

43	138.00	159.00	213.00	283.00	440.00	244.00	283.00	490.00
44	140.00	160.00	216.00	288.00	447.00	248.00	288.00	498.00
45	143.00	162.00	220.00	295.00	454.00	252.00	293.00	505.00
46	145.00	164.00	223.00	300.00	461.00	256.00	298.00	507.00
47	147.00	165.00	226.00	305.00	467.00	260.00	303.00	515.00
48	149.00	167.00	230.00	310.00	474.00	264.00	308.00	522.00
49	151.00	169.00	233.00	315.00	481.00	268.00	313.00	530.00
50	152.00	172.00	239.00	320.00	493.00	274.00	318.00	543.00
51	156.00	174.00	242.00	325.00	498.00	276.00	323.00	558.00
52	158.00	176.00	246.00	330.00	505.00	282.00	328.00	558.00
53	160.00	178.00	249.00	335.00	512.00	286.00	333.00	574.00
54	163.00	179.00	253.00	340.00	519.00	290.00	338.00	574.00
55	164.00	181.00	256.00	345.00	526.00	293.00	343.00	587.00
56	166.00	182.00	260.00	350.00	533.00	298.00	348.00	587.00
57	167.00	184.00	263.00	355.00	540.00	301.00	353.00	599.00
58	168.00	185.00	266.00	360.00	546.00	306.00	358.00	599.00
59	170.00	187.00	270.00	365.00	553.00	309.00	363.00	612.00
60	170.00	189.00	273.00	370.00	560.00	314.00	368.00	612.00
61	172.00	193.00	277.00	375.00	567.00	317.00	373.00	627.00
62	173.00	194.00	280.00	379.00	573.00	323.00	378.00	627.00
63	174.00	196.00	284.00	384.00	581.00	325.00	383.00	642.00
64	175.00	197.00	287.00	389.00	584.00	331.00	388.00	642.00
65	176.00	199.00	291.00	394.00	595.00	333.00	393.00	657.00
66	177.00	200.00	294.00	399.00	595.00	339.00	398.00	657.00
67	178.00	202.00	297.00	404.00	606.00	341.00	403.00	672.00
68	179.00	204.00	301.00	409.00	608.00	347.00	408.00	672.00
69	180.00	205.00	304.00	414.00	617.00	349.00	413.00	687.00
70	181.00	206.00	308.00	419.00	617.00	355.00	418.00	687.00

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Stanley F. Mires,*Chief Counsel, Legislative.*

[FR Doc. 00-33140 Filed 12-27-00; 8:45 am]

BILLING CODE 7710-12-C

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52**[Region 7 Tracking No. 113-1113a; FRL-
6923-2]**Approval and Promulgation of
Implementation Plans; State of
Missouri**AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is announcing final approval of a statewide NO_x rule to reduce the emissions of nitrogen oxides (NO_x) and establish a NO_x emissions trading program for the state of Missouri. This rule is a critical element in the state's plan to attain the ozone

standard in the St. Louis ozone nonattainment area.

DATES: This rule is effective on January 29, 2001.

ADDRESSES: Copies of the state submittals are available at the following address for inspection during normal business hours: Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Kim Johnson at (913) 551-7975.

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 being addressed in this action?

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 EPA. 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 EPA 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 EPA 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 Promulgation 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 section 304 of the CAA.

What is Being Addressed in This Document

We are taking final action to approve, as an amendment to Missouri's SIP, rule 10 CSR 10-6.350, "Emissions Limitations and Emissions Trading of Oxides of Nitrogen," submitted to us on November 15, 2000. The Missouri rule was adopted by the Missouri Air Conservation Commission on May 25, 2000, and submitted to EPA for parallel processing on June 29, 2000. The rule became effective under state law on August 30, 2000. The November 15, 2000, submittal included the adopted rule, the comments on the rule during the state's adoption process, and the state's response to comments, and other information necessary to meet EPA's completeness criteria. For additional information on the completeness criteria and on parallel processing, the reader

should refer to EPA's August 24, 2000, proposal, 65 FR 51564, and to 40 CFR Part 51, Appendix V.

The rule requires reductions in NO_x emissions by establishing NO_x emissions limitations for large electric generating units (EGU) which includes any EGU with a nameplate capacity greater than 25 megawatts across the state, beginning May 1, 2003. EGUs located in the eastern third of the state are limited to an emission rate of 0.25 lbs. NO_x per million British thermal units per hour (mmBtu/hr) of heat input during the control period. The EGUs located in the western two-thirds of the state are limited to the less stringent rate of 0.35 lbs. NO_x mmBtu/hr of heat input during the control period. The control period begins on May 1 and ends on September 30 of the same calendar year, which is when ozone formation is most likely to occur at unhealthy levels.

The rule also establishes a trading program for the state of Missouri to allow the affected EGUs' flexibility in meeting the requirements of this rule.

For more background information and further discussion of the Missouri rule, please refer to the proposal for this rulemaking published on August 24, 2000, at 65 FR 51564. No comments were received during the public comment period regarding this rule action. EPA proposed action through parallel processing because the rule was not yet effective under state law. The final effective rule is the same as the rule submitted to us on June 29, 2000, on which the proposal was based.

This rule is a critical element in the state's plan to attain the ozone standard in the St. Louis ozone nonattainment area. The state of Missouri has assessed the statewide impacts of NO_x emissions and has imposed the reductions specified in this rule to demonstrate attainment of the ozone NAAQS in the St. Louis nonattainment area. EPA's proposal on the attainment demonstration, in 65 FR 20404, April 17, 2000, includes a detailed discussion of the role of regional NO_x emission reductions in attainment of the ozone standard in the St. Louis area.

As explained in EPA's proposal, the state is committed to evaluating the effectiveness of the rule in achieving necessary NO_x reductions. The commitment is reflected in a letter submitted by Missouri to EPA on August 8, 2000. We intend to review the annual demonstration submitted by Missouri. If necessary, we may exercise our authorities under sections 110 and 179 of the Act to require further action to remedy shortfalls, if any, in the NO_x reduction program, when it is implemented.

As also explained in the proposal, our evaluation of the statewide NO_x rule is not related to the obligations which Missouri may subsequently have under EPA's regional NO_x reduction rule (the NO_x SIP call). That rule requires that certain states develop regional NO_x controls to address contributions to downwind nonattainment of the ozone standard in the eastern portion of the country. In response to a recent judicial remand of the SIP call as it relates to Missouri, EPA intends to undertake rulemaking to establish regional NO_x requirements for a portion of Missouri. When that rulemaking is completed, we anticipate that it will establish separate NO_x reduction requirements to address contributions by Missouri sources to ozone nonattainment in other areas. The state would then be required to take subsequent action, pursuant to the NO_x SIP call, to ensure NO_x emissions address long-range transport, and we would then take separate rulemaking action on Missouri's response to the NO_x SIP call.

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 revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

What Action is EPA Taking

We are taking final action to approve as an amendment to the Missouri SIP rule 10 CSR 10-6.350, "Emissions Limitations and Emissions Trading of Oxides of Nitrogen," submitted to us on November 15, 2000. This rule is a critical element in the state's plan to attain the ozone standard in the St. Louis ozone nonattainment area.

Administrative 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. 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 preexisting 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 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This 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 (64 FR 43255, August 10, 1999), because it 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 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, our 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), we have no authority to disapprove a SIP submission for failure to use VCS. It would thus be

inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, we have taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings" implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. 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.*).

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. We will submit a report containing this rule and other

required information to the United States Senate, the United States House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 26, 2001. 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 40 CFR Part 52

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

Dated: December 15, 2000.

Thomas F. Hogan,

Acting Regional Administrator, Region 7.

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

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

b. In the table to paragraph (e) by adding to the end of that table a new entry.

PART 52—[AMENDED]

Subpart AA—Missouri

The additions read as follows:

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

2. Section 52.1320 is amended:
 a. In the table to paragraph (c) by adding in numerical order an entry “10–6.350”; and

§ 52.1320 Identification of plan.
 * * * * *
 (c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
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				
* * * * *				
10–6.350	Emissions Limitations and Emissions Trading of Oxides of Nitrogen.	8/30/00	12/28/00 [insert FR cite]	
* * * * *				

§ 52.1320 Identification of plan.
 * * * * *

(e) * * *

EPA-APPROVED MISSOURI NONREGULATORY SIP PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Explanation
* * * * *				
Commitments with respect to implementation of rule 10 CSR 10–6.350, Emissions Limitations and Emissions Trading of Oxides of Nitrogen.	Statewide	8/8/00	12/28/00 [insert FR cite]	
* * * * *				

[FR Doc. 00–32947 Filed 12–27–00; 8:45 am]
 BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301089; FRL–6756–4]

RIN 2070–AB78

Cyprodinil; Extension of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends a time-limited tolerance for residues of the fungicide cyprodinil in or on caneberries at 10 parts per million (ppm) for an additional 1-year period. This tolerance will expire and is revoked on December 31, 2001. This

action is in response to EPA’s granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on caneberries. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act.

DATES: This regulation is effective December 28, 2000. Objections and requests for hearings, identified by docket control number OPP–301089, must be received by EPA on or before February 26, 2001.

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 III. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP–301089 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Stephen Schaible, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703–308–9362; and e-mail address: schaible.stephen@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