candidates who receive scholarship assistance with Teacher Quality Enhancement Program funds to fulfill their service obligations by becoming teachers in the highest need schools and school districts.

However, we are concerned that the commenter's recommendations would (1) burden IHEs unduly with the responsibility for securing data on literally scores of schools and then somehow ranking those schools by relative need, and (2) involve the IHE too intimately in hiring decisions that are better left to the scholarship recipients and LEA and school officials. For this reason, we believe that the better approach is to require the IHE, in collaboration with the high-need LEA(s) with which it partners, to ensure that scholarship recipients are placed, to the extent possible, in the highest-need schools of those LEAs.

Action: Section 611.52(c) (proposed 611.40(d)(3)) has been modified accordingly.

Comment: As proposed, § 611.39(a) would require former scholarship recipients who are fulfilling their service obligations to have high-need LEAs in which they teach submit employment information periodically to the Department confirming that they are, in fact, meeting their service obligation. One commenter expressed concern that if, through no fault of the teacher, the LEA does not forward the information to the Department, the former scholarship recipient could be wrongly held responsible for repaying the scholarship assistance he or she had received. The commenter recommended that we accept, on an interim basis if necessary, evidence such as a notarized statement that the scholarship recipient had requested the LEA to submit the information verifying employment.

Discussion: We agree with the commenter's concern and recommendation, except that we believe the recommendation does not sufficiently encourage recipients to have LEAs provide us with timely information that verifies the scholarship recipient's employment as a teacher in a high-need school of a high-need LEA. After considering the matter, we are satisfied that the scholarship recipient should be permitted to meet this responsibility to verify that he or she is meeting the service obligation in either of two ways. Specifically, in lieu of having the LEA provide the needed information to us in a timely manner, the recipient may attach to the notarized statement a copy of the information that he or she has asked the LEA to provide to the Department.

We will consider the timely receipt of this notarized statement and attachment as satisfactory provisional evidence that the individual is meeting the service obligation, and so should not be responsible for its repayment. However, the Department will be unable to determine finally that this is so without the signed statement from the LEA. Therefore, the scholarship recipient will have a continuing responsibility to work to get the LEA to submit this information.

Action: Sections 611.46 and 611.47 (proposed § 611.39(a) and (b)) have been modified accordingly.

Comment: One commenter stated that the proposed reasons for which the Department would defer a scholarship recipient's service obligation are too limited. The commenter recommends that deferments also be available for students who currently are attending two-year institutions and cannot be admitted to the continuing, and certifying, higher education program due to changes in admission standards that were implemented after the student had received a Title II scholarship.

Discussion: A scholarship recipient's responsibility for repaying the scholarship, accrued interest, and costs of collection, if any, only arises if the scholarship recipient (1) graduates from a teacher preparation program and fails to confirm to the Department that he or she has fulfilled the service obligation, (2) withdraws from the teacher preparation program, or (3) is found to be no longer in good standing. We see no reason to expand the proposed areas in which deferment of the service obligation, or responsibility to repay the indebtedness, is available. One of the conditions of the scholarship is that the recipient will repay the scholarship amount plus accrued interest if he or she does not remain in good academic standing. Assuming that the recipient remains in good academic standing, we believe that the appropriate response to the situation the commenter posed is for the grantee to continue working with the scholarship recipient to permit him or her to meet any new admission requirements that the continuing institution may adopt.

We add only that we believe the situations the commenter describes should be quite rare. First, the kinds of changes in admission standards that the commenter describes are likely to be very infrequent. Beyond this, with regard to scholarship recipients, we presume that program grantees are in a position to influence the admission standards and decisions of the teacher preparation programs they are implementing or with which they are partnering.

Action: None.

Comment: One commenter asserted that the proposed regulations would inappropriately penalize scholarship recipients who, upon graduation, fail immediately to find employment as teachers in high-need schools and school districts. The commenter also criticized the service obligation as a disincentive to minority recruitment since students have other scholarship opportunities that do not attach these conditions.

Discussion: The law requires those who receive scholarships with Teacher Quality Enhancement Grant Program funds to meet the service obligation. Moreover, as proposed, § 611.37(b)(2) would enable a scholarship recipient to have the service obligation deferred where, despite due diligence, the recipient is unable to secure employment as a teacher in a high-need school of a high-need LEA.

Action: None.

Comment: One commenter stated that while most of the regulations were clearly stated, the regulations would be easier to read if they were divided into more, but shorter, sections.

Discussion: Some of the regulations do not seem appropriate for dividing into parts. However, we agree with the commenter that both proposed § 611.39 (''What are a scholarship recipient's reporting responsibilities?'') and proposed § 611.40 (''What are a grantee's responsibilities for helping to implement the scholarship requirements?'') would be clearer if broken into a series of shorter regulations.

Action: The final regulations have been revised accordingly.

We also have made these regulations applicable to all three of the Teacher Quality Enhancement Grant Programs by (1) renumbering them, (2) moving them to a new and generally applicable subpart E, ''Scholarships,'' and (3) thereby eliminating, as no longer necessary, proposed § 611.42 (''What rules govern scholarships funded by the State or Partnership Programs for individuals attending teacher preparation programs?'')

[FR Doc. 00–646 Filed 1–11–00; 8:45 am]

BILLING CODE 4000–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 70

[MO 091–1091; FRL–6519–9]

Approval and Promulgation of Implementation Plans and Part 70 Operating Permits Program; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is announcing it is approving an amendment to the Missouri State Implementation Plan (SIP). EPA is approving revisions to Missouri rule 10 CSR 10–6.020, Definitions and Common Reference Tables. These revisions will strengthen the SIP with respect to attainment and maintenance of established air quality standards. The effect of this action is to ensure Federal enforceability of the state's air program rule revisions. EPA is also approving the rule as a revision to the Missouri part 70 operating permits program.

DATES: This direct final rule is effective on March 13, 2000, without further notice, unless EPA receives adverse comment by February 11, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of the state submittal(s) are available at the following addresses for

inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101; and the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser at (913) 551–7603.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we, us, or our'' is used, we mean EPA.

This section provides additional information by addressing the following questions:

What is a SIP?
What is the Federal approval process for a SIP?
What does Federal approval of a state regulation mean to me?
What is the Part 70 Operating Permits Program?
What is being addressed in this document?
Have the requirements for approval of a SIP revision been met?
What action is EPA taking?

What is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by us. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What is the Federal approval process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by us under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled ''Approval and Promulgations of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What does Federal approval of a state regulation mean to me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

What is the Part 70 Operating Permits Program?

The CAA Amendments of 1990 require all states to develop operating permits programs that meet certain Federal criteria. In implementing this program, the states are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the part 70 operating permits program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include: ''major'' sources of air pollution and certain other sources specified in the CAA or in our implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or PM_{10}; those that emit 10 tons per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of HAPs.

Revisions to the state and local agencies operating permits program are also subject to public notice, comment, and our approval.

What is being addressed in this document?

On September 30, 1999, we received a request to amend the Missouri SIP which pertained to revisions to rule 10 CSR 10–6.020, Definitions and Common Reference Tables. In this revision, the MDNR made routine updates and clarifications to its definitions rule. Specifically, it revised the definitions of ''catalytic incinerator,'' ''multiple chamber incinerator,'' ''stack,'' and ''Volatile Organic Compounds (VOC). This rule is both a SIP and part 70 program approved rule and thus is being approved under both programs.

This amendment to the Missouri SIP and part 70 program was submitted by Stephen Mahfood, MDNR Director, on September 20, 1999.

A detailed discussion of the specific rule revisions is contained in the technical support document prepared for this action, which is available from the EPA contact listed above.

Have the requirements for approval of a SIP revision been met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revisions meet the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

What action is EPA taking?

EPA is processing this action as a direct final action because the revisions make routine changes to the existing rule which are noncontroversial. Therefore, we do not anticipate any adverse comments.

Conclusion

Final action: EPA is approving an amendment to the Missouri SIP related to rule 10 CSR 10–6.020, Definitions and Common Reference Tables. This rule is also being approved under the part 70 operating permits program. This

direct final rule is effective on March 13, 2000, without further notice, unless EPA receives adverse comment by February 11, 2000. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADMINISTRATIVE REQUIREMENTS

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Order 12612 (Federalism) and Executive Order 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by state and local governments, or EPA consults with state and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts state law unless the Agency consults with state and local officials early in the process of developing the proposed regulation.

This final rule will 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. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not establish a further health or risk-based standard because it approves provisions which implement a previously promulgated health or safety-based standard.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act (RFA)

The RFA generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and Subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA 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).

F. 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 annual 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.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual 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 preexisting 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.

G. 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 United States Senate, the United States House of Representatives, and the United States Comptroller General 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).

H. 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 March 13, 2000. 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, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

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

Dated: December 7, 1999.

William Rice,

Acting Regional Administrator, Region VII.

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 *et seq.*

Subpart AA—Missouri

2. In § 52.1320 the following entry for paragraph (c), EPA-approved regulations, is revised to read as follows:

§ 52.1320 Identification of plan.

* * * * *

(c) EPA-approved regulations.

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanations
	Missouri Department of Natural Resources			
*	*	*	*	*
	Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri			
*	*	*	*	*
10–6.020	Definitions and common reference tables	5/30/99	January 12, 2000 and FR cite.	
*	*	*	*	*

PART 70—[AMENDED]

1. The authority citation for Part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding paragraph (f) to the entry for Missouri to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Program

* * * * *

Missouri

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(f) The Missouri Department of Natural Resources submitted Missouri rule 10 CSR 10–6.020, ''Definitions and Common Reference Tables,'' on September 30, 1999, approval effective May 30, 1999.

[FR Doc. 00–355 Filed 1–11–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300962; FRL–6485–4]

RIN 2070–AB78

Mepiquat Chloride; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for mepiquat chloride regulated as *N,N*-dimethylpiperidinium chloride in or on grapes and raisins. BASF Corporation requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective January 12, 2000. Objections and requests for hearings, identified by docket control number OPP–300962, must be received by EPA on or before March 13, 2000.

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–300962 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Cynthia Giles-Parker, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: 703 305–7740; and e-mail address: giles-parker.cynthia@epa.gov.

SUPPLEMENTARY INFORMATION: