List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: August 16, 1995.

W. Michael McCabe,

Regional Administrator, Region III.

Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2450 is added to read as follows:

§ 52.2450 Conditional approval.

Virginia's September 28, 1994 SIP submittal of a Consent Order and Agreement (Order) between the Department of Environmental Quality of the Commonwealth of Virginia and Philip Morris, Inc. establishing reasonably available control technology (RACT) for the Manufacturing Center located in Richmond, Virginia is conditionally approved based on certain contingencies. The condition for approval is to revise and resubmit the Order as a SIP revision within one year of September 29, 1995 according to one of the following: Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; restrict the applicability of the exemption to the use of non-VOC based flavorings; or impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

[FR Doc. 95–21504 Filed 8–29–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[ME–19–1–6668a; A–1–FRL–5273–5]

Approval and Promulgation of Air Quality Implementation Plans—Maine; Redesignation to Attainment and PM_{10} Contingency Measures for Presque Isle

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is fully approving Maine's request to redesignate the Presque Isle area to attainment for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}), along a maintenance demonstration and contingency plans which outline Maine's control strategy for maintenance of the PM_{10} national ambient air quality standards (NAAQS). EPA is also approving a State Implementation Plan (SIP) revision submitted by the State of Maine to satisfy federal requirements for contingency measures for the Presque Isle initial nonattainment area. This action is being taken under the Clean Air Act.

DATES: This final rule is effective October 30, 1995, unless notice is received by September 29, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, EPA-New England, JFK Federal Building (AAA), Boston, MA 02203–2211. Copies of the documents relevant to this action are available for public inspection by appointment during normal business hours at the Air, Pesticides and Toxics Management Division, EPA-New England, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, US Environmental Protection Agency, 401 M Street, SW (LE–131), Washington, DC 20460; and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Matthew B. Cairns, (617) 565–4982.

SUPPLEMENTARY INFORMATION:

Background

Part D, Subparts 1 and 4 of Title I of the Clean Air Act Amendments of 1990 (hereafter referred to as ''the Act'') set out air quality planning requirements for moderate PM_{10} nonattainment areas. The EPA has issued a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIPs 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 this approval and the supporting rationale.

By November 15, 1991, States containing initial moderate PM_{10} nonattainment areas were required to submit most elements of their PM_{10} SIP. [See §§ 172(c), 188, and 189 of the Act.] Some provisions were due at a later date. For example, 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 § 172(c)(9) and 57 FR 13543–44.]

In order for an area to be redesignated as attainment, the State must meet the following conditions listed in § 107(d)(3)(E) of the Act:

(i) The EPA has determined that the NAAQS have been attained.

(ii) The applicable implementation plan has been fully approved by EPA under § 110(k).

(iii) The EPA has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions.

(iv) The State has met all applicable requirements for the area under § 110(k) and Part D.

(v) The EPA has fully approved a maintenance plan, including a contingency plan, for the area under § 175A.

EPA guidance titled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (September 4, 1992 memorandum from AQMD Director John Calcagni) outlines how to assess the adequacy of redesignation requests against the conditions listed above.

Summary of Maine's SIP Revision and Redesignation Request for Presque Isle

On January 12, 1995, EPA approved Maine's PM_{10} Attainment Plan (60 FR 2885) for Presque Isle. However, on January 26, 1994, EPA had notified Maine of ''a finding of failure to submit'' contingency measures for PM_{10}, which were due by November 15, 1993. According to EPA guidance titled ''Contingency Measure Due Date for Initial PM_{10} Moderate Nonattainment Areas'' (February 25, 1992 memo from Calcagni), states were not obligated to submit contingency measures until EPA established a due date for their submittal. On April 16, 1992 EPA gave States until November 15, 1993 to submit required contingency measures. (See General Preamble at 57 FR 13543 footnote 26.) Although the due date for contingency measures had passed by the

time EPA proposed approval of Maine's PM_{10} Attainment Plan, EPA fully approved of this SIP revision because it meets all requirements applicable as of the time of its adoption by Maine and submittal to EPA. Furthermore, full approval did not relieve Maine from the obligation to submit a separate SIP revision to meet contingency measure requirements. (See 59 FR 24096 (May 10, 1994).)

On June 1, 1994, the Maine Department of Environmental Protection (Maine DEP) submitted a SIP revision for Chapter 114 ''Classification of Air Quality Control Regions'' and a request to redesignate the Presque Isle area to attainment for PM_{10}, accompanied by contingency and maintenance plans. On July 22, 1994, EPA-New England determined this submittal was complete and acceptable for processing. The completeness determination stopped the associated sanctions clock for failure to submit contingency measures. EPA also noted that Maine's contingency plan could satisfy both the contingency measure requirement for initial moderate PM_{10} nonattainment areas under § 172(c)(9) and the contingency provisions required for redesignation under § 175A(d).

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals. (See 57 FR 13565–66.) Specific requirements and the rationale for EPA's approval action are detailed in the Technical Support Document (TSD), dated May 18, 1995, and are summarized, but not restated, here in the following paragraphs. Interested parties should consult the TSD or Maine's submittal for details.

Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing. Section 172(c) of the Act also requires that plan provisions for nonattainment areas meet the applicable provisions of § 110(a)(2).

EPA must also determine whether a submittal is complete and therefore warrants further EPA review and action. [See § 110(k)(1) and 57 FR 13565.] EPA's completeness criteria for SIP submittals are set out at 40 CFR Part 51, Appendix V (1991), as amended by 57 FR 42216 (August 26, 1991).[1] EPA attempts to make completeness determinations within 60 days of receiving a submittal. However, a submittal is deemed complete by operation of law if EPA does not make a completeness determination by 6 months after receipt of the submittal.

The State of Maine held a public hearing on March 24, 1994 to entertain public comment on the redesignation request and contingency measures for Presque Isle. EPA reviewed Maine's submittal to determine completeness in accordance with criteria outlined in 40 CFR Part 51 Appendix V and as amended by 57 FR 42216 (August 26, 1991). As noted above, EPA-New England informed the Director of Maine DEP's Bureau of Air Quality (the Maine Governor's designee) that the submittal was complete and explained how the review process would proceed.

Redesignation to Attainment

In the TSD prepared for approval of Maine's PM_{10} Attainment Plan (January 2, 1994 memorandum from Brian Hennessy), EPA noted that the NAAQS have been attained and that the improvement in air quality is due to permanent and enforceable reductions in emissions [requirements (i) and (iii) above] had already been met for purposes of redesignating Presque Isle to attainment. With the following explanations, Maine's redesignation request has satisfied the remainder of EPA's guidance concerning redesignation to attainment.

Maintenance Plan and Contingency Provisions Under Section175A

Section 175A defines the general frame work of a maintenance plan. The maintenance plan will constitute a SIP revision and must provide for maintenance of the relevant NAAQS in the area for at least 10 years after redesignation. In addition, the maintenance plan shall contain contingency provisions necessary to ensure prompt correction of any violation of the NAAQS. [See §§ 175A(b) and (d).] EPA's guidance on redesignations outlines 5 core provisions that are necessary to ensure maintenance of the relevant NAAQS in an area seeking redesignation from nonattainment to attainment. The following paragraphs describe how Maine has fulfilled each provision.

Attainment Inventory. A PM_{10} emission inventory for Presque Isle was necessary in order to analyze the impact of current and projected emissions on the ambient PM_{10} air quality, to quantify emission reductions from the MOU,[2] and to determine whether Maine's control strategy will maintain the PM_{10} NAAQS. Maine DEP has inventoried residential, commercial, and industrial combustion and process sources in Presque Isle. As detailed in the approval of Maine's PM_{10} Attainment Plan, the control strategy does not require emission reductions from these source categories. As Maine DEP's receptor modeling showed, emissions from paved roads dominate the PM_{10} inventory in Presque Isle. EPA is satisfied that Maine's inventory is sufficiently accurate and comprehensive for purposes of redesignating Presque Isle consistent with the requirements in § 107(d)(3)(E) and § 175A. Therefore, EPA is approving Maine's emissions inventory for Presque Isle, the details of which are embodied in the TSD.

Maintenance Demonstration. A State may generally demonstrate maintenance of the PM_{10} NAAQS by either showing that future emissions of PM_{10} or its precursors will not exceed the level of the attainment inventory or by modeling to show that the future mix of sources and emission rates will not cause a violation of the NAAQS. Whether a dispersion or receptor model has been used to relate base case emissions to air quality, a proportional, or rollback, calculation may be used to show that planned emission reductions will achieve and maintain NAAQS. For the 24-hour NAAQS these conditions are met when air quality improvements projected from enforceable emission reductions, including consideration of growth, result in 24-hour design values below 150 $\mu g/m^3$. Emissions from both road dust and diesel exhaust categories are expected to grow at the same rate (that is, the rate of growth in VMT, disregarding any improvements to diesel vehicle emissions, as determined by the Maine Department of Transportation) of 2.09%.

Maine DEP used the rollback technique or model to demonstrate that the planned strategies result in required

[1] Since redesignations are subject to § 107(d)(3)(D) rather than § 110(k), EPA is not required to promulgate completeness criteria or make completeness determinations on redesignations. However, under its general rulemaking authority of § 301(a) of the Act as necessary to implement the requirements of § 107(d)(3)(D), EPA has determined it is appropriate to apply the completeness criteria applicable to § 110(k) actions to redesignations. (See 56 FR 42216–7, August 26, 1991.)

[2] Maine DEP has entered a joint memorandum of understanding (MOU) with the City of Presque Isle, which includes several measures to abate dust re-entrainment from paved roads and open areas in the downtown area. As part of Attainment Plan for Presque Isle, Maine DEP has demonstrated that the control measures in Part B of the MOU have attained and will maintain the PM_{10} NAAQS. (See 60 FR 2885, January 12, 1995.)

reduction in observed PM_{10} concentrations so that the Presque Isle area will maintain the NAAQS. These calculations account for growth during the period between sample collection date and the year 2005. Rollback was performed on the four highest observed PM_{10} concentrations monitored during the three year period 1987–1989, the year in which Presque Isle attained the PM_{10} NAAQS. This approach is consistent with EPA's ''PM_{10} SIP Development Guideline'' (EPA–450/2–86–001: June, 1987). In summary, Maine DEP has demonstrated that both emissions projections and proportional modeling from implementation of the MOU will maintain the PM_{10} NAAQS for at least 10 years beyond redesignation.

Monitoring Network. Once an area has been redesignated, the State should continue to operate an appropriate air quality monitoring network, in accordance with 40 CFR Part 58, to verify the attainment status of the area. The redesignation of Presque Isle to attainment will not change the monitoring network which Maine has in place. On the contrary, the contingency plan (as described below) is based on continued monitoring of PM_{10} in the Presque Isle area.

Verification of Continued Attainment. Each State should ensure that it has the legal authority to implement and enforce all measures to attain and to maintain the NAAQS. Sections 110(a)(2)(B) and (F) of the Clean Air Act and regulations promulgated at 40 CFR 51.110(k), suggest that one such measure is the acquisition of ambient and source emission data to demonstrate attainment and maintenance.

In this redesignation request, Maine has committed to performing a periodic inventory of emission sources in the Presque Isle area at 3 year intervals. An emission summary will be prepared and submitted in December of the year following the year of the inventory. The detail of the inventory will be consistent with that employed in the PM_{10} Attainment Demonstration SIP for Presque Isle. The first year of the inventory will be 1996, with the subsequent summary report completed in December, 1997.

Contingency Provisions. Section 175A(d) of the Clean Air Act requires that a maintenance plan also include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area. The contingency plan is considered an enforceable part of the SIP and should ensure that contingency measures are adopted expediently once they are triggered. The plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State. As a necessary part of the plan, the State should also identify specific indicators, or triggers, which will be used to determine when the contingency measures need to be implemented.

By virtue of incorporation into Maine's SIP, Part B of Maine DEP's revised MOU with the City of Presque Isle will supplement the existing control plan for Presque Isle with two contingency levels. Maine has developed this MOU to meet the requirements of §§ 175A(d) and 172(c)(9).

The City of Presque Isle will use salt and liquid calcium chloride as the main source of winter antiskid control within a ½ mile radius of the Northeastland Hotel. As climatic conditions develop where the use of salt and liquid calcium chloride is ineffective, the City will use the harder, low percent fines material, since liquid calcium chloride becomes ineffective at about –20 °F. The contingency plan will be implemented as soon as Maine DEP notifies the City that 24-hour PM_{10} concentrations of 130 $\mu g/m^3$ have been measured at the maximum impact site. Maine DEP will know within 7 days of the occurrence of the concentration and will notify the City immediately.

The City of Presque Isle will expand the use of salt and liquid calcium chloride to an additional ¼ mile radius on roads which are considered major arteries to the City as soon as Maine DEP notifies the City that 24-hour PM_{10} concentrations of 140 $\mu g/m^3$ have been measured at the maximum impact site.

Maine has proposed these contingency measures that Presque Isle has implemented voluntarily and which have resulted in a reduction of measured PM_{10} concentrations. Substitution of the liquid calcium chloride for a sand/salt mix has achieved lower silt loadings than the current MOU requires. Voluntary implementation of this contingency plan does not preclude its use in a contingency plan.

Control efforts in Presque Isle have focused on emissions from road sanding. The City of Presque Isle has demonstrated its commitment to solving the re-entrained dust problem by using durable sand containing a low percentage of fines. More recently, the City of Presque Isle reduced PM_{10} levels by using liquid calcium chloride as a de-icer whenever temperatures permit.

As provided in § 172(c)(9) of the Act, all moderate nonattainment area SIPs that demonstrate attainment must include contingency measures. (See generally 57 FR 13543–44.) These measures were required to be submitted by November 15, 1993 for the initial moderate nonattainment areas. 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.

EPA is accepting Maine's contingency plan as adequate to fulfill both § 175A(d) contingency provision and § 172(c)(9) contingency measure requirements.

Applicable Requirements Under Section 110 and Part D

The requirements under § 107(d)(3)(E)(ii) and (iv) listed above are addressed in the January 2, 1994 TSD. Specifically, EPA's January 12, 1995 approval of Maine's PM_{10} Attainment Plan noted the only outstanding PM_{10} SIP element was the § 172(c)(9) contingency measures. In approving Maine's PM_{10} Attainment Plan, EPA-New England stated that the ''contingency plan'' developed to meet the § 175A(d) contingency provisions requirement for redesignation also could satisfy those contingency measures required for initial moderate nonattainment areas under § 172(c)(9). Consequently, with the redesignation of Presque Isle to attainment, Maine has satisfied all § 110 and Part D requirements applicable to Presque Isle for PM_{10}.

Final Action

EPA is approving the PM_{10} redesignation request, maintenance plan, and contingency measures Maine submitted to the EPA on June 1, 1994. EPA is also approving a revision to Chapter 114 of Maine's Department of Environmental Protection Regulations, ''Classification of Air Quality Control Regions,'' which removes Presque Isle as a nonattainment area for PM_{10}. Chapter 114 was adopted by the Board of Environmental Protection on April 27, 1994 and accepted by the Secretary of State with an effective date of May 9, 1994.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 30, 1995

unless adverse or critical comments are received by September 29, 1995.

If the EPA receives such comments, this action will be withdrawn before the effective date by simultaneously publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on October 30, 1995.

Under the Regulatory Flexibility Act, 5 U.S.C. § 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. §§ 603 and 604. Alternatively, EPA may certify that the rule will not have a significant 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.

Under §§ 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under § 110 of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

SIP approvals under § 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 any 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. USEPA, 427 US 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

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), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future notice will inform the general public of these tables. The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

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.

Under § 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 October 30, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See § 307(b)(2).]

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

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

Dated July 20, 1995.

John P. DeVillars,

Regional Administrator, EPA-New England.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart U—Maine

2. Section 52.1020 is amended by adding paragraph (c)(40) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(40) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on June 1, 1994.

(i) Incorporation by reference.

(A) Letter from the Maine Department of Environmental Protection dated June 1, 1994 submitting revisions to the Maine State Implementation Plan.

(B) Revisions to Chapter 114 of the Maine Department of Environmental Protection Regulations, ''Classification of Air Quality Control Regions,'' adopted by the Board of Environmental Protection on April 27, 1994 and accepted by the Secretary of State with an effective date of May 9, 1994.

(C) Revisions to Part B of the Memorandum of Understanding which the Maine Department of Environmental Protection (DEP) entered into (and effective) on May 25, 1994, with the City of Presque Isle, and the Maine Department of Transportation.

(ii) Additional materials.

(A) A maintenance demonstration and contingency plan which outline Maine's control strategy for maintenance of the PM_{10} NAAQS and contingency measures and provision for Presque Isle.

(B) Nonregulatory portions of the submittal.

3. In § 52.1031 the table is amended by adding a new citation to entry ''114'' to read as follows:

§ 52.1031 EPA-approved Maine regulations.

* * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020	Comments
*	*	*	*	*	*	*
114	Classification of Air Quality Control Regions.	4/27/94	Aug. 30, 1995	[Insert FR citation from published date].	(c)(40)	Revision to remove Presque Isle as nonattainment for PM_{10}.
*	*	*	*	*	*	*

PART 81—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 81.320 is amended by revising the table for ''Maine—PM_{10} Nonattainment Areas'' to read as follows:

§ 81.320 Maine.

* * * * *

MAINE—PM_{10} *Nonattainment Areas*

Designated area	Designation		Classification	
	Date	Type	Date	Type
Aroostook County:				
City of Presque Isle (part)[1]	Aug. 30, 1995	Attainment		
That area bounded by Allen Street from its intersection with Main Street east to Dudley Street, Dudley Street south to Cedar Street, Cedar Street west to Main Street, Main Street south to Kennedy Brook, Kennedy Brook northwest crossing Presque Isle Stream to Coburn Street, Coburn Street northwest to Mechanic Street, Mechanic Street west to Judd Street, Judd Street northeast to State Street, State Street northwest to School Street, School Street northeast to Park Street, Park Street east to Main Street				
Rest of State	11/15/90	Unclassifiable		

[1] This definition of the nonattainment area redefines its borders from the entire City of Presque Isle to this area of 0.6 square miles which circumscribe the area of high emission densities and ambient PM10 levels. (60 FR 2885, January 12, 1995)

[FR Doc. 95–21464 Filed 8–29–95; 8:45 am]
BILLING CODE 6560–50–P

[OPP–300396; FRL–4971–8]

40 CFR Part 180

Lepidopteran Pheromones: Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a food tolerance for residues of certain Lepidopteran pheromones resulting from the use of these substances independent of formulation, mode of application or physical form or shape with an annual application limitation of 150 grams active ingredient per acre (gm AI/acre) for pest control in or on all raw agricultural commodities. This exemption pertains only to the pheromone active ingredient. Any encapsulating material needs to be a cleared inert for pesticidal uses on food crops. EPA is establishing this regulation on its own initiative.

EFFECTIVE DATE: This regulation becomes effective August 30, 1995.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, OPP–300396, may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket control number and submitted 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 a copy of objections and hearing requests to: Public Docket, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number ''OPP–300396.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit IV. of this document.