§ 34.83 Disposition of real estate.

(a) *Disposition.* A national bank may comply with its obligation to dispose of real estate under 12 U.S.C. 29 in the following ways:

(1) With respect to OREO in general:

(i) By entering into a transaction that is a sale under generally accepted accounting principles;

(ii) By entering into a transaction that involves a loan guaranteed or insured by the United States government or by an agency of the United States government or a loan eligible for purchase by a Federally-sponsored instrumentality that purchases loans; or

(iii) By selling the property pursuant to a land contract or a contract for deed;

(2) With respect to DPC real estate, by retaining the property for its own use as bank premises or by transferring it to a subsidiary or affiliate for use in the business of the subsidiary or affiliate;

(3) With respect to a capitalized or operating lease, by obtaining an assignment or a coterminous sublease. If a national bank enters into a sublease that is not coterminous, the period during which the master lease must be divested will be suspended for the duration of the sublease, and will begin running again upon termination of the sublease. Should the OCC determine that a bank has entered into a lease for the purpose of real estate speculation in violation of 12 U.S.C. 29 and this part, the OCC will take appropriate measures to address the violation, including requiring the bank to take immediate steps to divest the lease; and

(4) With respect to a transaction that does not qualify as a disposition under paragraphs (a) (1) through (3) of this section, by receiving or accumulating from the purchaser an amount in cash, principal and interest payments, and private mortgage insurance totalling at least 10 percent of the sales price, as measured in accordance with generally accepted accounting principles.

(b) *Disposition efforts and documentation.* The national bank shall make diligent and ongoing efforts to dispose of each parcel of OREO, and shall maintain documentation adequate to reflect those efforts.

§ 34.84 Future bank expansion.

A national bank normally should use real estate acquired for future bank expansion within five years. After holding such real estate for one year, the bank shall state, by resolution of the board of directors or an appropriately authorized bank official or subcommittee of the board, definite plans for its use. The resolution or other official action must be available for inspection by national bank examiners.

§ 34.85 Appraisal requirements.

(a) *In general.* (1) Upon transfer to OREO, the national bank shall substantiate the parcel's market value by obtaining either:

(i) An appraisal in accordance with subpart C of this part; or

(ii) An appropriate evaluation when the recorded investment amount is equal to or less than the threshold amount in subpart C of this part.

(2) The national bank shall develop a prudent real estate collateral evaluation policy that allows the bank to monitor the value of each parcel of OREO in a manner consistent with prudent banking practice.

(b) *Exception.* If a national bank obtained, in accordance with subpart C of this part, a valid appraisal or an appropriate evaluation in connection with a real estate loan, then the bank need not obtain another appraisal or evaluation when it acquires ownership of the property. However, the bank shall continue to follow the prudent real estate collateral evaluation policy required in paragraph (a)(2) of this section.

(c) *Sales of OREO.* A national bank need not obtain a new appraisal or evaluation when selling OREO if the sale is consummated based on a valid appraisal or an appropriate evaluation.

§ 34.86 Additional expenditures and notification.

(a) *Additional expenditures on OREO.* For OREO that is a development or improvement project, a national bank may make advances to complete the project if the advances:

(1) Are reasonably calculated to reduce any shortfall between the parcel's market value and the bank's recorded investment amount;

(2) Are not made for the purpose of speculation in real estate; and

(3) Are consistent with safe and sound banking practices.

(b) *Notification procedures.* (1) A national bank shall notify the appropriate supervisory office at least 30 days before implementing a development or improvement plan for OREO when the sum of the plan's estimated cost, the bank's current recorded investment amount, and any unpaid prior liens on the property exceeds 10 percent of the bank's capital. A national bank need notify the OCC under this paragraph only once. A national bank need not notify the OCC that the bank intends to re-fit an existing building for new tenants or to make normal repairs and incur maintenance costs to protect the value of the collateral.

(2) The required notification must demonstrate that the additional expenditure is consistent with the conditions and limitations in paragraph (a) of this section.

(3) Unless informed otherwise, the bank may implement the proposed plan on the thirty-first day (or sooner, if notified by the OCC) following receipt by the OCC of the bank's notification, subject to any conditions imposed by the OCC.

§ 34.87 Accounting treatment.

OREO, and sales of OREO, are to be accounted for in accordance with the Instructions for the preparation of the Consolidated Reports of Condition and Income.

Dated: June 9, 1995.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 95–16476 Filed 7–6–95; 8:45 am]

BILLING CODE 4810–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[RI7–1–5812; A–1–FRL–5226–3]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island Non-CTG RACT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Rhode Island were received by the Environmental Protection Agency (EPA) on January 25, 1993 and November 1, 1994. The intended effect of the revisions was to change two regulations, both of which require the implementation of reasonably available control technology (RACT) for certain sources of volatile organic compounds (VOCs), as required by the Clean Air Act, as amended in 1990 (the Act). The EPA has evaluated these modifications to Rhode Island's regulations and by this notice is proposing to approve one of the revised regulations into the SIP. EPA is also proposing a limited approval/limited disapproval of one of the revised regulations. This action is being taken under Section 110(k)(3) of the Act.

DATES: Comments must be received on or before August 7, 1995. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203–2211. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Division of Air Resources, 291 Promenade Street, Providence, RI.

FOR FURTHER INFORMATION CONTACT: Anne Arnold, (617) 565–3166.

SUPPLEMENTARY INFORMATION: On January 25, 1993, the Rhode Island DEM submitted a revision to its SIP. The revision consists of changes made pursuant to the requirements of Section 182(b)(2) of the Act to the following Rhode Island Air Pollution Control Regulations: Air Pollution Control Regulation Number 15, ''Control of Organic Solvent Emissions,'' and Air Pollution Control Regulation Number 21, ''Control of Volatile Organic Compound Emissions from Printing Operations.'' On November 1, 1994, the Rhode Island DEM submitted a second revision to Air Pollution Control Regulation Number 15.

I. Background

Under the pre-amended Clean Air Act (i.e., the Clean Air Act before the enactment of the amendments of November 15, 1990), ozone nonattainment areas were required to adopt RACT rules for sources of VOC emissions. EPA issued three sets of control technique guideline (CTG) documents, establishing a ''presumptive norm'' for RACT for various categories of VOC sources. The three sets of CTGs were: (1) Group I—issued before January 1978 (15 CTGs); (2) Group II—issued in 1978 (9 CTGs); and (3) Group III—issued in the early 1980's (5 CTGs). Those sources not covered by a CTG were called non-CTG sources. EPA determined that the area's SIP-approved attainment date established which RACT rules the area needed to adopt and implement. Under Section 172(a)(1), ozone nonattainment areas were generally required to attain the ozone standard by December 31, 1982. Those areas that submitted an attainment demonstration projecting attainment by that date were required to adopt RACT for sources covered by the Group I and II CTGs. Those areas that sought an extension of the attainment date under Section 172(a)(2) to as late as December 31, 1987 were required to adopt RACT for all CTG sources and for all major (i.e., 100 ton per year or more of VOC emissions) non-CTG sources.

Under the pre-amended Clean Air Act, the entire State of Rhode Island was designated as nonattainment for ozone and did not seek an extension of the attainment date under Section 172(a)(2). Therefore, the State was only required to adopt RACT for sources covered by the Group I and II CTGs. In lieu of adopting some of the Group II CTG regulations, however, Rhode Island adopted and submitted a regulation covering all unregulated major (i.e., 100 ton per year or more of VOC emissions) non-CTG sources. However, the State of Rhode Island did not attain the ozone standard by the approved attainment date. On May 25, 1988, EPA notified the Governor of Rhode Island that portions of the SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). Rhode Island adopted corrections to the State rules on December 10, 1989 which were approved into the State SIP on September 30, 1991. On November 15, 1990, amendments to the Clean Air Act were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In Section 182(a)(2)(A) of the amended Act, Congress adopted the requirement that pre-enactment ozone nonattainment areas that retained their designation of nonattainment and were classified as marginal or above fix their deficient RACT rules for ozone by May 15, 1991. All of Rhode Island was classified as serious nonattainment for ozone. 56 FR 56694 (Nov. 6, 1991). The SIP revisions approved on September 30, 1991 made Rhode Island's RACT rules consistent with existing CTGs and no revisions were required to meet the fix-up requirements.

Section 182(b)(2) of the amended Act requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the Section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing CTG—i.e., a CTG issued prior to the enactment of the 1990 amendments to the Act; (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG, i.e., non-CTG sources. This RACT requirement applies to nonattainment areas that were previously exempt from certain RACT requirements to ''catch up'' to those nonattainment areas that became subject to such requirements during an earlier period. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those for previously designated nonattainment areas.

On October 30, 1992, Rhode Island adopted regulations to meet the RACT ''catch-up'' requirement which were approved into the State SIP on October 18, 1994 (59 FR 52427). However, under Section 182 of the Act, the major source definition for serious nonattainment areas was lowered to include sources that have a potential to emit 50 tons or greater of VOCs per year. Therefore, the State also needed to lower the applicability cutoff of its graphic arts and non-CTG regulations (Regulations 21 and 15, respectively) to include newly classified major sources in these categories. On January 15, 1993, Rhode Island submitted revisions to Regulations 15 and 21 to EPA as a SIP revision and on November 21, 1994, Rhode Island submitted a second revision to Regulation 15 to EPA as a SIP revision.

In addition, under Section 182 of the Act, Rhode Island is also required to implement RACT for all VOC sources covered by a post-enactment CTG. A CTG for two source categories, SOCMI (synthetic organic chemical manufacturing industry) Distillation and SOCMI Reactors, was issued on November 15, 1993. On April 5, 1995, Rhode Island submitted a negative declaration for these two source categories.

The amendments to Regulations 15 and 21 will reduce VOC emissions. VOCs contribute to the production of ground level ozone and smog. These rules were adopted as part of an effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone. The following is EPA's evaluation and proposed action for the changes to Rhode Island's Air Pollution Control Regulations Number 15 and 21 and for the negative declarations submitted by the State.

II. EPA Evaluation and Proposed Action

Rhode Island submitted a negative declaration for the SOCMI Distillation and SOCMI Reactor source categories. Through the negative declaration, the State of Rhode Island is asserting that there are no sources within the State would be subject to a rule for these source categories. EPA is proposing to approve this negative declaration as meeting the Section 182(b)(2) RACT requirements for these two source categories. However, if evidence is submitted during the comment period that there are existing sources within the State of Rhode Island that, for purposes of meeting the RACT

requirements, would be subject to a rule for these categories, if developed, EPA would be unable to take final approval action on the negative declarations.

Rhode Island also submitted revisions to its Regulation 21 (graphic arts rule) and its Regulation 15 (RACT for major non-CTG sources). In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the Act and EPA regulations, as found in Section 110 and Part D of the Act and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). EPA's interpretation of these requirements, which forms the basis for today's action, appears in various EPA policy guidance documents. The specific guidance relied on for this action is referenced within the technical support document and this notice. For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of CTG documents. The CTGs are based on the underlying requirements of the Act and specify presumptive norms for RACT for specific source categories. EPA has not yet developed CTGs to cover all sources of VOC emissions. Further interpretations of EPA policy are found in, but not limited to, the following: 1) the proposed Post-1987 ozone and carbon monoxide policy, 52 FR 45044 (November 24, 1987); 2) the document entitled, ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice,'' otherwise known as the ''Blue Book'' (notice of availability was published in the **Federal Register** on May 25, 1988); 3) the ''Model Volatile Organic Compound Rules for Reasonably Available Control Technology,'' (Model VOC RACT Rules) issued as a staff working draft in June of 1992; and 4) in the existing CTGs. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

The significant changes to Rhode Island's VOC regulations that were included in the January 25, 1993 and November 1, 1994 submittals are briefly summarized below.

Section 15.1

Rhode Island amended the definition of ''Volatile organic compound'' to be consistent with EPA's definition published in the February 3, 1992 **Federal Register**. Although Rhode Island's definition of VOC contains the additional language ''Classification of methylene chloride as an exempt compound does not relieve the facility of the requirements of Regulation 22 (Air Toxics)'' which is not included in EPA's definition of VOC, this language was not submitted as part of the SIP revision.

Section 15.2

This section has been amended to include the new applicability requirements for sources with potential VOC emissions of 50 tons per year or more, while keeping the compliance deadlines for sources which were subject under previous versions of this regulation. Section 15.2.3 lists equipment or pollution emitting activities that are not subject to RACT, including activities that are regulated by Air Pollution Control Regulations 11, 18, 19, 21, 22.6, 25 and 26, or which have been determined to be BACT or LAER in a permit issued by the Division after November 15, 1990 pursuant to Air Pollution Control Regulation No. 9; application of pesticides; and blending of distillate or residual fuel oils.

Section 15.2.3 of the January 23, 1993 submittal also exempted emissions from tenter frames and from coatings used to meet U.S. military performance specifications which cannot be reformulated. This is inconsistent with EPA guidance because it may have resulted in the exemption of major sources, and was therefore not approvable. Rhode Island's November 1, 1994 submittal removed these exemptions. This section is therefore approvable.

Section 15.3

Rhode Island removed requirements from Regulation 15, previously found in 15.3, which had defined requirements for miscellaneous facilities emitting less than 100 tons per year. Under this section, sources which emitted more than 40 pounds/day/unit or 100 pounds/day/facility of VOC containing ''highly photochemically reactive solvent'' as previously defined in the regulation were required to reduce emissions to a level of 85% control or RACT. Rhode Island has deleted these requirements from the regulation. Section 193, the General Savings Clause, of the Clean Air Act states that no control requirement adopted prior to the enactment of the Clean Air Act Amendments of 1990 may be modified after enactment unless the modification insures equivalent or greater emission reductions. Although the above mentioned requirements were deleted from Regulation 15, Rhode Island's regulations will cover approximately the same sources, because the applicability thresholds in several regulations have been lowered. For example, Regulations 15 and 21 now cover sources with the potential to emit 50 TPY year. Also, Regulation 19, which covers most existing surface coating categories in the State, previously had an applicability threshold of potential emissions of 100 tons per year, now has an applicability threshold of 15 lbs/day. Thus, EPA has determined that Rhode Island's regulatory amendments insure equivalent or greater emissions reductions consistent with Section 193 of the Clean Air Act.

Section 15.3 now defines RACT for major sources. Section 15.3 essentially establishes three RACT options. The first option allows sources submitting a RACT plan by July 28, 1993, to define RACT specifically for that facility, subject to the approval of the State and EPA. This would require a case-by-case SIP revision. Sources not submitting a plan by July 28, 1993 may demonstrate compliance by installing controls which reduce inlet emissions by at least 95% and which are designed to capture and control emissions to obtain an overall reduction efficiency of 85% of uncontrolled VOC emissions. Alternately, the source may demonstrate compliance through reducing daily VOC use and emissions so that actual emissions do not exceed 20% of the daily VOC emissions during 1990, calculated on either a mass of VOC per mass of solids applied basis in the case of surface coating sources, or a mass of VOC per unit production basis. These two methods would not require a case-by-case revision to Rhode Island's SIP to make RACT federally enforceable.

Section 15.3.5

Section 15.3.5 has been amended to allow carbon adsorbers a 7-day rolling average compliance time. Previously, sources were required to comply with a 24-hour averaging time, or the length of the adsorption cycle, whichever is less. A section has been added that states specifically how compliance with a 7-day rolling average shall be determined, and allows the source to apply for a longer averaging time. This is consistent with EPA's model rule, Section XX.3083(a)(2)(iii)(A), which allows compliance to be determined based on a 7-day rolling average. The model rule allows a source to petition for a longer averaging time, not to exceed 30 days, using Appendix A. In addition to the 7-day rolling average, Rhode Island does allow a longer averaging time at the Director's discretion, and requires that the longer averaging time be consistent with EPA guidance, and is not to exceed a 30 day rolling average.

Sections 15.3.7–15.3.10

The main issue associated with this action concerns the generic nature of Sections 15.3.7–15.3.9. Section 182(b)(2) of the Clean Air Act requires that a SIP revision be submitted by November 15, 1992 including ''provisions to require the implementation of reasonably available control technology ....'' In addition, the necessary SIP revision is required to ''provide for the implementation of the required measures as expeditiously as practicable but no later than May 31, 1995.'' For major non-CTG sources of VOCs not regulated under the Act prior to the 1990 Amendments, the addition of 15.3.7–15.3.10 sets forth both presumptive RACT norms and processes by which RACT can be established for those sources that cannot meet the presumptive norms. However, Section 182(b)(2) of the Clean Air Act requires that a SIP revision be submitted by November 15, 1992 including ''provisions to require the implementation of reasonably available control technology ...'' In addition, the necessary SIP revision is required to ''provide for the implementation of the required measures as expeditiously as practicable but no later than May 31, 1995.''

Since Section 15.3.10 defines presumptive norms for RACT, and is consistent with EPA's Model VOC RACT Rules for ''Other Facilities that Emit Volatile Organic Compounds,'' that portion of the regulation meets the requirements of Section 182. However, since the option for meeting RACT defined in Sections 15.3.7 through 15.3.9 describes a process by which RACT can be defined but does not specifically define RACT for each source to which such option applies, that portion of the rule is not approvable at this time. Therefore, EPA is proposing a limited approval/limited disapproval of Regulation 15. To receive full approval, Rhode Island will need to define explicitly, and have approved by EPA, RACT for all of those sources which do not choose to conform to the presumptive RACT options outlined in the regulation. Alternatively, if it is determined that none of the affected sources will rely on Sections 15.3.7 through 15.3.9 to implement RACT, Regulation 15 can be fully approved upon Rhode Island making such a demonstration.[1]

[1] According to information provided verbally by Rhode Island DEM staff on June 13, 1995, the State will be submitting single source SIP revisions for the following sources: Hoechst Celanese; CCL Custom Manufacturing, Inc.; and Cranston Print Works.

Section 21.2

Sections 21.2.1 and 21.2.4 change the applicability of the regulation from potential to emit 100 tons per year to potential to emit 50 tons per year. This change was made to address, in part, the requirement that Rhode Island impose RACT requirements on all major sources. EPA had made the determination that RACT, as originally defined for graphic arts sources greater than 100 TPY, is appropriate for sources down to 50 tons per year. Section 21.2.2 exempts emissions from equipment used for research, so long as emissions from all such equipment at the facility do not exceed 450 pounds in any month. This exemption is consistent with the model rule. (See XX.3001(c) of the model rule, which allows equipment at a facility to be exempted if the equipment is used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance if the total actual emissions do not exceed 450 lbs/month.)

Section 21.3.2

Section 21.3.2 has been amended to allow carbon adsorbers a 7-day rolling average compliance time. This change is similar to the change made to Section 15.3.5, and is consistent with EPA's model rule.

Proposed Action

EPA has evaluated Rhode Island's submittal for consistency with the Act, EPA regulations, and EPA policy. EPA is proposing to approve Rhode Island's negative declaration for the SOCMI Reactors and SOCMI Distillation source categories as meeting the requirements of Section 182(b)(2) of the Act for these source categories. In addition, EPA has determined that the changes made to Regulation 21 of Rhode Island's Air Pollution Control Regulations meet the requirements of Section 182(b)(2) of the Act. Therefore, EPA is proposing approval under Section 110(k)(3) of Regulation 21.

However, EPA has determined that Sections 15.3.7, 15.3.8, and 15.3.9 of Regulation 15, do not meet all of the Act's requirements for the reasons described above. EPA believes that approval of Regulation 15 will strengthen the SIP but because of the above-mentioned deficiencies, the rule does not meet the requirements of Section 182(b)(2) of the CAA. In light of such deficiencies, EPA cannot grant full approval of this rule under Section 110(k)(3) and Part D. However, EPA may grant a limited approval of the submitted rule under Section 110(k)(3) and EPA's authority pursuant to Section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also includes a limited disapproval, due to the fact that this rule does not meet the requirement of Section 182(b)(2) because of the deficiencies noted above. Thus, in order to strengthen the SIP, EPA is proposing a limited approval of Rhode Island's Regulation 15 under Section 110(k)(3) and 301(a) of the CAA. As stated, EPA is also proposing a limited disapproval of Regulation 15 under Sections 110(k)(3) and 301(a) of the Act because the rule contains deficiencies that have not been corrected as the Act requires.

Under Section 179(a)(2), if the Administrator disapproves a submission under Section 110(k) for an area designated nonattainment based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in Section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and offsets. The 18-month period referred to in Section 179(a) will begin on the effective date established in the final limited disapproval. If the deficiency is not corrected within 6 months of the imposition of the first sanction, the second sanction will apply. This sanctions process is set forth at 59 FR 39832 (Aug. 4, 1994), to be codified at 40 CFR 52.31. Moreover, the final disapproval triggers the federal implementation plan (FIP) requirement under Section 110(c).

EPA is not taking action on Section 15.2.2., the last sentence of Section 15.1.2, the last sentence of Section 21.1.7., and Section 21.2.3, as these were not submitted by the State as part of the January 25, 1993 or November 1, 1994 submittals.

EPA's evaluation of all the submitted regulations is detailed in memoranda, dated 11/2/94 and 1/9/95 entitled ''Technical Support Document for Rhode Island's Revised Regulations for Non-CTG RACT'' and ''Technical Support Document for Rhode Island's Revised Regulations for Non-CTG RACT—Addendum.'' Copies of these documents are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this action.

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.

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 Section 182(b)(2) of 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 proposed for approval by this action would 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 proposed 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.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future notice will inform the general public of these tables. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

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 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, 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 Act 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. 7410 (a)(2).

Also, EPA's limited disapproval of the state request under Section 110 and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal limited disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's limited disapproval of the submittal does not impose any new requirements. Therefore, EPA certifies that this limited disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements not does it impose any new requirements.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: June 26, 1995.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 95–16756 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[PP 4E4404/P618; FRL–4962–1]

RIN 2070–AC18

Glyphosate; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish pesticide tolerances for residues of glyphosate in or on the raw agricultural commodities peppermint and spearmint. The Interregional Research Project No. 4 (IR-4) requested in a petition submitted to EPA pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA) this proposed regulation to establish maximum permissible levels for residues of the pesticide in or on the commodities.

DATES: Comments, identified by the document control number [PP 4E4404/P618], must be received on or before August 7, 1995.

ADDRESSES: By mail, submit written comments 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 comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information.'' CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment 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. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 4E4404/P618]. Electronic comments on this proposed 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: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington,