

Dated: December 10, 2001.

**Lawrence E. Starfield,**

*Acting Regional Administrator, Region 6.*

Parts 52 and 81, title 40 of the Code of Federal Regulations are amended as follows:

#### **PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### **Subpart T—Louisiana**

2. Section 52.975 is amended by revising paragraph (f) to read as follows:

#### **§ 52.975 Redesignations and maintenance plans; ozone.**

\* \* \* \* \*

(f) Approval—The Louisiana Department of Environmental Quality (LDEQ) submitted minimal maintenance plans for Lafourche Parish on November 18, 1994. The LDEQ submitted a redesignation request on August 9, 2000. The maintenance plans meet the redesignation requirements in section 107(d)(3)(E) of the Act as amended in 1990. The redesignation meets the Federal requirements of section 182(a)(1) of the Clean Air Act as a revision to the Louisiana ozone State

Implementation Plan for Lafourche Parish.

#### **PART 81—[AMENDED]**

1. The authority citation for part 81 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

2. In § 81.319, the table entitled “Louisiana—Ozone (1-Hour Standard)” is amended by revising the entry for Lafourche Parish to read as follows:

#### **§ 81.319 Louisiana.**

\* \* \* \* \*

#### **LOUISIANA—OZONE (1-HOUR STANDARD)**

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
* * *	* * *	* * *	* * *	* * *
Lafourche Parish .....	2/25/02	Attainment.		
* * *	* * *	* * *	* * *	* * *

<sup>1</sup> This date is October 18, 2000, unless otherwise noted.

[FR Doc. 01–31483 Filed 12–21–01; 8:45 am]

BILLING CODE 6560–50–P

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 63**

[DC001–1000; FRL–7121–7]

#### **Approval of Section 112(l) Authority for Hazardous Air Pollutants; District of Columbia; Department of Health**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule and delegation.

**SUMMARY:** EPA is taking direct final action to approve the District of Columbia (the District) Department of Health’s (DoH’s) request for delegation of authority to implement and enforce its hazardous air pollutant general provisions and hazardous air pollutant emission standards for perchloroethylene dry cleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, halogenated solvent cleaning, and publicly owned treatment works, as well as the test methods, which have been adopted by reference from the Federal requirements set forth in the Code of Federal Regulations (CFR). This approval will automatically delegate future amendments to these regulations once the District incorporates those amendments into its

regulations. In addition, EPA is taking direct final action to approve the District’s mechanism for receiving delegation of future hazardous air pollutant regulations. This mechanism entails DoH’s incorporation by reference of the Federal standard (unchanged), into its hazardous air pollutant regulation, DoH’s notification to EPA of such incorporation, and DoH’s submission of a delegation request letter to EPA following EPA notification of a new Federal requirement. EPA is not waiving its notification and reporting requirements, therefore, sources will need to send notifications and reports to both DoH and EPA. This action pertains to affected sources, as defined by the Clean Air Act’s (CAA or the Act) hazardous air pollutant program. EPA is taking this action in accordance with the Act.

**DATES:** This direct final rule will be effective February 25, 2002 unless EPA receives adverse or critical comments by January 25, 2002. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments on this action should be sent concurrently to: Makeba A. Morris, Chief, Permits and Technical Assessment Branch, Mail Code 3AP11, Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103–2029, and

Donald E. Wambsgans II, Program Manager of the Air Quality Division, District of Columbia Department of Health, 825 North Capital Street, NE., Suite 400, Washington, DC 20002. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and the District of Columbia Department of Health, 825 North Capital Street, NE., Suite 400, Washington, DC 20002.

#### **FOR FURTHER INFORMATION CONTACT:**

Dianne J. McNally, U.S. Environmental Protection Agency, Region 3, 1650 Arch Street (3AP11), Philadelphia, PA 19103–2029, [mcnally.dianne@epa.gov](mailto:mcnally.dianne@epa.gov) (telephone 215–814–3297). Please note that any formal comments must be submitted, in writing, as provided in the **ADDRESSES** section of this document.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Section 112(l) of the Act and 40 CFR part 63 subpart E authorize EPA to approve of State rules and programs to be implemented and enforced in place of certain CAA requirements, including the National Emission Standards for Hazardous Air Pollutants set forth in 40 CFR part 63. EPA promulgated the program approval regulations on November 26, 1993 (58 FR 62262) and subsequently amended these regulations

on September 14, 2000 (65 FR 55810). An approvable State program must contain, among other criteria, the following elements:

(a) A demonstration of the state's authority and resources to implement and enforce regulations that are at least as stringent as the NESHAP requirements;

(b) A schedule demonstrating expeditious implementation of the regulation; and

(c) A plan that assures expeditious compliance by all sources subject to the regulation.

On May 21, 2001, EPA received a request from the District's DoH seeking delegation of authority to implement and enforce the hazardous air pollutant regulations for certain affected sources defined in 40 CFR part 63. At the present time, this request includes the hazardous pollutant general provisions and regulations for perchloroethylene dry cleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, halogenated solvent cleaning, publicly owned treatment works, as well as the hazardous pollutant regulation test methods which have been adopted by reference from the Federal requirements set forth in 40 CFR part 63, subparts A, M, N, T, VVV and Appendix A. The District also requested that EPA automatically delegate future amendments to these regulations and approve DoH's mechanism for receiving delegation of future hazardous air pollutant regulations which it adopts unchanged from the Federal requirements. This mechanism entails the DoH's incorporation by reference of the Federal standard, unchanged, into its hazardous air pollutant regulation at Section 700 of Title 20 of the District of Columbia Municipal Regulation, DoH's notification to EPA of such incorporation, and DoH's submission of a delegation request letter to EPA following notification of a new Federal requirement.

## II. EPA's Analysis of the District's Submittal

Based on the District's program approval request and its pertinent laws and regulations, EPA has determined that such an approval is appropriate in that the District has satisfied the criteria of 40 CFR 63.91. In accordance with 40 CFR 63.91(d)(3)(i), the District's DoH submitted a written finding by the District of Columbia Corporation Counsel which demonstrates that the District of Columbia has the necessary legal authority to implement and enforce its regulations, including the enforcement authorities which meet 40

CFR 70.11, the authority to request information from regulated sources, and the authority to inspect sources and records to determine compliance status. In accordance with 40 CFR 63.91(d)(3)(ii), the District submitted copies of its statutes, regulations and requirements that grant authority to DoH to implement and enforce the regulations. In accordance with 40 CFR 63.91(d)(3)(iii)–(v), the District submitted documentation of adequate resources and a schedule and plan to assure expeditious implementation and compliance by all sources. Therefore, the District's program has adequate and effective authorities, resources, and procedures in place for implementation and enforcement of sources subject to the requirements of 40 CFR part 63, subparts A, M, N, T, VVV and Appendix A, as well as any future emission standards, should the District's DoH seek delegation for these standards. The DoH adopts the emission standards promulgated in 40 CFR part 63 into section 700 of Title 20 of the District of Columbia Municipal Regulations (DCMR). The District's DoH has the primary authority and responsibility to carry out all elements of these programs for all sources covered in the District of Columbia, including on-site inspections, record keeping reviews, and enforcement.

## III. Terms of Program Approval and Delegation of Authority

In order for the District's DoH to receive automatic delegation of future amendments to the hazardous air pollutant general provisions and the perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, halogenated solvent cleaning, publicly owned treatment works regulations and test method regulations, each such amendment must be legally adopted by the District of Columbia. As stated earlier, these amendments are adopted into section 700 of Title 20 of the DCMR. The delegation of amendments to these rules will be finalized on the effective date of the legal adoption. The DoH will notify EPA of its adoption of the Federal regulation amendments.

EPA has also determined that DoH's mechanism for receiving delegation of future hazardous air pollutant regulations, which it adopts unchanged from the Federal requirements, can be approved. This mechanism requires DoH to legally adopt the Federal regulation into section 700 of Title 20 of the DCMR and to notify EPA of such adoption. The DoH is also required to submit a delegation request letter to

EPA following EPA notification of a new Federal requirement. EPA will grant the delegation request, if appropriate, by sending a letter to DoH outlining the authority to implement and enforce the standard. The delegation will be finalized within 10 days of receipt of the delegation letter unless DoH files a negative response. The official notice of delegation of additional emission standards will be published in the **Federal Register**.

The notification and reporting provisions in 40 CFR part 63 requiring the owners or operators of affected sources to make submissions to the Administrator shall be met by sending such submissions to the District's DoH and EPA Region III.

If at any time there is a conflict between a District regulation and a Federal regulation, the Federal regulation must be applied if it is more stringent than that of the District. EPA is responsible for determining stringency between conflicting regulations. If the District's DoH does not have the authority to enforce the more stringent Federal regulation, it shall notify EPA Region III, in writing, as soon as possible so that this portion of the delegation may be revoked.

If EPA determines that DoH's procedures for enforcing or implementing the 40 CFR part 63 requirements are inadequate, or are not being effectively carried out, this delegation may be revoked in whole or in part in accordance with the procedures set out in 40 CFR 63.96(b).

Certain provisions of 40 CFR part 63 allow only the Administrator of EPA to take further standard setting actions. In addition to the specific authorities retained by the Administrator in 40 CFR 63.90(d) and the "Delegation of Authorities" section for specific standards, EPA Region III is retaining the following authorities, in accordance with 40 CFR 63.91(g)(2)(ii):

(1) Approval of alternative non-opacity emission standards, e.g., 40 CFR 63.6(g) and applicable sections of relevant standards;

(2) Approval of alternative opacity standards, e.g., 40 CFR 63.9(h)(9) and applicable sections of relevant standards;

(3) Approval of major alternatives to test methods, as defined in 40 CFR 63.90(a), e.g., 40 CFR 63.7(e)(2)(ii) and (f) and applicable sections of relevant standards;

(4) Approval of major alternatives to monitoring, as defined in 40 CFR 63.90(a), e.g., 40 CFR 63.8(f) and applicable sections of relevant standards; and

(5) Approval of major alternatives to recordkeeping and reporting, as defined in 40 CFR 63.90(a), e.g., 40 CFR 63.10(f) and applicable sections of relevant standards.

The following provisions are included in this delegation, in accordance with 40 CFR 63.91(g)(1)(i), but may only be exercised on a case-by-case basis. When any of these authorities are exercised, the District's DoH must notify EPA Region III in writing:

(1) Applicability determinations for sources during the title V permitting process and as sought by an owner/operator of an affected source through a formal, written request, e.g., 40 CFR 63.1 and applicable sections of relevant standards<sup>1</sup>;

(2) Responsibility for determining compliance with operation and maintenance requirements, e.g., 40 CFR 63.6(e) and applicable sections of relevant standards;

(3) Responsibility for determining compliance with non-opacity standards, e.g., 40 CFR 63.6(f) and applicable sections of relevant standards;

(4) Responsibility for determining compliance with opacity and visible emission standards, e.g., 40 CFR 63.6(h) and applicable sections of relevant standards;

(5) Approval of site-specific test plans<sup>2</sup>, e.g., 40 CFR 63.7(c)(2)(i) and (d) and applicable sections of relevant standards;

(6) Approval of minor alternatives to test methods, as defined in 40 CFR 63.90(a), e.g., 40 CFR 63.7(e)(2)(i) and applicable sections of relevant standards;

(7) Approval of intermediate alternatives to test methods, as defined in 40 CFR 63.90(a), e.g., 40 CFR 63.7(e)(2)(ii) and (f) and applicable sections of relevant standards;

(8) Approval of shorter sampling times/volumes when necessitated by process variables and other factors, e.g., 40 CFR 63.7(e)(2)(iii) and applicable sections of relevant standards;

(9) Waiver of performance testing, e.g., 40 CFR 63.7 (e)(2)(iv), (h)(2), and (h)(3) and applicable sections of relevant standards;

(10) Approval of site-specific performance evaluation (monitoring) plans<sup>3</sup>, e.g., 40 CFR 63.8(c)(1) and (e)(1) and applicable sections of relevant standards;

(11) Approval of minor alternatives to monitoring methods, as defined in 40 CFR 63.90(a), e.g., 40 CFR 63.8(f) and applicable sections of relevant standards;

(12) Approval of intermediate alternatives to monitoring methods, as defined in 40 CFR 63.90(a), e.g., 40 CFR 63.8(f) and applicable sections of relevant standards;

(13) Approval of adjustments to time periods for submitting reports, e.g., 40 CFR 63.9 and 63.10 and applicable sections of relevant standards; and

(14) Approval of minor alternatives to recordkeeping and reporting, as defined in 40 CFR 63.90(a), e.g., 40 CFR 63.10(f) and applicable sections of relevant standards.

As required, the District's DoH and EPA Region III will provide the necessary written, verbal and/or electronic notification to ensure that each agency is fully informed regarding the interpretation of applicable regulations in 40 CFR part 63. In instances where there is a conflict between a DoH interpretation and a Federal interpretation of applicable regulations in 40 CFR part 63, the Federal interpretation must be applied if it is more stringent than that of DoH. Written, verbal and/or electronic notification will also be used to ensure that each agency is informed of the compliance status of affected sources in the District of Columbia. The District's DoH will comply with all of the requirements of 40 CFR 63.91(g)(1)(ii). Quarterly reports will be submitted to EPA by the District's DoH to identify sources determined to be applicable during that quarter.

Although the District's DoH has primary authority and responsibility to implement and enforce the hazardous air pollutant general provisions and hazardous air pollutant emission standards for perchloroethylene

drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, halogenated solvent cleaning, publicly owned treatment works and the hazardous pollutant test methods, nothing shall preclude, limit, or interfere with the authority of EPA to exercise its enforcement, investigatory, and information gathering authorities concerning this part of the Act.

#### IV. Final Action

EPA is approving the District DoH's request for delegation of authority to implement and enforce its hazardous air pollutant general provisions and its regulations for perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, halogenated solvent cleaning, publicly owned treatment works and hazardous pollutant test methods which have been adopted by reference from 40 CFR part 63, subparts A, M, N, T, VVV and Appendix A, respectively. This approval will automatically delegate future amendments to these regulations. In addition, EPA is approving of DoH's mechanism for receiving delegation of future hazardous air pollutant regulations which it adopts, unchanged, from the Federal requirements. This mechanism entails legal adoption by the District of Columbia of the amendments or rules into Section 700 of Title 20 of the DCMR, DoH's notification to EPA of such incorporation and DoH's submission of a delegation request letter to EPA following notification by EPA of a new Federal requirement. This action pertains only to affected sources, as defined by 40 CFR part 63. The delegation of authority shall be administered in accordance with the terms outlined in this document. This delegation of authority is codified in 40 CFR 63.99.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial rule and anticipates no adverse comment because the District DoH's request for delegation of the hazardous pollutant general provisions and the hazardous air pollutant regulations pertaining to perchloroethylene drycleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, halogenated solvent cleaning, publicly owned treatment works and test methods and its request for automatic delegation of future amendments to these rules and future standards, when specifically identified, does not alter the stringency of these regulations and is in accordance with all program approval regulations. However,

<sup>1</sup> Applicability determinations are considered to be nationally significant when they:

- (i) Are unusually complex or controversial;
- (ii) Have bearing on more than one state or are multi-Regional;
- (iii) Appear to create a conflict with previous policy or determinations;
- (iv) Are a legal issue which has not been previously considered; or
- (v) Raise new policy questions and shall be forwarded to EPA Regional III prior to finalization.

Detailed information on the applicability determination process may be found in EPA document 305-B-99-004 *How to Review and Issue Clean Air Act Applicability Determinations and Alternative Monitoring*, dated February 1999. The DoH may also refer to the Compendium of Applicability Determinations issued by the EPA and may contact EPA Region III for guidance.

<sup>2</sup> The DoH will notify EPA of these approvals on a quarterly basis by submitting a copy of the test plan approval letter. Any plans which propose major alternative test methods or major alternative monitoring methods shall be referred to EPA for approval.

<sup>3</sup> The DoH will notify EPA of these approvals on a quarterly basis by submitting a copy of the performance evaluation plan approval letter. Any plans which propose major alternative test methods or major alternative monitoring methods shall be referred to EPA for approval.

in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve of DoH's request for delegation if adverse comments are filed. This rule will be effective on February 25, 2002 without further notice unless EPA receives adverse comment by January 25, 2002. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

#### V. Administrative Requirements

##### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism

implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing requests for rule approval under CAA section 112, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove requests for rule approval under CAA section 112 for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a request for rule approval under CAA section 112, to use VCS in place of a request for rule approval under CAA section 112 that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

##### B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

##### C. 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 February 25, 2002. 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, pertaining to the approval of DoH's delegation of authority for the hazardous air pollutant general provisions and regulations for perchloroethylene dry cleaning facilities, hard and decorative chromium electroplating and chromium anodizing tanks, halogenated solvent cleaning, publicly owned treatment works and test methods (CAA section 112), may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Dated: December 11, 2001.

**Judith M. Katz,**

*Director, Air Protection Division, Region III.*

40 CFR part 63 is amended as follows:

#### PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401, *et seq.*

#### Subpart E—Approval of State Programs and Delegation of Federal Authorities

2. Section 63.99 is amended by adding paragraph (a)(9) to read as follows:

##### § 63.99 Delegated Federal authorities.

(a) \* \* \*

(9) District of Columbia.

(i) The District of Columbia is delegated the authority to implement and enforce the regulations in 40 CFR part 63, subparts A, M, N, T, VVV and Appendix A and all future unchanged 40 CFR part 63 standards and amendments, if delegation of future standards and amendments is sought by the District of Columbia Department of Health and approved by EPA Region III, at affected sources, as defined by 40 CFR part 63, in accordance with the final rule, dated December 26, 2001, effective February 25, 2002, and any

mutually acceptable amendments to the terms described in the direct final rule.

\* \* \* \* \*

[FR Doc. 01-31485 Filed 12-21-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-301198; FRL-6816-2]

RIN 2070-AB78

#### Imazapic; Pesticide Tolerance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes a tolerance for combined residues of imazapic, ( $\pm$ )-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-methyl-3-pyridinecarboxylic acid and its metabolite ( $\pm$ )-2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-hydroxymethyl-3-pyridinecarboxylic acid, both free CL 263284 and conjugated CL 189215) in or on grass, forage and grass, hay and the combined residues of imazapic and its metabolite CL 263284 in or on milk; fat, meat, and meat byproducts (except kidney) of cattle, goats, horses, and sheep; and kidney of cattle, goats, horses, and sheep. BASF requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

**DATES:** This regulation is effective December 26, 2001. Objections and requests for hearings, identified by docket control number OPP-301198, must be received by EPA on or before February 25, 2002.

**ADDRESSES:** Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-301198 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: James A. Tompkins, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-5697; and e-mail address: tompkins.jim@epa.gov.

#### SUPPLEMENTARY INFORMATION:

## I. General Information

### A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311  32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

### B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr180_00.html), a beta site currently under development. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>.

2. *In person.* The Agency has established an official record for this action under docket control number

OPP-301198. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

## II. Background and Statutory Findings

In the **Federal Register** of August 24, 2000 (65 FR 51608) (FRL-6598-6), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170) announcing the filing of a pesticide petition (PP 9F5092) for tolerance by American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543-0400. This notice included a summary of the petition prepared by American Cyanamid, the registrant at the time of filing. The current registrant for the chemical is BASF, at the same address. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.490(a) be amended by establishing a tolerance for combined residues of the herbicide imazapic and its hydroxymethyl metabolite, both free (CL 263284) and conjugated (CL 189215) in or on the raw agricultural commodities grass, forage at 35 ppm, and grass, hay at 15 parts per million (ppm). Tolerances were also proposed for the combined residues of imazapic and its free hydroxymethyl metabolite in or on milk at 0.1 ppm; fat, meat, and meat byproducts (except kidney) of cattle, goats, horses, and sheep at 0.1 ppm; and kidney of cattle, goats, horses, and sheep at 2.0 ppm.

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