1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

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 economic 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 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 approval does not impose any new requirements, I certify 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

C. 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 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 costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to approve pre-existing requirements under State or local law, and imposes no new Federal 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, 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 9, 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 52

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

Dated: March 14, 1997.

Max H. Dodson,

Acting Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.2320 is amended by adding paragraph (c)(36) to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(36) The Governor of Utah submitted a revision to Utah's State Implementation Plan (SIP) for Visibility Protection with a letter dated July 25, 1996. The revision was made to add a new subsection 15.10 to the SIP to include a policy statement regarding scenic views which was deleted from the Utah Air Conservation Regulations.

(i) Incorporation by reference.

(A) Utah State Implementation Plan, Subsection 15.10, Policy of the Air Conservation Committee Concerning the Protection of Scenic Views Associated with Mandatory Class I Areas from Significant Impairment for Visibility, adopted on March 26, 1993, and effective on March 29, 1993.

(ii) Additional material.

(A) A July 25, 1996 letter from Michael O. Leavitt, Utah Governor, to Jack McGraw, EPA Region VIII Acting Regional Administrator, in which it was communicated, among other things, that the Utah Air Quality Board deleted R307–5 from the Utah Air Conservation Regulations. The deletion was effective March 29, 1993.

[FR Doc. 97–9108 Filed 4–8–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN68–2; FRL–5807–8]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule; withdrawal.

SUMMARY: On February 18, 1997 (62 FR 7157), the United States Environmental Protection Agency (USEPA) approved Indiana's October 25, 1994, request to revise the Indiana State Implementation Plan (SIP) to add or revise definitions in the SIP's general provisions, the applicability criteria of the rule for malfunctions and, the applicability criteria for State construction and operating permits. Also approved were revisions to Indiana's construction permit program including its ''Permit no defense'' provision. The USEPA is withdrawing this final rule because in a letter dated March 18, 1997, Indiana informed USEPA that a portion of the State's submittal—326 Indiana Administrative Code (IAC) 2–1–1(b)(1)(h)—is being considered for removal from the IAC. Further, adverse comments have been received on USEPA's rulemaking action.

EFFECTIVE DATE: April 9, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for

public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Air Programs Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Alvin Choi, Permits and Grants Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886–3507.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone, Sulfur dioxide, Volatile organic compounds.

Dated: March 28, 1997.

Valdas V. Adamkus,

Regional Administrator.

Therefore the amendment to 40 CFR part 52 which added § 52.770(c)(109) is withdrawn.

[FR Doc. 97–9146 Filed 4–8–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300471; FRL–5599–8]

RIN 2070–AB78

Imazapyr; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document establishes tolerances for the residues of the herbicide imazapyr, [2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid], applied as the acid, in or on field corn. American Cyanamid 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 tolerances.

DATES: This rule becomes effective April 9, 1997. Written objections must be submitted by June 9, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300471], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the docket control number and submitted 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 copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. 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 objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to : opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP–300471]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit IX of this document.

FOR FURTHER INFORMATION CONTACT: By Mail: Philip V. Errico, Product Manager (PM) 25, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Rm. 241, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703) 305–6027; e-mail: errico.philip@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 12, 1996 (61 FR 66658)(FRL–5576–9) EPA issued a notice announcing that American Cyanamid, P.O. Box 400, Princeton, NJ 08543 had submitted pesticide petition 6F4641 which requested that the Administrator, pursuant to section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA), and in conformity with the Food Quality Protection Act (FQPA) of 1996, amend 40 CFR part 180 to establish tolerances for residues of imazapyr [2-[4,5-dihydro-4-methyl-4(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-3-pyridinecarboxylic acid], applied as the acid in or on field corn grain, fodder, and forage at 0.05 ppm. The notice contained a summary of the petition prepared by the petitioner, American Cyanamid, including information and arguments to support their conclusion that the petition complied with FQPA. It was stated in the notice that the conclusions and arguments were not EPA's.

There were no comments received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data listed below were considered in support of these tolerances.

I. Toxicology Profile

1. A battery of acute toxicity studies placing technical imazapyr in toxicity category I for eye irritation, category IV for oral LD_{50} and primary dermal irritation, category III for dermal and inhalation LD_{50}.

2. A 90–day rat feeding study at doses of 0, 15,000, or 20,000 ppm (males= 0, 1,248, or 1,695 milligrams per kilogram per day (mg/kg/day); females 0, 1,423, or 1,784 mg/kg/day) with a no-observed-effect level (NOEL) of 1,695 mg/kg/day the highest dose tested (HDT).

3. A 21-day rabbit dermal toxicity study at doses of 0, 100, 200, or 400 mg/kg/day which showed occasional statistically significant findings but these had no consistent pattern of toxicity. The NOEL was determined to be 400 mg/kg/day HDT.

4. A 1-year dog chronic toxicity study at doses of 0, 25, 125, or 250 mg/kg/day. The NOEL was 250 mg/kg/day HDT.

5. A 2–year rat chronic/carcinogenicity study at doses of 0, 1,000, 5,000, or 10,000 ppm (males= 0, 49.9, 252.6, or 503 mg/kg/day; females= 0, 64.2, 317.6, or 638.6 mg/kg/day) with a NOEL of 503 mg/kg/day HDT.

6. An 18–month mouse carcinogenicity study at doses of 0, 1,000, 5,000, or 10,000 ppm (males= 0, 126, 674, or 1,301 mg/kg/day; females= 0, 151, 776, or 1,639 mg/kg/day) with a NOEL of 1,301 mg/kg/day HDT.

7. A rat developmental toxicity study at doses of 0, 100, 300, or 1,000 mg/kg/day. At 1,000 mg/kg/day, the only clinical sign of toxicity in gravid dams was salivation. The NOEL for maternal toxicity is 300 mg/kg/day. There were no developmental findings in this study up to the limit dose of 1,000 mg/kg/day HDT.

8. A rabbit developmental toxicity study at doses of 0, 25, 100, or 400 mg/kg/day with a maternal and developmental NOEL of 400 mg/kg/day HDT.

9. A rat two-–generation reproduction study at dietary concentrations of 0,