

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Office of Management and Budget Control Numbers Under Paperwork Reduction Act

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that the collection of information regarding the occupational exposure to 1,3-Butadiene standard has been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995. This document announces the OMB approval number.

DATES: *Effective:* June 2, 1997.

FOR FURTHER INFORMATION CONTACT: Barbara Bielaski, OSHA Office of Regulatory Analysis, Room N3627, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone (202) 219-7177 extension 142.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 4, 1996 (61 FR 56746), OSHA requested public comment on the 1,3-Butadiene information collection requirements. At the close of the comment period, the Agency submitted a request to OMB for approval of the information collection requirements which was granted on March 31, 1997. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), OMB has approved the collections of information and assigned OMB Control Number 1218-0170. The approval expires on March 31, 2000. Under 5 CFR 1320.5(b), an agency may not conduct or sponsor a collection of information unless: (1) The collection of information displays a currently valid OMB control number; and (2) the agency informs the potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Authority and Signature

This document was prepared under the direction of Greg Watchman, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 27th day of May, 1997.

Greg Watchman,

Acting Assistant Secretary for Occupational Safety and Health.

PART 1910—[AMENDED]

1. The authority citation for Subpart A of part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), or 6-96 (62 FR 111), as applicable.

Sections 1910.7 and 1910.8 also issued under 29 CFR part 1911.

2. § 1910.8 is amended by adding the entry "1910.1051. . . . 1218-0170" to the table in the section.

[FR Doc. 97-14207 Filed 5-30-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[SIPTRAX DC032-2005; FRL-5832-9]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interim Final Determination for Approval of the District of Columbia New Source Review Submittal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: Elsewhere in today's **Federal Register**, EPA has published a proposed rule to approve the District of Columbia submittal of its New Source Review program requirements into the State Implementation Plan (SIP). Based on the proposed approval, EPA is making an interim final determination by this action that the District has corrected the deficiencies for which a sanctions clock began on March 24, 1995. This action will stay the application of the offset sanction which was imposed October 24, 1996 and defer the application of the highway sanction to be imposed effective May 24, 1997. Although this action is effective upon publication, EPA will take comment on this interim final determination as well as EPA's proposed approval of the State's submittal. After consideration of comments received on EPA's proposed approval and this interim final action EPA will publish a final rulemaking notice.

DATES: Effective Date: June 2, 1997.

Comment Date: Comments must be received by July 2, 1997.

ADDRESSES: Comments should be sent to Kathleen Henry, Chief, Permits Program Section, Mailcode 3AT23, Air, Radiation and Toxics Division, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The District's submittal and EPA's analysis for that submittal, which are the basis for this action, are available for public review at the above address and at the D.C. Department of Consumer and Regulatory Affairs, Environmental Regulation Administration, 2100 Martin Luther King, Jr. Avenue, S.E., Suite 203, Washington, D.C. 20020.

FOR FURTHER INFORMATION CONTACT: Linda Miller, (215) 566-2068, at the EPA Region III address above or via e-mail at miller.linda@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION:

I. Background

On October 22, 1993, the District submitted a New Source Review regulation as a revision to the State Implementation Plan (SIP). The submittal did not meet the applicable statutory and regulatory requirements of the Clean Air Act, including sections 171, 172, 173, 182, 187, and 189. On March 24, 1995, EPA published a disapproval of the submittal in the **Federal Register**. Pursuant to section 179 of the Clean Air Act, this disapproval requires the imposition of sanctions in two phases unless and until deficiencies are corrected. Phase I sanctions require the imposition of 2:1 emission offsets for construction of new sources or major modification to existing sources, commencing 18 months after the effective date of disapproval. The emission offset sanctions were imposed on October 24, 1996. Phase II sanctions require the withholding of federal highway funds for all new highway projects in the District, commencing 24 months after the effective date of the disapproval. The required date for imposition of Phase II sanctions is May 24, 1997.

On May 2, 1997, the District submitted a complete SIP submittal which corrects the deficiencies of the New Source Review program. In the Proposed Rules section of today's **Federal Register**, EPA has proposed full approval of the District of Columbia's submittal of its New Source Review program.

II. EPA Action

Based on the proposed full approval set forth in today's **Federal Register**, EPA believes that the District has corrected the original disapproval deficiencies that started the sanction clock and, therefore, EPA is taking this interim final action finding that the District has corrected the disapproval deficiencies, effective on publication. This action does not stop the sanction clock that started under section 179 for this area on March 24, 1995. However, this action will stay the application of the offset sanction and will defer the application of the highway sanction. See 40 CFR 52.31. Publication of final approval by EPA will stop the sanction clock and will permanently lift any applied, stayed or deferred sanctions.

Today EPA is also providing the public with an opportunity to comment on this interim final action. If, based on any comments on this action and any comments on EPA's proposed full approval of the State's submittal, EPA determines that the State's submittal is not fully approvable and this final action was inappropriate, EPA will take further action to disapprove the State's submittal and to find that the State has not corrected the original disapproval deficiency. As appropriate, EPA will also issue an interim final determination or a final determination that the deficiency has not been corrected. In addition, the sanctions consequences described in the sanctions rule will also apply. See 40 CFR 52.31.

III. Administrative Requirements

Because EPA has preliminarily determined that the District has an approvable plan, relief from sanctions should be provided as quickly as possible. Therefore, EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect.¹ 5 U.S.C. 553(b)(B). The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the District's submittal and, through its proposed action, is indicating that the District has corrected the deficiency that started the sanctions clock. Therefore, it is not in the public interest to initially apply sanctions or to keep applied sanctions in place when the State has

most likely done all that it can to correct the deficiency that triggered the sanctions clock. Moreover, it would be impracticable to go through notice-and-comment rulemaking on a finding that the State has corrected the deficiency prior to the rulemaking approving the State's submittal. Therefore, EPA believes that it is necessary to use the interim final rulemaking process to temporarily stay or defer sanctions while EPA completes its rulemaking process on the approvability of the District's submittal. In addition, EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction. See 5 U.S.C. 553(d)(1).

The Office of Management and Budget has exempted this action from review under Executive Order 12866.

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 economic 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 action, pertaining to the interim final approval of corrections to the District of Columbia's New Source Review regulation, temporarily relieves sources of an additional burden potentially placed on them by the sanction provisions of the Act. Therefore, I certify that it does not have an impact on any small entities.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental regulations, Reporting and recordkeeping, Ozone, Volatile organic compounds, and nitrogen oxides.

Authority: 42 U.S.C. §§ 7401-7671q.

Dated: May 21, 1997.

William T. Wisniewski,

Acting Regional Administrator.

[FR Doc. 97-14304 Filed 5-30-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300502; FRL-5721-1]

RIN 2070-AB78

Imazamox; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document establishes tolerances for the residues of the herbicide imazamox, [2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-methoxymethyl-3-pyridinecarboxylic acid] (PC Code No. 129171, CAS No. 114311-32-9), applied as the free acid or ammonium salt, in or on soybean seed. American Cyanamid submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act as amended by the Food Quality Protection Act of 1996 requesting the tolerances.

DATE: This rule becomes effective June 2, 1997. Objections and requests for hearings must be received by EPA on or before August 1, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300502], 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 control number [OPP-300502] must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services 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.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to:

¹ As previously noted, however, by this action EPA is providing the public with a chance to comment on EPA's determination after the effective date and EPA will consider any comments received in determining whether to reverse such action.