Henry County				X
Hickman County				X
Hopkins County				X
Jackson County				X
Jefferson County			X	
Jessamine County				X
Johnson County				X
Kenton County				X
Knott County				X
Knox County				X
LaRue County				X
Laurel County				X
That Portion of Lawrence Co. in Louisa			X	
Rest of Lawrence Co.				X
Lee County				X
Leslie County				X
Letcher County				X
Lewis County				X
Lincoln County				X
Livingston County				X
Logan County				X
Lyon County				X
McCracken County			X	
McCreary County				X
McLean County				X
That portion of Madison Co. in Richmond			X	
Rest of Madison Co.				X
Magoffin County				X
Marion County				X
Marshall County				X
Martin County				X
Mason County				X
Meade County				X
Menifee County				X
Mercer County				X
Metcalfe County				X
Monroe County				X
Montgomery County				X
Morgan County				X
Muhlenberg County			X	
Nelson County				X
Nicholas County				X
Ohio County				X
Oldham County				X
Owen County				X
Owsley County				X
Pendleton County				X
That portion of Perry Co. in Hazard			X	
Rest of Perry Co.				X
That portion of Pike Co. in Pikeville			X	
Rest of Pike Co.				X
Powell County				X
Pulaski County				X
Robertson County				X
Rockcastle County				X
Rowan County				X
Russell County				X
Scott County				X
Shelby County				X
Simpson County				X
Spencer County				X
Taylor County				X
Todd County				X
Trigg County				X
Trimble County				X
Union County				X
Warren County				X
Washington County				X
Wayne County				X
Webster County				X
That portion of Whitley Co. in Corbin			X	
Rest of Whitley Co.				X
Wolfe County				X
Woodford County				X

[FR Doc. 90-2675 Filed 2-6-90; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP8E3616/R1054; FRL-3688-7]

Pesticide Tolerance for Metolachlor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for the combined residues (free and bound) of the herbicide metolachlor and its metabolites in or on the raw agricultural commodity bell peppers. This regulation to establish the maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4.

DATES: This regulation becomes effective February 7, 1990.

ADDRESSES: Written objections, identified by the document control number, [PP8E3616/R1054], may be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H7505C), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716C, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2310.

SUPPLEMENTARY INFORMATION: In the Federal Register of November 27, 1989 (54 FR 48772), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition (PP) 8E3616 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Stations of Arkansas, Oklahoma, Florida, and Texas, and the U.S. Department of Agriculture.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues (free and bound) of the herbicide metolachlor (2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methyl)acetamide) and its metabolites, determined as the derivative, 2-[(2-ethyl-

6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on the raw agricultural commodity bell peppers at 0.1 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 24, 1990.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.368(a), by adding and alphabetically inserting the raw agricultural commodity bell peppers, to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

(a) * * *

Commodities	Parts per million
Peppers, bell	0.1

[FR Doc. 90-2819 Filed 2-6-90; 8:45 am]
BILLING CODE 6560-50-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 87

[GEN Docket No. 89-16; FCC 90-16; RM-6423]

Frequency Allocation and Aviation Services Rules To Provide Frequencies for Use by Fully Operational Commercial Launch Vehicles

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This rule would permit commercial launch vehicles that are fully operational to share telemetry frequencies that are currently used for flight test purposes. This action was initiated by a petition for rulemaking (RM-6423), 54 FR 7812, February 23, 1989, filed by the Aerospace & Flight Test Coordinating Council (AFTCCC). The effect of this rule is to permit the transmission of diagnostic telemetry data during the flights of fully developed commercial launch vehicles in order to determine whether their components must be modified to improve their performance or avoid a catastrophic failure.

EFFECTIVE DATE: March 12, 1990.

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

FOR FURTHER INFORMATION CONTACT: William P. Berges, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, GEN Docket No. 89-16, adopted January 11, 1990, and released January 25, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets