

## RHODE ISLAND NON REGULATORY—Continued

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approved date	Explanations
Letter from RI DEM submitting revision—Rhode Island's 15 Percent Plan and Contingency Plan.	Statewide .....	Submitted 03/15/94	04/17/97, 62 FR 18712	The revisions consist of the State's 15 Percent Plan and Contingency Plan. EPA approved only the following portions of these submittals: 15 Percent Plan—the EPA approved the calculation of the required emission reductions, and the emission reduction credit claimed from surface coating, printing operations, marine vessel loading, plant closures (0.79 tons per day approved out of 0.84 claimed), cutback asphalt, auto refinishing, stage II, reformulated gas in on-road and off-road engines, and tier I motor vehicle controls. Contingency Plan—the EPA approved the calculation of the required emission reduction, and a portion of the emission reduction credits claimed from Consumer and Commercial products (1.1 tons per day approved out of 1.9 tons claimed), and architectural and industrial maintenance (AIM) coatings (1.9 tons per day approved out of 2.4 tons claimed). EPA concurrently disapproved portions of these SIP submissions, as discussed within Section 52.2084(a)(2).
Letter from RI DEM submitting revision for Clean Fuel Fleet Substitution Plan.	Providence (all of Rhode Island) nonattainment area.	10/05/94	03/09/00, 65 FR 12476	
Letter outlining commitment to national LEV.	Statewide .....	02/22/99	03/09/00, 65 FR 12476	Includes details of the State's commitment to National LEV.
Negative Declaration for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation and Reactor Processes Control Techniques Guidelines Categories.	Statewide .....	Submitted 04/05/95	12/02/99, 65 FR 67495.	
October 1, 1999, letter from Rhode Island Department of Environmental Management.	Statewide .....	Submitted October 1, 1999	12/27/2000, 65 FR 81748	Submitted Air Pollution Control Regulation No. 14, "NO <sub>x</sub> Budget Trading Program," and the "NO <sub>x</sub> State implementation Plan (SIP) Call Narrative."
"NO <sub>x</sub> State implementation Plan (SIP) Call Narrative," September 22, 1999.	Statewide .....	Submitted October 1, 1999	12/27/2000, 65 FR 81748	
November 9, 1999, letter from Rhode Island Department of Environmental Management.	Statewide .....	Submitted November 9, 1999	12/27/2000, 65 FR 81748	Stating RI's intent to comply with applicable reporting requirements.
Negative Declaration for Aerospace Coating Operations Control Techniques Guideline Category.	Statewide .....	Submitted 03/28/00	07/10/00, 65 FR 42292	

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52****[Docket # WA-70-7148; FRL-7493-8]****Approval and Promulgation of Air Quality Implementation Plan; Washington****AGENCY:** Environmental Protection Agency.**ACTION:** Final rule.

**SUMMARY:** Environmental Protection Agency (EPA) is approving most, but not all of the State Implementation Plan (SIP) revisions for visibility submitted by the State of Washington on November 5, 1999. The significant provisions of this SIP revision that we are approving include an improved smoke management plan and the Southwest Air Pollution Control Agency (SWAPCA) emission limitations on the Centralia Power Plant located in central western Washington.

**DATES:** This action is effective on July 11, 2003.

**ADDRESSES:** Copies of the State's SIP revision and other information supporting this action are available for inspection at EPA Region 10, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101.

**FOR FURTHER INFORMATION CONTACT:** Steven K. Body, EPA Region 10, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, Washington 98101, or at (206) 553-0782.

**SUPPLEMENTARY INFORMATION:** The supplementary information is organized in the following order:

- Background
- I. Background on this Action
- II. Background on Visibility

- A. What is visibility protection and why do we have it?
- B. What are the main visibility protections provided by Federal rules?
- C. How has visibility been protected in Washington?
- III. What are the required provisions of a visibility SIP?
- A. Long-Term Strategy
- B. Monitoring
- C. Best Available Retrofit Technology
- IV. What does this proposed Visibility SIP revision change and how do these changes compare to the Federal requirements?
- A. Provisions to revise the protection of Integral Vistas
- B. Provisions to revise the Smoke Management Plan
- i. What is Washington's Smoke Management Plan?
- ii. How does Washington's 1999 SIP Revision change the Plan?
- iii. How does the Smoke Management Plan compare to Federal requirements?
- C. Provisions to include the SWAPCA Reasonably Available Control Technology Emission Limitations for Centralia Power Plant
- D. Provisions to revise the State's Best Available Retrofit Technology and New Source Review Rules
- V. Response to Public Comments
- VI. Statutory and Executive Order Reviews

## Background

### I. Background on This Action

On October 23, 2002, EPA proposed in the **Federal Register**, approving certain portions of the proposed Washington Visibility SIP revision and taking no action on other provisions of the proposed SIP revisions. See 67 FR 65077, October 23, 2002. In that notice, EPA provided a 30 day review and comment period and solicited comments on our proposal. EPA received no comments. EPA is now taking final action on the SIP revision consistent with the published proposal.

### II. Background on Visibility

#### A. What Is Visibility Protection and Why Do We Have It?

Section 169A of the Federal Clean Air Act (CAA or Act) requires States to protect visibility in mandatory Class I Federal areas. Mandatory Class I Federal areas are specified large National Parks or Wilderness Areas. In Washington, there are 8 mandatory Class I Federal areas; the Mount Rainier National Park, North Cascades National Park, Olympic National Park, Alpine Lakes Wilderness Area, Glacier Peak Wilderness Area, Goat Rocks Wilderness Area, Mount Adams Wilderness Area, and Pasayten Wilderness Area. See 40 CFR 81.434. The Federal rules regulating visibility protection are set out in 40 CFR part 51, subpart P.

#### B. What Are the Main Visibility Protections Provided by the Federal Rules?

The Clean Air Act sets out a goal of preventing any future and remedying any existing impairment of visibility in mandatory Class I Federal areas. See 42 U.S.C. 7491. Employing a close coordination process among the state and the Federal Land Managers (FLMs), the Federal rules require monitoring of visibility in mandatory Class I Federal areas, as well as the development of a long-term strategy for making reasonable progress towards the national visibility goal. The visibility protection rules also provide for an assessment of visibility impacts from any new or major modification to a major stationary source that may affect mandatory Class I Federal areas. Additionally, in the event that a FLM certifies impairment of visibility in a mandatory Class I Federal area that could be caused, or contributed to, by an existing stationary facility, emission limitations representing Best Available Retrofit Technology (BART) may be imposed on the facility.

The Federal visibility rules were modified in 1999 to include provisions for addressing regional haze. See 64 FR 35714, July 1, 1999. Regional haze is visibility impairment which results from the cumulative impact of emissions from many point and non-point sources. All states are currently in the process of developing revisions to their SIPs to address the regional haze provisions. Therefore, the SIP submission under discussion in this action is not required to comply with the regional haze provisions of 40 CFR part 51, subpart P.

#### C. How Has Visibility Been Protected in Washington?

The initial proposed Visibility SIP for Washington was submitted by the State and approved in part by EPA on May 4, 1987, (52 FR 16243). EPA approved the Washington State Visibility Protection Program (with exceptions described below), certain provisions of 173–403 Washington Administrative Code (WAC) Implementation of Regulations for Air Contaminant Sources, and the 1983 Smoke Management Program. EPA disapproved section V.B., the new source review program, Appendix A, the Proposed Best Available Retrofit Technology (BART) rule, and the Proposed New Source Review Regulations.

### III. What Are the Required Provisions of a Visibility SIP?

40 CFR 51.302 provides the requirements for Visibility SIPs. These requirements and how the Washington Visibility SIP meets these requirements are summarized below.

#### A. Long-Term Strategy

The SIP needs to include a long-term (10–15 year) strategy that includes emission limitations, schedules of compliance, and other measures as deemed necessary to make reasonable progress toward the national goal. See 40 CFR 51.302(c)(2)(i). In general, Section VI of the proposed 1999 SIP revision provides a discussion of the long-term strategy, including measures for stationary sources, mobile sources, area sources, and interstate coordination. The long-term strategy must include:

- A strategy for evaluating visibility in mandatory Class I Federal areas by visual observation or other appropriate monitoring techniques. See 40 CFR 51.305(a). Section V of the proposed 1999 SIP revision provides for monitoring through the IMPROVE monitoring network and an assessment strategy.
- A provision for the available visibility data and a mechanism for its use in decisions required by the regulations. See 40 CFR 51.305(b). Section IX of the proposed 1999 SIP revision provides for the development and use of available data for SIP review and development.
- A strategy to address any existing impairment the FLM certifies to the State and integral vista of which the FLM notifies the State at least 6 months prior to plan submission. See 40 CFR 51.306(a)(1). Section I of the proposed 1999 SIP revision discusses certification of impairment in mandatory Class I Federal areas. Section III of the proposed 1999 SIP revision discusses integral vistas.
- A discussion, with reasonable specificity, why the long-term strategy is adequate for making reasonable progress. See 40 CFR 51.306(a)(3). Section VI of the proposed 1999 SIP revision discusses all source categories, the control measures that apply to them, and a qualitative assessment of how these are adequate for making reasonable progress. Section IX of the proposed 1999 SIP revision discusses the evaluation of progress toward achieving the national visibility goal.
- Coordination of the long-term strategy with other existing plans and goals, including those provided by affected FLMs. See 40 CFR 51.306(a)(3).

Section IV of the proposed 1999 SIP revision provides for the consultation with FLMs for the review and revision of the visibility SIP and New Source Review rules.

- Provisions for periodic review and revision as appropriate of not less than every three years. See 40 CFR 51.306(c). This review must include:

- (1) Progress achieved in remedying existing impairment;
- (2) The ability of the long-term strategy to prevent future impairment;
- (3) Any change in visibility since the last report;
- (4) Additional measures, including the need for SIP revisions that may be needed to assure reasonable progress;
- (5) The progress achieved in implementing BART and meeting other schedules set forth in the long-term strategy; and
- (6) The impact of any exemption granted under 40 CFR 51.303.
- (7) The need for BART to remedy existing visibility impairment of any integral vista.

Section IV of the proposed 1999 SIP revision provides for the review of the visibility SIP.

- Provisions for review of the impacts of any new or modified major stationary source. See 40 CFR 51.306(d). The Washington Department of Ecology has a fully delegated Prevention of Significant Deterioration (PSD) program. The Department of Ecology was notified of this delegation by letter dated February 7, 2002.

#### B. Monitoring

The plan must contain an assessment of visibility impairment and a discussion of how each element of the plan relates to preventing future or remedying existing impairment. See 40 CFR 51.302(c)(2)(ii). Section V of the proposed 1999 SIP revision provides for visibility monitoring of the mandatory Class I Federal areas. Section IV of the proposed 1999 SIP revision provides a general discussion of the effect of measures on preventing future and remedying existing impairment.

#### C. Best Available Retrofit Technology

The State must identify and analyze for BART each existing stationary facility which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I Federal area where the impairment is reasonably attributable to that existing stationary facility. See 40 CFR 51.302(c)(4). The plan must also contain emission limitations representing BART for any existing stationary facility identified according to 40 CFR 51.302(c)(4).

The State has not determined that existing impairment in any mandatory Class I Federal area for which impairment has been certified can be reasonably attributed to a specific major stationary source.

#### IV. What Does This Proposed Visibility SIP Revision Change and How Do These Changes Compare to the Federal Requirements?

##### A. Provisions To Revise the Protection of Integral Vistas

The 1987 SIP included a list of "Preliminary Integral Vistas" that were proposed by the National Park Service (NPS). The 1987 SIP provides that until the NPS finalizes the list of vistas in accordance with 40 CFR 51.304, the panoramas listed in the January 15, 1981, **Federal Register** (Table III-2) will be protected under the visibility SIP. These integral vistas were never finalized by the NPS. Thus, there are no federally recognized integral vistas to be protected. In the interim, no emission limitation was established for a source that specifically protected an integral vista, nor is the State proposing to revise and relax an emission limitation established for integral vista protection. The 1999 proposed SIP revision removes the provisions that would have continued these protections. The Federal visibility regulations (40 CFR 51.304(d)) indicate that a state need not in its implementation plan list any integral vista the identification of which was not made in accordance with the criteria in 40 CFR 51.304(a). Since no integral vistas have been identified by the FLM, there is no relaxation of SIP emission requirements and since the 1999 proposed SIP revision meets the applicable requirements for visibility protection in mandatory Class I Federal areas, EPA proposes approval of this revision.

##### B. Provisions To Revise the Smoke Management Plan

###### i. What Is Washington's Smoke Management Plan?

Washington's Smoke Management Plan (SMP) is a program designed to manage smoke impacts from the burning of silviculture and agriculture wastes. The SMP balances forest and agricultural land burning with preventing smoke from being carried to, or accumulating in, designated areas and other areas sensitive to smoke.

###### ii. How Does Washington's 1999 Proposed SIP Revision Change the Plan?

The SMP of 1998 submitted in the proposed 1999 Visibility SIP revision significantly improves the 1983 SMP

included in the 1987 SIP. The 1983 SMP provided for reduced emissions from prescribed fires through optimization of fuel conditions (*i.e.* dry fuel), improves ventilation and dispersion through meteorology, and minimizes impact by controlling smoke drift into populated areas. There was no consideration for protection of visibility in mandatory Class I Federal areas.

The 1998 SMP requires approval from the Resource Protection Division Manager, Department of Natural Resources for all prescribed fires. Approval requirements differ depending whether the fire is a "large fire" involving over 100 tons of fuel or a small fire. Large fire burn approval considers a number of factors including likelihood of smoke intrusion into populated areas or mandatory Class I Federal areas, air quality regulations, violation of emission reductions targets, violation of another state's air quality standards, and whether smoke will disperse within given timeframes. Operators of small fires (less than 100 tons of fuel) must call a toll-free phone number and follow the instructions that apply for that day and location of the proposed fire.

The SMP further requires emissions from prescribed fires be reduced by 20% from baseline levels (defined in the SMP) by December 1994 and until December 2000. Emissions from burning must be permanently reduced by 50% from baseline levels by December 2000.

###### iii. How Does the Smoke Management Plan Compare to Federal Requirements?

The visibility protection provisions at 40 CFR part 51, subpart P suggest that states consider SMPs in developing long-term strategies for visibility protection. However, there are no specific Federal requirements for states to develop and adopt SMPs. In September 1992, the Environmental Protection Agency published *The Prescribed Burning Background Document and Technical Information Document for Best Available Control Measures* to assist states in the development of Smoke Management Plans [EPA-450/2-92-003].

##### C. Provisions To Include the SWAPCA Reasonably Available Control Technology Emission Limits for Centralia Power Plant

The Centralia Power Plant (CPP) is a coal-fired electrical generating station that has a potential to emit (PTE) 90,000 t/yr Sulfur dioxide (SO<sub>2</sub>). It is a BART eligible source as defined by 40 CFR 51.301. It is located near the mandatory Class I Federal area, Mt. Rainier National Park in Washington state. The

NPS has certified visibility impairment at Mt. Rainier National Park. The State of Washington has not determined that this visibility impairment is reasonably attributable to the CPP.

The SIP must contain emission limitations representing BART and schedules for compliance with BART for each existing stationary facility identified according to 40 CFR 51.302(c)(4). The state needs to identify each existing facility which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I Federal areas where the impairment in the mandatory Class I Federal area is reasonably attributable to that existing stationary facility. The State has not identified CPP, or any other source or group of small sources as an existing facility that may reasonably be expected to contribute to visibility impairment to mandatory Class I Federal areas. Therefore, under 40 CFR 51.302(c)(4), a BART analysis is not required for CPP. In the future regional haze SIP, a BART analysis may be required for the CPP under 40 CFR 51.308(e).

In a separate activity, the State, SWAPCA, the NPS and U.S. Forest Service, owners of the CPP, and EPA entered into a negotiated agreement to establish emission limits for SO<sub>2</sub>, oxides of nitrogen (NO<sub>x</sub>), and particulate matter with an aerodynamic diameter of less than 10 micrometers (PM-10) for the CPP. The SWAPCA, who has regulatory authority over the CPP, issued the CPP a Reasonably Available Control Technology (RACT) order under state law that contain the negotiated emission limitations. This RACT Order is included in the proposed 1999 Visibility SIP revision.

Both SWAPCA in their Technical Support Document for the RACT Order and EPA Region 10 have independently conducted an analysis of the emission limits in the RACT Order comparing them against what would have been required using the Clean Air Act definition of BART and EPA BART guidelines. Additional details on this analyses can be found in the Technical Support Document in the docket of this action. The conclusion of both analyses is that the RACT Order emission limits for SO<sub>2</sub> and PM-10 represent BART. EPA is approving these emissions limitations as meeting the BART requirements of 40 CFR 51.308(c)(4). Additionally, while the NO<sub>x</sub> emission limitation may have represented BART when the emission limits in the RACT Order were negotiated, recent technology advancements have been made. EPA cannot now say that the emission limitations in the SWAPCA

RACT Order for NO<sub>x</sub> represent BART. However EPA is approving the emission limits for NO<sub>x</sub> as a strengthening of the SIP for visibility purposes.

#### *D. Provisions To Revise the State's Best Available Retrofit Technology and New Source Review Rules.*

The proposed 1999 SIP revision also included revised BART rules (WAC 173-400-151) and New Source Review (NSR) (WAC 173-400-110, 112, 113, & 141). Subsequent to the submittal in 1999, the State has verbally indicated that new rules are being developed and the rules in this submittal will soon be obsolete. Therefore EPA is taking no action on these rules.

#### **V. Response to Comments**

EPA solicited comments on the proposed action in the October 23, 2002, **Federal Register** document (67 FR 65077). EPA received no comments. Therefore, there is no response to comments.

#### **VI. Statutory and Executive Order Reviews**

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. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). 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 pre-existing 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 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism

implications because it does 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). This action 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 Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has 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 Clean Air Act. 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. 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. EPA will submit 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 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 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 August 11, 2003. 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.

Dated: April 24, 2003.

#### L. John Iani,

Regional Administrator, Region 10.

■ Part 52, 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 WW—Washington

■ 2. Amend § 52.2470 by adding paragraph (c)(82) to read as follows:

##### § 52.2470 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(82) On November 5, 1999, the State of Washington, Department of Ecology submitted a revision to the Visibility SIP. EPA approves all provisions to the November 5, 1999 Visibility SIP revision including, but not limited to the 1998 Smoke Management Plan, and South West Air Pollution Control Agency, Reasonably Available Control Technology order on the Centralia Power plant. EPA is taking no action on Section VIII. Identification and Analysis for Best Available Retrofit Technology (BART) and Section X, New Source Review, of the November 5, 1999, Visibility SIP revision.

(i) Incorporation by reference.

(A) South West Air Pollution Control Agency (SWAPCA) regulatory order, SWAPCA 97-2057R1, Regulatory Order

to Establish RACT Limits and Order of Approval, Adopted February 26, 1998.

(B) [Reserved]

■ 3. Amend § 52.2475 by adding paragraph (g) to read as follows:

##### § 52.2475 Approval of plans.

\* \* \* \* \*

(g) Visibility.

(1) EPA approves as a revision to the Washington State Implementation Plan, the November 5, 1999, Visibility SIP revision, except that EPA is taking no action on Section VIII. Identification and Analysis for Best Available Retrofit Technology (BART), and Section X, New Source Review of the November 5, 1999, Visibility SIP revision.

(2) [Reserved]

■ 4. In § 52.2479, the table is amended by revising the entries under Section 5 to read as follows:

##### § 52.2479 Contents of the Federally approved, State submitted implementation plan.

\* \* \* \* \*

#### WASHINGTON STATE IMPLEMENTATION PLAN FOR AIR QUALITY STATE AND LOCAL REQUIREMENTS—TABLE OF CONTENTS

##### Section 5—Federally Mandated Programs [Dates in brackets indicate EPA effective date]

- 5.BAP—Business Assistance Program [5/8/95]
- 5.IM—Motor Vehicle Inspection/Maintenance Program [9/25/96]
- 5.OXY—Oxygenated Gasoline Program [3/21/94]
- 5.SMP—Smoke Management Program [7/6/87]
- 5.VIS—Washington State Visibility Protection Program [7/6/87]
- 5.VIS.NSR—Visibility New Source Review (NSR) for nonattainment areas for Washington [7/28/86]

##### Supplemental Section A—Reference Material [Date in brackets indicate EPA effective date]

- A.1—Description of Source test Program for the State Implementation Plan [10/24/84]

##### Supplemental B—Administrative and Procedural Material [Dates in brackets indicate EPA effective date]

- B.3—Correspondence
- B.3.1—Legal Authority [6/05/80]
- B.3.2—Correspondence prior to 1991
- B.3.2.1—New Source Performance Standards (NSPS) for Tri-Counties [9/23/81]

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#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 180

[OPP-2003-0159; FRL-7309-5]

#### Methoprene, Watermelon Mosaic Virus-2 Coat Protein, and Zucchini Yellow Mosaic Virus Coat Protein; Final Tolerance Actions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

**SUMMARY:** EPA is amending the text of the exemption from the requirement of a tolerance for methoprene and is revoking all of the tolerances for residues for methoprene because a recent EPA review finds that no harm is expected to the public from exposure to residues of methoprene. Therefore, these tolerances are no longer needed and their associated uses are covered by tolerance exemptions. Also, EPA is revoking the exemptions for watermelon mosaic virus-2 coat protein, and zucchini yellow mosaic virus coat protein and specific portions of the viral genetic material when used as plant-incorporated protectants in squash, because these exemptions are covered in

later sections of 40 CFR part 180. Because methoprene's 35 tolerances and the 2 exemptions from the virus materials were previously reassessed, the regulatory actions taken in this document do not contribute toward the Agency's tolerance reassessment requirements of the Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(q), as amended by the Food Quality Protection Act (FQPA) of 1996. By law, EPA is required by August 2006 to reassess the tolerances in existence on August 2, 1996.

**DATES:** This regulation is effective June 11, 2003. Objections and requests for hearings, identified by docket ID