

Polyethylene (LDP) unit for controls on the emissions from 29 storage tanks and loading facilities. The bubble balances a reduction of 243.3 tons per year of synthetic organic compounds (SOCs) from the LDP unit against 228.8 tons per year of uncontrolled emissions from the storage tanks and loading facilities.

At the time of proposed rulemaking, EPA's bubble policy did not permit the use of source shutdowns in most bubble trades. 44 FR 71780 (December 11, 1979). The bubble policy referenced Section IV.C. of EPA's Emission Offset Interpretative Ruling (40 CFR Part 51, Appendix S) for determining the equivalence of emissions and air quality impact in a bubble trade. That Section also limits the crediting of shutdowns to units that replace the shutdown unit. Because EPA anticipated an amendment to modify this aspect of the Offset Ruling, EPA proposed to approve the UCC bubble with final promulgation contingent upon the anticipated amendment.

Since the Notice of Proposed Rulemaking, EPA has significantly amended its bubble policy. The new EPA bubble policy is now incorporated in a comprehensive Emissions Trading Policy Statement. 47 FR 15076 (April 7, 1982). Under EPA's new policy, bubble trades may use "emissions reduction credits" (ERCs) from shutdowns subject to the same restrictions as those governing other emission reduction credits. Therefore, ERCs created by a source shutdown that are surplus, enforceable, quantifiable, and permanent may be used to balance an emissions increase, regardless of whether or not the increase results from a replacement unit.

In the Notice of Proposed Rulemaking for the UCC bubble, EPA evaluated the bubble in detail and determined that, except for the shutdown issue, it was fully approvable. EPA determined that the bubble satisfies ambient air quality impact considerations and that it uses emission reductions that are surplus, enforceable, permanent, and quantifiable. Thus, for example, the UCC bubble does not interfere with reasonable further progress and attainment.

Several comments were submitted to EPA during the public comment period. EPA's response to these comments is set out below:

**I. Final Compliance Date Under the Texas State Implementation Plan:** EPA noted in the August 12, 1981, *Federal Register* (46 FR 40774) on page 40775 that the "schedule for UCC calls for final compliance by December 31, 1982." EPA agrees with the comment it received from the affected industry noting the

compliance date for UCC was incorrect; the compliance date should be December 31, 1981.

**II. More Stringent Controls on the LDP Unit:** One commentor wanted to know what would happen to the UCC bubble if EPA, at a later date, required more stringent controls on the LDP units. EPA believes that this issue is moot since the LDP will be permanently closed (i.e. dismantled).

**III. The affected industry commented** that the UCC bubble could be approved through a change in the bubble policy without regard to any anticipated amendment to the Offset Ruling. EPA agrees with the commentor, and therefore has amended its bubble policy and is today approving the UCC bubble. As noted in the proposed rulemaking, EPA still intends to propose a similar change to the Offset Ruling.

#### Conclusion

After consideration of all relevant comments, and in accordance with EPA's Emissions Trading Policy Statement, EPA approves the UCC Alternative Emission Reduction Plan ("Bubble"), as discussed above, for incorporation into the Texas SIP. This rulemaking is being made immediately effective because it enables the affected source to promptly begin dismantling the LDP unit in order to meet the tight deadline contained in the Texas SIP.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of May 19, 1982.

Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it will impose no new regulatory burden since it only approves State actions. The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Incorporation by reference of the SIP for Texas was approved by the Director of the *Federal Register* on July 1, 1981. This notice of final rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

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

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: May 11, 1982.

Anne M. Gorsuch,  
Administrator.

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

#### Subpart SS—Texas

In § 52.2270, (c) is amended by adding paragraph (30) as follows:

#### § 52.2270 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(30) Revisions to the Texas SIP for the Union Carbide Corporation Bubble in Texas City, Texas were submitted by the Governor on December 15, 1981.

\* \* \* \* \*

[FR Doc. 82-13589 Filed 5-19-82; 8:45 am]

BILLING CODE 6560-59-M

#### 40 CFR Part 52

[A-5-FRL-2115-5]

#### Approval and Promulgation of Implementation Plans: Michigan

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

**ACTION:** Notice of final rulemaking.

**SUMMARY:** The purpose of today's rulemaking is to approve revisions to Michigan's State Implementation Plan (SIP) regarding particulate emission reductions for the Traverse City Board of Light and Power (TCBLP) and the Monitor Sugar Company (MSC). These revisions were submitted in the form of Consent Orders. Consent Order APC No. 23-1981 for TCBLP limits the operation of its No. 1 and No. 2 coal-fired boilers after December 31, 1982, provides for additional controls on its No. 4 coal-fired boiler, and establishes a final compliance date of December 31, 1982. Consent Order APC No. 21-1981 for MSC provides for additional controls on its coal-fired boilers 1, 2, 3 and 4 and establishes a final compliance date of October 15, 1982.

**EFFECTIVE DATE:** These actions will be effective July 19, 1982, unless notice is received within 30 days that someone

wishes to submit critical or adverse comments.

**ADDRESSES:** Copies of these SIP revisions are available for review at the following addresses:

U.S. Environmental Protection Agency,  
Air Programs Branch, Region V, 230  
South Dearborn Street, Chicago,  
Illinois 60604.

Michigan Department of Natural  
Resources, Air Quality Division, State  
Secondary Government Complex,  
General Office Building, 7150 Harris  
Drive, Lansing, Michigan 48917.

Written comments on these actions should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

**SUPPLEMENTARY INFORMATION:** On April 25, 1979, the State of Michigan formally submitted its SIP revision to comply with the Clean Air Act Amendments of 1977 (Act). Part of that submittal included the commitment to develop abatement orders for sources contributing to the particulate emission problem.

On December 16, 1981 and January 7, 1982, the State of Michigan submitted Consent Order APC No. 21-1981 and APC No. 23-1981 for the MSC and TCBLP companies. Presented below is a synopsis of EPA's review of these Consent Orders submitted to meet the requirements of Michigan's Rules 336.1301 and 336.1331.

#### Bay County (Order 21-1981)

On December 16, 1981, the State of Michigan submitted to EPA Consent Order APC No. 21-1981 for the MSC. The MSC is located in Bay City, County of Bay in an area designated attainment for total suspended particulates (TSP). Consent Order APC No. 21-1981 for MSC contains a schedule of interim progress dates for reducing particulate emissions and provides for additional controls on its coal-fired boilers 1, 2, 3, and 4. The Consent Order also requires the replacement of the existing particulate collection equipment on the boilers with higher efficiency collectors and installing new combustion controls. A final compliance date of October 15, 1982, has been established for MSC's four boilers to achieve compliance with Michigan Rule 336.1331. Rule 331(1)(a), contained therein refers to Table 31 of

the General Rules, which specified an emission limitation of 0.30 pounds particulate per 1,000 pounds exhausts gas, to be achieved as expeditiously as practical but not later than December 31, 1982.

#### Grand Traverse County (Order 23-1981)

On January 7, 1982, the State of Michigan submitted Consent Order No. 23-1981 for the TCBLP. The TCBLP is located in Traverse City, County of Grand Traverse in an area designated attainment for TSP. Consent Order No. 23-1981 for TCBLP contains a schedule of interim progress dates for reducing particulate emissions from its boilers. To achieve compliance by December 31, 1982, TCBLP will retire Boiler 1 and Boiler 2 and equip Boiler 4 with a sidestream baghouse in addition to existing multiclones. By December 31, 1982, TCBLP will be in compliance with the emission limitation of 0.30 pounds particulate per 1,000 pounds exhausts gas as required in R336.1331.

EPA has reviewed Consent Orders APC No. 21-1981 and APC No. 23-1981 for the MSC and TCBLP companies. EPA believes that these orders contain enforceable emission limitations and control measures necessary to ensure attainment of the Primary National Ambient Air Quality Standards (NAAQS) by December 31, 1982. EPA, therefore, approves Consent Orders APC No. 21-1981 and APC No. 23-1981, as part of the Michigan SIP.

EPA also believes that this is a noncontroversial rulemaking action, and is taking immediate final rulemaking action. On September 4, 1981 (46 FR 44476) EPA published a general notice explaining this special rulemaking procedure. This action will be effective 60 days from the date of this Federal Register notice. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, the action will be withdrawn and a new rulemaking will propose this action and establish a comment period. Today's action approves a submittal by the State pursuant to the provisions of Section 110 of the Act and imposes no new requirements beyond those which the State has already imposed.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under Executive Order 12291 (46 FR 13193), EPA must also judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. Today's action does not constitute a major

regulation since it merely approves the State's actions. This regulation was exempted from review by the Office of Management and Budget (OMB) under Section 3 of Executive Order 12291.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

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

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

**Note.**—Incorporation by reference of the SIP for the State of Michigan was approved by the Director of Federal Register on July 1, 1981.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: May 10, 1982.

Anne M. Gorsuch,  
Administrator.

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

#### Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraphs (c)(54) and (c)(55) as follows:

#### § 52.1170 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(54) On December 16, 1981, the State of Michigan submitted to EPA Consent Order APC No. 21-1981 for the Monitor Sugar Company. Consent Order APC No. 21-1981 provides for additional controls on its coal-fired boilers, 1, 2, 3, and 4 and establishes a final compliance date of October 15, 1982 for attaining the primary National Ambient Air Quality Standards.

(55) On January 7, 1982, the State of Michigan submitted to EPA Consent Order APC No. 23-1981 for the Traverse City Board of Light and Power. Consent Order APC No. 23-1981 limits the company's operation of its No. 1 and No. 2 coal-fired boilers after December 31, 1982; provides for additional controls on its No. 4 coal-fired boiler; and

establishes a final compliance date of December 31, 1982.

[FR Doc. 82-13581 Filed 5-18-82; 8:45 am]  
BILLING CODE 6560-50-M

**40 CFR Part 65**

[FRL-2117-4]

**Approval of a Delayed Compliance Order Issued by the Puget Sound Air Pollution Control Agency to Fletcher Oil Co., Tacoma, Washington**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Administrator of EPA hereby approves a Delayed Compliance Order issued by the Puget Sound Air Pollution Control Agency to Fletcher Oil Company, Tacoma, Washington. The Order requires the Company to bring air emissions from its gasoline terminal and tank farm at Tacoma, Washington, into compliance with certain regulations contained in the federally-approved Washington State Implementation Plan (SIP). Because of the Administrator's approval, Fletcher Oil Company's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

**DATES:** This rule takes effect on May 19, 1982.

**FOR FURTHER INFORMATION CONTACT:** Betty Swan, Environmental Protection Agency, 1200 Sixth Avenue, M/S 524, Seattle, Washington 98101, phone (206) 442-2876.

**ADDRESSES:** A copy of the Delayed Compliance Order, any supporting material, and any comments received in response to a prior Federal Register notice proposing approval of the Order are available for public inspection and copying during normal business hours at: EPA, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101-11B, 11th Floor.

**SUPPLEMENTARY INFORMATION:** On February 12, 1982, the Regional Administrator of EPA's Region 10 Office published in the Federal Register, 47 FR 6442, a notice proposing approval of a Delayed Compliance Order issued by the Puget Sound Air Pollution Control Authority (PSAPCA) to Fletcher Oil Company. The Notice asked for public comments by March 15, 1982 on EPA's proposed approval of the Order. One document was received requesting an extension of the public comment period or to postpone final approval of the

Order for 90 days. The Company requesting the extension claims to be in the process of acquiring the Fletcher Oil Company's assets. Since the Order contains the provision that the Order "shall apply and be binding upon the parties to this action, their officers, directors, employees, and successors," and since the Company was notified a month before the PSAPCA Board of Directors meeting and failed to comment, and since PSAPCA has advised EPA that it does not intend to make any changes in the Order regardless of change of ownership, EPA finds that no good cause is shown to extend the comment period.

Therefore, the Delayed Compliance Order issued to Fletcher Oil Company is approved by the Administrator of EPA pursuant to the authority of Section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Fletcher Oil Company on a schedule to bring its gasoline terminal and tank farm at Tacoma, Washington, into compliance as expeditiously as practicable with WAC 173-490-040 and 173-490-201 and Sections 2.04, 2.05, 2.13, 3.05 and 3.10 of Puget Sound Air Pollution Control Agency Regulation II, a part of the federally approved Washington State Implementation Plan. If the conditions of the Order are met, it will permit Fletcher Oil Company to delay compliance with

the SIP regulations covered by the Order until January 1, 1983. Fletcher Oil Company is unable to immediately comply with these regulations. EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Fletcher Oil Company on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Washington State Implementation Plan.

**List of Subjects in 40 CFR Part 65**

Air pollution control.  
(42 U.S.C. 7413(d), 7601)

Dated: May 11, 1982.

Anne M. Gorsuch,  
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

**PART 65—DELAYED COMPLIANCE ORDERS**

1. Section 65.521 is amended by adding the following entry to the table to read as follows:

§ 65.521 EPA Approval of State delayed compliance orders issued to major stationary sources.

\* \* \* \* \*

Source	Location	Order No.	SIP regulation(s) involved	Date of FR proposal	Final compliance date
Fletcher Oil Co. ....	Tacoma, Washington....	W13.....	WAC 173-490-040, WAC 173-490-201, PSAPCA Reg. II.	Feb. 12, 1982.....	Jan. 1, 1983.

[FR Doc. 82-13683 Filed 5-18-82; 8:45 am]  
BILLING CODE 6560-50-M

**40 CFR Part 180**

[PP 1F2491/R417; PH-FRL 2126-7]

**Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Nosema Locustae**

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

**ACTION:** Final rule.

**SUMMARY:** This rule establishes an exemption from the requirement of a tolerance for residues of the insecticide *Nosema locustae* in or on all raw agricultural commodities and home gardens. This regulation to eliminate the need to establish a maximum permissible level for residues of the insecticide in or on all raw agricultural

commodities was requested by Reuter Laboratories, Inc.

**EFFECTIVE DATE:** Effective on May 19, 1982.

**ADDRESS:** Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M Street SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION, CONTACT:** Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice in the Federal Register of June 2, 1981 (46 FR 29530) which announced that Reuter Laboratories, Inc., 1405 James Madison Highway, Haymarket, VA 22069, had filed