DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

[Department of the Treasury Circular, Public Debt Series, No. 2–86]

Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statute; District of Columbia

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Notice of determination of substantially identical State statute.

SUMMARY: The Department of the Treasury is announcing that it has reviewed the recently enacted District of Columbia law adopting Revised Article 8 of the Uniform Commercial Code—Investment Securities (''Revised Article 8'') and has determined that it is substantially identical to the uniform version of Revised Article 8 for purposes of interpreting the rules in 31 CFR Part 357, Subpart B (the ''TRADES'' regulations). Therefore, that portion of the TRADES rule requiring application of Revised Article 8 if a state has not adopted Revised Article 8 will no longer be applicable for the District of Columbia.

EFFECTIVE DATE: June 18, 1997.

FOR FURTHER INFORMATION CONTACT: Walter T. Eccard, Chief Counsel (202) 219–3320, or Cynthia E. Reese, Deputy Chief Counsel (202) 219–3320.

SUPPLEMENTARY INFORMATION: On August 23, 1996, The Department published a final rule to govern securities held in the commercial book-entry system, now referred to as the Treasury/Reserve Automated Debt Entry System (''TRADES''). 61 FR 43626.

In the commentary to the final regulations, Treasury stated that for the 28 states that had by then adopted Revised Article 8, the versions enacted were ''substantially identical'' to the uniform version for purposes of the rule. Therefore, for those states, that portion of the TRADES rule requiring application of Revised Article 8 was not invoked. Treasury also indicated in the commentary that as additional states adopt Revised Article 8, notice would be provided in the **Federal Register** as to whether the enactments are substantially identical to the uniform version so that the federal application of Revised Article 8 would no longer be in effect for those states. Treasury adopted this approach in an attempt to provide certainty in application of the rule in response to public comments. This notice addresses the recent adoption of Article 8 by the District of Columbia. A ''state'' is defined in the regulations as including the District of Columbia.

Treasury has reviewed the District of Columbia enactment and has concluded that it is substantially identical to the uniform version of Revised Article 8. Accordingly, if either § 357.10(b) or § 357.11(b) directs a person to the District of Columbia, the provisions of §§ 357.10(c) and 357.11(d) of the TRADES rule are not applicable.

Dated: June 12, 1997.

Richard L. Gregg,

Commissioner of the Public Debt.

[FR Doc. 97–15943 Filed 6–17–97; 8:45 am]

BILLING CODE 4810–39–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[MI001; FRL–5842–3]

Clean Air Act Final Source Category Limited Interim Approval of the Operating Permits Program; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is promulgating source category limited (SCL) interim approval of the operating permits program revision submitted by the State of Michigan for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: July 18, 1997.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final SCL interim approval are available for inspection during normal business hours at the following location: EPA Region 5, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Beth Valenziano, Permits and Grants Section (AR–18J), EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–2703. E-mail address: valenziano.beth@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Title V of the Clean Air Act Amendments of 1990 (title V), and the implementing regulations at 40 CFR part 70 require that States develop and submit operating permits programs to EPA. The EPA's program review occurs pursuant to section 502 of the Clean Air Act (Act) and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval.

On June 24, 1996, EPA proposed interim approval of Michigan's operating permits program (61 FR 32391). In that notice, EPA recognized Michigan's 4 year permit issuance schedule for purposes of determining fee schedule sufficiency, but EPA could not propose SCL interim approval of the 4 year schedule because it had not been approved into the State's regulations. At the time, the State rules provided for a 3 year issuance schedule, in accordance with 40 CFR 70.4(b)(11)(ii). However, EPA proposed SCL interim approval in the alternative, so that EPA would have the authority to finalize SCL interim approval if Michigan were able to submit revised rules that included the 4 year issuance schedule prior to EPA's final action on Michigan's program. See 61 FR 32393–32394.

On January 10, 1997, EPA finalized interim approval of the State program (62 FR 1387). The final approval became effective on February 10, 1997. In that document, EPA did not grant SCL interim approval because Michigan was not able to submit its rule revisions in time to be included in the final action. However, EPA noted that it would act on Michigan's request for SCL interim approval once the State submitted its revised regulations as a part 70 program revision. See 62 FR 1390.

The EPA received Michigan's revised program submittal requesting SCL interim approval on April 18, 1997. The request was submitted by the Governor's designee, the Director of the Michigan Department of Environmental Quality (MDEQ). The submittal included the State's revised operating permit program regulations, as well as information documenting its procedurally correct adoption. In this document, EPA is taking final action to promulgate SCL interim approval of the operating permits program for the State of Michigan.

II. Final Action and Implications

A. Analysis of State Submission

Michigan's initial part 70 program submittal to EPA, dated May 15, 1995, included a request for SCL interim approval of its 4 year permit issuance schedule. On July 17, 1995 and October 30, 1995, Michigan supplemented its initial submittal with additional program documentation, including support information for the SCL interim

approval request. On April 9, 1997, Michigan submitted its revised operating permit program rules that were needed for EPA to act on the State's SCL interim approval request.

SCL interim approval allows EPA to approve a State operating permits program that establishes an initial permit issuance schedule up to 2 years past the 3 year phase in period required by 40 CFR 70.4(b)(11)(ii). To approve such a permitting schedule, a State must demonstrate compelling reasons why it cannot permit initial part 70 sources in 3 years. In addition, a State must demonstrate that the extended issuance schedule substantially meets the requirements of part 70 by permitting 60 percent of the sources and 80 percent of the emissions during the first 3 years of the program. See the August 2, 1993 memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, entitled ''Interim Title V Program Approvals''. Michigan's July 17, 1995 and October 30, 1995 supplemental program submittals met these requirements, as outlined in the proposed interim approval of Michigan's program (61 FR 32393–32394).

However, as discussed above, EPA could not grant Michigan SCL interim approval as part of its initial action on the State program because the State's operating permit program regulations provided for a 3 year permit issuance schedule. In other words, because the State rules currently met the 3 year issuance requirement, SCL interim approval was not warranted. Now that Michigan has submitted revisions to its rules that provide for the 4 year schedule, EPA is taking this action to approve the State's SCL interim approval request.

As addressed in the final interim approval of Michigan's operating permits program (62 FR 1390), EPA is finalizing SCL interim approval without reproposing the action because the 4 year permit issuance schedule in the State's final rules is identical to the 4 year schedule that EPA proposed for SCL interim approval in the alternative. The only comment EPA received on that proposal pertaining to the SCL interim approval issue was a request from MDEQ to clarify the requirements for submitting a program revision once the State rule revisions were final.

B. Final Action

The EPA is promulgating SCL interim approval of Michigan's 4 year initial permit issuance schedule in accordance with MDEQ's April 9, 1997 request. This action only revises the status of Michigan's program from interim approval to SCL interim approval, and does not otherwise change EPA's final interim approval as published on January 10, 1997. In addition, this action does not affect the interim approval expiration date of February 10, 1999. Although Michigan's April 9, 1997 submittal included other regulatory revisions in addition to the changes to the State's permit issuance schedule, EPA is not acting on those changes at this time. As addressed in MDEQ's April 9, 1997 submittal, MDEQ and EPA will continue to work together to resolve the State's interim approval issues, and will address these additional program revisions at a later date.

III. Administrative Requirements

A. Official File

Copies of the State's submittal and other information relied upon for the final SCL interim approval are maintained in the official file at the EPA Regional Office. The file is an organized and complete record of all the information submitted to, or otherwise considered by, EPA in the development of this final SCL interim approval. The official file is available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule. The EPA has determined that the final SCL interim approval action promulgated today does not include a Federal 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. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Dated: June 5, 1997.

David A. Ullrich,

Acting Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

2. In appendix A to part 70 the entry for ''Michigan'' is amended by revising paragraph (a) to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Michigan

(a)(1) Department of Environmental Quality: received on May 16, 1995, July 20, 1995, October 6, 1995, November 7, 1995, and January 8, 1996; interim approval effective on February 10, 1997; interim approval expires February 10, 1999.

(2) Interim approval revised to provide for a 4 year initial permit issuance schedule under source category limited (SCL) interim approval, pursuant to the Department of Environmental Quality's request

received on April 18, 1997. SCL interim approval effective on July 18, 1997.

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[FR Doc. 97–15852 Filed 6–17–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300504; FRL–5722–5]

RIN 2070–AB78

Metolachlor; Pesticide Tolerances for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide] and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on the raw agricultural commodity tomato, in tomato puree, and in tomato paste, in connection with EPA's granting an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on tomato in Ohio, Indiana, Michigan and Pennsylvania. The tolerances will expire and are revoked on December 31, 1998.

DATES: This regulation becomes effective June 18, 1997. Objections and requests for hearings must be received by EPA on or before August 18, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300504], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300504], must be 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 Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., 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 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300504]. 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.

FOR FURTHER INFORMATION CONTACT: By mail: Olga Odiott, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail: Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) 308-9363, e-mail: odiott.olga@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing tolerances for residues of the herbicide [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide] and its metabolites (determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound), also referred to in this document as metolachlor, in or on tomato at 0.1 part per million (ppm), tomato puree at 0.3 ppm and tomato paste at 0.6 ppm. These tolerances will expire and be revoked by EPA on December 31, 1998. After December 31, 1998, EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104-170) was signed into law August 3, 1996. FQPA amends both the FFDCA, 21 U.S.C. 301 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996) (FRL–5572–9).

New section 408(b)(2)(A)(I) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166. Section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

Because decisions on section 18-related tolerances must proceed before EPA reaches closure on several policy issues relating to interpretation and implementation of the FQPA, EPA does not intend for its actions on such tolerance to set binding precedents for the application of section 408 and the new safety standard to other tolerances and exemptions.