

by Virginia. Alternatively, if the Agency determines, after reviewing public comment on this proposal, that provisions for judicial review are unnecessary, and that Virginia's PSD program, with the exception of the PM-10 and modeling guideline provisions, meets the requirements of the CAA applicable to state PSD Programs, EPA will conditionally approve the SIP revision. In order to correct the deficiencies, Virginia must amend the Virginia Regulations and AQP-11 to meet the current federal PSD requirements at 40 CFR part 51 by addressing the PM-10 and modeling guideline provisions. The program amendments must be submitted within one year of conditional approval. If Virginia fails to revise and submit the amendments within one year, the conditional approval will convert to a disapproval.

EPA is soliciting public comments on Virginia's SIP submittal, and, in particular, on the issues discussed in this notice. These comments will be considered before taking final action. Interested parties may submit written comments to the EPA Regional office listed in the ADDRESSES section of this notice.

EPA is proposing to disapprove or, in the alternative, conditionally approve Virginia's request to revise the Commonwealth's SIP to include Virginia Regulation for the Control and Abatement of Air Pollution, § 120-08-02, permits for major sources and major modifications located in prevention of significant deterioration areas, and Appendix L, prevention of significant deterioration areas; and Air Quality Program Policies and Procedures for Implementation of Prevention of Significant Deterioration (PSD) of Air Quality Program, AQP-11. EPA is also proposing to disapprove or, in the alternative, conditionally approve supplementary revisions to § 120-01-02, § 120-08-02, and Appendix L. For conditional approval, Virginia must amend the program as specified above to satisfy the applicable federal PSD requirements of 40 CFR part 51, subpart I. With the exception of the PM-10 requirements, the Commonwealth will have authority to implement and enforce the PSD program through its SIP, and the delegation agreement will be terminated. EPA will retain authority under 40 CFR § 52.21, for implementing and enforcing all Virginia PSD permits, or portions thereof, involving requirements related to PM-10 until a SIP revision for PM-10 increments and modeling guidelines is approved. EPA's current delegation of authority to Virginia to issue PSD permits will

remain in effect insofar, and only insofar, as PSD requirements pertaining to PM-10 are concerned. If Virginia later submits, as the October 16, 1995 "Notice of Intended Regulatory Action" indicates, and receives EPA approval of a revision to the Virginia PSD SIP incorporating the PM-10 increments and modeling provisions, the delegation agreement will be completely terminated.

If these revisions to the PSD requirements of the Virginia SIP are approved, EPA will continue to oversee implementation of this important program by reviewing and commenting on proposed permits with respect to applicable statutory and regulatory provisions and guidance. Also, EPA will implement and enforce the PM-10 increment standards until such time as EPA receives and approves a revision to the Virginia SIP incorporating those standards into the SIP. If a final permit is issued which still does not reflect consideration of the relevant factors, EPA may deem the permit inadequate for purposes of implementing the requirements of the Act and Virginia's SIP, and may consider enforcement action under sections 113 and 167 of the Act to address the permit deficiency.

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 disapprovals or conditional 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 disapproval or approval in this situation 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).

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 proposal or final 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 by the rule. This federal action disapproves, or conditionally approves pre-existing requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

The Administrator's decision to disapprove, or in the alternative, to conditionally approve Virginia's SIP revision for the Prevention of Significant Deterioration Program will be based on whether it meets the applicable requirements of the Clean Air Act and of the EPA regulations in 40 CFR part 51.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

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

Dated: December 15, 1995.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96-1051 Filed 1-23-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 152

[OPP-250112; FRL-4988-8]

#### Pesticide and Ground Water State Management Plan Regulation; Notification to the Secretary of Agriculture

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

**ACTION:** Proposed rule; notification to Secretary of Agriculture.

**SUMMARY:** Notice is given pursuant to section 25(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), that the Administrator of the Environmental Protection Agency (EPA) has forwarded to the Secretary of

Agriculture a proposed regulation issued under section 3(d) of FIFRA. The EPA is proposing to restrict the legal sale and use of five pesticides--atrazine, simazine, cyanazine, alachlor, and metolachlor through use of State Management Plans, because of their ground water contamination potential.

**FOR FURTHER INFORMATION CONTACT:** By mail: Arden Calvert, Policy and Special Projects Staff (7501C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Rm. 1119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, 703-305-7099, e-mail: calvert.arden@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Section 25(a)(2)(A) of FIFRA provides that the Administrator provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the Federal Register. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, and if requested by the Secretary, the Administrator shall issue for publication in the Federal Register with the proposed regulation, the comments of the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the proposed regulation for publication in the Federal Register anytime after the 30-day period.

As required by FIFRA section 25(a)(3), a copy of this proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

As required by FIFRA section 25(d), a copy of this proposed regulation has also been forwarded to the Scientific Advisory Panel.

Authority: 7 U.S.C. 136 et seq.

Dated: November 29, 1995.

Daniel M. Barolo,

*Director, Office of Pesticide Programs.*

[FR Doc. 96-880 Filed 1-23-96; 8:45 am]

BILLING CODE 6560-50-F

#### 40 CFR Part 180

[PP 0E3889, 2E4113, and 5E4538/P639; FRL-4990-6]

RIN 2070-AC18

#### Chlorothalonil; Pesticide Tolerances

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to establish tolerances for combined residues of the fungicide chlorothalonil and its metabolite in or on the raw agricultural commodities blueberries, filberts, and mushrooms. The proposed regulation to establish maximum permissible levels for residues of the fungicide was requested in petitions submitted by the Interregional Research Project No. 4 (IR-4) pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA).

**DATES:** Comments, identified by the document control number [PP 0E3889, 2E4113, and 5E4538/P639], must be received on or before February 23, 1996.

**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 Highway, Arlington, VA 22202. 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 0E3889, 2E4113, and 5E4538/P639]. 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.

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.

**FOR FURTHER INFORMATION CONTACT:** By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703)-308-8783; e-mail: jamerson.hoyt@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions (PP) 0E3889, 2E4113, and 5E4538 to EPA on behalf of the named Agricultural Experiment Stations. These petitions request that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.275 by establishing tolerances for combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on certain raw agricultural commodities, as follows:

1. *PP 0E3889.* Petition submitted on behalf of the Agricultural Experiment Stations of Florida, Georgia, Kentucky, Louisiana, Michigan, North Carolina, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Washington proposing a tolerance for blueberries at 1.0 part per million (ppm).

2. *PP 2E4113.* Petition submitted on behalf of the Oregon Agricultural Experiment Station proposing a tolerance for filberts at 0.1 ppm. The petitioner proposed that use of chlorothalonil on filberts be limited to Oregon based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

3. *PP 5E4538.* Petition submitted on behalf of the Pennsylvania Agricultural Experiment Station proposing a tolerance for mushrooms at 1.0 ppm.

The scientific data submitted in the petitions and other relevant material have been evaluated. The toxicological data considered in support of the