

associated with the genes. Regulatory regions are the genetic material that control the expression of the genetic material encoding the Cry proteins, such as promoters, terminators, introns, and enhancers. DNA is common to all forms of plant and animal life, and there are no known instances of where nucleic acids have been associated with toxic effects related to their consumption. No mammalian toxicity is expected from dietary exposure to the genetic material necessary for the production of any *Bacillus thuringiensis* proteins, including the Cry1, Cry2, and Cry3 classes of proteins. EPA has also proposed an exemption from the requirement for a tolerance for residues of nucleic acids produced in plants as part of a plant pesticide active ingredient (59 FR 60542, November 23, 1994).

D. Aggregate Exposure

Exposure to Cry1, Cry2, and Cry3 proteins via dermal exposure or inhalation is unlikely given that these plant pesticides are contained in the plant, are not exuded and are not volatile. Therefore, worker and bystander exposure resulting from plant pesticides will be negligible, and would be unlikely to add measurably to any worker or bystander exposure resulting from microbial or other *Bacillus thuringiensis* formulations. Movement of the plant pesticides to drinking water is highly unlikely given that Cry proteins are known to rapidly degrade in the soil.

E. Cumulative Exposure

Consideration of a common mode of toxicity is not appropriate given that there is no indication of mammalian toxicity of Cry proteins in microbial or other formulations and no information that indicates that toxic effects would be cumulative with any other compounds. Mammals are not susceptible to Cry proteins. This may be explained, in part, by the fact that conditions required for the complex steps in the mode of action do not exist in mammals. As anticipated, immunocytochemical analyses of Cry1A have revealed no comparable binding sites in mammals. Monsanto is not aware of any other substances that may be related, via a common mechanism of toxicity, to the proteins that are the subject of the proposed exemption.

F. Safety Determination

1. *U.S. population in general.* The lack of toxicity and the rapid digestibility of Cry proteins provides evidence for the lack of toxicity and allergenicity and supports an exemption

from the requirement of a tolerance for the *Bacillus thuringiensis* Cry1, Cry2, and Cry3 classes of proteins. These proteins have been used in microbial insecticide formulations that have been registered by the EPA and commercially available since the early 1960s. Accordingly, the available information supports a finding that there is a reasonable certainty that no harm will result to the U.S. population in general from aggregate dietary exposure to the Cry1, Cry2, and Cry3 classes of proteins.

2. *Infants and Children.* *Bacillus thuringiensis* Cry proteins are expressed in plants to protect the plant from insect damage. Therefore, nondietary exposure to infants and children is not expected. The lack of toxicity of Cry proteins and history of safe use of *Bacillus thuringiensis* microbial pesticides provides reasonable certainty that no harm will result to infants and children from aggregate dietary exposure to Cry1, Cry2, and Cry3 classes of proteins. Accordingly, there is no need to apply an additional safety factor for infants and children.

G. Existing Tolerances

Exemptions from the requirement for a tolerance have been granted by EPA for Cry1Ab and Cry1Ac and the genetic material necessary for their production in all plant raw agricultural commodities (61 FR 40340, August 2, 1996 and 62 FR 17720, April 11, 1997, respectively) and for Cry3A and the genetic material necessary for its production in potatoes (60 FR 21725, May 3, 1995).

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5908-7]

Agency Information Collection Activities; OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer (202) 260-2740, please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 1495.04; FIFRA Reregistration Fees; was approved 09/19/97; OMB No. 2070-0101; expires 09/30/2000.

EPA ICR No. 0940.15; Ambient Air Quality Surveillance Revision; was approved 09/30/97; OMB No. 2060-0084; expires 03/31/99.

EPA ICR No. 0184.05; Vehicle Emission Control Defect Survey Questionnaire; was approved 08/27/97; OMB No. 2060-0047; expires 08/31/2000.

EPA ICR No. 1680.02; Combined Sewer Overflow Policy; was approved 09/19/97; OMB No. 2040-0170; expires 09/30/2000.

EPA ICR No. 0783.36; Application for Motor Vehicle Emission Certification and Fuel Economy Labeling, SFTP Amendment; was approved 08/27/97; OMB No. 2060-0104; expires 08/31/98.

EPA ICR No. 1810.01; Obtaining Unbilled Grant Expenses from Grant Recipients; was approved 09/15/97; OMB No. 2030-0037; expires 09/30/2000.

EPA ICR No. 1797.01; NSPS for Petroleum Storage Liquid Vessels—40 CFR 60, Subpart K; was approved 09/22/97; OMB No. 2020-0009; expires 09/30/2000.

EPA ICR No. 1204.07; Submission of Unreasonable Adverse Effects Information under FIFRA Section 6(a)(2); was approved 09/24/97; OMB No. 2070-0039; expires 09/30/2000.

EPA ICR No. 0278.06; Supplemental Distribution of a Registered Pesticide Product; was approved 09/19/97; OMB No. 2070-0044; expires 09/30/2000.

EPA ICR No. 1214.04; Pesticide Product Registration Maintenance Fee; was approved 09/19/97; OMB No. 2070-0100; expires 09/30/2000.

EPA ICR No. 0155.06; Certification of Pesticide Applicators—40 CFR Part 171; was approved 09/30/97; OMB No. 2070-0029; expires 09/30/2000.

EPA ICR No. 1230.09; Prevention of Significant Deterioration Non-Attainment Area New Source Review; was approved 09/30/97; expires 09/30/2000.

EPA ICR No. 1038.09; Invitation for Bids and Request for Proposals; was approved 09/30/97; OMB No. 2030-0006; expires 09/30/2000.

Notice of Short Term Extensions

EPA ICR No. 1718.01; Regulations for Fuels and Fuels Additives, Fuel Quality Regulations for Highway Diesel Fuel Sold in 1993 and Later Calendar Years (Interim Final Rule); OMB No. 2060-0308; expiration date was extended from 10/31/97 to 03/31/98.

EPA ICR No. 1425.03; Application for Reimbursement of Local Governments; OMB No. 2050-0077; expiration date was extended from 9/30/97 to 03/31/98.

Dated: October 6, 1997.

Joseph Retzer,

Division Director, Regulatory Information Division.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5908-1]

State Program Requirements; Revision of the Approved National Pollutant Discharge Elimination System (NPDES) Program in Oklahoma

AGENCY: Environmental Protection Agency.

ACTION: Notice of revision of the Oklahoma Pollutant Discharge Elimination System under the Clean Water Act.

SUMMARY: The Environmental Protection Agency (EPA), Region 6, provides notice that the approved program for the State of Oklahoma under the National Pollutant Discharge Elimination System (NPDES) program has been revised. The requirements for revising authorized state programs are found in Volume 40 Code of Federal Regulations (CFR) section 123.62. The revised program provides Oklahoma Department of Environmental Quality (ODEQ) the authority to issue general permits under the OPDES permitting program; and changes the enforcement program to include authority for the Oklahoma Ordinance Works Authority (OOWA).

DATES: This revision was approved by the EPA Region 6 Administrator on September 11, 1997.

ADDRESSES: The revised Oklahoma program documents are available to the public during normal business hours, Monday through Friday, excluding holidays, at:

EPA Region 6, 12th Floor Library, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665-7513

ODEQ Headquarters, Department of Environmental Quality, Water Quality Division, 1000 N.E. 10th Street,

Oklahoma City, Oklahoma 73117-1212.

FOR FURTHER INFORMATION CONTACT: Ms. Wilma Turner at the EPA address listed above or by calling (214) 665-7516; or Norma Aldridge at the ODEQ address listed above or by calling (405) 271-5205.

Part or all of the State's revised program (which comprises approximately 2260 pages) may be copied at the ODEQ office in Oklahoma City, or EPA office in Dallas, at a minimal cost per page. A paper copy of the entire submission may be obtained from the ODEQ office in Oklahoma City for a \$339 fee (the cost of the changed pages only is \$121.55). An electronic copy of the documents stored on computer disk will be provided at no cost to interested parties who supply three disks to ODEQ for that purpose, with a self-addressed, stamped mailing container. The disks must be new, 3.5" high density/double-sided microdisks. The documents will be copied to the disks in WordPerfect 6.0.

SUPPLEMENTARY INFORMATION: Section 402 of the Clean Water Act (Act) created the NPDES program under which EPA may issue permits for the point source discharge of pollutants to waters of the United States under conditions required by the Act. Section 402 also provides that EPA may authorize a State to administer an equivalent state program upon a showing the State has authority and a program sufficient to meet the Act's requirements.

The approved state program, i.e., the Oklahoma Pollutant Discharge Elimination System (OPDES) program, is a partial program which operates *in lieu* of the EPA administered NPDES program pursuant to section 402 of the CWA. The OPDES program is administered by the Oklahoma Department of Environmental Quality (ODEQ). The basic requirements for revising approved state programs are listed in 40 CFR section 123.62. EPA Region 6 considers the documents submitted by the State of Oklahoma complete at the time of this notice and believes they comply with the regulations found at 40 CFR part 123. These changes to the Oklahoma program were explained in the **Federal Register** Notice (61 FR 65047) approving the OPDES program, and are not considered to be significant. Therefore, EPA has approved the OPDES program revision as described by the Oklahoma Department of Environmental Quality. As of this Notice EPA will transfer administration of its general permits to ODEQ [except for those discharges which are not under the jurisdiction of

ODEQ, see *Scope and Summary of the OPDES Permitting Program* in 61 FR 65047].

Changes to the Approved OPDES Documents

The **Federal Register** Notice of EPA's approval of the OPDES program (61 FR 65047) restricted approval of the OPDES program with respect to enforcement authority for the Oklahoma Ordinance Works Authority (OOWA) facility, and ODEQ's general permitting authority:

"5. Oklahoma Ordinance Works Authority (OOWA). EPA will retain enforcement authority for OOWA (NPDES permit No. OK0034568), located in Pryor, Oklahoma, and all industries served by this facility. ODEQ is legally responsible for implementing the pretreatment program at OOWA.

6. Authority over EPA issued general permits: EPA will retain authority to administer general permits in accordance with 40 CFR 123.1. As explained in the **Federal Register** Notice proposing approval of the OPDES program, Oklahoma is revising its statutes and regulations to provide the Executive Director of the Oklahoma Department of Environmental Quality with the full authority to issue general permits under the OPDES program. This revision of Oklahoma Law is to ensure that the Oklahoma general permitting program is consistent with the requirements of 40 CFR 123.25(c)."

ODEQ has now restructured its oversight of the OOWA facility's pretreatment program to ensure separation of responsibility from its NPDES enforcement activities. The Memorandum of Agreement, the Program Description and the Enforcement Management System have been changed to reflect these separations of responsibilities from each other. These changes in responsibility and procedures are reflected in those documents and are available to the public.

With regard to general permitting authority, the State of Oklahoma has revised its statutes to provide the Director of ODEQ with the authority to issue general permits in a manner consistent with the requirements of 40 CFR part 123. The revision of Oklahoma's statutes was done through that State's public legislative process. The program documents (i.e., the Memorandum of Agreement, the Program Description and the Attorney General's Statement) have been revised to reflect this new authority and procedures. These changes, along with the new statutory authority are available to the public.