

**DEPARTMENT OF DEFENSE****Office of the Secretary****32 CFR Chapter I, Subchapter A****Acquisition**

**AGENCY:** Department of Defense.

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This rule is published to give the heading "Acquisition" for 32 CFR Chapter I, Subchapter A. On April 10, 1997 (62 FR 17549), the Department of Defense added to subchapter A a new regulation on criteria for nominating an acquisition program as a participant in the Defense Acquisition Pilot Program. This rule correctly designates a heading for subchapter A which was inadvertently omitted in the April 10 regulation.

**EFFECTIVE DATE:** July 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** L. Bynum or P. Toppings, 703-697-4111.

**SUBCHAPTER A—ACQUISITION**

By the authority of 10 U.S.C. 301, the heading for 32 CFR Chapter I, Subchapter A is added as set forth above.

Dated: July 23, 1997.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 97-19989 Filed 7-29-97; 8:45 am]

**BILLING CODE** 3810-01-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[TN-171-01-9764a; FRL-5863-9]

**Approval and Promulgation of Implementation Plans Tennessee: Approval of Revisions to the SIP Regarding Emission Standards and Monitoring Requirements for Additional Control Areas**

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Tennessee State Implementation Plan (SIP) which were submitted to EPA by the Tennessee Department of Air Pollution Control (TDAPC), on April 30, 1996. The EPA is approving these revisions to the Tennessee regulations regarding emission standards and monitoring requirements for additional control areas.

**DATES:** This final rule is effective September 29, 1997 unless adverse or critical comments are received by August 29, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments on this action should be addressed to Karen C. Borel at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303. Copies of documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN171-01-9764. The Region 4 office may have additional background documents not available at the other 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 Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303, Karen C. Borel, 404/562-9029.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531, 615/532-0554.

**FOR FURTHER INFORMATION CONTACT:** Karen C. Borel at 404/562-9029.

**SUPPLEMENTARY INFORMATION:** On April 30, 1996, the State of Tennessee submitted formal revisions to the Tennessee SIP. EPA found the submittal to be complete on July 8, 1996. These revisions to the SIP consisted of the entire Chapter 1200-3-19 "Emission Standards and Monitoring Requirements for Additional Control Areas." This chapter establishes specific emission standards for existing air contaminant sources located in nonattainment areas within the State. EPA is approving the revised Chapter 19 as described in the paragraphs below.

1. The phrase "a nonattainment area" has been changed to "an additional control area" throughout this chapter. The State has changed this description so that it now refers to areas which are in nonattainment and areas which were formerly nonattainment but have been redesignated to attainment. These redesignated areas are under additional controls as required by their maintenance plans, as well as any contingency measures that they may be implementing.

2. Chapter 1200-3-19.05(4) Operating Permits and Emissions Limiting Conditions—This subparagraph has been revised to require that a source, which is subject to enforceable limits on a RACT permit, must also apply for a construction permit. Once the source has received a construction permit, the RACT permit will be deleted from the SIP.

3. The phrase "asphalt concrete plant" has been changed to "hot mix asphalt plant" throughout this chapter. The requirements for these plants have not been revised.

**Final Action**

The EPA is approving the aforementioned revisions contained in the State's April 30, 1996, submittal. 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 September 29, 1997 unless, by August 29, 1997, 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 be addressed in a subsequent final rule based on this action serving as a 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 September 29, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for 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.

**Administrative Requirements****A. Executive Order 12866**

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

**B. Regulatory Flexibility Act**

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 Clean Air Act 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, the Regional Administrator certifies 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 flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2) and 7410(k)(3).

#### C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, 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 private sector, of \$100 million or more. Under Section 205, 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 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

#### D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 29, 1997. 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 9, 1997.

**Michael V. Peyton,**  
*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)(155) to read as follows:

##### § 52.2220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(155) Revisions to Tennessee state implementation plan submitted to EPA by the State of Tennessee on April 30, 1996, regarding emission standards and monitoring requirements for additional control areas.

(i) Incorporation by reference.

Tennessee Division of Air Pollution Control Regulations, Chapter 1200-3-19, adopted September 7, 1988.

(ii) Other material. None.

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[FR Doc. 97-20056 Filed 7-29-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-300519; FRL-5732-1]

RIN 2070-AB78

### Buprofezin; Pesticide Tolerances for Emergency Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes time-limited tolerances for combined residues of buprofezin and its metabolite BF 12 in or on citrus; dried citrus pulp; cotton seed; cotton gin byproducts; milk; and cattle, sheep, hogs, goats, and horse meat, fat, and meat by-products. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on cotton in Arizona and California, and on citrus in California. This regulation establishes maximum permissible levels for residues of buprofezin in these food commodities pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerances will expire and are revoked on July 31, 1998.

**DATES:** This regulation is effective July 30, 1997. Objections and requests for hearings must be received by EPA on or before September 29, 1997.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number, [OPP-300519], must 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 identified by the docket control number, [OPP-300519], must also be submitted to: