B. Environmental Review

Because this rule merely makes changes in the Commission's regulations to conform to the Decontrol Act, the Commission is not preparing an environmental impact statement in this proceeding.[28]

C. Information Collection

This final rule implements the Decontrol Act and reduces reporting burdens on producers of natural gas. The Commission is notifying the Office of Management and Budget that the information collection burdens are being reduced by this rule.

D. Effective Date

The Administrative Procedure Act generally provides that an agency rule may not be effective less than 30 days after publication in the **Federal Register.**[29] However, an exception to this requirement is when the rule "grants or recognizes an exemption or relieves a restriction." [30] As this rule falls within this exception, the rule is effective April 18, 1990.

List of Subjects

18 CFR Part 270

Natural gas, Price controls, Reporting and recordkeeping requirements.

18 CFR Part 272

Natural gas.

In consideration of the foregoing, the Commission amends parts 270 and 272, chapter I, title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Lois D. Cashell,

Secretary.

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

1. The authority citation for part 270 continues to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717–717(w) (1988); Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142, Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1988).

2. In § 270.202, paragraph (h)(2) is revised to read as follows:

§ 270.202 Resales.

* * * * *

(h) * * *

(2) Natural gas subject to a percentage-of-proceeds contract is deregulated on the earlier of:

(i) The date such percentage-of-proceeds contract is deregulated as a first sale, or

(ii) The date the price paid under the resale contract is deregulated.

3. Section 270.207 is removed in its entirety.

PART 272—DEREGULATED NATURAL GAS

4. The authority citation for part 272 is revised to read as follows:

Authority: Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432 (1988); Natural Gas Wellhead Decontrol Act of 1989, Pub. L. 101–60, July 26, 1989.

5. In § 272.103, paragraphs (a)(5) through (a)(8) are added to read as follows:

§ 272.103 Definitions.

(a) * * *

(5) Natural gas to which no first sale contract applies on July 26, 1989.

(6) Natural gas to which a first sale contract applies on July 26, 1989, but to which such contract expires or terminates after that date. Such gas is deregulated as of the date such contract expires or terminates.

(7) Natural gas to which a first sale contract applies on July 26, 1989, where the parties have expressly agreed in writing after March 23, 1989, that all or part of the gas sold under such contract shall not be subject to any maximum lawful price. Such gas is deregulated as of the date specified by the parties, but not before July 26, 1989.

(8) Natural gas to which a first sale contract applies on July 26, 1989, and which is produced from a well the surface drilling of which began after July 26, 1989. Such gas is deregulated on May 15, 1991, or the date on which that contract expires or is terminated, whichever is earlier.

* * * * *

Note: This appendix will not be published in the Code of Federal Regulations.

Appendix A—Commenters on the NOPR

Affiliated Gas Producers
American Gas Association
American Petroleum Institute
Amoco Production Company
Arkla Exploration Company
Carnegie Natural Gas Company
Colorado Interstate Gas Company
Columbia Gas Transmission Corporation
Columbia Natural Resources, Inc.
Conoco Inc.
Consolidated Natural Gas Company
El Paso Natural Gas Company
Equitable Resources Energy Company
Gas Processors Association
Independent Oil & Gas Association of West Virginia
Indicated Producers
Interstate Natural Gas Association of America
Mid-Louisiana Gas Company
Natural Gas Pipeline Company of America
Natural Gas Supply Association
Northwest Pipeline Corporation
Pennsylvania Natural Gas Association
Phillips Petroleum Company
Phillips 66 Natural Gas Company
Producer-Marketer Transportation Group
Public Utilities Commission of the State of California
Sen. Jeff Bingaman
Sen. J. Bennett Johnston
Texas Gas Transmission Corporation
The Producer Associations
U.S. Dept. of the Interior—Bureau of Land Management
U.S. Dept. of the Interior—Minerals Management Service

[FR Doc. 90–9517 Filed 4–24–90; 8:45 am]

BILLING CODE 6717-01-M

[28] Section 380.4(a)(1) of the Commission's regulations [18 CFR 380.4 (a)(1) (1988)] exempts from environmental review Commission actions that are "procedural" or "ministerial" in nature.

[29] 5 U.S.C. 553(d) (1988).

[30] *Id.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 77P–0428 and 77P–0358]

Food Ingredient Labeling; Exemptions

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final rule that permits food ingredients present at levels of 2 percent or less by weight to be listed in other than descending order of predominance by weight. The listing of such ingredients will have to be preceded by a quantifying statement such as "Contains 2 percent or less of _____." This final rule eliminates unnecessary labeling costs that ultimately would be passed on to the consumer.

EFFECTIVE DATE: April 25, 1990.

FOR FURTHER INFORMATION CONTACT:

James R. Taylor, Center for Food Safety and Applied Nutrition (HFF–312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0229.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 7, 1978 (43 FR 14677), FDA published a proposal to amend § 101.4 (21 CFR 101.4) to permit ingredients present in bakery products at levels of 2 percent or less by weight to be listed in other than descending

order of predominance when (1) the manufacturer is unable to adhere to a constant formula of such ingredients, and (2) the ingredients appear at the end of the ingredient statement following the quantifying statement "Contains 2 percent or less of each of the following _____." The proposal was based on petitions from the American Bakers Association [Docket No. 77P-0428] and the Independent Bakers Association [Docket No. 77P-0358]. The petitions demonstrated that bakers encounter order of predominance labeling problems because seasonal conditions sometimes necessitate adjustments in concentrations of minor bakery ingredients. The petitions advised that, without greater flexibility in ingredient labeling, bakers would be forced to avoid appropriate formula adjustments or to maintain costly inventories of labels with different ingredient lists.

Most of the comments submitted in response to the April 7, 1978, proposal supported the need for an exemption from order of predominance listing for minor ingredients on the labeling of bakery products. In addition, some comments asserted that manufacturers of a wide variety of other food commodities would also benefit from such an exemption. These comments demonstrated that manufacturers of many food commodities encounter formula adjustment problems similar to those of the baking industry. The comments requested that the proposed exemption be extended to include all food commodities. A complete discussion of these comments can be found in the Federal Register of January 16, 1986 (51 FR 2405). In that document, FDA responded to these comments by issuing a tentative final rule that proposed to extend the coverage of the exemption to all food commodities. The agency also proposed to permit more flexibility in the format and the content of the quantifying statement than it would have permitted under the April 7, 1978, proposal.

The agency received 14 letters, each containing 1 or more comments from industry and trade associations, in support of the January 16, 1986, tentative final rule. Several of these comments suggested a number of revisions. A summary of these comments and FDA's responses follow:

1. Several comments requested that FDA eliminate those provisions of the tentative final rule that limit the exemption to situations in which a manufacturer is unable to adhere to a constant formula. These comments contended that there is no reason to include this requirement in the exemption. Some of these comments pointed out that exemption from order of predominance labeling for food ingredients present at levels of 2 percent or less by weight is not contrary to any statutory provision of the Federal Food, Drug, and Cosmetic Act (the act) and therefore need not be based on an agency finding that compliance with the order of predominance requirements was impracticable. Some comments advised that the variable formula requirement is unnecessary because ingredients present at concentrations of 2 percent or less are almost always noncharacterizing and therefore pose no potential risk for consumer deception. One comment explained that the practical significance of these low-level ingredients is frequently the nature and intensity rather than the quantity of the ingredient. The comment referred to spices, flavoring concentrates, and preservatives as examples of ingredients whose order of predominance is not significant.

Comments also maintained that the variable formula requirement was not necessary in light of the fact that under the proposed exemption, the label must include a quantifying phrase, such as "Contains 2 percent or less of _____." The comments pointed out that the quantifying phrase would provide consumers with more information about ingredients than is currently available. The comments maintained that information from quantifying phrases would, for low-level ingredients, be of much more value to consumers than information from order of predominance listing. The comments also maintained that these quantifying phrases would virtually eliminate potential consumer confusion caused by misleading placement of economically valuable ingredients that might occasionally be present. The comments explained that because quantifying phrases concerning concentration levels of 2 percent or less are in the nature of disclaimers rather than claims of excellence, consumers are unlikely to attach economic value to ingredients listed after these phrases.

In addition, one comment pointed out that strict order of predominance information concerning low-level ingredients may even be burdensome for some products with constant formulations. The comment explained that when firms use formulated ingredient mixes (e.g., seasoning mixtures) purchased from other firms as ingredients in their products, the precise amount of each ingredient in the mix must be known to determine order of predominance of all ingredients in the finished product. However, firms producing mixes often consider such information proprietary and are hesitant or unwilling to provide the information. The comment further advised that even when firms have formulas for ingredient mixes that they have purchased, strict order of predominance information concerning low-level ingredients may still be burdensome to obtain because shifts in order of predominance can occur without formula changes. The comment explained that such shifts may occur when:

(1) Ingredients present at similar levels in the formula enter the container at different stages in a multi-stage filling operation, (2) holding time or other factors affect the amount of ingredients absorbed (e.g., during preliminary preparation such as frying or soaking), and (3) time/temperature variations affect the amount of a volatile ingredient that is converted or driven off. Although analytical tests may be able to detect these shifts, such tests often would be difficult to develop and costly to perform.

FDA is persuaded that the provision in the tentative final rule limiting the exemption to the situation where the manufacturer is unable to adhere to a constant formula is unnecessary and, in some situations, burdensome to the affected industry. Therefore, FDA is not including this provision in the final rule.

2. On its own, FDA has considered whether this action will limit in any way the information that has been provided to consumers by the food label. The agency has concluded that the rule will not deprive consumers of any significant information. The exemption from order of predominance listing for ingredients present at levels of 2 percent or less does not in any way diminish the obligation of the food manufacturer to disclose the product's ingredients. To the contrary, in order to take advantage of the exemption from order of predominance listing, the manufacturer must list those minor ingredients and disclose that they are present at an insignificant level. The food label will continue to bear the common or usual name of each ingredient in accordance with 21 U.S.C. 343(i).

3. One comment requested that use of the exemption remain optional.

The agency advises that use of the exemption is optional. Manufacturers may continue listing ingredients in descending order of predominance without specifying which ingredients are present at 2 percent or less.

4. Another comment stated opposition to any general extension of regulations to require declaration of individual ingredient percentages.

FDA advises that this final rule does not require declaration of any individual ingredient percentages. The rule simply gives manufacturers the option of eliminating order of predominance labeling for ingredients present at levels of 2 percent or less by weight. Only those manufacturers who choose this option will be required to provide a percentage declaration and only for those ingredients present at levels below 2 percent. In such cases, the rule requires that the appropriate percentage (i.e., 2 percent or, if desired, 1.5 percent, 1.0 percent, or 0.5 percent) be included in the quantifying phrases that must precede the optional format for listing exempted ingredients.

Effective Date

The agency announces that this final rule becomes effective on April 25, 1990. This final rule is immediately effective because it grants an exemption from a labeling requirement that has been burdensome to certain manufacturers, and no objections have been raised to the new rule. In addition, there are no costs associated with immediate implementation of the rule because the alternative labeling requirement set forth in the rule is an optional one which manufacturers may use at their discretion. These circumstances present good cause pursuant to 5 U.S.C. 553(d)(1) and (3) for the rule to take effect immediately.

Environmental Issues

The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Issues

In accordance with the Executive Order 12291, FDA has analyzed the economic effects of this final rule, and the agency has determined that the rule is not a major rule as defined by the Order. This final rule provides an optional exemption for all foods containing ingredients at levels of 2 percent or less by weight from an existing requirement that each ingredient be listed in descending order of predominance. Manufacturers will therefore not be required to change existing labels and are provided with greater flexibility in listing mandatory information on new labels. No increase in manufacturers' labeling costs is therefore expected.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this final rule would have on small entities, including small businesses, and has determined that the effect of this final rule is to provide more flexibility in labeling procedures for both large and small businesses as stated above. Therefore, FDA certifies, in accordance with section 605(b) of the Regulatory Flexibility Act, that no significant economic impact on a substantial number of small entities will derive from this action.

Lists of Subjects in 21 CFR Part 101

Food labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 101 is amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR part 101 continues to read as follows:

Authority: Secs. 4, 5, 6 of the Fair Packaging and Labeling Act (15 U.S.C. 1453, 1454, 1455); secs. 201, 301, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 342, 343, 348, 371).

2. Section 101.4 is amended by redesignating paragraph (a) as paragraph (a)(1) and by adding new paragraph (a)(2) to read as follows:

§ 101.4 Food; designation of ingredients.

(a)(1) * * *

(2) The descending order of predominance requirements of paragraph (a)(1) of this section do not apply to ingredients present in amounts of 2 percent or less by weight when a listing of these ingredients is placed at the end of the ingredient statement following an appropriate quantifying statement, e.g., "Contains _____ percent or less of _____," or "Less than _____ percent of _____." The blank percentage within the quantifying statement shall be filled in with a threshold level of 2 percent, or, if desired, 1.5 percent, 1.0 percent, or 0.5 percent, as appropriate. No ingredient to which the quantifying phrase applies may be present in an amount greater than the stated threshold.

* * * * *

Dated: March 21, 1990.

James S. Benson,

Acting Commissioner of Food and Drugs.

[FR Doc. 90-9543 Filed 4-24-90; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL-024; FRL-3758-1]

Approval and Promulgation of Implementation Plans, Alabama; SO_2 Limits for Lead Smelters

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plan submitted by Alabama to provide for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO_2) in Jefferson County. The revisions establish sulfur dioxide emission limits for secondary lead smelters. Since all ambient standards for SO_2 will be protected, and no interstate impacts or attainment problems are expected, EPA is therefore approving this SIP revision.

DATES: This action will be effective June 25, 1990, unless notice is received by May 25, 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: Comments on this notice should be addressed to Beverly Hudson at the Region IV address below. Copies of the State's submittal are available for review during normal business hours at the following locations:

Alabama Department of Environmental Management Air Division, 1751 Congressman William L. Dickinson Dr., Montgomery, Alabama 36130

Air Programs Branch, Region IV, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365

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

FOR FURTHER INFORMATION CONTACT: Beverly T. Hudson of the Region IV EPA Air Programs Branch, at the address given above, and telephone number (404) 347-2864 or (FTS) 257-2864.

SUPPLEMENTARY INFORMATION: The Clean Air Act (CAA) includes requirements that EPA establish national ambient air quality standards (NAAQS) for various pollutants which may reasonably be anticipated to endanger public health and welfare. Such standards have been established for sulfur dioxide (SO_2). Under section 110 of the Act, all states must submit a State Implementation Plan (SIP) which

will provide for the attainment and maintenance of the SO_2 NAAQS.

In January 1985, the Jefferson County Department of Health requested that the Interstate Lead Company, Inc. (ILCO) perform a stack test to determine the amount of SO_2 being emitted from its facility. ILCO is a secondary lead smelter in Leeds, Alabama. As a result of the stack tests, Jefferson County suspected that the amount of SO_2 emissions could lead to exceedances of the SO_2 NAAQS in the Leeds area. Furthermore, plans were made to install in April 1986, a special—study SO_2 monitor near the predicted geographic point of highest concentration.

Since the installation and startup of the SO_2 monitor in 1986, data from the Leeds area SO_2 monitoring program has demonstrated conclusively that the primary and secondary NAAQS were being exceeded. Also, since 1986 additional SO_2 stack testing has been performed at ILCO. Results from a test in June 1987, indicate that SO_2 emissions were higher from ILCO than in 1985.

Computer modeling was performed to determine the contributions from all stationary sources in the Leeds area to the monitored ambient SO_2 exceedances. The modeling was also performed to determine the strategy to be employed under the SIP to ensure that the SO_2 NAAQS would be attained and maintained. Based on the computer modeling, SO_2 emission regulations were developed for ILCO. The revised regulations were necessary because the present control strategy, which consists of SO_2 regulations specific to certain types of sources, did not address secondary lead smelters. These revisions established SO_2 emission limits for secondary lead smelters.

On June 30, 1989, the Alabama Department of Environmental Management submitted these revisions to Jefferson County's existing regulations to EPA. A public hearing was held on May 22, 1989, and the regulations were adopted by the Jefferson County Board of Health on June 14, 1989.

A discussion of these revisions now follows:

- Chapter 6, paragraph 6.11.2(o) specifies a test for lead content in the recycled water to be used for downwash.
- Chapter 7, section 7.5.3 was amended to provide limits on SO_2 emissions from secondary lead smelters and ensure that ILCO will not cause an exceedance of any SO_2 NAAQS.
- Chapter 7, section 7.5.7 deletes the statement which allows a source owner or operator to secure a revised emission limitation by showing that the revised emissions would not interfere with attainment and maintenance of the national standards for SO_2.

Emission Inventory. The Leeds area of Jefferson County contains several SO_2 facilities. The largest SO_2 emitter is ILCO. Other facilities are much smaller, and through computer modeling, have been shown to be insignificant with respect to the highest predicted ambient SO_2 concentration in the Leeds area. A complete list of the facilities with their respective SO_2 emissions is given in table 2 of the Technical Support Document (TSD).

The emissions points at ILCO which are of significant impact on the monitoring sites are the blast and reverberatory furnaces, which emit through a common exhaust stack (main stack). ILCO will not discharge or cause to be discharged into the atmosphere from the blast furnace or reverberatory furnace smelt exhaust stack, or any combination, any gases which contain SO_2 in excess of 132 pounds per hour. Each of the stack emissions calculations was based on the best data or procedures available. For example, if stack test data was available, it was used preferentially since the data was usually considered to be the best data available. The emissions estimates for non-ILCO stacks were derived through the use of emissions factors, since stack test data were not available. The emissions factors employed were the latest ones in the EPA publication, "Compilation of Air Pollutant Emission Factors," known as AP-42.

Emission Compliance Method. Initial compliance with the requirements of section 7.5.3 will be demonstrated by the procedures specified by Methods 1 through 4 and 6, or 6(c) of appendix A of 40 CFR part 60. Continuous compliance thereafter will be demonstrated through the use of Continuous Emission Rate Monitoring Systems (CERMS) for continuous monitoring of the emissions discharge point or exhaust at an acceptable data recovery rate. To ensure that the monitoring data will be accurate, Procedure 1 of appendix F to 40 CFR part 60 will be required.

Prevention of Significant Deterioration (PSD) Applicability. PSD increment consumption is not an issue in this revision, because the revision establishes emission limits for Interstate Lead Company which are more stringent than the previous emission levels. Therefore, there are no net increases in emissions.

Stack Height Rule Impacts. On July 8, 1985 (50 FR 27892), EPA promulgated stack height rules pursuant to section 123 of the Clean Air Act. These rules do not apply to stack heights "in existence" before December 31, 1970.

A stack is "in existence" if the owner or operator had, by December 31, 1970: (1) Begun a continuous program of physical on-site construction of the stack; or (2) entered into a binding agreement or contractual obligation, which could not be cancelled or modified without substantial loss, to undertake a program of stack construction to be completed within a reasonable time.

ILCO will raise their existing stack height from 75 to 213 feet. In addition, a sulfur dioxide scrubber system will be installed. There are no restrictions or prohibition against, or demonstration required for raising an existing (or replacing) stacks up to 65 meters as long as prohibited dispersion techniques are not employed. EPA concluded that the stacks at ILCO will not be subject to the stack height rules because they will not exceed the applicable Good Engineering Practice (GEP) formula height and will not be affected by prohibited dispersion techniques. Thus, the physical height of the stacks will be fully creditable.

Although EPA today approves the emission limits for this source on the ground that they satisfy the requirements of the Clean Air Act, EPA also provides notice that the emission limits are subject to review and possible revision as a result of *NRDC* v. *Thomas*, 838 F.2d 1224 (1988). In that case the U.S. Court of Appeals for the D.C. Circuit held that EPA had not adequately explained certain provisions of its July 8, 1985, stack height regulations and remanded these provisions to EPA for further proceedings consistent with its opinion. If EPA's response to the NRDC remand modifies the applicable July 8, 1985, provision(s), EPA will notify the State of Alabama whether the emission limit for ILCO in Jefferson County must be re-examined for consistency with the modified provision(s).

Final Action. EPA has evaluated the Jefferson County part of the Alabama SO_2 SIP and has determined that it demonstrates attainment of the SO_2 NAAQS. EPA is therefore approving the revision of Jefferson County Regulation 7.5.

The public is advised that this action will be effective 60 days from today. However, if notice is received within 30 days that someone wishes to make adverse or critical comments, this action will be withdrawn and two subsequent notices will be published prior to the effective date. One notice will withdraw final action and another will begin new rulemaking by announcing a proposed

action and establishing a comment period.

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 222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 25, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Incorporation by reference, Sulfur oxides.

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

Dated: February 16, 1990.

Joe R. Franzmathes,

Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

Subpart B—Alabama

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.50 is amended by adding paragraph (c)(49) to read as follows:

§ 52.50 Identification of plan.

* * * * *

(c) * * *

(49) SO_2 revisions for Secondary Lead Smelters, submitted by the Alabama Department of Environmental Management on June 30, 1989.

(i) Incorporation by reference.

(A) The following revisions to Chapter 6 of Jefferson County Board of Health Air Pollution Control Rules and Regulations, which became effective June 14, 1989.

(*1*) 6.11.2(o)

(B) The following revisions to chapter 7 of Jefferson County Board of Health Air Pollution Control Rules and Regulations which became effective June 14, 1989 as follows:

(*1*) 7.5.3 (*3*) 7.5.5
(*2*) 7.5.4 (*4*) 7.5.6

(ii) *Additional material.* (A) Letter of June 30, 1989, submitted by the Alabama Department of Environmental Management.

(B) Modeling analysis for Interstate Lead Corporation which was submitted by Jefferson County, Alabama on April 5, 1989.

§ 52.54 [Amended]

3. The table in § 52.54 is amended by changing the notation in the "Primary" and "Secondary" "Sulfur Oxides" columns for Jefferson County to "k" and by adding a corresponding line to the legend of the table as follows: "k. July 31, 1990"."

[FR Doc. 90–9538 Filed 4–24–90; 8:45 am]
BILLING CODE 6560–50–M

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40 CFR Part 52

[FRL–3754–4]

Approval and Promulgation of State Implementation Plans; AJO Group II PM–10 Area, State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is approving the committal State Implementation Plan (SIP) for the Ajo, Arizona, Group II PM–10 area submitted by the State on December 28, 1988. The SIP commits the State to continue monitoring for PM–10 and to submit a full SIP if a violation of the PM–10 National Ambient Air Quality Standards (NAAQS) is detected. It also commits the State to make several revisions, related to PM–10, to the existing SIP. The intended effect of this action is to assure the maintenance of the NAAQS for PM–10.

DATES: This action will be effective on June 25, 1990, unless notice is received by May 25, 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: Copies of the revision are available for public inspection between 8 a.m., and 4 p.m, Monday through Friday at the following offices:

Environmental Protection Agency, Region IX, Air Programs Branch, 1235 Mission Street, San Francisco, CA 94103

Arizona Department of Environmental Quality, 2005 North Central Avenue, Phoenix, AZ 85004

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

FOR FURTHER INFORMATION CONTACT:

Steven K. Body, Air Programs Branch, Environmental Protection Agency, 1235 Mission Street, San Francisco, CA 94103, (FTS) 556–5153, (415) 556–5153.

SUPPLEMENTARY INFORMATION:

Background

The 1977 amendments to the Clean Air Act require EPA to review periodically and, if appropriate, revise the criteria on which the NAAQS for each air pollutant are based, as well as review and revise the NAAQS themselves. In response to these requirements, EPA published a notice to promulgate revised NAAQS for particulate matter under ten microns in size (known as PM–10) on July 1, 1987 (52 FR 24634). As a result, states must revise their State Implementation Plans (SIPs) to attain and maintain the new NAAQS.

To implement the new SIP requirements, all areas in the country were divided into three groups, based on the probability that each of these areas would violate the PM–10 NAAQS. Group I areas have violated the PM–10 NAAQS or have air quality data showing high (greater than 95%) probabilities of violating the NAAQS. These areas must submit full SIPs including control strategies and attainment demonstrations. Group II areas are estimated to have moderate (20%–95%) probability of violating the PM–10 NAAQS, and must commit to monitor for PM–10 and submit a full SIP if a violation occurs. Group III areas are estimated to have a low (less than 20%) probability of violating the PM–10 NAAQS, and no new control strategy requirements apply.

Ajo, Arizona, has been classified as a Group II area. On December 28, 1988, the State submitted a Committal SIP for Ajo. The requirements for Group II committal SIPs, and the State's response to these requirements are described below.

EPA Requirements for Group II Committal SIPs

The following SIP requirements apply to all PM–10 areas, regardless of their grouping: