

in the sixth line, "§ 170.3(n)(2)" should read "§ 170.3(n)(3)."

Dated: January 19, 1983.

William F. Randolph,  
Acting Associate Commissioner for  
Regulatory Affairs.

[FR Doc. 83-1895 Filed 1-24-83; 8:45 am]

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## 21 CFR Part 341

[Docket No. 76N-052B]

### Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph for OTC Bronchodilator Drug Products

#### Correction

In FR Doc. 82-29029 beginning on page 47520 in the issue of Tuesday, October 26, 1982, make the following correction:

On page 47523, column two, paragraph three, line fifteen, "(46 FR 47770)" should read "(46 FR 47740)."

BILLING CODE 1505-01-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[AD-FRL-2290-7]

### Compliance With the Statutory Provisions of Part D of the Clean Air Act

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule related notice.

**SUMMARY:** December 31, 1982, was an important milestone in this Nation's effort to improve the quality of its air in accordance with the Clean Air Act. In the near future EPA will summarize the status of the National effort to improve the air; explain the actions we are mandated to take under the current Clean Air Act; and enumerate the steps that EPA will take in partnership with the States to obtain clean air for all our citizens. Today's notice is for informational purposes only. A complete discussion of the policies and procedures regarding the issues mentioned herein will appear in the proposals scheduled for publication in the Federal Register by early February 1983.

**FOR FURTHER INFORMATION CONTACT:** Darryl D. Tyler, Director, Control Programs Development Division (MD-15), U.S. Environmental Protection

Agency, Research Triangle Park, N.C. 27711 (telephone (919) 541-5551).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Section 107 of the Clean Air Act provides for the identification and designation of areas which have not attained national ambient air quality standards. Part D of the Clean Air Act requires that primary ambient air quality standards for particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, and ozone be attained no later than December 31, 1982. Plan revisions providing for attainment of these standards were to have been submitted to the Agency by January 1, 1979. Extensions to December 31, 1987, were authorized under statutorily prescribed conditions for attainment of the carbon monoxide and the ozone standards. The general conditions for these extensions were: (1) The request for an extension of the attainment date must have been submitted by January 1, 1979, (2) the area must have demonstrated that attainment was impossible by December 31, 1982, and (3) the area must have submitted to the agency by July 1, 1982 a plan revision that demonstrates attainment by December 31, 1987. This 1982 plan revision must provide for "enforceable measures" necessary to assure attainment by December 31, 1987, and must also provide for sufficient emission reductions to ensure reasonable further progress toward attainment by 1987.

##### II. Consequences of Failure to Meet Statutory Requirements

**A. Construction Moratorium.** Section 110(a)(2)(I) of the Clean Air Act requires that State implementation plans provide:

That after June 30, 1979, no major stationary source shall be constructed or modified in any nonattainment area \* \* \* if the emissions from such facility will cause or contribute to concentrations of any pollutant for which a national ambient air quality standard is exceeded in such area, unless, as of the time of application for a permit for such construction or modification, such plan meets the requirements of Part D (relating to nonattainment areas).

One of the "requirements of Part D" that a plan must meet is:

To provide for attainment of each \* \* \* national ambient air quality standard \* \* \* as expeditiously as practicable, but, in the case of national primary ambient air quality standards, not later than December 31, 1982. (Section 172(a)(11))

For areas granted an extension to 1987 for attainment of carbon monoxide and ozone standards (extension areas), the 1982 plan revisions are to include enforceable measures to assure

attainment by not later than December 31, 1987. (Sections 172(a)(2) and 173(c))

If an area fails to attain the applicable standard by December 31, 1982, or if a 1982 plan revision does not include enforceable measures to assure attainment by December 31, 1987, or does not meet other Part D requirements, the Act in general requires the imposition of a moratorium on the construction or modification of major new stationary sources of the pollutant for which the area is designated nonattainment.

**B. Funding Restrictions.** Section 176(a) requires the agency to withhold Clean Air Act grants and the Department of Transportation to withhold highway funds (except those relating to safety, mass transit, or transportation improvement related to maintaining or improving air quality) from States that have failed to submit or make reasonable efforts to submit plan revisions required by the Act. Section 176(b) requires the Agency to withhold Clean Air Act grants from those areas where a State or local government has failed to implement an approved plan. The Agency's determination as to the extent these provisions must be applied to States that do not meet the 1982 attainment deadline or to extension areas that have failed to meet Part D requirements relating to the 1982 plan revision will be made on a case-by-case basis after solicitation of public comment.

Section 316(b) authorizes the Agency to withhold grants for the construction of sewage treatment facilities under the Clean Water Act in any area where a State fails to have in effect an approved Part D plan.

##### III. Procedures for Nonattainment Determination

The initial indicator of whether an area is "attainment" or "nonattainment" under the Clean Air Act is the area's designation under Section 107. The Agency recognizes that in many instances substantial air quality progress has been made, and that there will be cases where data will demonstrate that an area has attained the applicable standards by December 31, 1982 even though the area retains a nonattainment designation. To give States with areas having a high probability of attainment an opportunity to make such a demonstration, all areas currently designated as nonattainment under Section 107 will be divided, based on air quality history and data available to the Agency, into two tiers—those areas that the Agency believes will be able to demonstrate attainment (Tier 1)