(2) Subscription Digital Audio Transmissions: During a 60-day period prescribed by the Librarian in 1996, 2000, and each subsequent fifth calendar year.

(3) Phonorecords: During 1997 and each subsequent tenth calendar year.

(4) Digital Phonorecord Deliveries: During 1997 and each subsequent fifth calendar year except to the extent that different years may be determined by the parties to a negotiated settlement or by the copyright arbitration royalty panel.

(5) Coin-operated phonorecord players (jukeboxes): Within one year of the expiration or termination of a negotiated license authorized by 17 U.S.C. 116.

* * * * *

6. In § 251.62, the first sentence of paragraph (a) is revised to read as follows:

§ 251.62 Content of petition.

(a) In the case of a petition for rate adjustment proceedings for cable, subscription digital audio transmissions, phonorecords, digital phonorecord deliveries,and coin-operated phonorecord players (jukeboxes), the petition shall detail the petitioner's interest in the royalty rate sufficiently to permit the Librarian of Congress to determine whether the petitioner has a ''significant interest'' in the matter. * * *

* * * * *

7. In § 251.63, the first sentence of paragraph (a) is revised to read as follows:

§ 251.63 Consideration of petition; settlements.

(a) To allow time for the parties to settle their differences concerning cable, phonorecord, and jukebox rate adjustments, the Librarian of Congress shall, after the filing of the petition under § 251.62 and before the 45-day period specified in § 251.45(b)(2)(i), designate a 30-day period for consideration of their settlement. * * *

* * * * *

Dated: July 12, 1996.

Recommended by:

Marybeth Peters,

Register of Copyrights.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 96–18105 Filed 7–16–96; 8:45 am]

BILLING CODE 1410–33–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WI72–01–7298a; FRL–5528–3]

Approval and Promulgation of State Implementation Plan; Wisconsin; Site-Specific Revision For General Electric Medical Systems

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency approves a site-specific volatile organic compound (VOC) reasonably available control technology (RACT) state implementation plan (SIP) revision for the General Electric Medical Systems (GEM) facility located at 4855 West Electric Avenue in Milwaukee, Wisconsin. This SIP revision was submitted by the Wisconsin Department of Natural Resources (WDNR) on March 15, 1996. This approval makes federally enforceable the State's consent order establishing an alternate control system for GEM's cold cleaning operation.

In the proposed rules section of this Federal Register, the EPA is proposing approval of, and soliciting comments on, this requested SIP revision. If adverse comments are received on this action, the EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule, which is being published in the proposed rules section of this Federal Register. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes federally enforceable the State's rule that has been incorporated by reference.

DATES: The ''direct final'' is effective on September 16, 1996, unless EPA receives adverse or critical comments by August 16, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed SIP revision and EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Kathleen D'Agostino at (312) 886–1767 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–1767.

SUPPLEMENTARY INFORMATION:

I. Background

General Electric Medical Systems (GEM) owns a facility located at 4855 West Electric Avenue in Milwaukee, Wisconsin. The GEM facility manufactures X-ray tubes and components for other medical systems, and includes a cold cleaning operation which is part of an automated batch chemical treatment process for X-ray tubes. The GEM facility is located in the Milwaukee severe nonattainment area and is subject to rule NR 423 of the Wisconsin Administrative Code, which regulates VOC emissions from solvent cleaning operations. This rule has been approved by the United States Environmental Protection Agency (EPA) as meeting the RACT requirements of the Clean Air Act (Act).

Specifically, under sections NR 423.03(3)(d), (i), and (j), GEM is required to control organic compound emissions from the cold cleaning operation through a freeboard ratio greater than or equal to 1.0, through a water cover, or through an alternate control system equivalent to a freeboard ratio of 1.0. Under section 423.03(9), any alternate control method approved by the WDNR must be submitted to and approved by EPA as a site-specific SIP revision. For the reasons outlined below, GEM chose to install an alternate control system. The WDNR has made the determination that the controls proposed by GEM are more effective than those required by Rule 423 and has approved GEM's proposal through Consent Order AM–96–200. On March 15, 1995, the Wisconsin Department of Natural Resources (WDNR) submitted this Order to EPA, along with associated materials, for incorporation into Wisconsin's SIP.

II. Facility and Process Description

As noted above, GEM manufactures X-ray tubes and components for other medical systems. This includes glass blowing, graphite target manufacturing, cathode and anode machining and X-ray assembly. The X-ray units are also tested and rebuilt at this facility.

The facility has a cold cleaning operation which is part of an automated batch chemical treatment process for X-ray tubes. This process consists of loading parts into a carrier that automatically immerses them in various

chemicals, baths and water rinses, ending with immersion in the cold cleaner bath which contains 95 percent ethanol and 5 percent methanol. The equipment associated with the cold cleaning process was specially made for this facility. The overhead conveyor was designed with a limited vertical travel distance. With this limitation, the equipment can not be modified to comply with a freeboard ratio greater than or equal to 1.0 without significant expense. Consequently, GEM has proposed an alternate control system.

GEM's proposed system includes an enclosed solvent storage tank, control valves, pump and piping with an automated operating sequence. The following is the proposed operation procedure for the equipment.

1. The cover opens.
2. The parts are lowered into an empty immersion tank.
3. The cover closes.
4. The solvent is pumped into the tank.
5. The parts are slowly agitated.
6. The solvent is drained from the tank.
7. The parts remain inside the tank until the excess solvent drips off.
8. The cover opens.
9. The parts are removed.
10. The cover closes.

Additional design information for the proposed equipment is as follows.

1. The cleaner will be fitted with a mechanically assisted bi-parting cover.
2. The solvent storage tank will be enclosed.
3. The enclosed solvent storage tank along with associated control valves, pump and piping will be installed and programmed to provide an automated operating sequence.
4. The size of the tank will be 16″ W x 20″ L x 12″ H.
5. The cover will only be opened when the parts are being placed in or removed from the tank.

III. Evaluation of State's Submittal

As noted previously, EPA has approved Wisconsin's rule NR 423 as meeting the RACT requirements of the Act. Under sections 423.03(3)(d)3., and (j), sources may comply through an alternate method approved by WDNR, providing that it achieves emission reductions equivalent to that achieved under a freeboard ratio of 1.0. Additionally, this alternate must be submitted to, and approved by, EPA.

To demonstrate that the proposed alternate method of control is equivalent to the level of control that would be achieved under a freeboard ratio of 1.0, GEM relied on emission factors developed by EPA and contained in the fifth edition of AP–42, dated January 1995. GEM estimated that evaporative emissions from the cold cleaner operating with a freeboard ratio of 1.0 and uncovered when in use (as allowed under Wisconsin's rule), would be 0.35 pounds of VOC per day. The VOC emissions resulting from the proposed enclosed system were estimated to be 0.33 pounds per day.

The State has determined that the alternate control system proposed by GEM meets the requirements of NR 423, as approved by EPA, and is thus sufficient to meet the requirements of RACT. Furthermore, by complying through the proposed alternate control method, the GEM facility will be achieving greater emission reductions than it would had it complied through the freeboard ratio specified in rule 423.

The proposed alternate control system has been reviewed by EPA, as well as the procedures used to establish this alternate system. The alternate control system will result in a net environmental benefit and is consistent with the RACT regulation promulgated by the State and approved by EPA.

IV. Final Rulemaking Action

The EPA approves Wisconsin's site-specific SIP revision for incorporation into the State's federally enforceable ozone SIP.

Because EPA considers this action noncontroversial and routine, we are approving it without prior proposal. This action will become effective on September 16, 1996. However, if we receive adverse comments by August 16, 1996, EPA will publish a document that withdraws this action.

V. Miscellaneous

A. Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. The EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

B. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

C. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This approval does not create any new requirements. Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 256–66 (1976).

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), 2 U.S.C. 1532, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, 2 U.S.C. 1532, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203, 2 U.S.C. 1532, requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

E. Petitions for Judicial Review

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 September 16, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see Section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: June 17, 1996.

David A. Ullrich,

Acting Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart YY—Wisconsin

2. Section 52.2570 is amended by adding paragraph (c)(95) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(95) On March 15, 1996, Wisconsin submitted a site-specific SIP revision in the form of a consent order for incorporation into the federally enforceable ozone SIP. This consent order establishes an alternate volatile organic compound control system for a cold cleaning operation at the General Electric Medical Systems facility located at 4855 West Electric Avenue in Milwaukee.

(i) *Incorporation by reference.* The following items are incorporated by reference.

(A) State of Wisconsin Consent Order AM–96–200, dated February 20, 1996.

(B) September 15, 1995 letter from Michael S. Davis, Manager—Air and Chemical Management Programs, General Electric Medical Systems to Denese Helgeland, Wisconsin Department of Natural Resources, along with the enclosed system diagram. (This letter is referenced in Consent Order AM–96–200.)

[FR Doc. 96–17990 Filed 7–16–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[OPP–300363B; FRL–5382–1]

RIN 2070–AC18

Folpet; Revocation of Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This rule revokes tolerances for folpet residues in or on the following commodities: celery, cherries, leeks, onions (green), shallots, blackberries, blueberries, boysenberries, crabapples, currants, dewberries, gooseberries, huckleberries, loganberries, raspberries, citrus fruits, garlic, pumpkins, summer squash, and winter squash. This revocation is necessary because the registrant has voluntarily canceled use of this fungicide on these commodities.

EFFECTIVE DATE: This final rule becomes effective September 16, 1996.

ADDRESSES: Written objections and hearing requests, identified by the docket, [OPP–300363B], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP–300363B]. No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail, Jeff Morris, Review Manager, Special Review Branch (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 3rd floor, Crystal Station, 2800 Crystal Drive, Arlington, VA 22202, (703) 308–8029; e-mail: morris.jeffrey@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Following issuance of a proposed rule to revoke folpet tolerances (59 FR 61859, December 2, 1994)(FRL–4912–6) and considering comments that EPA received in response to the proposed rule, this rule serves as a final order to revoke tolerances for folpet residues in or on the following commodities: celery, cherries, leeks, onions (green), shallots, blackberries, blueberries, boysenberries, crabapples, currants, dewberries, gooseberries, huckleberries, loganberries, raspberries, citrus fruits, garlic, pumpkins, summer squash, and winter squash. The tolerance for folpet residues in or on avocados will remain as currently listed in 40 CFR 180.191, and will be addressed through the reregistration process (the avocado tolerance was not subject to the December 2, 1994 proposed rule). In a separate notice, EPA will address the remaining tolerances that were subject to the proposed rule; the registrant is currently generating data to support those tolerances.

I. Legal Authorization

The Federal Food, Drug, and Cosmetic Act (FFDCA, 21 U.S.C. 301 et seq.) authorizes the establishment of tolerances (maximum legal residue levels) and exemptions from the requirement of a tolerance for residues of pesticide chemicals in or on raw agricultural commodities pursuant to section 408 [21 U.S.C. 346(a)]. Without such tolerances or exemptions, a food containing pesticide residues is considered to be ''adulterated'' under section 402 of FFDCA, and hence may not legally be moved in interstate commerce [21 U.S.C. 342]. To establish a tolerance or an exemption under section 408 of FFDCA, EPA must make a finding that the promulgation of the rule would ''protect the public health'' [21 U.S.C. 346a(b)]. For a pesticide to be sold and distributed, the pesticide must not only have appropriate tolerances under FFDCA, but also must be registered under the Federal Insecticide,