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 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 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *EPA*., 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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. 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 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 26, 1998. 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, Ozone, Volatile organic compounds, Incorporation by reference, Recordkeeping and reporting.

Dated: November 7, 1997.

David A. Ullrich,

Acting Regional Administrator.

For the reasons stated in the preamble, part 52, chapter I, title 40 of the 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(139) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(139) On September 8, 1997, the State of Illinois submitted tightened volatile organic material rules for cold cleaning degreasing operations in the Chicago and the Metro-East ozone nonattainment areas.

(i) *Incorporation by reference.* Illinois Administrative Code, Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 211: Definitions and General Provisions, Subpart B: Definitions, Section 211.1885, amended at 21 Ill. 7695, effective June 9, 1997.

(B) Part 218: Organic Material Emission Standards and Limitations for the Chicago Area, Subpart E: Solvent Cleaning, Section 218.182, amended at 21 Ill. 7708, effective June 9, 1997.

(C) Part 219: Organic Material Emissions Standards and Limitations for the Metro-East Area, Subpart E: Solvent Cleaning, Section 219.182, amended at 21 Ill. 7721, effective June 9, 1997.

[FR Doc. 97–31139 Filed 11–25–97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL–5927–4]

Standards of Performance for New Stationary Sources; Standards of Performance for Nonmetallic Mineral Processing Plants; Clarification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of policy; clarification.

SUMMARY: This action clarifies the applicability of the New Source Performance Standards for Nonmetallic Mineral Processing Plants (40 CFR part 60, subpart OOO). This action is necessary because of incorrect guidance and preamble language regarding the regulation's applicability to affected facilities in the nonmetallic mineral processing industry. The April 1991 Regulatory and Inspection Manual for Nonmetallic Mineral Processing Plants included the following incorrect statement: ''Subpart OOO affected facilities begin with the first crushing or grinding operation at the plant.'' The same incorrect statement was made in a response to a comment in the preamble to the June 9, 1997, **Federal Register** document for the final amendments to subpart OOO.

Section 60.670(a) of subpart OOO lists the affected facilities in fixed or portable nonmetallic mineral processing plants. This list includes each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. The clear intent of the regulation is that *all* facilities listed in section 60.670(a) are subject to subpart OOO. While subpart OOO affected operations typically have crushers or grinding mills located at or near the beginning of the nonmetallic mineral processing line, this is not always the case (e.g., some plants may convey, screen or otherwise process materials without first utilizing a crusher located in the plant). Therefore, with this document, the EPA is clarifying that as long as crushing or grinding occurs anywhere at a non-metallic mineral processing plant, *any affected facility listed in § 60.670(a) is subject to subpart OOO regardless of its location within the plant. EPA expects that plants that have not considered facilities prior to the first crushing or grinding operation as affected facilities, will now ensure that those affected facilities will meet all of the applicable regulatory requirements.*

FOR FURTHER INFORMATION CONTACT: Mr. Scott Throwe at (202) 564–7013, Manufacturing, Energy, and Transportation Division (2223A), U.S. EPA, 401 M Street, Washington, D.C. 20460.

Dated: November 20, 1997.

Scott A. Throwe,

Environmental Protection Specialist.

[FR Doc. 97–30950 Filed 11–25–97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300576; FRL–5754–9]

RIN 2070–AB78

Tefluthrin; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for combined residues of tefluthrin and its metabolite in or on corn, grain, field and pop; corn, forage and fodder, field, pop and sweet; and corn, fresh (including sweet K and corn with husk removed (CWHR)) at 0.06 parts per million (ppm). It also removes time limitations for tolerances for residues of tefluthrin on the same commodities that expire on November 15, 1997. Zeneca Ag Products requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104–170).

DATES: This regulation is effective November 26, 1997. Objections and requests for hearings must be received by EPA on or before January 26, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300576], 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–300576], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a 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: 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 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300576]. 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.

FOR FURTHER INFORMATION CONTACT: By mail: Beth Edwards, Registration Division 7505C, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 305-5400, e-mail: edwards.beth@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On February 1, 1989 (54 FR 5080), EPA established time limited tolerances under Section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346 a(d) and 348 for residues of tefluthrin on corn, grain, field, and pop; corn, forage and fodder, field and pop. As additional crop tolerances were established, they were also made time-limited. These tolerances expire on November 15, 1997. Zeneca Ag Products, on September 15, 1997, requested that the time limitation for tolerances established for residues of the insecticide tefluthrin in the corn commodities mentioned above be removed based on environmental effects data that they had submitted as a condition of the registration. Zeneca Ag Products also submitted a summary of its petition as required under the FFDCA as amended by the Food Quality Protection Act (FQPA) of 1996 (Pub. L. 104–170).

In the **Federal Register** of September 25, 1997 (62 FR 50337) (FRL–5748–2), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) announcing the filing of a pesticide petitions (PP 7F3521 and 4F4406) for tolerances by Zeneca Ag Products, P.O. Box 15458, Wilmington, DE, 19850–5458. This notice included a summary of the petition prepared by Zeneca Ag Products, the registrant. There were no comments received in response to the notice of filing.

The petitions requested that 40 CFR 180.440 be amended by removing the time-limitation for tolerances for combined residues of the insecticide and pyrethroid tefluthrin and its metabolite (*Z*)-3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylic acid, in or on corn, grain, field and pop; corn, forage and fodder, field, pop and sweet; and corn, fresh (including sweet K and corn with husk removed (CWHR)) at 0.06 part per million (ppm).

The basis for the time-limited tolerances that expire November 15, 1997, was given in the **Federal Register** of October 20, 1993 (58 FR 54094). These time-limited tolerances were predicated on the expiration of pesticide product registrations that were made conditional due to lack of certain ecological and environmental effects data. The rationale for using time-limited tolerances was to encourage pesticide manufacturers to comply with the conditions of registration in a timely manner. There is no regulatory requirement to make tolerances time-limited due to the conditional status of a product registration under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. It is current EPA policy to no longer establish time limitations on tolerance(s) with expiration dates if none of the conditions of registration have any bearing on human dietary risk. The current petition action meets that condition and thus the expiration dates associated with specific crop tolerances are being deleted.

I. Risk Assessment and Statutory Findings

New section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and