

(3) The operating plan uses only so much of the surface as is necessary for the proposed mineral operations.

(e) Upon completion of the review of the operating plan, the authorized officer shall notify the operator in writing that one of the following two circumstances apply:

(1) The operating plan meets the criteria of paragraphs (d)(1) through (d)(3) of this section, and, therefore, the Forest Service has no objections to commencement of operations and that the Forest Service intends to monitor operations to ensure that operations conform to the operating plan; or

(2) The operating plan does not meet all of the criteria in paragraphs (d)(1) through (d)(3) of this section and the reasons why the operating plan does not meet the criteria. In this event, the authorized officer shall propose changes to the operating plan and attempt to negotiate modifications that will enable the operating plan to meet the criteria in paragraphs (d)(1) through (d)(3) of this section.

(f) To conduct mineral operations beyond those described in an acceptable operating plan, the owner or lessee must submit in writing an amended operating plan to the authorized officer at the earliest practicable date. The authorized officer shall have not less than 60 days in which to review and respond to a proposed amendment before the new operations begin. The review will be conducted in accordance with paragraphs (d)(1) through (d)(3) of this section.

#### Mineral Materials

##### § 292.67 Mineral material operations.

Subject to the provisions of part 228, subpart C and part 293 of this chapter, the authorized officer may approve contracts and permits for the sale or other disposal of mineral materials, including but not limited to, common varieties of gravel, sand, or stone. However, such contracts and permits may be approved only if the material is not within a designated wilderness area and is to be used for the construction and maintenance of roads and other facilities within the SRNRA and the four areas identified by the Act that are within the exterior boundaries of the SRNRA but are not classified as part of the SRNRA.

#### Indemnification

##### § 292.68 Indemnification.

The owner and/or operator of mining claims and the owner and/or lessee of outstanding mineral rights are jointly and severally liable in accordance with

Federal and State laws for indemnifying the United States for:

(a) Injury, loss, or damage, including fire suppression costs, which the United States incurs as a result of the mineral operations;

(b) Payments made by the United States in satisfaction of claims, demands or judgments for an injury, loss, or damage, including fire suppression costs, which result from the mineral operations; and

(c) Costs incurred by the United States for any action resulting from noncompliance with an approved plan of operations or activities outside a mutually agreed to operating plan.

Dated: March 28, 1996.

Mark Gaede,

*Acting Deputy Under Secretary, Agriculture.*

[FR Doc. 96-8097 Filed 4-2-96; 8:45 am]

BILLING CODE 3410-11-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TN-111-1-7094a; FRL-5442-7]

#### Approval and Promulgation of Implementation Plans Tennessee: Revisions to Chattanooga/Hamilton County Regulations for Definitions and Ambient Air Standards for Particulate Matter

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Chattanooga/Hamilton County portion of the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation on May 18, 1993. This submittal included revisions to the current regulations concerning definitions and ambient air quality standards for Chattanooga/Hamilton County. EPA finds that the regulations provide for consistency with the Clean Air Act as amended in 1990 (CAA) and corresponding Federal regulations.

**DATES:** This final rule is effective June 3, 1996 unless adverse or critical comments are received by May 3, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Written comments should be addressed to: Ms. Karen Borel, at the Regional Office Address listed below.

Copies of the material submitted by the State of Tennessee may be examined

during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Tennessee Division of Air Pollution Control, 9th Floor L&C Annex, 401 Church Street, Nashville, Tennessee 37243-1531.

Chattanooga-Hamilton County Air Pollution Control Bureau, 3511 Rossville Boulevard, Chattanooga, Tennessee 37407.

#### FOR FURTHER INFORMATION CONTACT:

Interested persons wanting to examine documents relative to this action should make an appointment with the Region 4 Air Programs Branch at least 24 hours before the visiting day. To schedule the appointment or to request additional information, contact Karen C. Borel, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 EPA, 345 Courtland Street, NE, Atlanta, Georgia 30365. The telephone number is 404/347-3555 extension 4197. Reference file TN111-01-7094.

**SUPPLEMENTARY INFORMATION:** On May 18, 1993, the State of Tennessee submitted a formal revision to the Chattanooga/Hamilton County portion of its SIP incorporating changes to the ambient air quality standards for particulate matter and definitions. They also submitted changes to their asbestos emission standard, their hazardous air pollutants (HAP) standard and their new source performance standards (NSPS). In a letter from Mr. Doug Neeley, Chief of the Air Programs Branch in EPA Region 4, to Mr. John Walton, Director of the Division of Air Pollution Control of the Tennessee Department of Environment and Conservation, dated June 15, 1995, EPA requested that the NSPS, HAP, and asbestos related revisions be withdrawn by the State. This withdrawal was requested because the Federally enforceable National Emission Standards for Hazardous Air Pollutants (NESHAP) are contained in 40 CFR Parts 61 and 63, and the Federally enforceable NSPS are contained in 40 CFR Part 60; therefore, these are not required to be approved in the SIP. On October 3, 1995, the State of Tennessee officially withdrew their request to amend the NSPS Rule 15, the Emissions Standards for Hazardous Air

Contaminants Rule 16, and the Emission Standard for Asbestos Rule 17. Furthermore, the EPA is taking no action on the proposed revisions to Section 4-8 which address the asbestos related requirements for building demolition and renovation, in accordance with the requirements of Rule 17.

EPA is approving the following revisions. These revisions and additions are summarized in the following paragraphs. All codification references are to the City of Chattanooga's Code.

#### 1. Section 4-2, Definitions

The following definitions have been revised.

A. Best Available Control Technology (BACT)—The revised definition specifies that BACT is applicable to emissions from any proposed major stationary source or major modification. This revised definition also allows a source to demonstrate that technological or economic limitations of the particular emissions unit would make the imposition of an emissions limitation infeasible; the source is allowed to propose an alternate method to satisfy the requirement for the application of BACT. Any proposed alternate method (design, equipment work practice, operations standard or combination thereof) should set forth the emissions reduction achievable by its implementation, and must be approved by the Director.

B. Volatile organic compound (VOC)—The definition for VOC has been revised in accordance with the definition in 40 CFR Part 52.100. The definition of a VOC as a compound of carbon with a vapor pressure greater than 0.1 millimeters of mercury at standard conditions has been replaced with the definition in 40 CFR Part 52.100(s).

#### 2. Section 4-2, Definitions

The following definitions have been added.

A. Owner or operator of a demolition or renovation activity—this means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases operates, controls or supervises the demolition or renovation, or both.

B. Primary Air Quality Standards: Primary ambient air quality standards define levels of air quality believed adequate, with an appropriate margin of safety, to protect public health.

C. Secondary Air Quality Standards: Secondary ambient air quality standards define levels of air quality believed adequate with an appropriate margin of

safety, to protect the public welfare from any known anticipated adverse effects of the pollutant.

#### 3. Section 4-41, Rule 21

In this rule, Chattanooga is adopting the Tennessee Air Pollution Control Regulations, Chapter 1200-3-3-.03. This consists of two tables. Table I contains the standards for Total Suspended Particulates (TSP), PM<sub>10</sub>, Sulfur Dioxide, Carbon Monoxide, Ozone, Nitrogen Dioxide, and Lead. Table II is Tennessee's standards for gaseous fluorides (expressed as HF). These standards are part of the Tennessee Federally approved SIP and are acceptable for adoption into the Chattanooga/Hamilton County portion of the SIP.

#### 4. Section 4-41, Rule 25.2(33)

The definition for VOC has been revised to bring it into accordance with the definition of VOC in 40 CFR Part 52.100. The previous definition is deleted and replaced with the definition in 40 CFR Part 52.100(s).

#### Final Action

EPA is approving the aforementioned revisions contained in the State's May 18, 1993, submittal. EPA is also approving these same revisions in the Hamilton County Code and the city/town codes of the remaining municipalities in Hamilton County (Soddy-Daisy, Ridgeside, Signal Mountain, Walden, Lookout Mountain, East Ridge, Red Bank, Collegedale, and Lakesite). However, EPA has not reviewed the substance of the regulations for Hamilton County or the other nine municipalities. These rules were submitted as being essentially the same as the City of Chattanooga's regulations. The EPA's approval of these additional ordinances for the County and the remaining nine municipalities does not imply any position with respect to the approvability of the substantive rules. To the extent EPA has issued any SIP calls to the State with respect to the adequacy of any of the rules subject to this submittal, EPA will continue to require the State to correct any such rule deficiencies despite EPA's approval.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective June 3, 1996

unless adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the separate proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective June 3, 1996.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 3, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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) of the Act, 42 U.S.C. 7607 (b)(2).)

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 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2) and 7410(k)(3).

#### Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

#### List of Subjects in 40 CFR Part 52

Environmental Protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 15, 1996.  
Phyllis P. Harris,  
*Acting Regional Administrator.*

Part 52 of chapter I, title 40, *Code of Federal Regulations*, 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 RR—Tennessee

2. Section 52.2220, is amended by adding paragraph (c)(136) to read as follows:

##### § 52.2220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(136) Revisions to the Chattanooga/Hamilton County Air Pollution Control Regulations submitted by the Tennessee Department of Environment and Conservation on May 18, 1993.

(i) Incorporation by reference.

(A) The Chattanooga City Code, Part II, Chapter 4, is revised as shown in the following paragraphs. These revisions were adopted on March 9, 1993.

(1) Section 4–2: the definitions for Best available control technology (BACT); Owner or operator of a demolition or renovation activity; Primary Air Quality Standards; and Secondary Air Quality Standards.

(2) Section 4–41: Rule 21, "Ambient Air Quality Standards."

(3) Section 4–41: Rule 25.2, subparagraph 33.

(B) The Hamilton County Air Pollution Control Regulation is revised as shown in the following paragraphs. These revisions were adopted on April 7, 1993.

(1) Section 16: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 9: Rule 25.2, subparagraph 33.

(3) Section 9: Rule 21, "Ambient Air Quality Standards."

(4) Section 25, "Regulations cumulative."

(C) The Soddy-Daisy Municipal Code, Title 8, *Health and Sanitation*, Chapter 1, *Air Pollution Control*, is revised as shown in the following paragraphs. These revisions were adopted on March 18, 1993.

(1) Section 8–102: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and

Best available control technology (BACT).

(2) Section 8–141: Rule 25.2, subparagraph 21.

(3) Section 8–141: Rule 21, "Ambient Air Quality Standards."

(D) The Ridgeside Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted on April 20, 1993.

(1) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 41: Rule 25.2, subparagraph 21.

(3) Section 41: Rule 21, "Ambient Air Quality Standards."

(E) The Signal Mountain Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted on March 8, 1993.

(1) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 41: Rule 25.2, subparagraph 21.

(3) Section 41: Rule 21, "Ambient Air Quality Standards."

(F) The Walden Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted on adopted March 9, 1993.

(1) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 41: Rule 25.2, subparagraph 33.

(3) Section 41: Rule 21, "Ambient Air Quality Standards."

(G) The Lookout Mountain Air Pollution Control Ordinance is revised as shown in the following paragraphs. These revisions were adopted March 9, 1993.

(1) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 41: Rule 25.2, subparagraph 21.

(3) Section 41: Rule 21, "Ambient Air Quality Standards."

(H) The Red Bank Municipal Code, Chapter 3, Title 8, is revised as shown in the following paragraphs. These revisions were adopted March 16, 1993.

(1) Section 8-302: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 8-341: Rule 25.2, subparagraph 21.

(3) Section 8-341: Rule 21, "Ambient Air Quality Standards."

(I) The Collegedale Municipal Code, Title 8, *Health and Sanitation*, Chapter 5, *Air Pollution Control*, is revised as shown in the following paragraphs. These revisions were adopted April 12, 1993.

(1) Section 8-502: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 8-541: Rule 25.2, subparagraph 33.

(3) Section 8-541: Rule 21, "Ambient Air Quality Standards."

(J) The Lakesite Municipal Code, Title 4, *Building, Utility, Housing and Air Pollution Control Codes*, Chapter 6, *Air Pollution Control Ordinance* is revised as shown in the following paragraphs. These revisions were adopted March 30, 1993.

(1) Section 2: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 41: Rule 25.2, subparagraph 21.

(3) Section 41: Rule 21, "Ambient Air Quality Standards."

(K) The East Ridge City Code, Title 8, *Health and Sanitation*, Chapter 7, *Air Pollution Control* is revised as shown in the following paragraphs. These revisions were adopted March 11, 1993.

(1) Section 8-702: the following definitions are added: Primary Air Quality Standards; Secondary Air Quality Standards; Owner or operator of a demolition or renovation activity; and Best available control technology (BACT).

(2) Section 8-741: Rule 25.2, subparagraph 21.

(3) Section 8-741: Rule 21, "Ambient Air Quality Standards."

(ii) Other material. None.

[FR Doc. 96-7917 Filed 4-2-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 60

##### CFR Correction

In title 40 of the Code of Federal Regulations, part 60, revised as of July 1, 1995, make the following correction:

##### § 60.62 [Corrected]

On page 127, in § 60.62 remove paragraph (a)(3).

BILLING CODE 1505-01-D

#### 40 CFR PART 180

[PP 4F4322/R2217; FRL-5356-4]

RIN 2070-AB78

#### Pesticide Tolerance for Tribenuron Methyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

**SUMMARY:** This rule establishes tolerances for residues of the herbicide tribenuron methyl (methyl-2[[[N-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methylamino]carbonyl]amino]sulfonyl]benzoate) in or on the raw agricultural commodities (RACs) hay of grass forage, fodder and hay group (excluding Bermudagrass) at 0.10 ppm; and forage grass forage, fodder and hay group (excluding Bermudagrass) at 0.10 ppm. This regulation to establish a maximum permissible level for residues of tribenuron methyl was requested in a petition submitted by E.I. DuPont de Nemours Company, Inc. Agricultural Products, Walker Mill, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038.

**EFFECTIVE DATE:** April 3, 1996.

**ADDRESSES:** Written objections and hearing requests, identified by the docket number, [PP 4F4322/R2217], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. 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 copies of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. An

electronic copy of objections and hearing requests filed with the Hearing Clerk may be submitted to OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov

Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [PP 4F4322/R2217]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the SUPPLEMENTARY INFORMATION section of this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Joanne Miller, Product Manager (23) Registration Division (7505C), Office of Pesticide Programs.

Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-6224.

**SUPPLEMENTARY INFORMATION:** EPA issued a notice of filing, published in the Federal Register of July 13, 1994 (59 FR 35719), which announced that DuPont, Agricultural Products, Walker's Mill, Barley Mill Plaza P.O. Box 80038, Wilmington, DE had submitted a pesticide petition, PP 4F4322, to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish tolerances for combined residues of the herbicide tribenuron methyl (methyl-2[[[N-(4-methoxy-6-methyl 1,3,5-triazin-2-yl)methylamino]carbonyl]amino]sulfonyl]benzoate in or on grass, seed; grass seed straw; grass, seed cleanings (screenings) at 0.04 ppm. A second notice of filing was issued on February 1, 1996, published in the Federal Register (61 FR 3696), which announced that DuPont had amended the petition by revising the requested tolerances to read: in or on the raw agricultural commodities hay of grass forage, fodder and hay group (excluding Bermudagrass) at 0.10 ppm; forage of grass forage, fodder and hay group (excluding Bermudagrass) at 0.10 ppm and forage regrowth at 0.10 ppm. The analytical method for determining residues is high performance liquid