

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 357

Regulations Governing Book-Entry Treasury Bonds, Notes and Bills (Department of the Treasury Circular, Public Debt Series No. 2-86); Correction

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Final rule; correction.

SUMMARY: The Fiscal Service published in the **Federal Register** of April 16, 1997, a final rule amending regulations governing book-entry Treasury bills, notes and bonds. This document corrects the amendatory instructions for an amendment to 31 CFR part 357.

EFFECTIVE DATE: April 16, 1997.

FOR FURTHER INFORMATION CONTACT: Jacqueline L. Jackson, Attorney, Office of the Chief Counsel, Bureau of the Public Debt (202) 219-3485.

SUPPLEMENTARY INFORMATION: The Fiscal Service published a final rule in the issue of the **Federal Register** for April 16, 1997 (62 FR 18694), amending text in the definition section. The section was designated § 357.3 instead of 357.2. This final rule corrects the amendatory instruction and regulatory text that described the intended amendment.

Correction

1. In final rule document 97-9543, beginning on page 18694 in the **Federal Register** issue of April 16, 1997, make the following correction. On page 18694, correct instruction No. 2 and the section heading that follows it to read as follows:

2. Section 357.2 is amended by adding the following definition to read as follows:

§ 357.2 Definitions.

* * * * *

Dated: June 16, 1997.

Richard L. Gregg,

Commissioner of the Public Debt.

[FR Doc. 97-16172 Filed 6-19-97; 8:45 am]

BILLING CODE 4810-39-P

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 370

Regulations Governing Payments by the Automated Clearing House Method on Account of United States Securities

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: The Department of the Treasury published in the **Federal Register** of October 22, 1996 a document concerning the use of debit ACH for the purchase of Treasury bills, bonds and notes. Inadvertently a numbering error occurred which designated sections 370.1 through 370.4 as Subpart A, when only section 370.1 should have been so designated.

EFFECTIVE DATE: October 22, 1996.

FOR FURTHER INFORMATION CONTACT: Maureen Parker, Director, Division of Securities Systems, Bureau of the Public Debt (304) 480-7761; Susan Klimas, Attorney-Adviser, Office of the Chief Counsel, Bureau of the Public Debt (304) 480-5192.

SUPPLEMENTARY INFORMATION: The Department of the Treasury published in the **Federal Register** of October 22, 1996, a document which, in part, designated section 370.1 through 370.4 as Subpart A, when only section 370.1 should have been so designated. This correction clarifies the amendatory instruction that described the intended redesignation.

Correction

1. In final rule document 96-26376, on page 54910 in the **Federal Register** issue of October 22, 1996, make the following correction: On page 54910, in the second column, correct instruction 4 to read as follows:

§ 370.1 [Corrected]

4. Section 370.1 is designated as Subpart A and a heading for subpart A is added to read as follows:

Dated: June 16, 1997.

Richard L. Gregg,

Commissioner of the Public Debt.

[FR Doc. 97-16173 Filed 6-19-97; 8:45 am]

BILLING CODE 4810-39-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OR65-7280; FRL-5823-8]

Approval and Promulgation of State Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a revision to the State of Oregon Implementation Plan. This revision establishes and requires a source-specific Reasonably Available Control Technology (RACT) volatile organic compound (VOC) emissions standard for PCC Structurals, Inc., Large Parts Campus, at 4600 SE Harney Drive, Portland, Oregon. This action is being taken under Part D of the Clean Air Act.

EFFECTIVE DATE: July 21, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue, Seattle, Washington 98101, and the Oregon Department of Environmental Quality, 811 S.W. Sixth Avenue, Portland, Oregon 97204-1390.

FOR FURTHER INFORMATION CONTACT: Denise Baker, Office of Air Quality (OAQ-107), EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, phone (206) 553-8087.

SUPPLEMENTARY INFORMATION:

I. Background

Section 172 (a)(2) and (b)(3) of the Clean Air Act (CAA), as amended in 1977 (1977 Act), required sources of VOC to install, at a minimum, RACT in order to reduce VOC emissions. EPA has defined RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility (44 FR 53761, September 17, 1979). EPA has developed Control Technology Guidelines (CTGs) for the purpose of informing State and local air pollution control agencies of air pollution control techniques available for reducing emissions of VOC from various categories of sources. Each CTG contains recommendations to the States of what EPA calls the "presumptive norm" for RACT. This general statement of agency policy is based on EPA's evaluation of the capabilities of, and problems associated with, control technologies currently used by facilities

within individual source categories. EPA has recommended that the States adopt requirements consistent with the presumptive norm level.

On March 3, 1978, the entire Portland-Vancouver Interstate Air Quality Maintenance Area (AQMA) was designated by EPA as a non-attainment area for ozone. The Portland-Vancouver Interstate AQMA contains the urbanized portions of three counties in Oregon (Clackamas, Multnomah, and Washington) and one county (Clark) in the State of Washington.

The 1977 Act required States to submit plans to demonstrate how they would attain and maintain compliance with national ambient air standards for those areas designated non-attainment. The 1977 Act further required these plans to demonstrate compliance with primary standards no later than December 31, 1982. An extension of the compliance deadline to December 31, 1987, was possible if the State could demonstrate that, despite implementation of all Reasonably Available Control Measures, the December 31, 1982, date could not be met.

On October 7, 1982, EPA approved the Portland-Vancouver area ozone attainment plan, including an extension of the attainment date to December 31, 1987 (47 FR 44262).

On June 15, 1988, pursuant to section 110(a)(2)(H) of the pre-amended CAA, former EPA Regional Administrator Robie Russell notified the State of Oregon by letter that the State Implementation Plan (SIP) for the Portland-Vancouver area was substantially inadequate to provide for timely attainment of the National Ambient Air Quality Standards (NAAQS). In that letter, EPA identified specific actions needed to correct deficiencies in State regulations to require RACT for sources of VOC. When the CAA was amended in 1990, it required States to correct deficiencies. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that ozone non-attainment areas fix their deficient RACT rules for ozone. Areas designated non-attainment before the effective date of the amendments, and which retained that designation and were classified as marginal or above as of the effective date, are required to meet the RACT fix-up requirement. Under section 182(a)(2)(A), States with such non-attainment areas were mandated to correct their RACT requirements by May 15, 1991. The corrected requirements were to be in compliance with Section 172(b), as it existed before the amendments, and as that section was

interpreted in the pre-amendment guidance. The Portland part of the Portland-Vancouver non-attainment area is classified as marginal. Therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991 deadline.

On May 15, 1991, the State of Oregon submitted Oregon Administrative Rules (OAR) 340-22-100 through 340-22-220, General Emission Standards for Volatile Organic Compounds, as an amendment to the Oregon SIP. On September 29, 1993, EPA approved these revisions to the Oregon SIP (58 FR 50848). Part of these amended rules included a requirement for RACT for non-CTG sources.

On February 3, 1997, the Oregon Department of Environmental Quality (ODEQ) submitted to EPA a proposed revision to its SIP. This proposed revision was a draft source-specific revision to the State of Oregon Clean Air Act Implementation Plan, OAR 340-020-0047, and was submitted pursuant to 40 CFR 51.103. The proposed revision consisted of a RACT determination for PCC Structurals, Inc., Large Parts Campus, at 4600 SE Harney Drive, Portland, Oregon.

On March 7, 1997 (62 FR 10498), EPA proposed to approve ODEQ's revision to the SIP, establishing and requiring a source-specific RACT VOC emissions standard for PCC Structurals, Inc. In its notice of proposed approval, EPA reviewed in detail the basis for its proposed actions. The March 7, 1997, revision was proposed under a procedure called parallel processing, whereby EPA proposed rule-making action concurrently with the State's procedures for amending its regulations.

Since no substantial changes were made to the proposed rule-making action, other than those areas cited in the notice, ODEQ published a Final Rule-making Notice on the revisions. The SIP revision was adopted by ODEQ and, on April 7, 1997, submitted formally to EPA for incorporation into the SIP.

II. Response to Comments

The following comments were received during the public comment period ending April 7, 1997. EPA's response follows each comment.

(1) *Comment:* The commenter asserted that only conditions 19, 20, and 21 in PCC Structurals' proposed Addendum No. 2 should be incorporated into the SIP. These conditions are specifically identified in the addendum as RACT conditions, and only those conditions are relevant to the RACT determination. Conditions 12, 13, and 22 were included in PCC

Structurals' proposed Addendum No. 2, but are unrelated to the RACT determination. Therefore, conditions 12, 13, and 22 do not belong in the SIP.

Response: The commenter is correct. The conditions cited in EPA's March 7, 1997, notice of proposed approval were based on an earlier draft of PCC Structurals' Air Permit, constituting ODEQ's RACT determination. EPA agrees that conditions 12, 13, and 22 are not part of the ODEQ RACT determination and should therefore not be part of the SIP amendment.

III. Final Action

EPA is approving a revision to the SIP, establishing and requiring a source-specific RACT VOC emissions standard for PCC Structurals, Inc., Large Parts Campus, at 4600 SE Harney Drive, Portland, Oregon. Only conditions 19, 20, and 21 in PCC Structurals' proposed Addendum No. 2 are incorporated into the SIP.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

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 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).

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 the 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 on 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 August 19, 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 30, 1997.

Philip G. Millam,

Acting Regional Administrator.

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 MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c)(121) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(121) On April 7, 1997, the Director of the Oregon Department of Environmental Quality (ODEQ) submitted a Reasonably Available Control Technology (RACT) determination for VOC emissions from PCC Structurals, Inc., Large Parts Campus, at 4600 SE Harney Drive, Portland, Oregon.

(i) Incorporation by reference.

(A) The letter dated April 7, 1997, from the Director of ODEQ submitting a SIP revision for a RACT determination contained in PCC Structurals, Inc.'s Oregon Title V Operating Permit for VOC emissions, consisting of permit

#26-1867, expiration date 4-1-2000, effective date April 4, 1997. Only conditions 19, 20, and 21 in PCC Structurals' Addendum No. 2 to permit #26-1867 are incorporated into the SIP.

[FR Doc. 97-16114 Filed 6-19-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300506; FRL-5725-7]

RIN 2070-AB78

Tebuconazole; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of the fungicide tebuconazole in or on barley grain, barley hay, barley straw, wheat hay, wheat straw, pistachios, milk, and meat byproducts of cattle, goats, hogs, horses, poultry and sheep in connection with EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act. These tolerances will expire and are revoked on June 30, 1998.

DATES: This regulation becomes effective June 20, 1997. Objections and requests for hearings must be received by EPA on or before August 19, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300506], 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-300506], must 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 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