

QUARTERLY REPORT—Continued

	Location	Type	Effective date
San Juan 98-028	Saint Thomas, Charlotte Amalie Harbor	Safety zone	5/2/98
San Juan 98-031	San Juan, Puerto Rico	Safety zone	5/13/98
San Juan 98-032	San Juan, Puerto Rico	Safety zone	5/14/98
Tampa 98-027	Old Tampa Bay, Tampa, FL	Safety zone	5/2/98
Tampa 98-041	Old Tampa Bay, Tampa, FL	Safety zone	6/22/98
Tampa 98-042	Old Tampa Bay, Tampa, FL	Safety zone	6/23/98
DISTRICT DOCKET			
01-98-021	East River, New York	Safety zone	5/30/98
01-98-025	New York Harbor, Upper Bay	Safety zone	4/18/98
01-98-028	Upper and Lower New York Bay	Safety zone	5/27/98
01-98-030	Fore River Shipping Channel, Portland, ME	Safety zone	4/27/98
01-98-034	Peaks Island Explosive Load, Portland, ME	Safety zone	4/8/98
01-98-046	Boston Harbor, Boston, MA	Security zone	5/9/98
01-98-051	Hudson River, Albany, NY	Safety zone	6/6/98
01-98-055	Lower New York Bay, New York	Safety zone	6/20/98
01-98-056	Hudson River, Poughkeepsie, NY	Safety zone	6/13/98
01-98-061	Long Island Sound, New York	Safety zone	6/14/98
01-98-069	Hudson River, New York	Safety zone	6/28/98
01-98-071	East River, New York	Security zone	6/8/98
01-98-073	Southwest Harbor, ME	Safety zone	6/20/98
01-98-074	Rockland, ME	Safety zone	6/21/98
05-97-027	Hampton Roads, Elizabeth River, VA	Security zone	4/15/98
05-98-025	Hampton Roads, Elizabeth River, VA	Security zone	4/3/98
07-98-026	Fort Lauderdale, FL	Special local	4/30/98
07-98-030	Key West, FL	Special local	5/31/98
08-98-016	Arkansas River, M. 308 to M. 309	Special local	5/16/98
08-98-026	Mississippi River, M. 51 to M. 53	Special local	6/12/98
08-98-027	Tennessee River, M. 463.5 to M. 464.5	Special local	6/20/98
09-98-004	Illinois Waterway	Safety zone	4/29/98
09-98-005	Lake Macatawa, Holland, MI	Safety zone	5/8/98
09-98-006	Lake Muskegon, Muskegon, MI	Safety zone	5/9/98
09-98-007	Ludington, MI	Safety zone	5/16/98
09-98-013	Lake Michigan, Muskegon, MI	Safety zone	6/12/98
09-98-014	Black River, South Haven, MI	Safety zone	6/19/98
09-98-015	Lake Macatawa, Holland, Michigan	Safety zone	6/20/98
09-98-09	Little Calumet River	Safety zone	5/19/98
13-98-006	Willamette River, Portland, OR	Safety zone	4/25/98
13-98-007	Willamette River, Portland, OR	Safety zone	5/1/98
13-98-008	Bremerton, WA to Queets, WA	Safety zone	5/23/98
13-98-009	Port of Astoria, Oregon	Safety zone	5/26/98
13-98-010	Willamette River, Portland, OR	Safety zone	5/29/98
13-98-011	Willamette River, Portland, OR	Safety/security zone	6/12/98
13-98-012	Willamette River, Portland, OR	Safety/security zone	6/13/98

[FR Doc. 98-22748 Filed 8-24-98; 8:45 am]

BILLING CODE 4910-15-M

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 52**

[GA-34-3-9819a; FRL-6143-7]

**Approval and Promulgation of
Implementation Plans Georgia:
Approval of Revisions to the Georgia
State Implementation Plan****AGENCY:** Environmental Protection
Agency (EPA).**ACTION:** Direct final rule.**SUMMARY:** The EPA is approving a
revision to the Georgia State
Implementation Plan (SIP). This
revision was to incorporate the Post

1996 Rate-of-progress Plan (9 percent plan) submitted by the State of Georgia through the Georgia Environmental Protection Division (EPD) on November 15, 1993, and amended on June 17, 1996. Supplemental information was submitted on April 14, 1998. This submittal was made to meet the reasonable further progress requirements of section 182(c)(2) of the Clean Air Act, as amended in 1990 (CAA).

DATES: This direct final rule is effective October 26, 1998 unless adverse or critical comments are received by September 24, 1998. If adverse comment is received, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Scott M.

Martin, at the EPA Regional Office listed below.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and
Information Center (Air Docket 6102),
U.S. Environmental Protection
Agency, 401 M Street, SW,
Washington, DC 20460
Environmental Protection Agency,
Region 4 Air Planning Branch, 61
Forsyth Street, SW, Atlanta, Georgia
30303-3104
Air Protection Branch, Georgia
Environmental Protection Division,
Georgia Department of Natural
Resources, 4244 International

Parkway, Suite 120, Atlanta, Georgia 30354

FOR FURTHER INFORMATION CONTACT:

Scott M. Martin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104. The telephone number is 404/562-9036.

SUPPLEMENTARY INFORMATION:

Background

The Atlanta area was classified as a serious nonattainment area under the ozone National Ambient Air Quality Standards (NAAQS) on November 15, 1990. The nonattainment area consists of the following thirteen counties: Cherokee, Clayton, Cobb, Coweta, Dekalb, Douglas, Fayette, Forsyth, Fulton, Gwinnet, Henry, Paulding, and Rockdale.

Section 182(c)(2) of the CAA requires each serious and above ozone nonattainment area to submit a SIP revision by November 15, 1994, which describes, in part, how the area will achieve an actual volatile organic compound (VOC) emission reduction of at least 3 percent per year averaged over each consecutive 3-year period beginning 6 years after enactment (i.e., November 15, 1996) until the area's attainment date. The attainment date for the Atlanta nonattainment area is November 15, 1999.

Under EPA's Guidance on the Post-1996 Rate-of-Progress Plan and the Attainment Demonstration (revised February 18, 1995), if Georgia's overall attainment strategy, as defined in the Attainment Demonstration (Urban Airshed Model (UAM) Results) section of this SIP, identifies needed nitrogen oxide (NO_x) controls as well as VOC controls, the 9% Plan can include NO_x reductions to substitute for the required VOC reductions. If the entire 9 percent reduction is to be obtained solely from NO_x reductions, then no VOC reductions are required.

In order to complete the 9 percent plan in accordance with the aforementioned guidance, the Georgia Environmental Protection Division (EPD) inventoried the 1990 NO_x emissions in the non-attainment area as well as the entire UAM domain for attainment modeling purposes, and adjusted the inventory by removing NO_x emission reductions which will be achieved from Federal regulations on motor vehicles in effect prior to the 1990 amendments to the Clean Air Act. The EPD also calculated the 9 percent NO_x reductions required for the plan, estimated growth of NO_x from 1990 to

1999, and then calculated reductions achieved by various NO_x control rules adopted and scheduled for implementation prior to the end of 1996. EPD found these reductions sufficient to reduce overall NO_x emissions by 9% and also to offset all of the projected 1990-to-1999 NO_x growth. The NO_x target level for 1999 is based on the 1990 Rate-of-Progress (ROP) inventory.

The 1990 Final Base Year Inventory is the starting point for calculating the reductions necessary to meet the requirements of the 1990 CAA. The 1990 Final Base Year Inventory includes all area, point, and mobile sources in the UAM domain. From the Final Base Year Inventory, emissions outside the nonattainment area are subtracted to establish the ROP Base Year Inventory. The 1990 Base Year Inventory and the 1990 ROP Inventory have not changed since submittal in November 1994. The ROP inventory is the base inventory from which the 9 percent reduction on existing sources and the reduction from growth by 1999 must be calculated to meet the requirements of the CAA.

1990 Rate-of-Progress Inventory

The ROP inventory is comprised of the anthropogenic stationary (point and area) and mobile sources in the nonattainment area. The 1990 Base Year Ozone Inventory for the Atlanta nonattainment area, submitted November 1993, is available at the Regional address above. Since no VOC emission reductions are required, the inventory information in this notice will not include VOC emissions.

The 1990 ROP NO_x emissions inventory for the Atlanta nonattainment is 538.73 tons/day.

1990 RATE-OF-PROGRESS BASE YEAR INVENTORY

	NO _x tons/day
Point	121.34
Area	25.74
Mobile	304.04
Nonroad	87.61
Total	538.73

Adjusted Base Year Inventory

The development of the Adjusted Base Year Inventory requires that emission reductions that would occur by 1999 as a result of Federal programs already mandated prior to the 1990 Clean Air Act Amendments be excluded from the inventory.

The adjustments exclude emissions reductions that would occur by 1999 as

a result of the Federal Motor Vehicle Control Program (FMVCP) promulgated prior to the CAA amendments. As a result of these adjustments, states are not able to take credit for emissions reductions that would have occurred from fleet turnover of current standard cars and trucks, or from previously existing federal fuel regulations.

The 1990 Adjusted Base Year Inventory was prepared using adjustments in the mobile source inventory and calculated with MOBILE5a and Vehicle Miles Traveled (VMT). The 1990 Adjusted Base Year Inventory NO_x emissions are approximately 483.12 tons/day.

1990 ADJUSTED BASE YEAR INVENTORY

	NO _x tons/day
Point	121.34
Area	25.74
Mobile	248.43
Nonroad	87.61
Total	483.12

Creditable 9 Percent Reduction

The adjusted base year inventory is multiplied by 0.09 to calculate the creditable 9 percent reduction needed in tons/day.

	Tons/day
Adjusted Base Year Inventory	483.12
X factor	0.09
Creditable reduction needed	43.48

Post-1996 Target Level of Emissions

To calculate the post-1996 target emissions level, the reductions required to meet the 9 percent reduction requirement and the noncreditable emission reductions discussed above are subtracted from the 1990 ROP inventory.

	Tons/day
1990 NO _x ROP Inventory Level ...	538.73
Required 9 percent NO _x Reduction	43.48
FMVCP/RVP Reductions 1990/1999	55.61
Target Level for 1999	439.64

1999 Estimated Emissions

The estimated emissions for 1999 were derived using several factors. Area source emissions were estimated by using projection data provided by the Georgia Office of Planning and Budget. Mobile emissions were estimated using MOBILE5a and VMT for 1990 supplied by the Georgia Department of

Transportation to which growth factors supplied by the Atlanta Regional Commission to project 1999 values. Nonroad mobile source emissions were grown, per EPA guidance, at a rate of one percent per year from the 1990 Base Year nonroad mobile inventory. Point source emissions were grown from the 1990 Base Year Emissions Inventory using Bureau of Economic Analysis growth factors.

Further details are available at the Regional address listed above.

1999 ESTIMATED EMISSIONS

	NO _x tons/day
Point	127.36
Area	29.78
Mobile	215.94
Nonroad	97.19
Total	470.27

Control Strategies

Reductions Needed by 1999 to Achieve 9 Percent Reductions

The reductions needed to achieve 9 percent net-of-growth are determined by subtracting the target level emissions from the 1999 estimated emissions, as shown below:

	Tons/day
1999 Estimated Emissions	470.27
Target Level Emissions	439.64
9 percent Net-of-Growth	30.63

In order to meet the 9 percent net-of-growth reduction required by 1999, Georgia must reduce NO_x emissions by 30.63 tons/day. The following is a summary of the reductions Georgia will obtain to meet this requirement.

SUMMARY OF EXPECTED REDUCTIONS

Source type	Expected reductions (NO _x tons/day)
Point	41.20
Area	2.86
Mobile	1.17
Nonroad	4.87
Reductions Demonstrated	50.10
9% Net of Growth	30.63
Excess Reductions	19.47

The projected 1999 emissions have been calculated by applying the control measures discussed below to the 1999 Estimated Emissions. The 1999 Projected Emissions are shown as follows:

1999 PROJECTED EMISSIONS

Point	86.16
Area	26.92
Mobile	214.77
Nonroad	92.32
Total	420.17

The 1999 Projected Emissions of 420.17 tons/day of NO_x are less than the 1999 Target Level Emissions of 439.64 tons/day of NO_x.

Control Measures

The following NO_x emission reductions which have occurred since 1990 are creditable towards the 9 percent plan and will provide reasonable further progress towards attainment.

Point Source Control Measures

Reasonably available control technology (RACT) is required for all major (50 tons/year and more) NO_x sources in the 13 county nonattainment area. RACT for major NO_x sources was not implemented until May 1995, so these reductions are creditable towards the 9 percent plan.

Initial calculations indicate that these NO_x RACT reductions from three Georgia Power facilities result in 41 tons/day of NO_x reductions. Calculations documenting this figure were supplied by the Southern Company on March 27, 1995, and are available at the Regional address listed above. The 41 tons/day of NO_x reductions exceed the total of 30.63 tons/day of the NO_x reductions needed to meet the post 1999 ROP requirements. Calculations documenting these reductions are available at the Regional address listed above.

NO_x RACT Permits Related to 9 Percent ROP

On March 19, 1998, the EPD submitted revisions to NO_x RACT permits for Georgia Power plants McDonough and Yates which are located in the Atlanta nonattainment area. The purpose of these revisions is to establish NO_x emission limits based on a 30 day rolling average during the ozone season. Monitoring, record keeping, and reporting requirements are also established.

The following permit revisions are being approved by EPA and contain the information referenced in the previous paragraph:

Permit 4911-033-5037-0 Plant McDonough conditions 10 through 22
Permit 4911-038-4838-0 Plant Yates conditions 19 through 32
Permit 4911-038-4839-0 Plant Yates conditions 16 through 29

Permit 4911-038-4840-0 Plant Yates conditions 16 through 29
Permit 4911-038-4841-0 Plant Yates conditions 16 through 29

On November 15, 1994, the EPD submitted revisions to NO_x RACT permits for Georgia Power plant Atkinson and Plant McDonough. The purpose of these revisions is to establish NO_x RACT for the sources. Monitoring, record keeping, and reporting requirements are also established.

The following permit revisions are being approved by EPA and contain the information referenced in the previous paragraph:

Permit 4911-033-1321-0 Plant Atkinson conditions 8 through 13
Permit 4911-033-1322-0 Plant Atkinson conditions 8 through 13
Permit 4911-033-6949 Plant Atkinson conditions 5 through 10
Permit 4911-033-1320 Plant Atkinson conditions 8 through 13
Permit 4911-033-1319-0 Plant Atkinson conditions 8 through 13
Permit 4911-033-6951 Plant McDonough conditions 5 through 10

Other NO_x RACT Permits

Permit 4922-028-10902 Atlanta Gas Light Company conditions 20 and 21
Permit 4922-031-10912 Atlanta Gas Light Company conditions 27 and 28
Permit 2631-033-11436 Austell Box Board Corp. conditions 1 through 5
Permit 8922-044-10094 Emory University conditions 19 through 26
Permit 3711-044-11453 General Motors Corporation conditions 1 through 6 and Attachment A
Permit 2077-058-11226 Georgia Proteins Company conditions 16 through 23 and Attachment A
Permit 3221-060-10576 Owens-Brockway Glass Container, Inc. conditions 26 through 28 and Attachment A
Permit 3296-060-10079 Owens-Corning Fiberglass Corporation conditions 25 through 29
Permit 3354-038-6686-0 William L. Bonnell Co. conditions 17 through 30
Permit 4922-075-10217 Transcontinental Gas Pipe Line Corporation conditions 21 through 24
Permit 9711-033-11456 Lockheed-Georgia Company conditions 1 through 11
Permit 3241-060-8670 Blue Circle Incorporated conditions 48 through 54

Area Source Control Measures

Both VOC and NO_x reductions will occur from a ban on open burning and slash/prescribed burning requirements in Georgia Rule 391-3-1-.02(5).

The VOC reductions are presently being relied upon for the 15 percent plan reductions. The NO_x reductions, 1.95 tons/day from open burning and 0.91 tons/day from slash/prescribed burning, are creditable towards the 9 percent plan requirements.

Mobile Source Control Measures

Federal Rules

Additional Federal rules will result in the following reductions:

EPA Detergent Additives Rule
(Highway): 2.83 tons/day

Nonroad Mobile Source Control Measures

Federal Rules

Additional Federal rules will result in the following reductions:

EPA Detergent Additives Rule
(Nonroad): 0.09 tons/day
EPA Small Nonroad Gasoline Engine Rule: - 0.29 tons/day
EPA Small Nonroad Diesel Engine Rule: 5.07 tons/day

Final Action

The EPA approves the revisions to the Georgia SIP to implement the 9 percent plan because they are consistent with Clean Air Act and Agency requirements.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 26, 1998 unless, by September 24, 1998, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a timely withdrawal of the direct final rule. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective October 26, 1998.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in

relation to relevant statutory and regulatory requirements.

Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

The final rule is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks, because it is not an "economically significant" action under Executive Order 12866.

C. Unfunded Mandates

The Regulatory Flexibility Act (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 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 create any new requirements, 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 Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act 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).

D. Submission to Congress and the General Accounting Office

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 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 proposed 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 approves pre-existing 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.

E. Petitions for Judicial Review

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 3, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *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. *et seq.*

Subpart L—Georgia

2. Section 52.570, is amended by adding paragraph (c) (49) to read as follows:

§ 52.570 Identification of plan.

* * * *

(c) * * *

(49) Addition of NO_x RACT permits to specify RACT for specific sources, submitted on November 15, 1994, and March 19, 1998.

(i) Incorporation by reference.

(A) The following source specific NO_x RACT permits of the Georgia Department of Natural Resources, Chapter 391-3-1, Air Quality Control, effective on December 27, 1995.

NO_x RACT Permits:

Permit 4911-033-5037-0 Plant McDonough conditions 10 through 22
 Permit 4911-038-4838-0 Plant Yates conditions 19 through 32
 Permit 4911-038-4839-0 Plant Yates conditions 16 through 29
 Permit 4911-038-4840-0 Plant Yates conditions 16 through 29
 Permit 4911-038-4841-0 Plant Yates conditions 16 through 29

(B) The following source specific NO_x RACT permits of the Georgia Department of Natural Resources, Chapter 391-3-1, Air Quality Control, effective on November 15, 1994.

NO_x RACT Permits:

Permit 4911-033-1321-0 Plant Atkinson conditions 8 through 13
 Permit 4911-033-1322-0 Plant Atkinson conditions 8 through 13
 Permit 4911-033-6949 Plant Atkinson conditions 5 through 10
 Permit 4911-033-1320-0 Plant Atkinson conditions 8 through 13
 Permit 4911-033-1319-0 Plant Atkinson conditions 8 through 13
 Permit 4911-033-6951 Plant McDonough conditions 5 through 10
 Permit 4922-028-10902 Atlanta Gas Light Company conditions 20 and 21
 Permit 4922-031-10912 Atlanta Gas Light Company conditions 27 and 28
 Permit 2631-033-11436 Austell Box Board Corp. conditions 1 through 5
 Permit 8922-044-10094 Emory University conditions 19 through 26
 Permit 3711-044-11453 General Motors Corporation conditions 1 through 6 and Attachment A
 Permit 2077-058-11226 Georgia Proteins Company conditions 16 through 23 and Attachment A
 Permit 3221-060-10576 Owens-Brockway Glass Container, Inc. conditions 26 through 28 and Attachment A
 Permit 3296-060-10079 Owens-Corning Fiberglass Corporation conditions 25 through 29
 Permit 3354-038-6686-0 William L. Bonnell Co. conditions 17 through 30
 Permit 4922-075-10217 Transcontinental Gas Pipe Line Corporation conditions 21 through 24

Permit 9711-033-11456 Lockheed-Georgia Company conditions 1 through 11

Permit 3241-060-8670 Blue Circle Incorporated conditions 48 through 54

(ii) Other material None.

* * * *

[FR Doc. 98-22650 Filed 8-24-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300696; FRL-6021-6]

RIN 2070-AB78

Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of phosphine resulting from the use of the rodenticide zinc phosphide in or on timothy (seed, forage, hay), alfalfa (forage, hay), and clover (forage, hay). This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on timothy or timothy-alfalfa, clover stands in Washington. This regulation establishes a maximum permissible level for residues of phosphine in these food commodities pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerances will expire and are revoked on February 1, 2000.

DATES: This regulation is effective August 25, 1998. Objections and requests for hearings must be received by EPA on or before October 26, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300696], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. 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 any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP-300696], must also be submitted to:

Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

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 5.1/6.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP-300696]. 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.

FOR FURTHER INFORMATION CONTACT: By mail: Libby Pemberton, 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: Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308-9364, e-mail: pemberton.libby@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, on its own initiative, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing tolerances for phosphine resulting from the use of the rodenticide zinc phosphide in or on timothy (seed, forage, hay), alfalfa (forage, hay), and clover (forage, hay) at 0.1 part per million (ppm). These tolerances will expire and are revoked on February 1, 2000. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104-170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* The FQPA amendments went into effect