

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(131) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(131) On January 10, 1996, the State of Illinois submitted a site-specific State Implementation Plan (SIP) revision request for ozone, which extends the required deadline for the Rexam Medical Packaging Inc. facility in Mundelein, Lake County, Illinois (Rexam), to comply with 35 Illinois Administrative Code, part 218, subpart H, as it applies to its Inline Press Number No.105, Inline Press No. 111, Offline 32-inch Press, Offline 36-inch Press, and Offline 42-inch press. The compliance date is extended from March 15, 1995, until June 15, 1996, or upon submittal of the "certificate of compliance" required under section 218.404 of subpart H, whichever occurs first. The variance includes a compliance plan requiring the installation and use of a catalytic oxidizer to control emissions from Inline Press No. 105, Inline Press No. 111, Offline 32-inch Press, and Offline 42-inch Press. The Offline 36-inch Press is required to convert to water-based ink, or be controlled by the oxidizer if the press is not converted by March 1, 1996. The variance is contingent upon certain compliance milestone conditions.

(i) *Incorporation by reference.* (A) Illinois Pollution Control Board Final Opinion and Order, PCB 95-99, adopted on October 19, 1995, and effective March 15, 1995. Certification of Acceptance dated November 29, 1996, by Rexam.

[FR Doc. 96-32371 Filed 12-20-96; 8:45 am]

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40 CFR Part 180

[OPP-300440A; FRL-5572-2]

RIN 2070-AB78

Sodium Bicarbonate and Potassium Bicarbonate; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This regulation establishes exemptions from the requirement of a tolerance for residues of the biochemical pesticides sodium bicarbonate and potassium bicarbonate in or on all raw agricultural commodities (RACs), when

applied as fungicides or post-harvest fungicides in accordance with good agricultural practices.

DATES: This regulation becomes effective December 23, 1996. Objections and requests for hearings must be received by EPA on February 21, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket number, [OPP-300440A], 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 document control 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 copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. 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 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 in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP-300440A]. 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. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Denise Greenway, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7501W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 5-W57, CSI, 2800 Crystal Drive, Arlington, VA 22202. (703) 308-8263; e-mail: greenway.denise@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 25, 1995 (60 FR 54689), EPA issued a notice (FRL-4982-4) that the Meiji Milk Products Co., Ltd., 2-Chome, Kyabashi Chuoku, Tokyo, Japan 250 (represented by Stewart Pesticide Registration Associates, Inc. of 1901 North Moore Street, Suite 603, Arlington, VA 22209), had submitted pesticide petition (PP) 5F4481 to EPA proposing to amend 40 CFR part 180 by establishing a regulation pursuant to section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to exempt from the requirement of a tolerance the residues of the biochemical pesticide sodium bicarbonate in or on citrus when applied as a fungicide in accordance with good agricultural practices. There were no comments received in response to this notice of filing. Another company, Church and Dwight Co., Inc., obtained registration of the active ingredients sodium bicarbonate and potassium bicarbonate on December 20, 1994 as manufacturing products for formulating into fungicides to control powdery mildew and other fungal diseases of food and non-food crops. The Agency concluded that the historical knowledge of the effects of sodium bicarbonate and potassium bicarbonate on humans and the environment was adequate to allow the waiver of all data requirements. The Meiji Milk Products Co., Ltd. Pesticide Petition (PP 5F4481) was filed because associated registration applications from that company represent the first fungicidal food use sodium bicarbonate end-use products.

In the Federal Register of November 6, 1996 (61 FR 57356), the EPA issued a proposed rule (FRL-5572-2) to expand the tolerance exemption originally sought by Meiji Milk Products Co., Ltd. to (1) include the related compound, potassium bicarbonate, and (2) to permit pre-harvest and post-harvest use of both active ingredients in or on all raw agricultural commodities. The Administrator, for good cause, found it in the public interest to reduce the comment period for the proposed regulation from 60 to 30 days (FFDCA 408(e)(2)). There were no comments received in response to the proposed rule.

Based on the information, data, and findings described in the preamble to the proposed rule, EPA establishes the exemptions from the requirement of a tolerance as set forth below.

I. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to "object" to a tolerance

exemption regulation issued by EPA under new section 408(e) as was provided in the old section 408. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by February 21, 1997 file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

II. Public Docket

A record has been established for this rulemaking under the docket number

[OPP-300440A] (including any comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Electronic comments can be sent directly to EPA at:
opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rule-making record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

III. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, since this action does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., it is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or

establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement explaining the factual basis for this determination was published in the Federal Register of May 4, 1981 (46 FR 24950).

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), 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 in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 12, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Chapter I, part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding new §§ 180.1176 and 180.1177 to subpart D to read as follows:

§ 180.1176 Sodium bicarbonate; exemption from the requirement of a tolerance.

The biochemical pesticide sodium bicarbonate is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied as a fungicide or post-harvest fungicide in accordance with good agricultural practices.

§ 180.1177 Potassium bicarbonate; exemption from the requirement of a tolerance.

The biochemical pesticide potassium bicarbonate is exempted from the requirement of a tolerance in or on all raw agricultural commodities when applied as a fungicide or post-harvest fungicide in accordance with good agricultural practices.

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