requirements for "Group 1" and "Group 2" airplanes, as specified in the existing AD.

There are approximately 640 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 172 airplanes of U.S. registry would be affected by this AD, that it would take approximately 272 manhours per airplane to accomplish the required initial inspection and test, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators would be $1,871,360 for the initial required action.

Additionally, terminating action for the titanium T-ducts would require parts replacement at an estimated cost of $6,000 per airplane, for a total replacement parts cost of $1,032,000 for the affected fleet.

Based on the figures explained above, the total cost impact of this AD on U.S. operators is estimated to be $2,903,360.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding AD 88–17–07, Amendment 39–5986 (53 FR 28856; August 1, 1988), with the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes except Model 747–400 airplanes, line position 2 and subsequent, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent damage to wing panels and/or electrical wiring as a result of failure of wing leading edge ducts, accomplish the following:

A. Prior to the accumulation of 5,850 flight cycles, or within the next 1,850 flight cycles after the effective date of this AD, whichever occurs later, conduct a penetrant inspection and proof pressure test in accordance with the Accomplishment Instructions, Items A. through F., J., and K., of Boeing Service Bulletin 747–36A2074, Revision 3, dated May 11, 1989.

Note: The stress relieving procedure specified in Items G., H., and I. of the service bulletin may be accomplished in conjunction with the penetrant inspection required by this paragraph, and constitutes terminating action for the requirements of paragraph B., below, for all leading edge pneumatic ducts, except titanium T-ducts, which require replacement in accordance with paragraph C., below, as terminating action.

B. For all leading edge pneumatic ducts, other than titanium T-ducts: Prior to the accumulation of 3,000 flight cycles after accomplishment of the inspection required by paragraph A., above, conduct a penetrant inspection, proof pressure test, and stress relieving in accordance with Accomplishment Instructions, Items A. through K., of Boeing Service Bulletin 747–36A2074, Revision 3, dated May 11, 1989, on the leading edge pneumatic ducts.

C. For titanium T-ducts: Prior to the accumulation of 3,000 flight cycles after accomplishment of the inspection and test required by paragraph A., above, replace titanium T-ducts with Inconel T-ducts in accordance with Boeing Service Bulletin 747–36–2059, dated June 3, 1983. Accomplishment of this replacement constitutes terminating action for the requirements of this AD.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may by used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received copies of the service bulletins cited herein may obtain copies upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on March 16, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–6749 Filed 3–23–90; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3748–7]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: USEPA is proposing to approve portions of the State of Michigan's local Wayne County Air Pollution Control Division (WCAPCD) regulations, submitted as a revision to the federally approved Michigan State Implementation Plan (SIP) for Wayne County.

The WCAPCD's regulations of 1965, as amended, and submitted to USEPA in 1972, then resubmitted as part of the Appendix to the State of Michigan's April 25, 1979, SIP submittal, are part of the Michigan federally approved SIP. The subject of today's notice is a set of revisions to those WCAPCD regulations which are submitted to USEPA to be incorporated into the Michigan SIP. These revised WCAPCD regulations have been adopted as Wayne County Law as of November 18, 1985. USEPA proposes to approve portions of these WCAPCD regulations as a supplement to the current federally approved Michigan SIP.

USEPA revised the particulate matter standard on July 1, 1987, (52 FR 24634) and eliminated the TSP ambient air quality standard. The revised standard is expressed in terms of particulate matter with a nominal diameter of 10 micrometers or less (PM_{10}). However, at

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the State's options, EPA is continuing to process SIP revisions which were in progress at the time the new PM_{10} standard was promulgated. In the policy, published on July 1, 1987, (p. 24679, column 2), USEPA stated that it would regard existing particulate SIPs as necessary interim particulate matter plans during the period proceeding the approval of State plans specifically aimed at attaining the national ambient air quality standards (NAAQS).

DATES: USEPA must receive comments on or before April 25, 1990.

ADDRESSES: Written comments should be sent to: (Please submit an original and five copies, if possible): Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604.

Copies of the State's submittal and USEPA's evaluation are available for inspection during normal business hours (it is recommended that you telephone Ms. Toni Lesser, at (312) 886-6037, before visiting the Region V office):

U.S. Environmental Protection Agency, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604.

Michigan Department of Natural Resources, Air Quality Division, Stevens T. Mason Building, 530 West Allegan, Lansing, Michigan 48909.

Wayne County Health Department, Air Pollution Control Division, 2211 East Jefferson, Detroit, Michigan 48207.

FOR FURTHER INFORMATION CONTACT: Ms. Toni Lesser, Michigan Regulatory Specialist, (312) 886-6037.

SUPPLEMENTARY INFORMATION:

Background

On May 31, 1972 (37 FR 10873), USEPA approved Michigan's SIP submittal of February 3, 1972, which included Wayne County regulations that had been adopted and were effective at the County level on July 23, 1965.

On May 6, 1980 (45 FR 29790), USEPA announced final rulemaking action on specific portions of the State of Michigan's April 25, 1979, SIP submittal which was intended to satisfy the requirements of part D of the Clean Air Act (CAA) and deferred regulatory action on other SIP elements. Although USEPA's May 6, 1980, final rulemaking did not specifically acknowledge approval of the WCAPCD's regulations (resubmitted with some amendments as an appendix to the State of Michigan's April 25, 1979, SIP submittal), USEPA maintains that the WCAPCD's regulation (as appended), were incorporated into the State's federally approved SIP by the May 6, 1980, final rulemaking action.

On October 10, 1986, the State of Michigan submitted portions of the revised WCAPCD regulations as a revision to the Michigan federally approved SIP. The revised WCAPCD regulations are designed to incorporate by reference the standards established under the existing federally approved State rules. Michigan's submittal requests that USEPA take action on the portions of the revised WCAPCD regulations discussed below.

USEPA reviewed the revised WCAPCD regulations and compared these rules with Wayne County's current federally approved regulations, the State of Michigan's federally approved regulations and the regulation's USEPA deferred rulemaking action on. USEPA prepared technical support documents (TSDs) dated February 17, 1987; February 23, 1987, and March 10, 1987; which contain evaluations of the October 10, 1986, SIP submittal for Wayne County. Presented below is a summary of the revised WCAPCD regulations.

A. Chapter 1—Definitions

Section 101—ascribes meanings to words and phrases.

Section 102—contains definitions for the WCAPCD regulations.

B. Chapter 2—General Provisions

Section 201 thru Section 208—contain administrative provisions which describe the administration and organization of WCAPCD regulations.

C. Chapter 3—Enforcement

Section 301 thru Section 305—discuss orders, right of entry, violations, penalties and injunctions.

D. Chapter 4—Air Use Approval and Permits.

Section 401 thru Section 411—contain information on installation permits and procedures; construction of VOC sources in ozone nonattainment areas; construction of particulate matter sources; sulfur dioxide or carbon monoxide sources in or near nonattainment areas; permit suspension, revocation, change of ownership and exemption.

E. Chapter 5—Emission Limitations and Prohibitions: Particulate Matter

Section 501 of Wayne County's rules for particulate matter incorporate by reference, Michigan's federally approved rules: (Standards for Density Emissions—R336.1301); Electrostatic Preciptator Control Systems—R336.1330); (Emission of Particular Matter—R336.1331); (Air Contaminant Emission from Steel Manufacturing Facilities R336.1350-R336.1367 (inclusive)); and (Collected Air Contaminants—R336.1370).

Section 502—Requires certification of visible emissions observers every six (6) months.

Section 503—limits emissions from spray painting operations as follows: (1) For non-production spray painting (paint usage of less than 20 gallons per day), the allowable particulate emissions shall be 0.02 pounds of particulate per 1000 pounds of exhaust gas; (ii) for production spray painting (paint usage of 20 gallons or more per day), the allowable particulate emissions shall be 3 grains per thousand standard cubic feet (or 0.006 pounds of particulate per 1000 pounds of exhaust gas).

Section 504—Limits visible emissions from mobile sources to 20 per cent opacity (instantaneous, i.e., not a 6-minute average).

Section 505—Requires fugitive dust emissions to be controlled using "reasonable measures to abate or control the emission of fugitive dust." A list of recommended measures is specified, but no performance criterion is established.

F. Chapter 7—Emission Limitations and Prohibitions: Existing and New Sources of Volatile Organic Compounds (VOCs).

Section 701—Incorporates the State of Michigan's federally approved (May 6, 1980, part 6—Emission Limitations and Prohibitions—Existing Sources of Volatile Organic Compound Emissions) rules, for existing sources of VOC.

Section 702—Incorporates the State of Michigan's federally approved (May 6, 1980, part 7—Emission Limitation and Prohibitions—New Sources of Volatile Organic Compound Emissions) rules, for new sources of VOC.

G. Chapter 8—Emission Limitations and Prohibitions—Miscellaneous

Section 801—Incorporates the State of Michigan's federally approved (May 6, 1980, part 9—Emission Limitations and Prohibitions—Miscellaneous, R336.1901; R336.1906; R336.1910; R336.1911; R336.1912; and R336.1930) rules.

Section 802—Requires an odor intensity scale to be used to classify odors. A violation of State Rule 802 is defined as any odor intensity of 2 or more.

Section 803—Incorporates by reference the provisions of the Federal Clean Air Act's (CAA) new source performance standard (NSPS) provisions, 40 Code of Federal Regulations (CFR) part 60, and requires

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any waiver form NSPS to be secured pursuant to section 111(j) of the CAA. Also, incorporated by reference are 40 CFR 52.21 (Prevention of Significant Deterioration (PSD) provisions) and 40 CFR part 61 (National Emission Standards for Hazardous Air Pollutants (NESHAPS)) provisions. Finally, the section provides that compliance with NSPS, PSD, or NESHAPS does not exempt a source from the emission limits and prohibitions contained in Wayne County's Ordinance.

Section 804—Prohibits the use, installation or operation of any waste-burning emission source or equipment.

Section 805—Prohibits the burning of coal in any residential, commercial, or school building for the purpose of providing space or water heating.

Section 806—Prohibits the dry blasting or cleaning of the exterior of any structure including buildings, overpasses, bridges, mobile sources or stationary or mobile tanks.

Section 807—Prohibits the use or operation of any emission source for which control equipment is required under the ordinance, unless the control equipment is utilized and maintained in a manner to assure compliance with the emission limitations and prohibitions of the ordinance.

Section 808—Discusses change of conditions.

Section 809—Prohibits ignition of open fires, except for exemptions such as: Control of crop disease; training firemen; ceremonial or recreational purposes when properly controlled; and warming of workers if temperature is lower than 32 degrees Farenheit.

Section 810—Use of Improper Fuels in Motor Vehilces is replaced by WCAPCD Ordinance for Motor Vehicle Tampering and Fuel Switching. The WCAPCD submitted an ordinance with prohibitions on tampering with motor vehicle emission control systems or devices; prohibits the use of improper fuels in motor vehicles; and provides for implementation and enforcement by the WCAPCD, and provides for penalties and remedies. The rules contains the following sections: (1) Applicability, (2) definitions, (3) prohibitions of motor vehicles, (4) fuel switching, (5) inspections (6) authority to require repair or replacement of emission control systems and (7) penalties (Civil and Criminal).

H. Chapter 9—Sealing of Emission Sources

Sealing of emission sources, as defined in chapter 1, section 102 of the Wayne County Air Pollution Control Ordinance definitions means a device installed on or in a manner approved by the Division so as to prevent the use of the emission source or premises.

Section 901—Allows sealing of a source if the source lacks either a permit/certificate to install (or to operate) or if the owner/operator of an emission source has received three or more violations within 12 (consecutive) months.

Section 902—Requires an emission source to be sealed when the Director orders. No penalty is mentioned for noncompliance.

Section 903—Requires the Director to provide written notice to anyone owning or operating an emission source which should be sealed, stating the problem and requiring either correction or sealing within 30 days. Failure of the source owner or operator to comply with this order will result in a second notice and sealing of the source by the Director. The notice shall inform the person of the right to appeal.

I. Chapter 10—Variances

Sections 1001 thru 1004—Provides that granting of a variance shall not relieve a person from any liability imposed by other requirements of the ordinance and other state or local rules or regulations. Includes the requirement that issuance of a variance will not prevent or interfere with the attainment or maintenance of any relevant ambient air quality standard.

J. Chapter 11—Testing and Sampling

Sections 1101 and 1102—Incorporates the State of Michigan's (federally approved May 6, 1980, part 10—Intermittent Test and Sampling Rules 336.2001–2004) rules for performance testing by the owner and by the commission; specifies test criteria; and references the "Division Requirements for Emission Source Testing," Appendix A.

K. Chapter 12—Continuous Emission Monitoring and Recording

Section 1201 thru 1203—Incorporates the State of Michigan's Continuous Emission Monitoring (CEM) rules (federally approved November 2, 1988, 53 FR 44189) and gives the WCAPCD the authority to require CEM on sources.

L. Chapter 13—Air Pollution Episodes

Section 1301 thru 1303—Incorporates the State of Michigan episode rules (federally approved November 2, 1988), and establishes procedures for episode emission abatement programs and episode orders.

M. Appendices

The WCAPCD submitted appendices for the "Division Requirements for Emission Source Testing"; installation permit application requirements, division requirements for CEM and recording, and division fee schedule.

Note: Chapter 6—Emission Limitations and Prohibitions—Sulfur Bearing Compounds was not submitted as a revision to the Michigan SIP.

USEPA's Proposed Rulemaking Actions

1. Proposed Approval

USEPA has reviewed the revised WCAPCD regulations and believes the following rules to be approvable as a supplement to the State of Michigan's current federally approved SIP (May 6, 1980, 45 FR 29790). Approval of these rules will not interfere with USEPA's continued ability to enforce the State of Michigan's SIP rules in Wayne County as they remain in effect, and sources in Wayne County must meet both sets of rules. In addition, approval of these rules will not interfere with the State of Michigan's federally approved SIP (which is based on the State's rules). The new rules do not appear to constitute a relaxation from the 1972 WCAPCD rules, submitted as an appendix to the State of Michigan's April 25, 1979 SIP. USEPA proposes the following rules for approval:

A. Chapter 1—Approvable.

B. Chapter 2—Approvable.

C. Chapter 3—Approvable.

D. Chapter 5—These rules contain emission limits and prohibitions with respect to particular matter. USEPA believes only sections 503 and 504 are approvable and then on the condition that WCAPCD revise section 504 to clarify the meaning of "instantaneous." Presently, section 504 describes the visible emission limit from a mobile source as that of a density equal to or greater than 20 percent opacity. USEPA has interpreted instantaneous 20 percent opacity limitations to require a single observation. The Method F–1 guidance package recently proposed by USEPA defines "instantaneous" as a two-minute average. USEPA proposes approval on the condition that the WCAPCD during the comment period provides an official clarification of the meaning of the term "instantaneous" as used in section 504 of the WCAPCD regulations. USEPA's disapproval of the remaining portions of chapter 5 will be explained later in the disapproval portion of this notice.

E. Chapter 8—Approvable. However, the section 804 did not address RACT control of waste burning equipment. In addition, section 804 does not contain a performance criterion. USEPA is not acting on section 802, because it has no

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authority under the Clean Air Act to regulate odor, per se.

F. Chapter 9—Approvable.

G. Chapter 10—Approvable. However, USEPA wishes to reiterate its long-standing position that state- or locally-granted variances do not change the Federally-enforceable SIP unless that variance is submitted to and approved by USEPA.

H. Chapter 11—Approvable.

I. Chapter 12—Approvable.

J. Chapter 13—Approvable.

2. Proposed Disapproval

A. Chapter 5—With the exception of sections 503 and 504, USEPA believes this rule should be disapproved. In particular, section 505 fails to provide an equally stringent level of particulate control as the previously approved rule for fugitive dust sources (WCAPCD 1972 Regulations, section 6.6—Wind Born Pollutants). USEPA believes this represents a relaxation of the State SIP without a demonstration of attainment.

B. Chapter 7—The WCAPCD rules contained in sections 701 and 702 are not approvable because portions of the State's current VOC rules for existing and new sources (the rule for existing sources was federally approved on May 6, 1980 and July 26, 1982), which chapter 7 incorporates, would not currently be approvable.

A significant deficiency is contained in Michigan's graphic arts rule which allows averaging on an annual basis. USEPA approved Michigan's RACT II rules on July 26, 1982 (47 FR 32116) with the understanding that Michigan would shorten the averaging time, which it has not done. In addition, USEPA has taken no action on the State of Michigan's part 7—Emission Limitations and Prohibitions—New Sources of VOC Emissions. [CFR, § 52.1170(c) (16) and (18)]

3. No Action

USEPA proposes to take no action at this time on the following rules:

A. Chapter 4:

1. Section 401—Installation Permits
2. Section 402—Waivers of Approval
3. Section 403—Information Required
4. Section 404—Approval or Denial
5. Section 405—Construction of Sources of VOC Ozone Nonattainment Areas; Conditions for Approval
6. Section 406—Construction of Sources of Particulate Matter, Sulfur Dioxide, or Carbon Monoxide in or Near Nonattainment Areas; Conditions for Approval
7. Section 407—Certificates of Operation
8. Section 408—Suspension and Revocation
9. Section 409—Air Quality Modeling
10. Section 410—Change of Ownership
11. Section 411—Permit Exemptions

WCAPCD submitted the revised chapter 4 to replace article IV of the 1972 currently federally approved WCAPCD rules. USEPA believes it is presently inappropriate to take rulemaking action on chapter 4 of the revised WCAPCD rule, because USEPA has identified deficiencies in the State's current federally approved rules which may also be contained in the local rule.

A 30-day public comment period is being provided on this notice of proposed rulemaking. Public comments received on or before April 25, 1990 will be considered in USEPA's final rulemaking action.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget for review.

Pursuant to the provision of 5 U.S.C., section 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities because it merely approves or disapproves for Federal purposes rules that are already in effect and enforceable at the County level.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Ozone, Particulate matter, Sulfur dioxide, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7642.

Dated: March 31, 1987.

Valdas V. Adamkus,

Regional Administrator.

Editorial note: This document was received at the Office of the Federal Register March 21, 1990.

[FR Doc. 90-6774 Filed 3-23-90; 8:45 am]

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