make the records retained pursuant to paragraph (a) of this section available to the PBGC upon request for inspection and photocopying at the location where they are kept (or another, mutually agreeable, location) and shall submit information in such records to the PBGC within 45 days of the date of the PBGC's written request therefor, or by a different time specified therein.

(2) *Extension.* Except as provided in paragraph (c)(3) of this section, the plan administrator may automatically extend the period described in paragraph (c)(1) by submitting a certification to the PBGC prior to the expiration of that time period. The certification shall—

(i) Specify a date to which the time period described in paragraph (c)(1) is extended that is no more than 90 days from the date of the PBGC's written request for information; and

(ii) Contain a statement, certified to by the plan administrator under penalty of perjury (18 U.S.C. § 1001), that, despite reasonable efforts, the additional time is necessary to comply with the PBGC's request.

(3) *Shortening of time period.* The PBGC may in its discretion shorten the time period described in paragraph (c)(1) or (c)(2) of this section where it determines that collection of unpaid premiums (or any associated interest or penalties) would otherwise be jeopardized. If the PBGC shortens the time period described in paragraph (c)(1), no extension is available under paragraph (c)(2).

(d) *Address and timeliness.* Information required to be submitted under paragraph (c) of this section shall be submitted to the address specified in the PBGC's request. The timeliness of a submission shall be determined in accordance with §§ 4007.5 and 4007.6.

Issued in Washington, D.C. this 2nd day of July, 1997.

Alexis M. Herman,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above pursuant to a resolution of the Board of Directors authorizing its Chairman to issue this final rule.

James J. Keightley,

Secretary, Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc. 97–17952 Filed 7–8–97; 8:45 am]

BILLING CODE 7708–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL–5855–4]

Air Pollution; Standards of Performance for New Stationery Sources; Municipal Waste Combustors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Revised notice of determination of part 60 applicability.

SUMMARY: The Environmental Protection Agency (EPA) has revised its determination that the 1995 ''Standards of Performance for Municipal Waste Combustors'' (Part 60, Subpart Eb) will apply to all three municipal waste combustor units in a ''waste-to-energy'' conversion project proposed by the Central Wayne Energy Recovery Limited Partnership (Central Wayne), necessary to be consistent with a recent court opinion that vacated in part the 1995 standards.

EFFECTIVE DATE: This determination took effect on June 3, 1997. Petitions for review of this determination must be filed on or before September 8, 1997 in accordance with the provisions of section 307(b)(1) of the Clean Air Act.

ADDRESSES: The related material in support of this decision may be examined during normal business hours at the United States Environmental Protection Agency, Air and Radiation Division, Air Enforcement and Compliance Assurance Branch, 17th Floor, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Gahris of U.S. EPA Region 5, Air Enforcement and Compliance Assurance Branch (AE–17J), 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone (312) 886–6794.

SUPPLEMENTARY INFORMATION: On August 16, 1995, the Director of Wayne County, Michigan's Air Quality Management Division, requested a determination on the applicability of the New Source Performance Standards for New Stationary Sources (NSPS) to a ''waste-to-energy'' conversion project proposed by the Central Wayne Energy Limited Partnership for the municipal waste combustor facility located in Dearborn Heights, Michigan. After requesting and receiving additional clarifying information, EPA responded to Wayne County's request by means of a letter dated October 11, 1996 (62 FR 4463, January 30, 1997). EPA determined that each of the MWC units at the facility will become subject to the NSPS for municipal waste combustors (40 CFR Part 60, Subpart Eb, as promulgated on December 19, 1995). This determination was based on the NSPS and emissions guidelines that were published in the **Federal Register** on December 19, 1995, and codified at 40 CFR Part 60, Subparts Eb and Cb, respectively.

Subsequent to this determination, however, the United States Court of Appeals for the District of Columbia Circuit held that the EPA had set standards improperly for facilities with multiple MWC units, and indicated its intention to vacate the 1995 standards in their entirety. *Davis County Solid Waste Management* v. *EPA,* 101 F.3d 1395 (D.C. Cir. 1996). On March 21, 1997, the Court amended its opinion (*see* 108 F.3d 1454 (D.C. Cir. 1997)), and on April 8, 1997, the Court vacated the 1995 standards as they apply to MWC units with capacities to combust less than or equal to 250 tons per day of municipal solid waste (''small units'') and all cement kilns. The 1995 standards, however, have remained in effect for units with capacity greater than 250 tons per day (''large MWC units'') since their promulgation. Because Units 1 and 2 at Central Wayne's proposed facility each have capacities of 250 tons per day, they are small units; therefore, EPA has revised its determination to exclude Units 1 and 2 from its previous determination because Subparts Cb and Eb have been vacated as they apply to small units such as these. Unit 3, because it is a large unit unaffected by the court opinion, is not affected by this decision.

In addition, EPA's revised applicability determination provides clarification to Wayne County Department of Environment's question on how to apply emission limits in situations where several units share the same stack, which is the case for Central Wayne's facility as presently proposed. In EPA's October 11, 1996 applicability determination, EPA indicated it was EPA's policy and practice to apply the strictest standard to all of the units. In its June 3, 1997 revised applicability determination, EPA indicated that, in light of the *Davis* decision, Central Wayne may propose a redesign or reconfiguration of its facility by which it can demonstrate that each unit is in compliance with the applicable emission standards by testing while operating only one unit at time, or by any alternate means it may suggest for EPA's review and approval. If the source cannot meet this showing, then the EPA policy of applying the strictest standard will govern.

In addition to the publication of this action, EPA is placing a copy of this

determination on its Technology Transfer Network (TTN) bulletin board service.

(Sec. 111 and Sec.129, Clean Air Act (42 U.S.C. 7411))

Date: June 26, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97–17947 Filed 7–8–97; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300509; FRL–5728–8]

RIN 2070–AB78

Lambda-cyhalothrin; Time-Limited Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for the combined residues of lambda-cyhalothrin and its epimer in or on rice. The names for lambda-cyhalothrin and its epimer are as follows: Lambda-cyhalothrin, a 1:1 mixture of (*S*)-alpha-cyano-3-phenoxybenzyl-(*Z*)-(1*R*,3*R*)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl) -2,2-dimethylcyclopropanecarboxylate and (*R*)-alpha-cyano-3-phenoxybenzyl-(*Z*)-(1*S*,3*S*) -3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and Epimer of lambda-cyhalothrin, a 1:1 mixture of (*S*)-alpha-cyano-3-phenoxybenzyl-(*Z*)-(1*S*,3*S*)-3-(2-chloro-3,3,3- trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and (*R*)-alpha-cyano-3-phenoxybenzyl-(*Z*)-(1*R*,3*R*)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate. The Zeneca Ag Products requested this tolerance under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1966 (Pub. L. 104–170). The tolerance will expire on November 15, 1997.

DATES: This regulation is effective July 9, 1997. Objections and requests for hearings must be received by EPA on or before September 8, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300509], 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 withthe Hearing Clerk identified by the docket control number, [OPP–300509], must also 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 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–300509]. 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: George T. LaRocca, Product Manager (PM) 13, 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) 308-6100, e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 19, 1997 (62 FR 7454; FRL–5585–5), 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 petition (PP 6F4769) for tolerance by Zeneca Ag Products, 1800 Concord Pike, P.O. 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 petition requested that 40 CFR 180.438 be amended by establishing a tolerance for combined residues of the insecticide lambda-cyhalothrin and its epimer (CAS NO. 91465–08–6; EPA Chemical NO. 128867), in or on rice grain at 1.0 parts per million (ppm), rice straw at 1.75 ppm, rice hulls at 5.0 ppm. Subsequent to this filing EPA recommended that the tolerance on rice straw be rounded off to 1.8 ppm.

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 children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. Second, EPA examines exposure to the pesticide through the diet (e.g., food and drinking water) and through exposures that occur as a result of pesticide use in residential settings.

A. Toxicity

1. *Threshold and non-threshold effects.* For many animal studies, a dose response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the ''no-observed effect level'' or ''NOEL'').

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD).