

amend the Grape Crop Insurance Regulations (7 CFR Part 411), effective for the 1982 and succeeding crop years, by adding direct physical damage caused by the Mediterranean fruit fly making the fruit unmarketable as an insured cause of loss.

The public was given 60 days in which to submit written comments on the proposed rule, but none were received.

List of Subjects in 7 CFR Part 411

Crop insurance, Grapes.

Final Rule

PART 411—GRAPE CROP INSURANCE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation herewith amends the Grape Crop Insurance Regulations (7 CFR Part 411), effective with the 1982 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 411 is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

2. Paragraph 1(a) of the "Terms and conditions" of the Grape Crop Insurance Policy (7 CFR 411.7(d)) is amended as follows:

§ 411.7 The application and policy.

* * *

(d) * * *

Grape Crop Insurance Policy

Terms and Conditions

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, wildlife, earthquake, fire, or direct Mediterranean fruit fly damage occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

Direct Mediterranean fruit fly damage shall be actual physical damage to the grapes which, as determined by the Corporation, causes such grapes to be considered unmarketable or have a value of less than \$50 per ton, and shall not include unmarketability of such grapes as a result of a quarantine, boycott, or refusal to accept the grapes by any entity without regard to actual physical damage to such grapes.

Done in Washington, D.C., on March 4, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: June 2, 1982.

Approved by:
Merritt W. Sprague,
Manager.

[FR Doc. 82-16961 Filed 6-22-82; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 439

[Amdt. No. 1]

Almond Crop Insurance Regulations; Mediterranean Fruit Fly Damage

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith amends the Almond Crop Insurance Regulations (7 CFR Part 439), effective with the 1982, and succeeding crop years, by adding direct physical damage caused by the Mediterranean fruit fly as an insured cause of loss and clarifying the production to count for unmarketable almonds. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: June 23, 1982.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

The Final Impact Statement describing the options considered in developing this action and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 439—Almond Crop Insurance Regulations) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0001, 0563-0003, and 0563-0007. This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). Merritt W. Sprague, Manager, Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this

amendment applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically on area and community development; therefore, review as established in OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). That review will be completed prior to the sunset review date of May 30, 1985.

On November 30, 1981, FCIC published a notice of proposed rulemaking in the *Federal Register* at 46 FR 58089, in which FCIC proposed to amend the Almond Crop Insurance Regulations (7 CFR Part 439) effective for the 1982 and succeeding crop years by adding direct physical damage caused by the Mediterranean fruit fly making the fruit unmarketable as an insured cause of loss, and by adding a new subparagraph (d) to paragraph 8 of Terms and Conditions to clarify production to count for unmarketable almonds.

The public was given 60 days in which to submit written comments on the proposed rule, but none were received.

List of Subjects in 7 CFR Part 439

Crop insurance, Almonds.

Final Rule

PART 439—ALMOND CROP INSURANCE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation herewith amends the Almond Crop Insurance Regulations (7 CFR Part 439), effective with the 1982 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 439 revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

2. Paragraph 1(a) of the "Terms and conditions" of the Almond Crop Insurance Policy (7 CFR 439.7(c)) is amended as follows:

§ 439.7 The application and policy.

* * *

(c) * * *

Almond Crop Insurance Policy**Terms and Conditions**

1. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, wildlife, earthquake, fire, or direct Mediterranean fruit fly damage occurring within the insurance period, subject to any exceptions, exclusions, or limitations with respect to causes of loss shown on the actuarial table.

Direct Mediterranean fruit fly damage shall be actual physical damage to the almonds which, as determined by the Corporation, causes such almonds to be considered unmarketable, and shall not include unmarketability of such almonds as a result of a quarantine, boycott, or refusal to accept the almonds by any entity without regard to actual physical damage to such almonds.

§ 439.7 [Amended]

3. Paragraph 8 of the "Terms and conditions" of the Almond Crop Insurance Policy (7 CFR 439.7(c)) is amended by adding at the end thereof the following:

(d) No production will be counted for almonds which the Corporation determines cannot, due to an insurable cause, be marketed.

Done in Washington, D.C., on March 1, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: June 2, 1982.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 82-16982 Filed 6-22-82; 8:45 am]

BILLING CODE 3410-08-M

NUCLEAR REGULATORY COMMISSION**10 CFR Parts 30, 40 and 70****Regional Licensing Program; Correction**

In FR Doc. 82-14501 appearing at page 23138, in the issue of Thursday, May 27, 1982, make the following changes:

(1) On page 23139, middle column, in § 30.6, paragraph (b), introductory text, ninth line, the word "be" should follow after "Regions I and III must".

(2) On page 23140, in the first column, § 40.5, paragraph (b)(1), third line, a comma should appear after "modify" and before "suspend".

(3) On page 23140, middle column, in § 70.5, paragraph (b), introductory text, ninth line, "Regions I and II" should be changed to read "Regions I and III".

(4) On page 23140, third column, in § 70.5, paragraph (b)(2)(i), sixth line, the period that appears between

"Delaware" and "Maine" should be a comma.

BILLING CODE 1505-01-M

FARM CREDIT ADMINISTRATION**12 CFR Parts 611 and 614****Organization; Loan Policies and Operations**

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration adopts regulations authorizing the incorporation of service organizations to perform services for or on behalf of Farm Credit System banks, and clarifying the delegation of supervisory and loanmaking authority by System banks. These amendments are primarily for the purpose of implementing the Farm Credit Act Amendments of 1980 (Pub. L. 96-592) and clarification.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578, (202-755-2181).

SUPPLEMENTARY INFORMATION: On November 23, 1981, the Farm Credit Administration ("FCA") noticed and published for public comment proposed new and amended regulations to 12 CFR Parts 611 and 614 (46 FR 57308-57322). The new regulation is § 611.1150. The amended or revised regulations are §§ 614.4020 and 614.4030. Also, § 614.4031 is being combined with § 614.4030.

Incorporation of Service Organizations

The new regulation, 12 CFR 611.1150, is added to implement Title IV, Part D of the Farm Credit Act of 1971, as added by the Farm Credit Act Amendments of 1980 (the amended statute being referred to hereinafter as "the Act") which authorizes the incorporation of service organizations by one or more banks of the Farm Credit System ("System") to perform services for or on behalf of the bank(s), except the extension of credit or the sale of insurance. Nine commentators submitted views on the proposed regulation.

All commentators felt that § 611.1150(a), as proposed, was considerably more restrictive than § 4.25 of the Act in that it would prohibit the creation of a service corporation to provide "other direct services to borrowers." The commentators recommended that the additional restriction be deleted. The Federal Farm Credit Board ("Board") accepted this

suggestion and deleted the phrase "and the other direct services to borrowers" based on the fact that neither the Act nor its legislative history suggests that such a restriction was intended.

Seven of the commentators recommended deletion of paragraph (b)(3)(xii) because it effectively eliminates "the limited liability advantage to be gained by incorporating a service entity." The commentators recommended that the decision to honor unpaid creditors' claims in the event of the service corporation's insolvency be left to the stockholders' business judgment. Also, commentators understood the paragraph to require the Governor to determine the validity of the creditors' claims and suggested the deletion of the phrase "at the direction of the Governor." The Board does not believe that Congress intended that System banks, which are themselves corporate entities with limited liability, should be able to further limit their liability through service organizations. Rather, the authority to organize service corporations was provided merely to permit System banks to perform their joint undertakings more efficiently. Further, the Board believes that the chartering authority vested in the Governor by the Act is sufficient to require stockholders to pay valid claims of the service corporation's creditors in the event of its insolvency. Accordingly, paragraph (b)(3)(xii) is retained. However, the phrase "at the direction of the Governor" has been deleted because it was widely misunderstood by the commentators to require the Governor to determine the validity of the claims. The effect of this deletion is to require the stockholders to pay all valid claims of creditors of the service corporation in the event of insolvency. This change is consistent with the intent of the Board.

The commentators also recommended that paragraph (b)(3)(xiii) of the proposal be deleted on the basis that it is not necessary to promulgate a regulation in order for stockholders to share liabilities on an equitable basis. The Board accepted this suggestion and deleted paragraph (b)(3)(xiii).

Delegation of Authority

Sections 614.4020, 614.4030, and 614.4031 of existing regulations were combined and published for comment as proposed regulation § 614.4020. No comments were received regarding this regulation. However, during final review, FCA staff concluded that it would be inappropriate to combine present regulation § 614.4020 with §§ 614.4030 and 614.4031 because it could confuse the delegation of

supervisory authority with the delegation of loanmaking authority. Therefore, the only change to the present § 614.4020 invokes revision of the heading of the section to reflect more accurately its contents.

Sections 614.4030 and 614.4031 are now combined as § 614.4030, and some adjustments have been made to reflect more accurately the lending authority vested by the Act without changing the intent of the present two regulations. The purpose of the adjustments is to clarify that loanmaking authority of Federal land bank associations is derived by delegation from the Federal land banks, whereas loanmaking authority is vested directly in the production credit associations. However, the FCA finds it necessary and appropriate in the administration of the Act to require Federal intermediate credit banks, as a supervisory matter, to adopt policies that limit the exercise of loanmaking authorities of those production credit associations which do not demonstrate the ability to administer credit soundly.

List of Subjects in 12 CFR Parts 611 and 614

Agriculture, Banks, banking, Organization and functions, Credit, and Rural areas.

For the reasons set out in the preamble, Parts 611 and 614 of Chapter VI, Title 12, of the *Code of Federal Regulations* are amended as shown.

PART 611—ORGANIZATION

1. Part 611 is amended by revising § 611.1150 to read as follows:

Subpart F—General Rules for the Districts

* * *

§ 611.1150 Incorporation of service organizations.

(a) *General.* Any Farm Credit bank(s) may organize a corporation to perform, for or on behalf of the bank(s), any function or service that the bank(s) is authorized to perform under the Act and the regulations, except extending credit and providing the sale of insurance services. The bank(s) wishing to organize such a corporation shall submit an application to the Farm Credit Administration according to the application requirements of paragraph (b) of this section. If the proposal meets the requirements of the Act, the regulations, and any other conditions which the Governor may impose, the Governor may issue a charter for the service corporation making it a federally chartered instrumentality of the United

States. Such service corporation shall be subject to supervision and examination by the Farm Credit Administration. Only Farm Credit banks are eligible to become stockholders in such a corporation. Each bank shall be eligible to become a stockholder of each service corporation organized under this section.

(b) *Application.* The application for a corporate charter shall include:

(1) The certified resolution of the board of each organizing bank authorizing the incorporation.

(2) A request signed by the president(s) of the organizing bank(s) to the Governor of the Farm Credit Administration to issue a charter, supported by a detailed statement demonstrating the need and the justification for the proposed entity.

(3) The proposed articles of incorporation addressing, at a minimum, the following:

(i) The name of the corporation;

(ii) The city and State in which the principal offices of the corporation are to be located;

(iii) The general purposes for which the corporation is formed;

(iv) The general powers of the corporation;

(v) The procedures under which a bank may become a stockholder;

(vi) The procedures by which bylaws may be adopted and amended;

(vii) The title, par value, voting and other rights, and authorized amount of each class of stock to be issued by the corporation, and the procedures by which each class may be retired;

(viii) The notice and quorum requirement for a meeting of shareholders, and the vote required for shareholder action on various matters;

(ix) The procedures and shareholder voting requirements for the merger, voluntary liquidation, or dissolution of the corporation or the distribution of corporate assets;

(x) The standards and procedures for the application and distribution of corporate earnings;

(xi) The duration of the corporation;

(xii) A requirement, which shall be binding on all stockholders, that in the event of insolvency of the service corporation, such stockholder(s) will pay the valid claims of the creditors of the corporation.

(4) The proposed bylaws which shall address general matters of corporate procedure.

(5) A statement as to the proposed amounts and sources of capitalization and operating funds.

(6) Any agreements between the organizing banks relating to the

organization or the operation of the corporation.

(7) Any other supporting documentation as may be requested by the Governor of the Farm Credit Administration.

(c) *Approval.* The Governor may condition the issuance of a charter as he deems appropriate and for good cause may deny the application. Upon approval by the Governor of a completed application, which shall be kept on file at the Farm Credit Administration, the Governor shall issue a charter for the service corporation which shall thereupon become a corporate body and a Federal instrumentality.

(d) *Amendment of articles of incorporation.* The articles of incorporation of a service corporation may be amended in either of two ways:

(1) The board of directors of the corporation may request that the Governor amend the articles of incorporation by sending with its request a certified resolution of the board of directors of the service corporation and stating:

(i) The section(s) to be amended;

(ii) The reason(s) for the amendment;

(iii) The language of the articles of incorporation provision, as amended; and

(iv) That the requisite shareholder approval has been obtained. The request shall be subject to the approval of the Governor as stated in paragraphs (a) and (c) of this section.

(2) The Governor may at any time make any and all changes in the articles of incorporation of a service corporation that he deems necessary and appropriate for the accomplishment of the purposes of the Act.

(e) *Amendment of bylaws.* Amendments of the bylaws of a service corporation shall require prior approval of the Governor.

PART 614—LOAN POLICIES AND OPERATIONS

2. Section 614.4020 is amended by changing the section heading to read as follows:

Subpart A—General

* * *

§ 614.4020 Delegation of supervisory authority.

* * *

3. Section 614.4030 is revised to read as follows:

§ 614.4030 Policies for delegating loanmaking authorities.

(a) Federal land banks and Federal intermediate credit banks shall adopt policies and procedures governing the exercise of loanmaking authority by the associations subject to their supervision. Federal land banks may delegate loanmaking authority to Federal land bank associations that demonstrate the ability to extend and administer credit soundly, provided adequate control and supervisory measures are developed and exercised. The Federal intermediate credit banks shall adopt policies that limit the exercise of loanmaking authority by production credit associations that do not demonstrate the ability to extend and administer credit soundly.

(b) It shall be the responsibility of each bank board to adopt policies relating to the exercise of loanmaking authority by bank personnel and associations subject to the bank's supervision. Such policies shall require the bank to define authorities to be delegated; provide for documented evaluation of the capability and responsibility of individuals or associations where authority is delegated; provide for reporting of actions taken under delegated authority; provide procedures for periodic review and enforcement; and provide for withdrawal of authority where appropriate. Where associations' boards are authorized by the bank to redelegate loanmaking authority to employees, procedures of the supervisory bank shall require associations to utilize similar control measures.

§ 614.4031 [Removed]

4. Part 614, Subpart A, is amended by removing § 614.4031.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252)
Kenneth J. Auberger,
Acting Governor.

[FR Doc. 82-16973 Filed 6-22-82; 8:45 am]
BILLING CODE 6705-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****15 CFR Part 930****Interpretation of the Federal Consistency Term: "Directly Affecting the Coastal Zone"; Correction**

AGENCY: National Oceanic and Atmospheric Administration (NOAA); Department of Commerce.
ACTION: Final rule; correction.

SUMMARY: This document corrects the CFR citation to a National Oceanic and Atmospheric Administration rule that confirmed the effective date of the withdrawal of a final rule concerning the interpretation of the Federal consistency term "Directly affecting the Coastal Zone", which was published in the Federal Register on May 11, 1982.

EFFECTIVE DATE: April 28, 1982.

FOR FURTHER INFORMATION CONTACT: Vickie Allin, Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Washington, D.C. 20235, Telephone: (202) 634-4245.

In this notice, appearing at 47 FR 20110-20111 in the issue of May 11, 1982, make the following corrections:

On page 20110, in the second column, remove the citation "15 CFR Part 931." In its place, add the citation "15 CFR Part 930."

On page 20110, in the third column after Supplementary Information, remove the heading "List of Subjects in 15 CFR Part 931." In its place, add the heading "List of Subjects in 15 CFR Part 930."

Dated: June 17, 1982.

JoAnn Chandler,

Director, Policy, Evaluation and External Relations Staff, Office of Coastal Zone Management.

[FR Doc. 82-16918 Filed 6-22-82; 8:45 am]
BILLING CODE 3510-08-M

ENVIRONMENTAL PROTECTION AGENCY**21 CFR Part 193**

[FAP 2H5330/T93; PH-FRL-2153-6]

Tolerances for Pesticides in Food Administered by the Environmental Protection Agency; Ethephon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a food additive regulation for the plant growth regulator ethephon in the milling fractions of barley and wheat except for their flours. This regulation is established in conjunction with an experimental use permit requested by the Union Carbide Company. This rule will permit the marketing of the milling fractions of barley and wheat except for their flours while further data are collected on ethephon.

EFFECTIVE DATE: Effective on: June 23, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm.

3708 (A-110), 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the Federal Register of February 24, 1982 (47 FR 8089) that Union Carbide Agricultural Products Co., Inc., P.O. Box 12014 Research Triangle Park, NC 27709, had filed a food additive petition (FAP 2H5330). This petition proposed that 21 CFR Part 193 be amended by establishing a regulation permitting the residues of the plant growth regulator ethephon [(2-chloroethyl)phosphonic acid] in wheat germ up to 1.0 part per million (ppm) and wheat bran up to 1.7 ppm resulting from application of the plant growth regulator to growing small grain (cereal) crops in conjunction with a proposed experimental program. The petition was subsequently amended by changing the proposed tolerance to 5.0 ppm for the milling fractions of barley and wheat except for their flours.

No comments were received by the Agency in response to this notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances included an acute oral toxicity study in rats with a median lethal dose (LD₅₀) of 4.2 grams (g)/kilogram (kg) of body weight (bw); a 90-day rat feeding study with a NOEL of 200 ppm; a 3-generation rat reproduction study with a NOEL of 1,500 ppm; a neurotoxicity study up to 1,000 milligrams (mg)/kg/day; a 2-year dog chronic feeding study with a NOEL of 30 ppm (for cholinesterase inhibition) and a NOEL of 3,000 ppm for systemic effects and a rat chronic feeding/oncogenic study with a systemic NOEL of 3,000 ppm; and a NOEL of 30 ppm for cholinesterase effects and no observed oncogenic effects.

Desirable studies that are lacking, or to be repeated, are a teratology study and a screening battery of mutagenicity tests. The petitioner has agreed to perform these studies.

Tolerances have previously been established for ethephon. The dog 2-year chronic feeding study with a systemic NOEL of 300 ppm was used with a safety factor of 100 to calculate the ADI. The current tolerances occupy 9.57 percent

of the acceptable daily intake (ADI) and the current theoretical maximum residue contribution (TMRC) is 0.4304 mg/day/1.5 kg. Granting these tolerances will change the percentage of the occupied ADI to 12.29 percent. The new TMRC will be 0.5531 mg/day/1.5 kg.

The metabolism of ethephon is adequately understood, and an adequate analytical method is available for enforcement purposes. A related document establishing a temporary feed additive regulation [FAP 2H5330/T94] for residue of ethephon appears elsewhere in this issue of the **Federal Register**.

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide can be safely used in accordance with the provisions of the experimental use permit which was issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973; 76 U.S.C. 136 *et seq.*). Therefore, a food additive regulation is established for the milling fractions of barley and wheat except for their flours as set forth below.

Any person adversely affected by this regulation may on or before July 23, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). Effective on: June 23, 1982.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 193

Food additives Pesticides and pests.

Dated: June 15, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 193.186 is revised to read as follows:

Foods	Parts per million	Company	Expiration date
Barley, milling fractions, except flour	5.0	Union Carbide	Apr. 20, 1984.
Sugarcane, molasses	7.0	Union Carbide	Feb. 12, 1983.
Wheat, milling fractions, except flour	5.0	Union Carbide	Apr. 20, 1984.

(c) The following conditions for the regulation in paragraph (b) of this section shall be met.

(1) Residues in the food in excess of the established tolerance resulting from the use described in paragraph (b) of this section remaining after expiration of the experimental use program will not be considered to be actionable if the plant growth regulator is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and the food additive regulation.

(2) The Company concerned shall immediately notify the Environmental Protection Agency of any findings for the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 82-16925 Filed 6-22-82; 8:45 am]

BILLING CODE 6560-50-M

21 CFR Part 561

[FAP 2H5330/T94; PH-FRL-2153-5]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Ethephon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an animal feed additive regulation for the plant growth regulator ethephon in the milling fractions of barley and wheat except for their flours. This regulation is established in conjunction with an experimental use permit requested by the Union Carbide Company. This rule will permit the marketing of the milling

§ 193.186 Ethephon.

(a) [Reserved]

(b) A food additive regulation is established for the plant growth regulator ethephon [(2-chloroethyl)phosphonic acid] in or on the following food commodities resulting from application of ethephon to growing crops in accordance with an experimental use program.

fractions of barley and wheat except for their flours while further data are collected on ethephon.

EFFECTIVE DATE: Effective on: June 23, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A-110), 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of February 24, 1982 (47 FR 8089) that Union Carbide Agricultural Products Co., Inc., P.O. Box 12014 Research Triangle Park, NC 27709, had filed a feed additive petition (FAP 2H5330). This petition proposed that 21 CFR Part 561 be amended by establishing a regulation permitting the residues of the plant growth regulator ethephon [(2-chloroethyl)phosphonic acid] in wheat shorts at 1.2 parts per million (ppm) and barley hulls at 1.6 ppm resulting from application of the plant growth regulator to growing small grain (cereal) crops in conjunction with a proposed experimental program. The petition was subsequently amended by changing the proposed tolerance to 5.0 ppm for the milling fractions of barley and wheat except for their flours.

No comments were received by the Agency in response to this notice of filing.

The metabolism of ethephon is adequately understood, and an adequate analytical method is available for enforcement purposes. The data submitted in the petition and other

relevant material have been evaluated and discussed in a related document establishing a temporary food additive regulation [FAP 2H5330/T93] appearing elsewhere in this issue of the Federal Register.

The pesticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the pesticide can be safely used in accordance with the provisions of the experimental use permit which was issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973; 76 U.S.C. 136 *et seq.*). Therefore, a feed additive regulation is established for the milling fractions of barley and wheat except for their flours as set forth below.

Any person adversely affected by this regulation may, on or before July 23, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945). Effective on: June 23, 1982.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 346(c)(1))).

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticide and pests.

Dated: June 15, 1982.

James M. Conlon,
Acting Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 561.225 is revised to read as follows:

§ 561.225 Ethephon.

(a) A feed additive regulation is established permitting residue of the plant growth regulator ethephon [(2-chloroethyl) phosphonic acid] in or on the following feed commodities.

Feeds	Parts per million	Company	Expiration date
Barley, milling fractions, except flour	5.0	Union Carbide	Apr. 20, 1984.
Wheat, milling fractions, except flour	5.0	Union Carbide	Apr. 20, 1984.

(c) The following conditions for the regulation in paragraph (b) of this section shall be met.

(1) Residues in the feed in excess of the established tolerance resulting from the use described in paragraph (b) of this section remaining after expiration of the experimental program will not be considered to be actionable if the plant growth regulator is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and the feed additive regulation.

(2) The Company concerned shall immediately notify the Environmental Protection Agency of any findings for the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 82-16924 Filed 6-22-82; 8:45 am]

BILLING CODE 5650-50-M

21 CFR Part 561

[FAP 9H5223/T89; PH-FRL-2151-2]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Methamidophos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation to permit the residues of the insecticide methamidophos in or on the commodity peanut meal resulting from its use in an experimental program involving application of the insecticide on the growing crop peanuts. This regulation to permit the marketing of peanut meal, while further data are being collected,

Feeds	Parts per million
Raisin waste	65.0

(b) A feed additive regulation is established for ethephon in or on the following feed commodities resulting from the application of ethephon to growing crops in accordance with an experimental use program.

was requested by Mobay Chemical Corp.

EFFECTIVE DATE: Effective on June 23, 1982.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: William Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 211, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2600).

SUPPLEMENTARY INFORMATION: EPA issued a notice in the Federal Register of July 11, 1979 (45 FR 40556) which announced that Mobay Chemical Corp., P.O. Box 4913, Kansas City, MO 64120, had submitted feed additive petition 9H5223 to the EPA proposing that 21 CFR 561.277 be amended by establishing a regulation permitting the residues of the insecticide methamidophos (O,S-dimethyl phosphoramidothioate) in or on the feed commodity peanut meal at 0.2 ppm.

No comments were received in response to this notice of filing.

The data submitted in the petition and all other relevant material have been evaluated and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

The toxicological data considered in support of the tolerance included an acute oral lethal dose (LD₅₀) rat study, an acute dermal LD₅₀ rabbit study, primary dermal rabbit irritation study, primary rabbit eye irritation study, a 90-day dog feeding study with a no-observed-effect level (NOEL) of 1.5 ppm (0.0375 milligrams (mg)/kilogram (kg) of body weight (bw)) based on

cholinesterase inhibition, a 90-day rat feeding study with a cholinesterase NOEL of 2.0 ppm (0.1 mg/kg of bw), a rabbit teratology study with no-observed effects at the 2.5 mg/kg dosage level, an acute delayed neurotoxicity study (hen) with no-observed effects at the 50.63 mg/kg dosage level, and an interim report of an oncogenic study (mouse).

Desirable data that are currently lacking and the projected dates of completion of these studies are as follows: A chronic feeding/oncogenic study (rat)—August 1984; the final report of the oncogenic study (mouse)—January 1983; a teratology study (rat)—October 1982; a reproduction study (rat)—June 1984; and mutagenic studies (Ames and dominant lethal, August 1982).

Although there are significant data gaps for the chemical, the available toxicity data are adequate to support the tolerance since the proposed use will result in an insignificant increase (0.33 percent) in the current theoretical maximum residue contribution (TMRC) to the human diet. As stated in the Federal Register of May 11, 1979 (44 FR 27932-27954) the "Agency will generally consider as insignificant an increase in the TMRC of 1.0 percent or less."

A related document (PP 9G2151/T371) establishing a temporary tolerance for residues of the insecticide methamidophos in or on peanuts and peanut hulls appears elsewhere in this issue of the Federal Register.

The established tolerances for the combined residues of acephate and cholinesterase-inhibiting metabolite, methamidophos in meat, milk, poultry, and eggs at 0.1 ppm (40 CFR 180.108) are adequate to cover any secondary residues occurring in this commodity from the proposed use of methamidophos on peanuts. An adequate analytical method (gas chromatographic procedure using a cesium bromide thermionic detector) is available for enforcement purposes and the nature of the residues is adequately understood.

Tolerances have previously been established for residues of methamidophos in or on a variety of raw agricultural commodities (40 CFR 180.315). There are no regulatory actions pending against continued registration of the pesticide and there are no other considerations involved in establishing this feed additive regulation.

The insecticide is considered useful for the purpose for which the regulation is sought, and it is concluded that the insecticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended, (86 Stat.

973, 89 Stat. 751, U.S.C. 135(a) *et seq.*) Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before July 23, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this regulation from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

Effective on: June 23, 1982.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: June 9, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Therefore, 21 CFR 561.277(a) is amended by adding an entry for "peanut meal" in the table to read as follows:

§ 561.277 Methamidophos.

(a) * * *

Feed	Parts per million	Company	Expiration date
Peanut meal	0.2	Mobay Chemical.	June 10, 1984.

[FR Doc. 82-16491 Filed 6-22-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-9-FRL 1871-6]

Lake Tahoe Basin Nonattainment Area Plans and Regulations, States of California and Nevada

AGENCY: Environmental Protection Agency.

ACTION: Notice of final rulemaking.

SUMMARY: On September 10, 1980, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking for the Lake Tahoe Basin nonattainment area plans (NAPs) for ozone (O₃) and carbon monoxide (CO). That notice proposed to conditionally approve the overall NAPs, since they contain minor deficiencies with respect to Part D of the Clean Air Act, "Plan Requirements for Nonattainment Areas."

On March 3, 1981, EPA published a notice of final rulemaking redesignating the Lake Tahoe Basin to attainment for ozone. The effect of this redesignation was to remove the Part D requirements for ozone. EPA is today taking final action to fully approve the ozone portions of the NAPs under Section 110 of the Act as revisions to the California and Nevada State Implementation Plans (SIPs) since they contain measures which strengthen the existing SIPs.

EPA is also approving California's request for an extension to 1987 for attainment of the CO standards in the California portion of the Lake Tahoe Basin.

Further, since the States have provided assurances to correct the minor deficiencies in the NAPs for CO, EPA is today taking final action to conditionally approve the NAPs for CO under Part D as revisions to the California and Nevada SIPs. This action removes the prohibition on construction of major new or modified sources in this area.

This notice provides a brief summary of the proposed rulemaking notice, describes recent revisions which supplement the NAP, discusses public comments, and describes EPA's final action on the revisions.

DATES: This action is effective June 23, 1982.

ADDRESS: A copy of the revisions mentioned above is located at: The Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Director, Air and Hazardous Materials Division, Environmental Protection

Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act, as amended in 1977, requires states to revise their SIPs for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). The Governor's designee for California submitted revisions to the California SIP consisting of control strategies and regulations for the California portion of the Lake Tahoe Basin on May 23 and August 21, 1979 and February 11, 1980. The Governor of Nevada submitted revisions to the Nevada SIP consisting of control strategies and regulations for the Nevada portion of the Lake Tahoe Basin on July 24, 1979 and March 17, 1980. These revisions constitute the Lake Tahoe Basin NAPS for O₃ and CO.

On September 8, 1980 (45 FR 59177) EPA proposed to approve the State's rescission of Nevada's Indirect Source Review Program (ISRP) based on EPA's proposed conditional approval of Nevada's NAPs. The ISRP is not addressed in this notice but is the subject of a separate *Federal Register* rulemaking action.

On September 10, 1980 (45 FR 59591) EPA published a notice of proposed rulemaking for the Lake Tahoe Basin NAPs. That notice provided a description of the NAPs, summarized the applicable Clean Air Act requirements into 13 criteria, compared the NAPs to those criteria, and proposed to approve or conditionally approve portions of the NAPs. The September 10, 1980 notice should be used as a reference in reviewing today's action.

O₃

EPA proposed to fully approve all but one portion of the Lake Tahoe Basin NAPs for O₃. The permit program portion was found to contain a minor deficiency with respect to Part D and was proposed to be approved with the condition that the deficiency be corrected by a specified deadline.

Supplemental Revisions

California Environmental Quality Act (CEQA)

The September 10, 1980 notice proposed to conditionally approve the California NAP for CO based upon the submittal of those portions of CEQA that relate to the requirement providing for an analysis of alternatives for new sources which demonstrates that benefits of the source outweigh the

environmental costs (Section 172(b)(11)(A) of the Clean Air Act).

On October 20, 1980, the State submitted the following portions of CEQA:

Sections 2100; 21001; 21002; 21002.1; 21061; 21063; 21065; 21080.1; 21080.4(a); 21080.5 (a), (b), (c) and (d); 21081; 21082; 21100; 21104; 21151; 21153; and 21160.

As discussed in a previous rulemaking notice (January 21, 1981, 46 FR 5967), EPA has determined that these portions of CEQA satisfy the requirements of Section 172(b)(11)(A) of the Clean Air Act and therefore this minor deficiency has been corrected.

Public Comments

During the public comment period, EPA received comments from the Nevada Department of Conservation and Natural Resources (NDCNR) and the California Air Resources Board (CARB). This notice discusses only those comments that caused EPA to change certain proposed actions. All comments received are specifically identified and responded to in EPA's Public Comment Technical Support Document (contained in Document File NAP-CA-NV-01 at the CARB, NDCNR, Tahoe Regional Planning Agency (TRPA), EPA Region 9 Office, and EPA Library in Washington, D.C.). A discussion of National comments received is also contained in the Technical Support Document.

Both California and Nevada indicated that an additional period of time is necessary for satisfying the conditions of approval. The assumptions and strategies in both NAPs are significantly affected by the recently revised Tahoe Regional Planning Compact (Pub. L. 96-55, December 19, 1980) which may require complicated amendment to several aspects of the plans. Accordingly, EPA is extending all conditional approval deadlines to 180 days from the date of publication of this notice. However, EPA is extending the submittal date for the NSR condition only to November 7, 1981, because of the national schedule for submittal/approval of permitting provisions established on August 7, 1980, (see 45 FR 52676).

California commented that resource commitments should be required in the annual report for each year, rather than as binding multi-year budget commitments. EPA will allow for the submittal of future resource needs in this manner. Therefore, EPA is revising this condition to require that the State submit annual resource commitments.

Both Nevada and California commented that the Tahoe Basin is now attainment for ozone. EPA published on

March 3, 1981, a notice of final rulemaking redesignating the area to attainment (see 46 FR 14892). As a result of this redesignation, the States are no longer subject to the requirements of Title I, Part D of the Clean Air Act for ozone in the Lake Tahoe Basin, including the proposed condition respecting the permit program for the California ozone NAP.

EPA Actions

Introduction to Action on NAPs

It is important for reviewers of this notice to understand the overall nature of NAPs and of EPA's review and approval role. Central to such an understanding is recognition that action may be taken on a portion of the NAPs for a specific pollutant or rule. Therefore, a portion of the NAPs may be adequate for one pollutant but inadequate for others. Further, a rule may be adequate under Section 110 but inadequate under Part D. It is EPA's policy to take final action on all portions of the NAPs for each pollutant. As a result, this notice contains a series of actions for each pollutant and for each portion of the NAPs rather than a single action. One of the following three actions may be taken for each portion of the NAPs:

1. Disapproval where the State does not agree to correct minor deficiencies or where deficiencies are of such magnitude as to significantly interfere with the basic objective; or
2. Approval where the portion of the NAP under consideration meets all requirements; or
3. Approval with conditions where deficiencies exist, but where the effect of the deficiency is not judged to be major and the State has agreed to take those steps necessary to correct the deficiency.

In this case, it is EPA's intent that the State proceed expeditiously to correct the noted deficiency by certain dates.

EPA's final actions on the Lake Tahoe Basin NAPs are described below and are based on the proposed rulemaking notice, supplemental revision, and the public comments received by EPA.

Rules

EPA is taking final action under Section 110 of the Clean Air Act to approve all of the volatile organic compound rules listed in the September 10, 1980 proposed rulemaking notice. Also, EPA is taking final action under Section 110 of the Act to approve the new source review (NSR) rules listed in the notice of proposed rulemaking, with exception of Placer County's banking

rule, Rule 508(I)(C)(3)(h). Rules governing the operation of the bank need to be submitted. EPA will soon be publishing guidance in the form of a policy statement in the *Federal Register* describing minimum conditions required of State in establishing rules governing the creation, holding (i.e., "banking"), and use of emission reduction credits.

Approved Portions of the NAPs

Following the redesignation of the Lake Tahoe Basin to attainment for ozone under Section 107(d) of the CAA, the ozone portions of the NAPs need not satisfy the provisions of Part D and EPA's Criteria for NAP submittals. EPA is taking final action today to approve the entire ozone portions of the NAPs and to incorporate them into the California and Nevada SIPs. The effect of this action is to reorder, update, and make more stringent the ozone portions of the SIPs for the Lake Tahoe Basin. The revisions meet the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

As proposed in the September 10, 1980 notice, EPA is taking final action under Part D of the Clean Air Act to approve the following portions of the Lake Tahoe Basin NAPs for CO: emission inventory, modeling (California plan), attainment provision (California plan), reasonable further progress, emissions growth, annual reporting, permit program (Nevada plan), public and government involvement, and public hearing.

As stated in the September 10, 1980 notice, EPA is accepting portions of the Transportation Improvement Program and Regional Transportation Plan that were submitted with the California plan for informational purposes only and not as a part of the Federally-enforceable SIP.

Conditionally Approved Portions of the NAPs

As discussed in the September 10, 1980 notice, the following portions of the Lake Tahoe Basin NAPs for CO contain minor deficiencies and the States have provided assurances to correct these deficiencies: Modeling (Nevada plan), emission reduction estimates, attainment provision (Nevada plan), legally adopted measures, permit program (California plan), resources, and extension requirements (California plan).

Therefore, EPA is taking final action to conditionally approve these portions of the NAPs.

The material required to satisfy conditions of approval must be

submitted as an SIP revision as specified below:

California/CO

* 1. By November 7, 1981, NSR rules for El Dorado and Placer Counties (Tahoe portion) must be revised and submitted as SIP revisions. The rules must satisfy Section 173 and 40 CFR 51.18, "Review of new sources and modifications." In revising the counties' NSR rules, the State must address all the requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the counties' rules do not currently satisfy, including those deficiencies cited in EPA's Evaluation Report which still apply despite new EPA NSR requirements (contained in Document File NAP-CA-NV-01 at the CARB, NDCNR, TRPA, EPA Region 9 office, EPA Library in Washington, D.C.) As EPA noted on August 7, 1980 in promulgating the revised NSR requirements (see 45 FR 52687), if the revised NSR rules have not been submitted and approved by November 7, 1981, a construction moratorium will take effect in the California portion of the Lake Tahoe Basin.

2. By December 20, 1982, the State must submit emission reduction estimates for each adopted control measure or package of control measures.

3. By December 20, 1982, the State must submit written evidence that all adopted measures are supported by sufficient implementation commitments or that adopted schedules for obtaining such commitments will ensure that all measures will be implemented consistent with reasonable further progress. As an alternative, the State may submit equivalent control strategies supported by commitments and full legal adoption.

4. By December 20, 1982, the State must provide a commitment to submit annual implementing agency fiscal and personnel commitments to implement the Lake Tahoe Basin NAP.

5. By December 20, 1982, the State must submit written evidence of commitments by agencies with legal authority to establish, expand, or improve public transportation to meet basic transportation needs.

6. By December 20, 1982, the State must submit a schedule to analyze alternative packages of transportation control measures, including but not limited to those measures listed in Section 108(f)(1)(A) of the Clean Air Act. The State must also submit a commitment to initiate implementation of those measures shown to be reasonably available.

Nevada/CO

1. By December 20, 1982, the State must submit emission reduction estimates for each adopted control measure or package of control measures.

2. By December 20, 1982, the State must submit a fully documented modeling analysis indicating attainment by 1982 based upon legally adopted control measures.

3. By December 20, 1982, the State must submit written evidence that all adopted measures are supported by sufficient implementation commitments or that adopted schedules for obtaining such commitments will ensure that all measures will be implemented consistent with reasonable further progress. As an alternative, the State may submit equivalent control strategies supported by commitments and full legal adoption.

4. By December 20, 1982, the State must submit evidence of the necessary resource commitments to implement the Lake Tahoe Basin NAP.

Final Action on the NAPs

As described in the September 10, 1980 notice, only minor deficiencies remain in the Lake Tahoe Basin NAPs for CO. Therefore, EPA is taking final action today to conditionally approve the overall Lake Tahoe Basin NAPs for CO with respect to Part D. As noted above, EPA is fully approving the NAPs for O₃ under Section 110. As a result, the prohibition on construction of certain major new or modified sources in the Lake Tahoe Basin is no longer in effect.

EPA has a responsibility to take final action as soon as possible in order to lift the construction prohibitions, since the States have submitted conditionally approvable NAPs for the Lake Tahoe Basin. Therefore, EPA finds that good cause exists for making this action immediately effective.

Under Section 307(b)(1) of the Clean Air Act, judicial review of today's action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Conditional Approval Procedure

A discussion of conditional approval and its practical effect appears in two supplements to the General Preamble (44 FR 38583 (July 2, 1979) and 44 FR 67192 (November 23, 1979)). Conditional approval requires the States to submit

additional material by the deadlines specified in today's notice. There will be no extensions granted to the conditional approval deadlines being promulgated today. EPA will follow the procedures described below when determining if the States have satisfied the conditions.

1. If the States submit the required additional documentation according to schedule, EPA will publish a notice in the *Federal Register* announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the States' submittal to determine if the conditions are fully met. After EPA's review is completed, a *Federal Register* notice will be published proposing or taking final action to either (1) find the conditions have been met and approve the NAPs, or (2) find the conditions have not been met, withdraw the conditional approval, and disapprove the NAPs. If the NAPs are disapproved, the Section 110(a)(2)(I) restrictions on construction would be reimposed.

3. If the States fail to submit the required materials to meet a condition, EPA will publish a *Federal Register* notice shortly after the expiration of the deadline. The notice will announce that the conditional approval is withdrawn, the NAPs are disapproved, and the Section 110(a)(2)(I) restrictions on construction are in effect.

Certain deadlines for satisfying conditions have been changed from those proposed and are being promulgated today without further notice and comment. EPA finds that for good cause additional notice and comment on these deadlines are unnecessary (See 5 U.S.C. 553 (b)(B), Administrative Procedure Act). The States are the parties responsible for meeting the deadlines. In addition, the public has an opportunity to comment generally on the concept of conditional approval and on what deadlines should apply for these conditions (44 FR 38583, July 2, 1979 and 45 FR 59591, September 10, 1980).

40 CFR Part 52 Rescissions

As a result of EPA's final promulgation of conditional approval for the Lake Tahoe Basin CO NAPs and final promulgation of approval for the ozone NAPs EPA is also taking final action to rescind Federally promulgated regulations from 40 CFR Part 52. Several of the regulations proposed were rescinded in a final action published for the San Diego Air Basin NAP on April 14, 1981 (46 FR 21749). The remaining regulations: 40 CFR 52.245, 52.255, and

52.264 are being rescinded in today's final action.

Attainment Dates

The 1980 edition of 40 CFR Part 52 lists, in the Subparts for California and Nevada, the applicable deadlines for attaining the NAAQS (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a NAP provides for attainment by the deadlines required by Section 172(a) of the Act, the new deadlines are substituted on the attainment date chart for California and Nevada in 40 CFR Part 52.

The earlier attainment dates will be referenced in a footnote to the chart. Sources subject to plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as the new Section 172 requirements.

Congress established new attainment dates under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements, and to permit previously uncontrolled sources to comply with the newly applicable emission limitations. These new deadlines were not included to give sources that failed to comply with pre-1977 plan requirements by the earlier deadlines more time to comply with those requirements. As noted by Congressman Paul Rogers in discussing the 1977 Amendments:

Section 110(a)(2) of the Act made clear that each source had to meet its emission limits "as expeditiously as practicable," but not later than three years after approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the National Ambient Air Quality Standards was provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized or intended under Part D (123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond the attainment dates established prior to the 1977 Amendments. EPA cannot approve such compliance date extensions, even though a NAP with a later attainment date has been approved. However, a compliance date extension beyond a pre-existing attainment date may be granted if it will not contribute to a

violation of an ambient standard or a PSD increment (44 FR 20373-74, (April 4, 1979)).

In addition, sources subject to pre-existing plan requirements may be relieved of complying with such requirements if a NAP imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing regulations. Decisions on the incompatibility of requirements will be made on a case-by-case basis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plans for the States of California and Nevada was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110, 129, 171, to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)))

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: May 26, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subparts F and DD of Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c) is amended by adding subparagraphs (51)(xiv)(B), (80)(i)(B), (80)(ii), and (81)(i)(B) to read as follows:

§ 52.220 Identification of plan.

- (c) * * *
- (51) * * *
- (xiv) * * *
- (B) New or amended Rules 102, LAER, stationary source, and modifications; 213; and 214.
- (80) * * *
- (i) * * *

(B) New or amended Rules 212, 213, 508 (except Paragraph (I)(C)(3)(h)), and 514.

(ii) Chapter 8, Lake Tahoe Basin Control Strategy, including Support Documents and Appendices. The Transportation Improvement Program and Regional Transportation Plan are for informational purposes only.

(81) * * *

(i) * * *

(B) New or amended Rules 501 to 506, 508 to 510, and 516 to 518.

2. Section 52.222 is amended by adding paragraph (d)(2) to read as follows:

§ 52.222 Extensions.

(d) * * *

(2) Lake Tahoe Basin for CO.

3. Section 52.223 is amended by adding paragraph (d)(1) to read as follows:

§ 52.223 Approval status.

(d) With the exceptions set forth in this subpart, the Administrator approves the plan with respect to Part D, Title I of the Clean Air Act, as amended in 1977, for the nonattainment areas listed in this paragraph.

(1) Lake Tahoe Basin for CO.

4. Section 52.232 is amended by adding paragraph (a)(8) to read as follows:

§ 52.232 Part D conditional approval.

(a) * * *

(8) Lake Tahoe Basin.

(i) For CO:

(A) By December 20, 1982, NSR rules for El Dorado and Placer Counties (Tahoe portion) must be revised and submitted as an SIP revision. The rules must satisfy Section 173 and 40 CFR 51.18, "Review of new sources and modifications." In revising the counties' NSR rules, the State must address all the requirements in EPA's amended regulations for NSR (45 FR 31307, May 13, 1980 and 45 FR 52676, August 7, 1980) which the counties' rules do not currently satisfy, including those deficiencies cited in EPA's Evaluation Report which still apply despite new EPA NSR requirements (contained in Document File NAP-CA-NV-01 at the EPA Library in Washington, D.C. and the Region 9 Office).

(B) By December 20, 1982, the submittal of the following as SIP revisions.

(7) Emission reduction estimates for each adopted control measure or package of control measures.

(2) Written evidence that all adopted measures are supported by sufficient implementation commitments or that adopted schedules for obtaining such commitments will ensure that all measures will be implemented consistent with reasonable further progress. As an alternative, the State may submit equivalent control strategies supported by commitments and full legal adoption.

(3) Provide a commitment to submit annual implementing agency fiscal and personnel commitments to implement the Lake Tahoe Basin NAP.

(4) Written evidence of commitments by agencies with legal authority to establish, expand, or improve public transportation to meet basic transportation needs.

(5) A schedule to analyze alternative packages of transportation control measures, including but not limited to those measures listed in Section 108(f)(1)(A) of the Clean Air Act. The State must also submit a commitment to

initiate implementation of those measures shown to be reasonably available.

5. Section 52.233 is amended by revising paragraphs (d)(3), (d)(18), (g)(1)(iii) and (g)(1)(xvi) to read as follows:

§ 52.233 Review of new sources and modifications.

(d) * * *

(3) El Dorado County APCD (Mountain Counties Intrastate portion).

(18) Placer County APCD (Mountain Counties Intrastate portion).

(g) * * *

(1) * * *

(iii) El Dorado County APCD (Mountain Counties Intrastate portion).

(xvi) Placer County APCD (Mountain Counties Intrastate portion).

6. In § 52.238, the entries for the Lake Tahoe Intrastate are added as follows:

Air quality control region and nonattainment area	Pollutants					
	TSP		SO ₂		NO _x	CO
	Primary	Secondary	Primary	Secondary		
Lake Tahoe Intrastate.....	(d).....	(a).....	(e).....	(e).....	(e).....	(e).....

§§ 52.245, 52.264 [Removed and Reserved]

7. Sections 52.245 and 52.264 are removed and reserved.

8. Section 52.255 is amended by revising paragraph (b) to read as follows:

§ 52.255 Gasoline transfer vapor control.

(b) This section is applicable in the Metropolitan Los Angeles, Sacramento Valley, and San Joaquin Valley Intrastate Air Quality Control Regions, with the following exceptions:

Subpart DD—Nevada

9. Section 52.1470, paragraph (c) is amended by adding subparagraph (16)(vii) to read as follows:

§ 52.1470 Identification of plan.

(c) * * *

(16) * * *

(vii) Lake Tahoe Basin Nonattainment Area Plan.

10. Section 52.1472 is amended by adding paragraph (b)(7) to read as follows:

§ 52.1472 Approval status.

(b) * * *

(7) Lake Tahoe Basin for CO.

11. Section 52.1474 is amended by adding paragraph (a)(4) to read as follows:

§ 52.1474 Part D conditional approval.

(a) * * *

(4) The Lake Tahoe Basin portion of the Nevada SIP is approved as satisfying Part D requirements for carbon monoxide provided the following conditions are met.

(i) By December 20, 1982, the State must submit, as a SIP revision, emission reduction estimates for each adopted control measure or package of control measures.

(ii) By December 20, 1982, the State must submit, as a SIP revision, a fully documented modeling analysis indicating attainment by 1982 based upon legally adopted control measures.

(iii) By December 20, 1982, the State must submit, as a SIP revision, written evidence that all adopted measures are supported by sufficient implementation commitments or that adopted schedules for obtaining such commitments will ensure that all measures will be implemented consistent with reasonable further progress. As an alternative, the State may submit equivalent control

strategies supported by commitments and full legal adoption.

(iv) By December 20, 1982, the State must submit, as a SIP revision, evidence of the necessary resource commitments to implement the Lake Tahoe Basin NAP.

12. In § 52.1480, the entry for the Lake Tahoe Basin is added immediately under "Northwest Nevada Intrastate" as follows:

§ 52.1480 Attainment dates for national standards.

* * * * *

Air quality control region and nonattainment area	Pollutants					
	TSP		SO ₂		NO _x	CO
	Primary	Secondary	Primary	Secondary		
Northwest Nevada Intrastate Lake, Tahoe Basin.	July 1975	July 1977	C	C	C	e

13. Section 52.1481 is amended by adding paragraph (b)(7) to read as follows:

§ 52.1481 Extensions.

(b) * * *

(7) Lake Tahoe Basin for CO.

[FR Doc. 82-16827 Filed 6-22-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-9-FRL 1871-5]

Nevada State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On September 8, 1980, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking concerning the indirect source review program (ISRP) contained in the Nevada State Implementation Plan (SIP). The September 8 notice proposed to approve the State's requested rescission of Nevada's ISRP, since the State's nonattainment area plans were also proposed to be conditionally approved. Today's notice approves the rescission of Nevada's ISRP.

DATE: This action is effective July 23, 1982.

ADDRESS: A copy of today's revision to the Nevada SIP is located at: The Office of the Federal Register, 1100 "L" Street,

NW., Room 8401, Washington, D.C. 20408.

FOR FURTHER INFORMATION CONTACT: Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: Douglas Grano (415) 556-2938.

SUPPLEMENTARY INFORMATION:

Background

An ISRP provides for the preconstruction review of such facilities as shopping centers, sports complexes, and apartment developments, which induce or attract significant traffic. The purpose of this program is to ensure that the substantial increase in traffic resulting from the construction of such facilities will not cause violations of the National Ambient Air Quality Standards (NAAQS) for transportation related pollutants.

On October 16, 1979 (44 FR 59561), EPA proposed to approve revisions to the Nevada SIP which would remove all indirect source review rules. The Governor submitted the revisions on December 29, 1978 and July 24, 1979 which were received by EPA in January and August 1979, respectively. A

complete list of the rules being proposed is contained in the October 16, 1979 notice.

EPA's proposed action was based on the view that Section 110(a)(5)(A)(iii) of the Clean Air Act, as amended, permits a state to rescind its ISRP so long as the State complies with the procedural requirements in Section 110. During the 60 day comment period, EPA received comments opposing the proposed approval as well as comments favoring it.

On December 6, 1979 the U.S. Court of Appeals in *Manchester Environmental Coalition v. U.S. Environmental Protection Agency*, 612 F.2d 56, 59 (No. 79-4062, 2d Cir. dec. December 6, 1979), held that Section 110(a)(5)(A)(iii) requires the Agency to ensure that a State's SIP revision rescinding an ISRP meets both the procedural and substantive requirements of section 110. The Court held that before deciding whether to approve such a rescission, EPA must also consider whether the rescission would render the SIP inadequate to attain and maintain the NAAQS. Accordingly, EPA reevaluated the October 16, 1979 proposed action to determine the impact on the NAAQS.

On September 9 and 10, 1980, EPA published rulemaking notices proposing to conditionally approve nonattainment area plans (NAPs) for the areas of the State which have not attained the NAAQS for transportation related pollutants. Since the State's NAPs were proposed to be conditionally approved, EPA determined that the ISRP rescission would not render the SIP inadequate to attain and maintain the NAAQS. Thus EPA proposed to approve the ISRP rescission in the September 8, 1980 *Federal Register*. The September 8 notice should be used as a reference in reviewing today's action.

Public Comments

EPA received comments from the California Air Resources Board, the California State Water Resources Control Board, the California Office of Planning and Research, the California Department of Transportation, the Council on Environmental Quality, and on behalf of the League to Save Lake Tahoe and the Sierra Club, Joseph J. Brecher. A document containing a summarization of the substantive comments and EPA's response to each, entitled "EPA Public Comment Technical Support Document", has been mailed to the commentors and is also available for public inspection at the EPA Library in Washington, D.C., at the EPA Region 9 Office in San Francisco, Cal. and at the Department of

Conservation and Natural Resources in Carson City, Nev.

EPA Actions

EPA has determined that the NAPs submitted by the State of Nevada meet the requirements of the Clean Air Act, with certain minor deficiencies, for the areas of the State which are not attaining the NAAQS for transportation related pollutants. Since the remainder of the State is attaining and maintaining these NAAQS, EPA has determined that the control strategies currently in effect are adequate. Therefore, EPA is taking final action to approve the State's rescission of the ISRP.

Regulatory Process

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new regulatory requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plan for the State of Nevada was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)))

List of Subjects in 40 CFR Part 52

Air Pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: May 26, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart DD of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart DD—Nevada

1. Section 52.1470, paragraph (c) is amended by adding subparagraphs (14)(vi) and (16)(viii) to read as follows:

§ 52.1470 Identification of plan.

* * *

(c) * * *

(14) * * *

(vi) Nevada Revised Statute 445.493, Limitations on Enforcement of Regulations as to Indirect Sources and

Authority to Review New Indirect Sources.

* * *

(16) * * *

(viii) Repeal and removal of all references to Indirect (Complex) Sources in the following rules or portions of rules in the Nevada Air Quality Regulations.

Article 1—Definitions: 1.12, 1.95, 1.147(b), and 1.202. Article 2—Registration Certificates and Operating Permits: 3.1.9, 3.2.1, 3.2.2, and 3.2.5. Article 13—Point Sources: 13.1.1, 13.1.2, 13.2, and 13.2.1 to 13.5.3.

* * *

[FR Doc. 82-16926 Filed 6-22-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-5-FRL 2154-2]

Approval and Promulgation of Implementation Plans; Ohio; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction.

SUMMARY: EPA is today correcting clerical errors in footnotes f (1) and (2) to the table in 40 CFR 52.1875, Attainment Dates for National Standards. These errors were inadvertently published in the *Federal Register* on October 31, 1981 (45 FR 72119) and June 18, 1981 (46 FR 31881). The footnotes to the table were not relevant to the rulemaking actions, but were only published in order to show the table in its entirety. Therefore, these corrections have no effect on the final rulemaking notices where the errors appeared.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders, U.S. Environmental Protection Agency, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6034.

Dated: June 14, 1982.

Valdas V. Adamkus,
Regional Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

1. In § 52.1875 footnote "f" to the table is revised by correcting clerical errors which appeared in f (1) and (2).

§ 52.1875 Attainment dates for national standards.

* * *

f. * * *

(1) Youngstown Sheet & Tube Co.; PPG Industries, Inc.; Wheeling-Pittsburgh Steel

Corp.; Pittsburgh-Canfield Corporation; The Timken Company; The Sun Oil Company; Sheller-Globe Corp.; the B. F. Goodrich Company; Phillips Petroleum Co.; Shell Oil Co.; Federal Paper Board Co.; The Firestone Tire & Rubber Co.; Republic Steel Corp.; Chase Bag Co.; White-Westinghouse Corp.; U.S. Steel Corp.; Interlake, Inc.; Austin Powder Co.; Diamond Crystal Salt Co.; The Goodyear Tire & Rubber Co.; The Gulf Oil Co.; The Standard Oil Co.; Champion International Corp.; Koppers Co., Inc.; General Motors Corp.; E. I. du Pont de Nemours and Co.; Coulton Chemical Corp.; Allied Chemical Corp.; Specialty Chemicals Division; The Hoover Co.; Aluminum Co. of America; Ohio Greenhouse Assoc.; Armco Steel Corp.; Buckeye Power, Inc.; Cincinnati Gas and Electric; Cleveland Electric Illuminating Light Co.; Columbus and Southern Ohio Electric; Dayton Power and Light Co.; Duquesne Light Co.; Ohio Edison Co.; Ohio Electric Co.; Ohio Power Co.; Pennsylvania Power Co.; Toledo Edison Co. (2) In Summit County: Diamond Crystal Salt; Firestone Tire & Rubber Co.; General Tire & Rubber; B. F. Goodrich Co.; Goodyear Aerospace Corp.; Goodyear Tire & Rubber Co.; Ohio Edison Co.; RCA Rubber Co.; Chrysler Corp.; PPG Industries, Inc.; Seiberling Tire & Rubber; Terex Division of General Motors Corp.; Midwest Rubber Reclaiming; Kittinger Supply Co.

[FR Doc. 82-16989 Filed 6-22-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-6-FRL 2144-2]

Approval and Promulgation of Implementation Plans for Monsanto Chemical Intermediates Co., Texas City and Chocolate Bayou, Tex.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is approving the Monsanto Chemical Intermediates Company Alternative Emission Reduction Plans ("Bubbles") at their two facilities in Texas City and Chocolate Bayou, Texas. At the Texas City Plant, Monsanto is proposing to trade the emission reductions resulting from the shutdown of Department 10 (ethylene unit), the incineration of Synthetic Organic Compounds (SOC) emissions from barge and ship loading facilities, and reducing the emissions from the operation of a Styrene Vacuum System in lieu of the control of emissions from ten storage tanks at this facility. The use of emission reduction credits from a source shutdown is consistent with EPA's newly expanded emissions trading policy statement. At the Chocolate Bayou Plant, Monsanto is