

someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the SIP revision, technical support document, and other materials related to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Colleen W. Comerford, at (312) 886-6034, before visiting the Region V Office.)

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

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR-26), Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

Copies of today's revision to the Wisconsin SIP are available for inspection at:

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460, The Office of the Federal Register, 1100 L Street, NW., Room 8301, Washington, DC

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 South Webster, Madison, Wisconsin 53707

FOR FURTHER INFORMATION CONTACT: Colleen W. Comerford, (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

On December 19, 1985, the Wisconsin Department of Natural Resources (WDNR) submitted a SIP revision request to USEPA. The revision pertains to air pollution episode levels, reporting requirements, and emission control plans, and is contained in Section NR 493 of the Wisconsin Administrative Code. A public hearing on the revision, identified as Natural Resources Board Order A-44-84, was held in Madison, Wisconsin, on October 12, 1984. The rule revision was published in the Wisconsin Administrative Register in July, 1985, and took effect in Wisconsin on August 1, 1985.

The rule not only revises air pollution episode levels but also incorporates the revision into the NR 400 series of the Wisconsin Administrative Code. Although the changes were taken to hearing as a revision to Section NR 154.20 of the Wisconsin Administrative Code, they were subsequently moved to new Chapter NR 493 as part of the ongoing effort to reorganize the Wisconsin air program rules.

Chapter NR 493

Chapter NR 493 consists of three sections: NR 493.01, Episode levels; NR 493.02, General program; and NR 493.03, Episode orders. NR 493.01 specifies the level of concentration of an air contaminant, or combination of air contaminants, that would trigger the issuance of an "Air Pollution Episode Advisory" or an "Air Pollution Episode Level" by the WDNR. The WDNR will issue an air pollution episode advisory to the public if the levels of pollution concentration specified in NR 493.01 are reached. The WDNR will notify the public that an air pollution episode level has been reached, if a level of pollution concentration is expected to last for 12 or more hours (or to recur the following day in the case of ozone) unless control actions are taken. An air pollution episode level notification can be issued at the "alert", "warning", or "emergency" stage, depending on the specified pollutant concentration. The purpose of advisories and other notifications by the WDNR is to warn the public of potential health hazards related to high levels of air pollution.

Section NR 493.02 of the Wisconsin Administrative Code specifies that sources that emit more than 0.25 tons per day of a regulated pollutant must have emission control action programs. These programs are meant to reduce or eliminate emissions of specified air pollutants during episodes of hazardous air pollution. Section NR 493.03 describes the requirements for emission control action programs by source, pollutant, and episode level.

Conclusion

USEPA has reviewed this SIP revision request and has determined that it is approvable because it meets the Federal episode reporting requirements specified in 40 CFR Parts 51.16 and 58.40. All SIPs have a legal requirement for the provision of air pollution episode reporting and the implementation of emission control plans during air pollution episodes. The purpose of this requirement is to minimize public health damage and to prevent further pollutant buildup during periods of high pollutant concentrations.

Because USEPA considers today's action noncontroversial and routine, we are approving it without prior proposal. The action will become effective on February 13, 1987. However, if we receive notice by January 14, 1987, that someone wishes to submit critical comments, then USEPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a new rulemaking by proposing the action and establishing a public comment period.

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

Under 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 13, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2))

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

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

Dated: September 29, 1986.

Lee M. Thomas,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, is amended as follows:

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.2570 is amended by adding new paragraph (c)(47) as follows:

§ 52.2570 Identification of Plan.

(c) * * *

(47) Submittal from the State of Wisconsin, dated December 19, 1985, revising the specified levels for air pollution episodes, air pollution episode reporting requirements, and the requirements for implementing air pollution control plans.

(i) *Incorporation by reference.* (A) Department of Natural Resources, Chapter NR 493, Air Pollution Episode Levels and Episode Emissions Control Action Programs, NR 493.01, 493.02 and 493.03, effective on August 1, 1985.

[FR Doc. 86-26283 Filed 12-12-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 455

[OW-FRL-3128-1]

Pesticide Chemicals Category Effluent Limitations Guidelines, Pretreatment Standards and New Source Performance Standards**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; withdrawal.

SUMMARY: On October 4, 1985 the EPA promulgated a final regulation establishing best available technology economically achievable, new source performance standards, pretreatment standards for existing sources and pretreatment standards for new sources for the pesticide industry under the Clean Water Act. On July 25, 1986, the final regulation was remanded to the EPA by the Eleventh Circuit Court of Appeals. EPA is today removing the regulation from the Code of Federal Regulations, at the direction of the Court, so as to inform the public that the regulation is no longer effective. The Agency intends to reconsider this regulation and to establish new effluent limitation guidelines and standards for the pesticide industry in a future rulemaking.

EFFECTIVE DATE: The remand of these portions of the pesticide regulation is effective as of July 25, 1986, the date of the Court's order.

FOR FURTHER INFORMATION CONTACT: Thomas Fielding, 202-382-7156.

SUPPLEMENTARY INFORMATION: On October 4, 1985, EPA issued a final rule entitled "Pesticide Chemicals Category: Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Final Regulations," published at 50 FR 40672. That rule limited the discharge of pollutants into navigable waters of the United States and into publicly owned treatment works by existing and new facilities that manufacture and/or formulate pesticides. Specifically, the Agency established best available technology economically achievable (BAT) effluent limitations guidelines, new source performance standards (NSPS), and pretreatment standards for existing and new sources (PSES, PSNS) in the pesticide regulation.

Several parties filed petitions in the Court of Appeals challenging various aspects of the pesticide regulation. *Chemical Specialties Manufacturers Association, et al., v. EPA* (86-8024). The petitioners then submitted issue lists delineating the precise nature of each of their challenges to the rule. After evaluating these issue lists and doing an

independent review, the Agency found significant errors in the effluent limitations guidelines and standards for the pesticide industry and determined to seek a remand of this rulemaking.

The Agency and the parties filed a joint motion for a voluntary remand of the regulation in the Eleventh Circuit Court of Appeals. On July 25, 1986, in response to the Joint Motion, the Court dismissed the case. On August 29, 1986, upon consideration of the parties' motion to modify the dismissal, the Court modified its order to clarify the terms of the dismissal. The Eleventh Circuit Court of Appeals ordered (1) that the effluent limitation guidelines and standards for the pesticide chemicals industry be remanded to EPA for reconsideration and further rulemaking and (2) that EPA publish a Federal Register notice removing the remanded pesticide regulation from the Code of Federal Regulations.

Today's regulation removes the BAT limitations, NSPS, PSNS and PSES for the pesticide category from the Code of Federal Regulations. These effluent limitation guidelines and standards have not been effective as of July 25, 1986, the date the Court remanded these regulations. Today's action merely formally removes the remanded regulation from the Code of Federal Regulations. The Agency intends to reconsider these limits and standards, and to establish effluent limitation guidelines and standards for the pesticide industry in a future rulemaking.

Today's action does not in any way affect the best practicable control technology currently available (BPT) limitations which were published on April 25, 1978 and September 29, 1978. These limitations are still effective.

List of Subjects in 40 CFR Part 455

Pesticides and pesticides chemicals, Waste treatment and disposal, Water pollution control.

Dated: December 5, 1986.

Lee M. Thomas,
Administrator.

PART 455—PESTICIDE CHEMICALS

1. The authority citation for Part 455 continues to read as follows:

Authority: Sections 301, 304, 306, 307 and 501, Pub. L. 92-500, 86 Stat. 816, Pub. L. 95-217, 91 Stat. 156 (33 U.S.C. 1311, 1314, 1316, 1317 and 1361).

2. Part 455 is amended by removing the following sections, tables, and appendices from the Code of Federal Regulations: 40 CFR 455.10(f)-(g); 455.11;

455.20(d); 455.23; 455.24; 455.25; 455.26; 455.27; 455.33; 455.34; 455.35; 455.36; 455.37; 455.41; 455.43; 455.44; 455.45; 455.46; 455.47; 455.50; 455.51; Table I, Table II, Appendices A-E.

3. Section 455.40 is revised to read as follows:

§ 455.40 Applicability; description of the pesticide chemicals formulating and packaging subcategory.

The provisions of this subpart are applicable to discharges resulting from all pesticide formulating and packaging operations.

[FR Doc. 86-28030 Filed 12-12-86; 8:45 am]

BILLING CODE 6580-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 81****Purchase of Federal Crime Insurance and Adjustment of Claims; State Listings**

AGENCY: The Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule amends the list of states whose residents are eligible to purchase Federal Crime Insurance Program policies against burglary and robbery losses, and, as of January 31, 1987, removes from the list the States of Arkansas, Colorado, Iowa, Louisiana, North Carolina and Virginia.

EFFECTIVE DATE: January 31, 1987.

FOR FURTHER INFORMATION CONTACT: Robert J. DeHenzel, Chief, Urban Property Insurance Operations Division, Office of Insurance Operations, Federal Insurance Administration, 500 C Street, SW., Room 433, Washington, DC 20472, telephone number (202) 646-3440.

SUPPLEMENTARY INFORMATION: A proposed rule published in the Federal Register (Vol. 51, No. 143) on July 25, 1986, 51 FR 26728, and amended by notice in the Federal Register on August 5, 1986, 51 FR 28119, invited comments for a period of 60 days, ending October 6, 1986. The proposed rule amended the list of States whose residents are eligible to purchase Federal Crime Insurance Policies against burglary and robbery losses under the Federal Crime Insurance Program (FCIP) and proposed to remove from the list the States of Arkansas, Colorado, Iowa, Louisiana, Maryland, Massachusetts, Missouri, North Carolina, Ohio, Pennsylvania and Virginia, effective January 1, 1987. All of these States (with the exception of Colorado) applied for one-time Federal

payments which were paid under the authority of Pub. L. 99-160 (signed November 25, 1985) upon their certification that they would develop, on an expeditious basis, an alternative mechanism for providing access to crime insurance to all current FCIP policyholders in their States who apply.

Written comments were received during the comment period from the State Insurance Departments for the States of Maryland and Pennsylvania. The letters from the Insurance Commissioner for the State of Maryland confirmed the expeditious actions he has been taking, but noted a need for additional authority from the State Legislature, which will not be able to complete its deliberations until June, 1987. The letters from the Insurance Commissioner for the State of Pennsylvania, which has the third largest number of FCIP policies, indicate a need for further consultation with that State. The Insurance Departments for the States of Massachusetts, Missouri and Ohio, all with substantial numbers of FCIP policies, submitted letters after the comment period indicating a need for additional time to complete expeditious action.

This action is being taken under the authority of 12 USC 1749bbb-10a, on the basis of the Administrator's continuing review of the crime insurance availability situation in the various States. Before final action was taken, all

comments were considered. In the light of the comments received from the States of Maryland, Massachusetts, Missouri, Ohio and Pennsylvania, the Administrator has concluded that expeditious actions on the part of these States will require further time and, in furtherance of the best interests of the public and the Program, he therefore intends to remove those States from the list of eligible States as of July 1, 1987, and will defer final rule making with respect to these States until closer to that date. An environmental assessment has been prepared and it has been determined that there is no significant impact on the environment caused by the implementation of the rule and no environmental impact statement has been prepared.

It also has been determined that because of the very small number of policies in affected States, this rule will not have a significant impact upon a substantial number of small entities. Furthermore, there are no information collection requirements involved which require review under section 3504(b) of the Paperwork Reduction Act of 1978.

List of Subjects in 44 CFR Part 81

Claims, Crime insurance.

PART 81—[AMENDED]

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

Authority: 12 U.S.C. 1749bbb *et seq.*; Reorganization Plan No. 3 of 1978; E.O. 12127.

2. Section 81.1(b) is revised to read as follows:

§ 81.1 [Amended]

(b) On the basis of the information available, the Federal Insurance Administrator has determined that the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and the States set forth in this paragraph have an unresolved critical crime insurance market availability problem which requires the operation of the Federal Crime Insurance Program therein, as of January 31, 1987. Accordingly, the Program is in operation in the following jurisdictions, as of January 31, 1987:

Alabama	Massachusetts
California	Missouri
Connecticut	New Jersey
Delaware	New York
Florida	Pennsylvania
Georgia	Rhode Island
Illinois	Tennessee
Kansas	District of Columbia
Ohio	Puerto Rico
Maryland	Virgin Islands

Dated: December 8, 1986.

Harold T. Duryee,

Federal Insurance Administrator, Federal Insurance Administration.

[FR Doc. 86-27843 Filed 12-12-86; 8:45 am]

BILLING CODE 6718-01-M