

- (h) Modifications
- 18 AAC 50.305. Construction Permit Provisions Requested by the Owner or Operator (effective 1/18/97)
- 18 AAC 50.310. Constructon Permits: Application (effective 1/18/97)
 - (a) Application Required
 - (b) Operating Permit Coordination
 - (c) General Information
 - (d) Prevention of Significant Deterioration Information Table 6. Significant Concentrations
 - (e) Excluded Ambient Air Monitoring
 - (f) Nonattainment Information
 - (g) Demonstration Required Near A Nonattainment Area
 - (h) Hazardous Air Contaminant Information
 - (j) Nonattainment Air Contaminant Reductions
 - (k) Revising Permit Terms
 - (l) Requested Limits
 - (m) Stack Injection
- 18 AAC 50.320. Construction Permits: Content and Duration (effective 1/18/97)
- 18 AAC 50.325. Operating Permits: Classifications (effective 1/18/97)
- 18 AAC 50.330. Operating Permits: Exemptions (effective 1/18/97)
- 18 AAC 50.335. Operating Permits: Application (effective 1/18/97)
 - (a) Application Required
 - (b) Identification
 - (c) General Emission Information
 - (d) Fees
 - (e) Regulated Source Information
 - (f) Facility-wide Information: Ambient Air Quality
 - (g) Facility-wide Information: Owner Requested Limits
 - (h) Facility-wide Information: Emissions Trading
 - (i) Compliance Information
 - (j) Proposed Terms and Conditions
 - (k) Compliance Certifications
 - (l) Permit Shield
 - (m) Supporting Documentation
 - (n) Additional Information
 - (o) Certification of Accuracy and Completeness
 - (p) Renewals
 - (q) Insignificant Sources
 - (r) Insignificant Sources: Emission Rate Basis
 - (s) Insignificant Sources: Category Basis
 - (t) Insignificance Sources: Size or Production Rate Basis
 - (u) Insignificant Sources: Case-by-Case Basis
 - (v) Administratively Insignificant Sources
- 18 AAC 50.340. Operating Permits: Review and Issuance (effective 1/18/97)
 - (a) Review for Completeness
 - (b) Evaluation of Complete Applications
 - (c) Expiration of Application Shield
 - (d) Preliminary Decision
 - (e) Public Comment
 - (f) Record of Public Comment
 - (g) Final Permit Decision
 - (l) Permit Continuity
- 18 AAC 50.345. Opearting Permits: Standard Conditions (effective 1/18/97)
- 18 AAC 50.350. Operating Permits: Content (effective 1/18/97)
 - (a) Purpose of Section
 - (b) Standard Requirements

- (c) Fee Information
 - (d) Source-Specific Permit Requirements
 - (e) Facility-Wide Permit Requirements
 - (f) Other Requirements
 - (g) Monitoring Requirements
 - (h) Records
 - (i) Reporting Requirements
 - (j) Compliance Certification
 - (k) Compliance Plan and Schedule
 - (l) Permit Shield
 - 18 AAC 50.355. Operating Permits: Changes to a Permitted Facility (effective 1/18/97)
 - 18 AAC 50.360. Operating Permits: Facility Changes that Violate a Permit Condition (effective 1/18/97)
 - 18 AAC 50.365. Operating Permits: Facility Changes that do not Violate a Permit Condition (effective 1/18/97)
 - 18 AAC 50.370. Operating Permits: Administrative Revisions (effective 1/18/97)
 - 18 AAC 50.375. Operating Permits: Minor and Significant Permit Revisions (effective 1/18/97)
 - 18 AAC 50.380. General Operating Permits (effective 1/18/97)
 - Article 4. User Fees
 - 18 AAC 50.400. Permit Administration Fees (effective 1/18/97)
 - 18 AAC 50.410. Emission Fees (effective 1/18/97)
 - 18 AAC 50.420. Billing Procedures (effective 1/18/97)
 - Article 9. General Provisions
 - 18 AAC 50.910. Establishing Level of Actual Emissions (effective 1/18/97)
 - 18 AAC 50.990. Definitions (effective 1/18/97)
- * * * *
- [FR Doc. 97-20469 Filed 8-1-97; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Part 62
[FRL-5868-3]**

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Iowa, Kansas, Missouri, and Nebraska

AGENCY: Environmental Protection Agency (EPA).
ACTION: Direct final rule.

SUMMARY: On December 19, 1995, the EPA promulgated Clean Air Act (CAA) section 111(d)/129 emission guidelines for existing Municipal Waste Combustors (MWC) with the capacity to combust in aggregate greater than 35 megagrams (Mg) per day of municipal solid waste (MSW). Section 111(d) requires that states with designated facilities subject to these emission guidelines submit to the EPA plans to control the designated pollutants addressed in the guidelines. If no

designated facility is located within a state, the state may submit a letter of certification to that effect, i.e., a negative declaration, in lieu of a plan. The EPA has received negative declarations from Iowa, Kansas, Missouri, and Nebraska regarding designated facilities in their states. Today the EPA is taking action to approve those negative declarations.

DATES: This action is effective October 3, 1997, unless by September 3, 1997, adverse or critical comments are received.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Aaron J. Worstell at (913) 551-7787.

SUPPLEMENTARY INFORMATION:

I. Background

Section 111(d) of the CAA requires states to submit plans to control certain pollutants (designated pollutants) at existing facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and the EPA has established emission guidelines for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the Act, but emissions of which are subject to a standard of performance for new stationary sources.

On February 11, 1991, the EPA promulgated section 111(d) emission guidelines for existing MWC (56 FR 5523). The emission guidelines were codified at 40 CFR 60 subpart Ca and applied to existing MWC units with the capacity to combust greater than 225 Mg per day of MSW. Section 129 of the Act, added by the 1990 Amendments, required that these emission guidelines be revised to: (1) reflect maximum available control technology; (2) specify guideline emission levels for additional pollutants; and (3) apply to MWC with capacities less than 225 Mg per day of MSW. Accordingly, the EPA, on December 19, 1995, promulgated emission guidelines that meet both the requirement of section 111(d) and section 129 of the CAA. These emission guidelines were codified at 40 CFR 60 subpart Cb, replacing subpart Ca. The subpart Cb emission guidelines apply to existing MWC plants with aggregate charging capacities greater than 35 Mg per day of MSW and establish the

emission limits for MWC metals, MWC acid gases, MWC organics, and MWC nitrogen oxides. Refer to 60 FR 65415 for a complete discussion of subpart Cb.

Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants. Part 62 of the Code of Federal Regulations provides the procedural framework for the submission of these plans. When designated facilities are located in a state, a state must develop and submit a plan for the control of the designated pollutant. However, 40 CFR 62.06 provides that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect, or negative declaration, in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B for that designated pollutant.

II. Final Action

The EPA is taking final action to approve the negative declarations submitted by the states of Iowa, Kansas, Missouri, and Nebraska.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve this action should adverse or critical comments be filed. This action is effective October 3, 1997, unless, by September 3, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action is effective October 3, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request relating to revision to any 111(d) plan. Each request shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., the 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, the 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. I hereby certify that approval of these negative declarations will not have a significant impact on a substantial number of small entities.

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, the 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 private sector, of \$100 million or more. Under section 205, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The 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 negative declarations in lieu of regulatory plans, 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, the 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 this 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 CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 3, 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 62

Environmental protection, Air pollution control, Municipal waste incinerators, Nitrogen dioxide, Particulate matter, and Sulfur oxides.

Authority: 42 U.S.C. 7401-7671q.

Dated: July 11, 1997.

Dennis Grams, P.E.,
Regional Administrator.

Part 62, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart Q—Iowa

2. Subpart Q is amended by adding an undesignated center heading and paragraph § 62.3912 to read as follows:

Emissions from Existing Municipal Waste Combustors With the Capacity to Burn Greater than 35 Megagrams Per Day of Municipal Solid Waste

§ 62.3912 Identification of plan-negative declaration.

Letter from the Iowa Department of Natural Resources submitted December 27, 1996, certifying that there are no municipal waste combustors in the state of Iowa subject to part 60, subpart Cb of this chapter.

Subpart R—Kansas

3. Subpart R is amended by adding an undesignated center heading and paragraph § 62.4177 to read as follows:

Emissions From Existing Municipal Waste Combustors With the Capacity To Burn Greater than 35 Megagrams Per Day of Municipal Solid Waste

§ 62.4177 Identification of plan—negative declaration.

Letter from the Kansas Department of Health submitted April 26 1996, certifying that there are no municipal waste combustors in the state of Kansas subject to part 60, subpart Cb of this chapter.

Subpart AA—Missouri

4. Subpart AA is amended by adding an undesignated center heading and paragraph § 62.6356 to read as follows:

Emissions From Existing Municipal Waste Combustors With the Capacity To Burn Greater than 35 Megagrams Per Day of Municipal Solid Waste

§ 62.6356 Identification of plan—negative declaration.

Letter from the Air Pollution Control Program of the Department of Natural Resources submitted June 3, 1996, certifying that there are no municipal waste combustors in the state of Missouri subject to part 60, subpart Cb of this chapter.

Subpart CC—Nebraska

5. Subpart CC is amended by adding an undesignated center heading and paragraph § 62.6912 to read as follows:

Emissions From Existing Municipal Waste Combustors With the Capacity To Burn Greater than 35 Megagrams Per Day of Municipal Solid Waste

§ 62.6912 Identification of plan—negative declaration.

Letter from the Air Quality Section of the Nebraska Department of Environmental Quality submitted May 13, 1996, certifying that there are no municipal waste combustors in the state of Nebraska subject to part 60, subpart Cb of this chapter.

[FR Doc. 97-20475 Filed 8-1-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 180**

[OPP-300526; FRL-5735-6]

RIN 2070-AB78

Bacillus Cereus Strain BP01; Exemption From the Requirement of a Tolerance.

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final Rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the biological pesticide *Bacillus cereus* strain BP01 for use on cotton. Micro Flo Company, acting through their agent SRA International, submitted a petition to EPA under the Federal Food, Drug and Cosmetic Act as amended by the Food Quality Protection Act of 1996 requesting the tolerance exemption. This regulation eliminates the need to establish a maximum permissible level for residues of *Bacillus cereus* strain BP01 on growing crops.

DATES: This regulation is effective August 4, 1997. Objections and requests for hearings must be received by EPA on or before October 3, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP-300526], 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-300526], 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 be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special

characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket number [OPP-300526]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: James J. Boland, c/o Product Manager (PM) 90, Biopesticides and Pollution Prevention Division (7501W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: 5th fl., CS #1 2800 Crystal Drive, Arlington, VA 22202, (703) 308-8728, e-mail: boland.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 25, 1997 (62 FR 34277)(FRL-5727-1) EPA issued a notice pursuant to section 408(d), of the Federal Food Drug & Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), announcing the filing of a pesticide tolerance petition by SRA International, 1850 M Street NW., Suite 290, Washington DC, 20036, on behalf of the Micro Flo Company, P.O. Box 5948, Lakeland Florida 33807-5948. The notice contained a summary of the petition prepared by the petitioner and this summary contained conclusions and arguments to support its conclusion that the petition complied with the Food Quality Protection Act (FQPA) of 1996. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the biological pest control agent *Bacillus cereus* strain BP01 on growing crops.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The data submitted in the petition and other material have been evaluated. The toxicology data requirements in support of this exemption from the requirement of a tolerance were satisfied.

I. Risk Assessment and Statutory Findings

New section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is