

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) SO₂ 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

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:

(1) All SIPs should provide for the attainment and maintenance of the PM-10 standards, and PM-10 should be regulated as a criteria pollutant.

(2) Since the SIP must protect both the PM-10 standard and the total suspended particulates (TSP) increment for prevention of significant deterioration (PSD), it must trigger preconstruction review for a new or modified source which would emit significant (as defined at 40 CFR 51.166(b)(23)) amounts of either TSP or PM-10.

(3) The significant harm level for particulate matter was revised in 40 CFR 51.151 to 600 $\mu\text{g}/\text{m}^3$ measured as PM-10, and the combined sulfur dioxide-particulate matter significant harm level was deleted. In addition, the example alert, warning, and emergency levels of particulate matter in Appendix L of part 51 were also revised to reflect PM-10 concentrations. Therefore, State emergency episode plans must be revised to reflect these changes.

(4) Revisions to 40 CFR part 58 set forth the requirements for design of national, State and local PM-10 air monitoring networks. The revised monitoring networks must be submitted for EPA approval. The required monitoring frequency varies with area grouping: Group I areas are required to monitor daily for at least one site in the area of expected maximum concentration, Group II areas are required to monitor every other day at such a site, and Group III areas are required to monitor every sixth day at such a site. Monitoring frequency in Group I and Group II areas can be reduced if the reduction is supported by at least one year of data.

In addition, Committal SIPs for Group II areas must contain enforceable commitments to:

(5) Gather ambient PM-10 data, at least to an extent consistent with minimum EPA requirements and guidance.

(6) Analyze and verify the ambient PM-10 data and report 24-hour PM-10 NAAQS exceedances to the appropriate Regional Office within 45 days of each exceedance.

(7) When an appropriate number of verifiable 24-hour NAAQS exceedances becomes available or when an annual arithmetic mean above the level of the annual PM-10 NAAQS becomes available, acknowledge that a nonattainment problem exists and immediately notify the appropriate Regional Office.

(8) Within 30 days of the notification referred to in (7), above, or within 37 months of promulgation of the PM-10 NAAQS, whichever comes first, determine whether the measures in the

existing SIP will assure timely attainment and maintenance of the primary PM-10 standards, and immediately notify the appropriate Regional Office.

(9) Within 6 months of the notification referred to in (8), above, adopt and submit to EPA a PM-10 control strategy that assures attainment as expeditiously as practicable but no later than 3 years from approval of the Committal SIP.

(10) Committal SIPs must include an enforceable schedule with appropriate milestones or checkpoints.

Arizona Submittal

The State submittal addresses EPA's requirements as follows:

(1) *PM-10 Ambient Air Quality Standard.* The State has not adopted a revised Particulate Matter Standard for PM-10. This element will be included in a comprehensive State-wide Group III SIP revision.

(2) *Preconstruction review of major stationary sources of PM-10.* The State administers an EPA approved New Source Review (NSR) and Prevention of Significant Deterioration (PSD) program for all areas in the State except Maricopa and Pima Counties. However, the State has not revised these programs for PM-10. EPA currently retains authority for issuing PSD Authority to Construct permits for new and modified sources in these areas. A revision to the NSR and PSD rules to account for PM-10 will be included in a comprehensive State-wide Group III SIP revision.

(3) *Revised emergency episode plans.* The State has not revised the emergency episode plan for Ajo. This element will be included in a comprehensive Statewide Group III SIP revision.

(4) *PM-10 monitoring networks.* There is one PM-10 monitoring site operating in Ajo. The sampler is operated on an every sixth day schedule. The monitoring network design and coverage have been reviewed, and are approved by EPA Region IX, Air and Toxics Division.

(5) *Collection of ambient PM-10 data.* The State began monitoring for PM-10 in January 1985, and has committed to continue monitoring in the Committal SIP.

(6) *Reporting exceedances to EPA within 45 days.* This commitment is contained in the Committal SIP.

(7) *Immediate notification of EPA if the area moves into nonattainment.* This commitment is contained in the Committal SIP.

(8) *Determination of adequacy of the existing SIP.* This commitment is contained in the Committal SIP.

(9) *Submittal of a revised control strategy for PM-10 if the area moves*

into nonattainment. This commitment is contained in the Committal SIP.

(10) *Enforceable schedule and milestones.* This requirement is contained in the Committal SIP.

The State held a public hearing on the Committal SIP on October 19, 1988. Oral and written comments were received and the State responded to each comment.

A draft Committal SIP was submitted to EPA for review prior to this hearing. EPA reviewed the draft SIP and found it to meet the necessary requirements with some minor exceptions, which were corrected in the final submittal.

Final Action

EPA hereby approves the Committal SIP for the Ajo, Arizona SIP. The Committal SIP provides for adequate ambient air quality monitoring, and should provide the areas protection from violations of the PM-10 NAAQS.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for 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.

EPA finds that good cause exists for making the action taken in this notice immediately effective because the implementation plan revisions are already in effect under State law or regulation. EPA's approval poses no additional regulatory burden.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. This action will be effective 60 days from the date of the Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. 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. If no such comments are received, the public is advised that this action will be effective June 25, 1990.

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.

Under 5 U.S.C. section 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.)

Under section 307(b)(1) of the Clean Air 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, Particulate matter.

Dated: March 26, 1990.

Daniel McGovern,
Regional Administrator.

Title 40 part 52 of the Code of Federal Regulations Subpart D is amended as follows:

PART 52—[AMENDED]

Subpart D—Arizona

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

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

1. Section 52.146 is amended by adding paragraphs (c) and (d) to read as follows:

§ 52.146 Particulate matter (PM-10) Group II SIP commitments.

(c) On December 28, 1988, the Governor's designee for Arizona submitted a revision to the State Implementation Plan (SIP) for Ajo, that contains commitments from the Director of the Arizona Department of Environmental Quality, for implementing all of the required activities including monitoring, reporting, emission inventory, and other tasks that may be necessary to satisfy the requirements of the PM-10 Group II SIPs.

(d) The Arizona Department of Environmental Quality has committed to comply with the PM-10 Group II State Implementation Plan (SIP) requirements. [FR Doc. 90-9539 Filed 4-24-90; 8:45 am]

BILLING CODE 6550-50-M

40 CFR Part 180

[PP 9E3760/R1063; FRL-3712-4]

Pesticide Tolerance for 2-[1-(Ethoxyimino)Butyl]-5-[2-(Ethylthio)Propyl]-3-Hydroxy-2-Cyclohexene-1-One

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes tolerances for the combined residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one (also referred to in this document as sethoxydim) and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the parent compound) in or on the raw agricultural commodity rhubarb. This regulation to establish a 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 (IR-4).

DATES: This regulation becomes effective on April 25, 1990.

ADDRESSES: Written objections, identified by the document control number, [PP9E3760/R1063], 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 #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2310.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 7, 1990 (55 FR 4203), 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) 9E3760 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project, and the Agricultural Experiment Station of Michigan.

The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose to establish a tolerance for residues of the combined

residues of the herbicide 2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-moiety (calculated as the herbicide) in or on the raw agricultural commodity rhubarb at 0.3 part per million (ppm). The petitioner proposed that this use of sethoxydim be limited to Michigan, Indiana, Illinois, Ohio, Wisconsin, and Minnesota, based on the geographic representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader areas of usage should contact the Agency's Registration Division at the address provided above.

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. The pesticide is useful for the purpose for which the tolerance is established. 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: April 11, 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. Section 180.412(b) is amended by adding and alphabetically inserting in the table therein the raw agricultural commodity rhubarb, to read as follows:

§ 180.412 2-[1-(Ethoxymino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one; tolerances for residues.

• • • • •
(b) • • • • •

Commodities	Parts per million
• • • • •	
Rhubarb	0.3

[FR Doc. 90-9467 Filed 4-24-90; 8:45 am]
BILLING CODE 6560-50-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-563; RM-6078]

Radio Broadcasting Services; Dyersburg, TN; Jonesboro, Hoxie and Newport, AR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 261C2 for Channel 261A at Dyersburg, Tennessee, and modifies the license of Station WASL(FM) to specify operation on that communities first wide coverage area station, at the request of Dr Pepper Pepsi-Cola Bottling Company of Dyersburg, Inc. See 52 FR 49181, December 30, 1987, and 54 FR 25481, June 15, 1989. This action also (1) substitutes Channel 287A for Channel 263A at Hoxie and modifies the license of Station KHGX(FM) (2) substitutes Channel 262A for Channel 261A at Jonesboro and modifies the license of Station KDEZ(FM) and substitutes Channel 264A for Channel 288A at Newport and modifies the license of

Station KOKR(FM). A site restriction of 6 kilometers (3.7 miles) west of Dyersburg is required for Channel 261C2 at Dyersburg. The coordinates are 36-02-40 and 89-26-46. The coordinates for Channel 262A at Jonesboro are 35-51-17 and 90-43-40. The coordinates for Channel 287A at Hoxie are 36-02-24 and 90-59-11. The coordinates for Channel 264A at Newport are 35-36-38 and 91-15-02.

Further consideration of the proposals to upgrade Stations KOKR(FM) at Newport to specify Channel 244C2 and KAWW-FM at Heber Springs, Arkansas, to specify Channel 264C2 will be the subject of a *Second Report and Order*.

EFFECTIVE DATE: June 4, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlins, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's First Report and Order, MM Docket No. 87-563, adopted March 22, 1990, and released April 19, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

PART 73—[AMENDED]

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended, under Tennessee, by adding Channel 261C2 and removing Channel 261A at Dyersburg and under Arkansas, by adding Channel 287A and removing Channel 263A at Hoxie by adding Channel 262A and removing Channel 261A at Jonesboro and by adding Channel 264A and removing Channel 288A at Newport.

Karl A. Kensinger,
Chief, Allocations Branch Policy and Rules
Division Mass Media Bureau.

[FR Doc. 90-9523 Filed 4-24-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 591

[Docket No. 89-5; Notice 7]

RIN 2127-AD00

Importation of Vehicles and Equipment Subject to Federal Safety, Bumper, and Theft Prevention Standards; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; correction.

SUMMARY: On March 28, 1990, NHTSA published an amendment to the final rule on the importation of motor vehicles and equipment subject to the Federal motor vehicle safety standards, that added Federal bumper and theft prevention standards. NHTSA amended § 591.5(b) and § 591.5(h) in a manner inadvertently omitting language that had been added by a prior amendment on February 5, 1990. This notice restores the omissions.

DATES: The correction is effective April 25, 1990.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202-366-5263).

SUPPLEMENTARY INFORMATION: On February 5, 1990, NHTSA published a response to the petitions for reconsideration of 49 CFR part 591 *Importation of Vehicles and Equipment Subject to the Federal Motor Vehicle Safety Standards* (Notice 4, 55 FR 3742). That notice amended § 591.5(b) to add the phrase "by the manufacturer" between the words "or" and "to the equipment item". The notice also amended § 591.5(h) in a way that the referent to the importer, "(s)he", appeared in the introductory text to the section, rather than in the subsections. However, a draft amendment to part 591, eventually published on March 28, 1990 as Notice 6 (55 FR 11375), had been prepared prior to the preparation of Notice 4. Section 591.5(b) and § 591.5(h) were not updated before the publication of Notice 6, with the result that a minor corrective amendment is required to reinsert the language added by Notice 4.

Because this amendment is corrective in nature, it is hereby found that notice and public comment thereon are unnecessary, and that it may become effective upon publication in the **Federal Register**. As it makes no substantive change, it does not affect any of the