

installing lead emission controls is also presented. Since it is not possible, in most cases, to distinguish between costs of particulate control and costs of lead control, control costs are presented for particulate control equipment which coincidentally reduce potential lead emissions. Also presented, for most source categories, are estimates of the environmental and energy impacts associated with the control of lead emissions.

Alternative approaches to reducing emissions of particulate matter (which would include lead) are discussed in "Control Techniques for Particulate Emissions from Stationary Sources"—Volume I (EPA-450/3-81-005a) and Volume II (EPA-450/3-81-005b), September 1982. The design, operation and maintenance of general particulate matter control systems such as mechanical collectors, electrostatic precipitators, fabric filters, and wet scrubbers are discussed in Volume I. The collection efficiency of each system is discussed as a function of particle size. Information is also presented regarding energy and environmental considerations and procedures for estimating costs of particulate matter control equipment. The emission characteristics and control technologies applicable to specific source categories are discussed in Volume II. Secondary environmental impacts are also discussed.

Additional sources of information on control technology are background information documents for new source performance standards and "Identification, Assessment, and Control of Fugitive Particulate Emissions," EPA-600/8-86-023, August 1986.

In some instances, control technologies more modern or more advanced than those described in the documents referenced may exist. In such cases, the State's nonattainment RACT analysis for a source should consider such available technology.

C. Economic Feasibility

Economic feasibility considers the cost of reducing emissions and the difference in costs between the particular source and other similar sources that have implemented emission reductions. As discussed above, EPA presumes that it is reasonable for similar sources to bear similar costs of emission reductions. Economic feasibility rests very little on the ability of a particular source to "afford" to reduce emissions to the level of similar sources. Less efficient sources would be rewarded by having to bear lower emission reduction costs if

affordability were given high consideration. Rather, economic feasibility for RACT purposes is largely determined by evidence that other sources in a source category have in fact applied the control technology in question.

The capital costs, annualized costs, and cost effectiveness of an emission reduction technology should be considered in determining its economic feasibility. The "OAQPS Control Cost Manual, Fourth Edition," EPA-450/3-90-006, January 1990, describes procedures for determining these costs. The above costs should be determined for all technologically-feasible emission reduction options.

States may give substantial weight to cost effectiveness in evaluating the economic feasibility of an emission reduction technology. The cost effectiveness of a technology is its annualized cost (\$/year) divided by the amount of lead emission reductions (i.e., tons/year) which yields a cost per amount of emission reductions (\$/ton). Cost effectiveness provides a value for each emission reduction option that is comparable with other options and other facilities.

If a company contends that it cannot afford the technology that appears to be nonattainment area RACT for that source or group of sources, the claim should be supported with such information as the impact on:

1. Fixed and variable production costs (\$/unit).
2. Product supply and demand elasticity.
3. Product prices (cost absorption versus cost pass-through).
4. Expected costs incurred by competitors.
5. Company profits.
6. Employment.

If a company contends that available control technology is not affordable and would lead to closing the facility, the costs of closure should be considered. Closure may incur costs for demolition, relocation, severance pay, etc.

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BILLING CODE 6560-50-P

40 CFR Part 52

[AK-4-1-6027; FRL-4817-6]

Approval and Promulgation of Implementation Plan; Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The EPA proposes approval of the State Implementation Plan (SIP)

revision submitted by the state of Alaska for the purpose of bringing about the attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10). The implementation plan was submitted by the state to satisfy certain federal Clean Air Act (CAA) requirements for an approvable moderate nonattainment area PM-10 SIP for Mendenhall Valley, Alaska due on November 15, 1991. EPA is also proposing approval of the contingency measures submitted by the state of Alaska for the Mendenhall Valley and Eagle River moderate PM-10 nonattainment areas.

DATES: Comments on this proposed action must be postmarked by January 21, 1994.

ADDRESSES: Written comments should be addressed to: Christi Lee, United States Environmental Protection Agency, Air and Radiation Branch (AT-082), 1200 6th Avenue, Seattle, Washington 98101.

Copies of the documents relevant to this action are available for public inspection during normal business hours at: Air and Radiation Branch (AK-4-1-6027), United States Environmental Protection Agency, 1200 Sixth Avenue (AT-082), Seattle, Washington 98101, and the Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, Alaska 99801.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Air and Radiation Branch (AT-082), United States Environmental Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553-1814.

SUPPLEMENTAL INFORMATION:

I. Background

The Mendenhall Valley, Alaska, area was designated nonattainment for PM-10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act, upon enactment of the Clean Air Act Amendments of 1990. See 56 FR 56694 (Nov. 6, 1991) (40 CFR 81.302 specifying PM-10 air quality designation for the Mendenhall Valley area). The air quality planning requirements for moderate PM-10 nonattainment areas are set out in subparts 1 and 4 of Part D, Title I of the Act.¹ The EPA has issued a "General Preamble," describing EPA's preliminary views on how EPA intends

¹ The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. 101-549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. sections 7401, *et seq.*

to review SIP's and SIP revisions submitted under Title I of the Act, including those state submittals containing moderate PM-10 nonattainment area SIP requirements [see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in the proposal and the supporting rationale. EPA is proposing to apply its interpretations to Alaska's moderate PM-10 SIP submittal for Mendenhall Valley taking into consideration the specific factual issues presented. Additional information supporting EPA's action on this particular area is available for inspection at the addresses indicated above. EPA will consider any timely submitted comments before taking final action on today's proposal.

Those states containing initial moderate PM-10 nonattainment areas were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every three years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM-10 also apply to major stationary sources of PM-10 precursors except where the Administrator determines that such sources do not contribute significantly to PM-10 levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions are due at a later date. States with initial moderate PM-10 nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM-10 by June 30, 1992 (see section 189(a)). Such states also must submit contingency measures by November 15,

1993 which become effective without further action by the state or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM-10 NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543-44).

II. Analysis of State Submission

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565-66). In this action, EPA is proposing to approve the Mendenhall Valley plan revision which was signed by the Lieutenant Governor on June 8, 1993 and received by EPA on June 22, 1993 because it meets all of the applicable requirements of the Act.

1. Procedural Background

The Act requires states to observe certain procedural requirements in developing the implementation plans and plan revisions for submission to EPA. Section 110(a)(2) and 110(l) of the Act provides that each implementation plan and plan revision submitted by a state must be adopted after reasonable notice and public hearing.

EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) and 57 FR 13565). EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V. EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

After providing adequate public notice and holding a public hearing, the Alaska Department of Environmental Conservation (ADEC) submitted a SIP revision which was developed under the CAA prior to the amendments of 1990 and certified by the Lieutenant Governor on June 21, 1991. A revised submittal addressing additional 1990 CAAA requirements was signed by the Lieutenant Governor on June 8, 1993 and became effective on July 8, 1993. Prior to the Lieutenant Governor's signature, the state provided adequate public notice and a public hearing (May 12, 1993) on the Mendenhall Valley SIP revision. EPA received an official SIP submitted by the Governor on June 22, 1993. The June 22, 1993 submittal wholly superseded the June 21, 1991 SIP revision and therefore is the subject of this proposal.

The June 22, 1993, SIP revision was reviewed by EPA to determine completeness shortly after its submittal,

in accordance with the completeness criteria set out at 40 CFR part 51, Appendix V. The submittal was found to be complete and a letter dated July 15, 1993 was forwarded to the Commissioner of ADEC indicating the completeness of the submittal and the next steps to be taken in the review process.

2. PM-10 Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Because the submission of the emissions inventory (EI) is a necessary adjunct to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the EI must be received with the demonstration (see 57 FR 13539).

A comprehensive EI (base year 1987) was developed for Mendenhall Valley by Engineering Science, Inc. in 1988. There have been no major industrial developments nor major increases in residential development in the Valley since the inventory was developed.

The principal focus of the study was to adequately quantify spring and fall emissions. The contractor developed an annual inventory of emissions and an inventory of maximum seasonal 24-hour emissions. The EI showed the largest contributor of spring and fall seasonal PM-10 emissions to be from vehicular traffic along paved and unpaved roads in the Mendenhall Valley. On an annual basis 46 percent of the PM-10 is attributed to paved streets, 40 percent is attributed to unpaved streets, 9 percent attributed to residential wood combustion (RWC), 1 percent attributed to point sources and 4 percent other.

EPA is proposing to approve the EI because it generally appears to be accurate and comprehensive, and provides a sufficient basis for determining the adequacy of the attainment demonstration for this area consistent with the requirements of sections 172(c)(3) and 110(a)(2)(K) of the CAA.

3. Control Strategy—RACM

As noted, the initial moderate PM-10 nonattainment areas must submit provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of EPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539-45 and 13560-61).

The Mendenhall Valley attainment plan targets fugitive dust from unpaved streets for PM-10 emission reductions. Emission reduction credits are not being claimed for the residential wood combustion control measures currently implemented. However, recently, the City and Borough of Juneau (CBJ) Ordinance No. 91-52 changed the air quality alert level to 75 $\mu\text{g}/\text{m}^3$ and several of the fines were increased for offenses of the woodsmoke code through the CBJ Ordinance No. 91-53. In addition the CBJ Building Code has now been amended to require minimum insulation standards of R-30 ceilings and R-19 walls and floors. Formulas were also adopted for the percentage of window coverage allowed. Regulations were adopted which disallow wood stoves as a sole source of heat and require a backup system capable of heating the living areas of a house to 70 degrees Fahrenheit. Even though emission reduction credits are not being claimed for the residential wood combustion control measures all program components, including the ordinances referred to above, will improve air quality in both the short and long term and therefore, are part of the federally enforceable Alaska SIP.

ADEC's attainment strategy is proposing to build on the current PM-10 control strategy, by developing a comprehensive and reasonable program to control soil dust entrainment from unpaved roads, commonly referred to as "fugitive dust." Fugitive dust impacts have historically been a component of the Juneau particulate matter problem from both a TSP and PM-10 perspective. But, on the basis of 24-hour exposures as well as chemical apportionment, the PM-10M control program has, in the past, focused upon wood smoke sources. However, as indicated in part II.2 above, the EI and recent assessments of microscale PM-10 filters indicates a significant portion of the particulate emissions is a result of fugitive dust.

Fugitive dust impacts can be significant during the late fall and early spring at the two ends of the heating season, when the ground is not snow covered and wintertime high pressure systems exist limiting precipitation. Fugitive dust impacts can also occur during the summer under extended periods of dry weather.

The Mendenhall Valley's attainment strategy to control fugitive dust emissions from unpaved roads is based on a Valley-wide street paving project. The success of this strategy is based on two funding sources: (1) The Federal Department of Transportation's Congestion Mitigation and Air Quality

(CMAQ) funding and (2) the City and Borough of Juneau's ordinances (Serial No. 93-01, 93-06 and 93-39) which created Local Improvement Districts 75, 76 and 77.

As of 1992, approximately 15 miles in the Mendenhall Valley nonattainment area were unpaved. The proposed schedule for the 1993 construction year calls for roughly 13,000 feet (2.5 miles) of "Local Improvement District" (LID) funded paving in the Valley. (The extreme weather conditions in Alaska determine the length of the construction season which dictates how much of the paving program is completed in one season.) The LID paving is accomplished through a joint funding arrangement between adjacent property owners and the city government. Completion of the 1993 construction projects will meet the requirement for RACM by providing for the implementation of control measures that are economically and technologically feasible. However, it will not reduce the unpaved portion of Valley roadways to a level that will allow for compliance with the PM-10 standard. The SIP provides for additional paving initiatives that are feasible for the state to implement after 1993. The remaining paving activity is scheduled for the 1994 construction year.

LID funding and a portion of the \$2 million in CMAQ funds is expected to enable the paving of approximately 43,000 feet (7.6 miles) of unpaved roads in the Mendenhall Valley in 1994. Portions of these unimproved roads will need significant "road-base" improvements as well as major drainage or road utility easement work. Juneau's limited construction season of about 40 to 80 workdays per year, depending on the weather, will be the major factor in this work schedule. Based on the state program and in light of the potential extreme weather conditions, EPA views this control measure as adequately implemented.

Once the control strategy has been implemented, approximately 5 miles of roadway will be left unpaved. Of that 5 miles, ADEC is proposing as a contingency measure to pave approximately 1.5 miles if the Valley does not reach attainment of the NAAQS by December 1994.

4. Demonstration Of Attainment

Initial moderate PM-10 nonattainment areas are required to submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994, or a demonstration that attainment by such

date is impractical (see sections 188(c)(1) and 189(a)(1)(B) of the Act). Generally, attainment is to be demonstrated, "by means of a proportional model or dispersion model or other procedure which is shown to be adequate and appropriate for such purposes" (40 CFR 51.112). The preferred method, according to the PM₁₀ SIP Development Guideline (June 1987), is the use of dispersion and receptor modeling in combination. The guideline also identifies other acceptable techniques. EPA has developed a supplemental attainment demonstration policy, memo issued by John Calcagni, Director, Air Quality Management Division, dated March 4, 1991, that provides additional flexibility in meeting the PM-10 attainment demonstration requirements. This memo is "Attachment 5" to the April 2, 1991 "PM-10 Moderate Area SIP Guidance: Final Staff Work Product." Attachment 5 provides that in certain circumstances "modified demonstrations" may be accepted on a case-by-case basis.

Where Attachment 5 is applied, the "modified demonstration" should:

- Explain why the alternative modeling techniques set forth in the Guideline were not used;
- Document the procedures or analyses used;
- Show that the modified procedure demonstrates, adequately and appropriately, area-wide attainment; and
- When the design value is based on monitoring data, show that the SIP is based on adequate data from an approved network, and review the monitoring network and data. If the analysis reveals a need for additional monitoring, the demonstration must provide for conducting the appropriate follow-up monitoring to ensure that the monitoring network in place as of January 1, 1994 will be adequate to evaluate attainment. The Mendenhall Valley Plan demonstrated area-wide attainment using the most recent (1988) receptor modeling study (EPA Version 6.0 CMB and QSAS III CMB programs, EPA guidance, May 1987) and rollback. Dispersion modeling was not performed for the Mendenhall Valley SIP because of uncertainties associated with source emission rates and a lack of representative meteorological data. Given the foregoing limitations and the limitations and the character of the monitoring network, receptor modeling offered an adequate level of confidence with which to evaluate the relative contribution of the various sources.

The results of the 1988 receptor modeling study determined the largest

source impact in Juneau was crustal dust which accounted for 69.6% (102.2 $\mu\text{g}/\text{m}^3$) of the mass. Wood smoke was the second largest source of PM-10 in Juneau accounting for 13.8% (20.3 $\mu\text{g}/\text{m}^3$) of the PM-10.

To achieve the ambient PM-10 24-hour standard attainment goal of 150 $\mu\text{g}/\text{m}^3$ or less by December 1994, ADEC in concert with ADOT and the CBJ are implementing emission reduction strategies as discussed in the previous section (Control Strategy—RACM). Two simple rollback approaches were undertaken by ADEC and a proportional rollback based on the 1988 receptor modeling study was conducted by EPA Region 10 all of which demonstrated attainment of the PM-10 air quality standard by December 1994. Thus, three different modeling methods were employed in assessing whether the control strategy is adequate to demonstrate timely attainment.

The two simple rollback approaches used a background of 35 $\mu\text{g}/\text{m}^3$, a design concentration of 277 $\mu\text{g}/\text{m}^3$, a control efficiency of 90 percent for the paving of unpaved roads, and an emissions inventory prepared by Engineering Science (1988). EPA has estimated the background concentration to be 25 $\mu\text{g}/\text{m}^3$ when exceptional events data are not reflected in the calculation. This change in background concentration does not change the overall conclusions derived from the attainment demonstration calculations. An overall emission reduction of 64 percent (52 percent calculated by EPA) is necessary to demonstrate attainment for Mendenhall Valley.

ADEC's first approach at simple rollback relied on best professional judgement to proportion the percent emissions resulting from three main sources: Paved roads, RWC and cleared areas. After implementation of the control strategies, this approach yielded an ambient emission level of about 77 $\mu\text{g}/\text{m}^3$ which is significantly below the PM-10 standard.

A second approach was included in the SIP to assess the ADEC attainment strategy. This method proportions the percent emissions of unpaved road sources, wood burning, windblown dust and residential fuel, based on annual emissions levels (see SIP table III.D.3-7). ADEC did not take into consideration additional emissions in the nonattainment area which were reflected in the 1988 EI. ADEC believed these emission sources (e.g. airport-jet exhaust, airport sanding, power plants, commercial gravel operations and mobile sources) which total 3 percent of the EI were insignificant contributors to the current PM-10 problem in the

Mendenhall Valley. This approach yielded an ambient value of about 101 $\mu\text{g}/\text{m}^3$. This is about 24 percent greater than ADEC's initial analysis, not 12 percent as claimed in the SIP.

A proportional rollback using the 1988 receptor modeling study, which takes into account all the emission sources in the nonattainment area, was conducted by EPA to further evaluate the adequacy of the control strategy. EPA used a design value of 277 $\mu\text{g}/\text{m}^3$, a road dust emission percentage of 69.6, a residential wood combustion component of 13.7 percent and 16.7 percent was attributed to other sources. This approach yielded an ambient concentration of 103 $\mu\text{g}/\text{m}^3$ after the control measures are in place.

The PM-10 EI and receptor modeling both conclude that fugitive dust constitutes a majority of PM-10 in Mendenhall Valley. The rollback analysis predicts annual emissions to be below the attainment threshold by 1994. EPA considers receptor modeling in conjunction with rollback analysis to be adequate for assessing whether the control strategy will provide for area-wide, timely attainment in Mendenhall Valley.

EPA has reviewed the Mendenhall Valley PM-10 ambient air monitoring network and has found that it meets the requirements for sampling frequency, precision and accuracy. Mendenhall Valley also has at least one full year of monitoring data which meets the requirement of 75 percent data capture for each quarter. See, e.g. section 2.3, 40 CFR part 50, app. K.

Saturation sampling or expansion of the existing monitoring network might provide additional data for assessing the current plan's adequacy. However, based on EPA's assessment of the network and data, these analyses do not appear to be necessary to adequately predict attainment by 1994 in the Mendenhall Valley. The increment of information to be gained from such analyses does not justify either their expense or the delay in taking action on the Mendenhall Valley submittal. However, a saturation study is recommended to assess whether, in fact, the Mendenhall Valley has achieved timely PM-10 NAAQS attainment.

Finally, ambient data shows that the area has never approached an exceedance of the annual PM-10 standard. Since no violations of the annual NAAQS have been monitored with the current EI and since the inventory was "rolled back" to show attainment of the 24-hour NAAQS, no violations of the annual NAAQS are likely. Therefore, EPA believes it is reasonable that the attainment

demonstration for the area was based on the 24-hour NAAQS.

5. PM-10 Precursors

The control requirements which are applicable to major stationary sources of PM-10, also apply to major stationary sources of PM-10 precursors unless EPA determines such sources do not contribute significantly to PM-10 levels in excess of the NAAQS in that area (see section 189(e) of the Act).

The EI for the Mendenhall Valley nonattainment area did not reveal any significant stationary sources of PM-10 precursors, and stationary sources as a whole provide an insignificant contribution (1 percent based on the 1988 emission inventory) to Mendenhall Valley's ambient PM-10 concentrations. Thus, ambient PM-10 precursor concentrations in the Mendenhall Valley nonattainment area are considered to be de minimis and EPA is proposing to grant the area the exclusion from PM-10 precursor control requirements authorized under section 189(e) of the Act.

6. Quantitative Milestones and Reasonable Further Progress (RFP)

The PM-10 nonattainment area plan revisions demonstrating attainment must contain quantitative milestones which are to be achieved every three years until the area is redesignated to attainment and which demonstrate RFP, as defined in section 171(1), toward attainment by December 31, 1994 (see section 189(c) of the Act). RFP is defined in section 171(1) as such annual incremental reductions in emissions of the relevant air pollutant as are required by Part D or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable NAAQS by the applicable date.

For initial moderate PM-10 nonattainment areas (i.e. those designated nonattainment under section 107(d)(4)(B) of the Act) that demonstrate timely attainment, the emissions reduction progress made between the SIP submittal date of November 15, 1991 and the attainment date of December 31, 1994 (only 46 days beyond and the attainment date of December 31, 1994 (only 46 days beyond the November 15, 1994 milestone date) will satisfy the first milestone requirement (57 FR 13539). The de minimis timing differential makes it administratively impracticable to require separate milestone and attainment demonstrations.

The SIP submittal for Mendenhall Valley demonstrates attainment by 1994 and continued maintenance. The emission reduction progress to be

provided by the road paving initiative adequately satisfies RFP for the area. Therefore, EPA proposes to find that the SIP satisfies the initial quantitative milestone requirement (see 57 FR 13539) and RFP for the area.

7. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the state and EPA (see sections 172(c)(6), 110(a)(2)(A) and 57 FR 13556). EPA criteria addressing the enforceability of SIP's and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). Nonattainment area plan provisions must also contain a program that provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

The CBJ, State Department of Transportation and ADEC are solving the resuspended road dust problem through road paving. To achieve the emission reduction goals, the CBJ has developed ordinances (Serial No. 93-01, 93-06 and 93-39) which authorize funding for the paving or bituminous surface treatment of unpaved roadways within the Mendenhall Valley nonattainment area through 1994. In addition, federal Congestion Mitigation and Air Quality funding, allocated to the Alaska Department of Transportation, has been authorized to help enable paving of roads in the Valley. The state has authority to enforce CBJs ordinance under AS 46.03.220. EPA proposes to determine that the SIP measures to address PM-10 emissions are enforceable.

8. Contingency Measures

As provided in section 172(c)(9) of the Act, all moderate nonattainment area SIP's that demonstrate attainment must include contingency measures (see generally 57 FR 13543-44). These measures must be submitted by November 15, 1993 for the initial moderate nonattainment areas. Contingency measures should consist of other available measures that are not part of the area's control strategy. These measures must take effect without further action by the state or EPA, upon a determination by EPA that the area has failed to make RFP or attain the PM-10 NAAQS by the applicable statutory deadline.

Mendenhall Valley:

The contingency measures for the Mendenhall Valley nonattainment area consist of additional road paving. The control strategy to reach attainment by 1994, consisting of paving roads to

decrease fugitive dust emissions, is anticipated to provide adequate reductions in emissions to bring the Valley into compliance with the PM-10 standard by December 31, 1994. However, if the paving initiatives described in Part II.3 do not, in fact, provide for timely attainment of the PM-10 NAAQS, the state will surface approximately 7,250 feet of additional roads during the 1994/95 construction season. Implementation of this measure would result in a net reduction of 12.1 tons/yr, as calculated by EPA. This measure would be implemented upon a determination by EPA that the area has failed to attain the standard.

Eagle River:

EPA has previously announced its approval of Alaska's October 15, 1991 SIP submittal for Eagle River as meeting those moderate PM-10 plan requirements due on November 15, 1991. See 58 FR 43084 (August 13, 1993). In that notice EPA also indicated that additional provisions such as contingency measures were due at a later date. EPA is now announcing its proposed approval of the moderate area PM-10 contingency measures submitted by Alaska for Eagle River.

The contingency measures for the Eagle River nonattainment area consist of additional road surfacing. The principle control strategy to reach attainment by 1994, (see EPA's March 12, 1993 proposal for a discussion of the Eagle River control strategy, 58 FR 13572) consisting of paving roads to decrease fugitive dust emissions, is anticipated to provide adequate reductions in emissions to bring the area into compliance with the PM-10 standard by December 31, 1994. However, if the surfacing does not, in fact, provide for timely attainment of the PM-10 NAAQS, the Municipality will employ two contingency measures. Public works agrees to implement these measures in the event EPA determines that Eagle River has failed to timely achieve the PM-10 air quality standards. The Eagle River Rural Road Service Area, through a grant of 1.5 million dollars which was appropriated in HB 13, has allocated funds as a contingency reserve for the following projects.

The first measure entails surfacing two additional miles of roadway within the nonattainment area with recycled asphalt (RAP). The second contingency measure involves applying an asphalt emulsion to two miles of existing RAP surfaced roads to seal the wearing surface, thus providing a greater degree of dust control. The selected roads would be the most heavily traveled roads in the problem zone. The asphalt

emulsion would be reapplied on an as-needed basis. The implementation of these contingency measures, in combination with the primary measures already employed, will provide an estimated total Fall season PM-10 emission reduction of over 60 percent. A reduction of only 40 percent is projected to be necessary to achieve attainment.

III. Implications of This Action

EPA is proposing to approve the plan revision submitted to EPA on June 24, 1993, for the Mendenhall Valley nonattainment area as meeting those moderate PM-10 SIP requirements due on November 15, 1991. Among other things, ADEC has demonstrated that the Mendenhall Valley Moderate PM-10 nonattainment area will attain the PM-10 NAAQS by December 31, 1994. EPA is also proposing to approve the moderate area PM-10 contingency measures Alaska has submitted for Mendenhall Valley as well as those submitted for Eagle River.

As noted, additional submittals for the initial moderate PM-10 nonattainment areas are due at later dates (e.g., permit programs for the construction and operation of new and modified stationary sources of PM-10). EPA will determine the adequacy of any such submittal as appropriate.

IV. Request for Public Comments

EPA is requesting comments on all aspects of today's proposal. As indicated at the outset of this notice, EPA will consider any comments postmarked by January 20, 1994.

V. Administrative Review

This action has been classified as a Table 2 action by the Acting 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 Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12991 for a period of two years. The U.S. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under the Regulatory Flexibility Act, 5 U.S.C. section 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. sections 603 and 604. Alternatively,

EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

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.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Ozone, and Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: December 13, 1993.

Gerald A. Emison,

Acting Regional Administrator.

[FR Doc. 93-31270 Filed 12-21-93; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[PP 3E4192/P571; FRL-4743-6]

RIN No. 2070-AC18

Pesticide Tolerance for Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] in or on the raw agricultural commodity sugarcane. The

proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the document control number (PP 3E4192/P571), must be received on or before January 21, 1994.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (7505W), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 3E4192 to EPA on behalf of the Agricultural Experiment Stations of Florida and Hawaii. This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), propose the establishment of a tolerance for residues of chlorpyrifos in or on the raw agricultural commodity sugarcane at 0.01 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The toxicological data

considered in support of the proposed tolerance include:

1. A voluntary human study with a no-observed-effect level (NOEL) for cholinesterase (ChE) inhibition of 0.03 milligram (mg)/kilogram (kg)/day (based on 20 days of exposure at this level).

2. A 2-year feeding study in dogs fed diets containing 0, 0.01, 0.03, 0.1, 1.0, or 3 mg/kg/day with a NOEL for systemic effects of 1.0 mg/kg/day based on increased liver weight at the 3.0 mg/kg/day dose level. The NOEL's for ChE inhibition were as follows: 0.01 mg/kg/day for plasma, 0.1 mg/kg/day for red blood cells, and 1.0 mg/kg/day brain cells.

3. A 2-year carcinogenicity study in mice fed diets containing 0, 5, 50, or 250 ppm (equivalent to 0, 0.89, 8.84, or 45.2 mg/kg/day for males and 0, 0.938, 9.79, or 48.1 mg/kg/day for females) with a systemic NOEL of 50 ppm based on decreased body weight and feed consumption in males, increased mean water consumption in females, and increased incidence of gross clinical findings (ocular opacity and hair loss) and nonneoplastic lesions (keratitis and hepatocytic fatty vacuolation) in high-dose males and females. Plasma ChE activity was significantly reduced at all treatment levels; brain ChE activity was significantly decreased in mice in the high-dose group. No carcinogenic effects were observed under the conditions of the study.

4. A 2-year carcinogenicity study in rats fed diets containing 0, 0.2, 5, or 100 ppm (equivalent to 0, 0.0132, 0.33, or 6.99 mg/kg/day for males, and 0, 0.146, 0.365, or 7.78 for females). The systemic NOEL for this study was established at 5 ppm based on decreased body weight in males and females, and increased incidence of nonneoplastic lesions (cataracts and diffuse retinal atrophy) in females at the 100-ppm dose level. No carcinogenic effects were observed under the conditions of the study.

5. A second 2-year chronic toxicity/carcinogenicity study in rats fed diets containing 0, 0.05, 0.1, 1, or 10 mg/kg/day with a systemic NOEL of 1 mg/kg/day based on decreased erythrocyte and hemoglobin levels, and increased platelet count during the first year. The ChE NOEL for this study was established at 0.1 mg/kg/day based on decreased plasma and brain ChE activity. No carcinogenic effects were observed under the conditions of the study.

6. A three-generation reproduction study in rats with no reproductive effects observed at the dietary levels tested (0, 0.1, 0.3, and 1.0 mg/kg/day).

7. A developmental toxicity study in rats given gavage doses of 0.1, 3.0, and