

(b) *Effective period.* This section is effective from 8:30 p.m. until 10 p.m. on Saturday, May 8, 1999. There is no rain date for this event.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 23, 1999.

R.E. Bennis,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 99-11343 Filed 5-5-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 61 and 63

[FRL-6316-7]

Clean Air Act Final Approval in Part and Final Disapproval in Part, Section 112(l), Program Submittal; State of Alaska; Amendment and Clarification

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final approval in part and disapproval in part; amendment and clarification.

SUMMARY: This action identifies which 40 CFR Parts 61 and 63 General Provisions authorities are delegated to the Alaska Department of Environmental Conservation (ADEC), and serves as a clarification to the Clean Air Act Final Approval in Part and Final Disapproval in Part, Section 112(l), Program Submittal; State of Alaska, published on December 5, 1996 (see 61 FR 64463). This action amends 40 CFR 61.04 and 63.99 by revising and adding tables outlining ADEC's current delegation status.

DATES: The amendments are effective on May 6, 1999.

ADDRESSES: Copies of the requests for delegation and other supporting documentation are available for public inspection at the following location: U.S. Environmental Protection Agency, Region X, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, WA, 98101.

FOR FURTHER INFORMATION CONTACT: Andrea Wullenweber, US EPA, Region X (OAQ-107), 1200 Sixth Avenue, Seattle, WA, 98101, (206) 553-8760.

SUPPLEMENTARY INFORMATION:

I Administrative Requirements

Under Executive Order (E.O.) 12866, Regulatory Planning and Review (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore, not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), entitled "Protection of Children from Environmental Health Risks and Safety Risks," because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

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).

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 July 6, 1999. 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)].

II Clarification

What Action Is EPA Taking Today?

This action clarifies which 40 CFR Parts 61 and 63 General Provisions authorities are delegated to the Alaska Department of Environmental Conservation (ADEC), and serves as a clarification to the Clean Air Act Final Approval in Part and Final Disapproval in Part, Section 112(l), Program Submittal; State of Alaska, published on December 5, 1996 (see 61 FR 64463).

Why Is EPA Taking This Action?

On December 5, 1996 (see 61 FR 64463), EPA granted ADEC final approval in part and final disapproval in part of Clean Air Act, Section 112(l), authority to implement and enforce specific 40 CFR Parts 61 and 63 federal NESHAP regulations which have been adopted into state law. Since that December 5, 1996, **Federal Register** action, EPA has issued guidance identifying which 40 CFR Part 63, Subpart A, General Provisions, authorities may and may not be delegated to state and local agencies. This guidance was issued in a memorandum from John Seitz, Director, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies." In light of this guidance, Chuck Clarke, Regional Administrator, EPA, Region X, issued a letter of clarification to Michele Brown, Commissioner, ADEC, dated March 11, 1999, identifying specifically which 40 CFR Parts 61 and 63 General Provisions authorities are and are not delegated to ADEC. This clarification notice summarizes that letter.

Which Part 63 General Provisions Authorities Are Delegated to ADEC?

EPA, Region 10, has determined that ADEC has sufficient expertise to implement all of the 40 CFR Part 63 General Provisions authorities which

may be delegated to state and local agencies, as listed in the July 10, 1998, memorandum from John Seitz (referenced above). The table below lists these General Provisions authorities which are delegated to ADEC. In delegating 40 CFR 63.9 and 63.10, Approval of Adjustments to Time Periods for Submitting Reports, ADEC has the authority to approve

adjustments to the timing that reports are due, but does not have the authority to alter the contents of the reports. For Title V sources, semiannual and annual reports are required by Part 70, and this does not change that requirement.

In delegating these authorities, EPA grants ADEC the authority to make decisions which are not likely to be nationally significant nor alter the

stringency of the underlying standard. The intent is that ADEC will make decisions on a source-by-source basis, *not* on a source category-wide basis. Additionally, ADEC may assume that for any authorities not listed in this preamble, in the Part 63 Delegation Status table, or in the subparts as not delegable, ADEC has been delegated that particular authority.

40 CFR PART 63, SUBPART A, GENERAL PROVISIONS AUTHORITIES WHICH ADEC IS DELEGATED

| Section | Authorities |
|--|---|
| 63.1 | Applicability Determinations. |
| 63.6(e) | Operation and Maintenance Requirements—Responsibility for Determining Compliance. |
| 63.6(f) | Compliance with Non-Opacity Standards—Responsibility for Determining Compliance. |
| 63.6(h) [except 63.6(h)(9)] | Compliance with Opacity and Visible Emissions Standards—Responsibility for Determining Compliance. |
| 63.7(c)(2)(i) and (d) | Approval of Site-Specific Test Plans. |
| 63.7(e)(2)(i) | Approval of Minor Alternatives to Test Methods. |
| 63.7(e)(2)(ii) and (f) | Approval of Intermediate Alternatives to Test Methods. |
| 63.7(e)(2)(iii) | Approval of Shorter Sampling Times and Volumes When Necessitated by Process Variables or Other Factors. |
| 63.7(e)(2)(iv) and (h)(2), (3) | Waiver of Performance Testing. |
| 63.8(c)(1) and (e)(1) | Approval of Site-Specific Performance Evaluation (monitoring) Test Plans. |
| 63.8(f) | Approval of Minor Alternatives to Monitoring. |
| 63.8(f) | Approval of Intermediate Alternatives to Monitoring. |
| 63.9 and 63.10 [except 63.10(f)] | Approval of Adjustments to Time Periods for Submitting Reports. |

Note: For definitions of minor and intermediate alternatives to test methods and monitoring, see memorandum from John Seitz, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies."

Which Part 63 General Provisions Authorities Are Automatically Granted to ADEC as Part of Its Part 70 Operating Permits Program?

The 40 CFR Part 63 General Provisions authorities that are automatically granted to ADEC as part of its Part 70 operating permits program approval (regardless of whether the operating permits program approval is interim or final) are: 40 CFR 63.5(e) and (f), Approval and Disapproval of Construction and Reconstruction, and 63.6(i)(1), Extension of Compliance with Emission Standards. Sections 112(i)(1) and (3) state that the "Administrator (or a State with a permit program approved under Title V)" may conduct preconstruction review and may grant compliance extensions. EPA interprets that this authority does not require delegation through subpart E and, instead, is automatically granted to States as part of their Part 70 operating permits program approval. Additionally, for 40 CFR 63.6(i)(1), ADEC does not need to have been delegated a particular standard or have issued a Part 70 operating permit to a particular source to grant that source a compliance extension.

Which Part 63 General Provisions Authorities Are Not Delegated to ADEC?

As a general rule, in delegating the authorities of 40 CFR Part 63, Subpart A, to state or local agencies, EPA retains certain decision-making authorities which could result in a change to the stringency of an underlying standard, which are likely to be nationally significant, or which may require a rulemaking and subsequent **Federal Register** notice. ADEC is not delegated those 40 CFR Parts 63 authorities listed in the footnotes of the Part 63 Delegation Status table at the end of this rule. Additionally, ADEC is not delegated any authorities identified in the subparts (i.e., under "Delegation of Authority") that cannot be delegated.

Section 63.6(g), Use of an Alternative Non-opacity Emission Standard, also cannot be delegated to a state or local agency because approval of such an alternative requires a Federal rulemaking. Sections 63.12 through 63.15 contain the following information, which is not necessary to delegate to state or local agencies: State Authority and Delegations (63.12), Addresses of State Air Pollution Control Agencies and EPA Regional Offices (63.13), Incorporations By Reference (63.14),

and Availability of Information and Confidentiality (63.15).

Which Part 61 General Provisions Authorities Are Not Delegated to ADEC?

As a general rule, in delegating the authorities of 40 CFR Parts 61, Subpart A, to state or local agencies, EPA retains certain decision-making authorities which could result in a change to the stringency of an underlying standard, which are likely to be nationally significant, or which may require a rulemaking and subsequent **Federal Register** notice. In the footnotes of the Part 61 Delegation Status table at the end of this rule, EPA has identified which authorities are not delegated to ADEC. This list has been compiled jointly by EPA's Office of Environmental Compliance and Assistance (OECA) and EPA, Region 10, based on the July 10, 1998, memorandum from John Seitz (as referenced above), EPA policy memos from pre-1990, and a guidance document under development by OECA entitled, "How to Review and Issue Clean Air Act Applicability Determinations and Alternative Monitoring."

Sections 61.04(b) and 61.16 contain the following information, respectively,

which is not necessary to delegate to state or local agencies: Address and Availability of Information. Also, ADEC is not delegated any sections in the subparts pertaining to approval of alternative standards (i.e., alternative means of emission limitations), or approval of major alternatives to test methods or monitoring; as well as any authorities identified in the subparts (i.e., under "Delegation of Authority") that cannot be delegated.

Which Part 61 General Provisions Authorities Are Delegated to ADEC?

ADEC may assume that for any authorities not listed in this preamble, in the Part 61 Delegation Status table, or in the subparts as not delegable, ADEC has been delegated that particular authority. Additionally, in delegating these authorities, EPA grants ADEC the authority to make decisions which are not likely to be nationally significant nor alter the stringency of the underlying standard. The intent is that ADEC will make decisions on a source-by-source basis, not on a category-wide basis.

What Are ADEC's Reporting Requirements to EPA?

As a condition of receiving delegation of the General Provisions authorities, ADEC must submit to EPA the following information:

- ADEC must input all source information into the Aerometric Information Retrieval System (AIRS) for both point and area sources by September 30 of each year;
 - ADEC must report to EPA, Region X, all MACTRAX information upon request, which is typically semiannually. (MACTRAX provides summary data for each implemented NESHAP that EPA uses to evaluate the Air Toxics Program);
 - ADEC must also provide any additional compliance related information to EPA, Region X, as agreed upon in the Compliance Assurance Agreement;
 - ADEC must submit to EPA, Region X, copies of determinations issued pursuant to the delegated General Provisions authorities (which are listed in Table 1);
 - ADEC must also forward to EPA, Region X, copies of any notifications received pursuant to 63.6(h)(7)(ii) pertaining to the use of a continuous opacity monitoring system; and
- ADEC must submit to EPA's Emission Measurement Center of the Emissions Monitoring and Analysis Division copies of any approved intermediate changes to test methods or monitoring. (For definitions of major, intermediate

and minor alternative test methods or monitoring methods, see the July 10, 1998, memorandum from John Seitz, referenced above). These intermediate test methods or monitoring changes should be sent via mail or facsimile to: Chief, Source Categorization Group A, U.S. EPA (MD-19), Research Triangle Park, NC 27711, Facsimile telephone number: (919) 541-1039.

What Is the Effective Date of This Clarification?

This clarification of ADEC's delegation of authority was effective on the date of the letter from Chuck Clarke, EPA, to Michele Brown, ADEC, which was March 11, 1999. Please note that this clarification does not change any source-specific determinations that have already been made under the 40 CFR Parts 61 and 63 General Provisions; instead, this should be used as guidance for all future decisions regarding the General Provisions authorities.

What Is the Impact of This Clarification on the Regulated Community?

This clarification notice informs the regulated community where to send requests for determinations that will be made pursuant to the General Provisions authorities in Parts 61 and 63. For those General Provisions authorities that are delegated, requests should be submitted to ADEC; and for those General Provisions authorities that are not delegated, requests should be submitted to EPA.

What Is The Impact of This Clarification on Indian Country in Alaska?

This clarification notice (as well as the original December 5, 1996, delegation) does not extend to "Indian country" located in Alaska, as defined in 18 USC Section 1151. Because the extent of Indian country is currently unknown and is subject to litigation, the exact boundaries of Indian country have not been established in Alaska. At present, the lands acknowledged to be Indian country are the Annette Island Reserve, the trust lands identified as Indian country by the United States in Klawock, Kake, and Angoon, and the Native allotments still in restricted status. With this clarification, EPA does not intend to affect the rights of federally-recognized Indian tribes in Alaska, nor does it intend to limit the existing rights of the State of Alaska. Because the approved ADEC program does not extend to sources and activities in Indian country, EPA will continue to implement NESHAPs in Indian country.

III Amendment

What Action Is EPA Taking Today?

EPA is amending 40 CFR 61.04(b)(C) to correct ADEC's address, and is amending 40 CFR 61.04(c)(10) to add ADEC's delegation status for Part 61 standards to the existing table for Region X. EPA is also amending 40 CFR 63.99(a)(2) to add a table listing ADEC's delegation status for Part 63 standards. These Delegation Status tables are listed at the end of this rule.

Why Is EPA Taking This Action?

EPA is amending these tables to add ADEC's delegation status to help the reader more easily distinguish which subparts of Parts 61 and 63 are delegated. This information helps the reader determine which agency (EPA or ADEC) is the primary implementing and enforcing agency for a particular subpart. These tables list the subparts that were delegated to ADEC in a **Federal Register** action published on December 5, 1996 (see 61 FR 64463), and also list the Parts 61 and 63 General Provisions authorities which are not delegated to ADEC, based on this clarification notice.

List of Subjects

40 CFR Part 61

Environmental protection, Air pollution control, Arsenic, Asbestos, Benzene, Beryllium, Hazardous substances, Mercury, Reporting and recordkeeping requirements, Vinyl Chloride.

40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: March 18, 1999.

Jane S. Moore,

Acting Regional Administrator, Region X.

Title 40, chapter I, parts 61 and 63 of the Code of Federal Regulations is amended as follows:

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7413, 7414, 7416, 7601 and 7602.

Subpart A—General Provisions

2. Section 61.04 is amended in paragraph (b) by revising paragraph (b)(C); and by revising the existing table in paragraph (c)(10) and the note to paragraph (c)(10) to read as follows:

§ 61.04 Address.

Willoughby Avenue, Suite 105, Juneau, AK
99801-1795.

(c) * * *
(10) * * *

(b) * * *

Note: For a table listing ADEC's delegation status, see paragraph (c)(10) of this section.

(C) State of Alaska, Department of Environmental Conservation (ADEC), 410

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DELEGATION STATUS FOR PART 61 STANDARDS—REGION X

| Subpart | A D E C ¹ | I D E Q ² | O D E Q ³ | L R A P A ⁴ | E c o l o g y ⁵ | B C A ⁶ | N W A P A ⁷ | O A P C A ⁸ | P S A P C A ⁹ | S C A P C A ¹⁰ | S W A P C A ¹¹ | Y R C A ¹² |
|---|-------------------------------|-------------------------------|-------------------------------|------------------------------------|--|--------------------------|------------------------------------|------------------------------------|---|--|--|--------------------------------|
| A General Provisions ¹³ | X | | | | | | X | | X | | X | |
| B Radon from Underground Uranium Mines | | | | | | | | | | | | |
| C Beryllium | | | | | | | X | | X | | X | |
| D Beryllium Rocket Motor Firing | | | | | | | X | | X | | X | |
| E Mercury | X | | | | | | X | | X | | X | |
| F Vinyl Chloride | | | | | | | X | | X | | X | |
| H Emissions of Radionuclides other than Radon from Dept of Energy facilities | | | | | | | | | | | | |
| I Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H | | | | | | | | | | | | |
| J Equipment Leaks of Benzene | X | | | | | | X | | X | | X | |
| K Radionuclides from Elemental Phosphorus Plants | | | | | | | | | | | | |
| L Benzene from Coke Recovery | | | | | | | X | | X | | | |
| M Asbestos | X ¹ | | | | | | X | | X | | X | |
| N Arsenic from Glass Plants | | | | | | | X | | X | | X | |
| O Arsenic from Primary Copper Smelters | | | | | | | X | | X | | X | |
| P Arsenic from Arsenic Production Facilities | | | | | | | X | | X | | X | |
| Q Radon from Dept of Energy facilities | | | | | | | | | | | | |
| R Radon from Phosphogypsum Stacks | | | | | | | | | | | | |
| T Radon from Disposal of Uranium Mill Tailings | | | | | | | | | | | | |
| V Equipment Leaks | X | | | | | | X | | X | | X | |
| W Radon from Operating Mill Tailings | | | | | | | | | | | | |
| Y Benzene from Benzene Storage Vessels | X | | | | | | X | | X | | X | |
| BB Benzene from Benzene Transfer Operations | | | | | | | X | | X | | X | |
| FF Benzene Waste Operations | X | | | | | | X | | X | | X | |

¹ Alaska Department of Environmental Conservation (1/18/97) NOTE: Alaska received delegation for sections 61.145 and 61.154 of Subpart M (Asbestos), along with other sections and appendices which are referenced in 61.145, as 61.145 applies to sources required to obtain an operating permit under Alaska's regulations. EPA retains the authority to implement and enforce Subpart M for area source asbestos demolition and renovation activities.

² Idaho Division of Environmental Quality.

³ Oregon Department of Environmental Quality.

⁴ Lane Regional Air Pollution Authority.

⁵ Washington Department of Ecology.

⁶ Benton Clean Air Authority.

⁷ Northwest Air Pollution Authority (5/14/98).

⁸ Olympic Air Pollution Control Authority.

⁹ Puget Sound Air Pollution Control Agency (7/1/97).

¹⁰ Spokane County Air Pollution Control Authority.

¹¹ Southwest Air Pollution Control Authority (8/1/96).

¹² Yakima Regional Clean Air Authority.

¹³ Authorities which are not delegated include: 40 CFR 61.04(b); 61.12(d)(1); 61.13(h)(1)(ii) for approval of major alternatives to test methods; 61.14(g)(1)(ii) for approval of major alternatives to monitoring; 61.16; 61.53(c)(4); any sections in the subparts pertaining to approval of alternative standards (i.e., alternative means of emission limitations), or approval of major alternatives to test methods or monitoring; and all authorities identified in the subparts (i.e., under "Delegation of Authority") that cannot be delegated.

Note to paragraph (c)(10): Dates in parenthesis indicate the effective date of the federal rules that have been adopted by and delegated to the state or local air pollution control agency. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

Subpart E—Approval of State Programs and Delegation of Federal Authorities

2. Section 63.99 is amended by adding paragraph (a)(2) to read as follows:

§ 63.99 Delegated Federal authorities.

(a) * * *

(2) Alaska.

(i) The following table lists the specific part 63 standards that have been delegated unchanged to the Alaska Department of Environmental Conservation. The (X) symbol is used to indicate each subpart that has been delegated.

DELEGATION STATUS FOR PART 63 STANDARDS—ALASKA

| Subpart | | Alaska Department of Environmental Conservation (1/18/97) |
|---------|--|---|
| A | General Provisions ¹ | X |
| D | Early Reductions | X |
| F | HON-SOCMI. | |
| G | HON-Process Vents. | |
| H | HON-Equipment Leaks. | |
| I | HON-Negotiated Leaks. | |
| L | Coke Oven Batteries. | |
| M | Perc Dry Cleaning | X |
| N | Chromium Electroplating | X ² |
| O | Ethylene Oxide Sterilizers. | |
| Q | Industrial Process Cooling Towers | X |
| R | Gasoline Distribution | X |
| S | Pulp and Paper. | |
| T | Halogenated Solvent Cleaning | X |
| U | Polymers and Resins I. | |
| W | Polymers and Resins II-Epoxy. | |
| X | Secondary Lead Smelting. | |
| Y | Marine Tank Vessel Loading | X |
| CC | Petroleum Refineries | X |
| DD | Off-Site Waste and Recovery | X |
| EE | Magnetic Tape Manufacturing. | |
| GG | Aerospace Manufacturing & Rework. | |
| II | Shipbuilding and Ship Repair | X |
| JJ | Wood Furniture Manufacturing Operations | X |
| KK | Printing and Publishing Industry | X |
| LL | Primary Aluminum. | |
| OO | Tanks—Level 1. | |
| PP | Containers. | |
| QQ | Surface Impoundments. | |
| RR | Individual Drain Systems. | |
| VV | Oil-Water Separators and Organic-Water Separators. | |
| EEE | Hazardous Waste Combustors. | |
| JJJ | Polymers and Resins IV. | |

¹ Authorities which are not delegated include: 40 CFR 63.6(g); 63.6(h)(9); 63.7(e)(2)(ii) and (f) for approval of major alternatives to test methods; 63.8(f) for approval of major alternatives to monitoring; 63.10(f); and all authorities identified in the subparts (i.e., under "Delegation of Authority") that cannot be delegated. For definitions of minor, intermediate, and major alternatives to test methods and monitoring, see memorandum from John Seitz, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies."

² Alaska received delegation for Subpart N (Chromium Electroplating) as it applies to sources required to obtain an operating permit under Alaska's regulations. EPA retains the authority for implementing and enforcing Subpart N for area source chromium electroplating and anodizing operations which have been exempted from Part 70 permitting in 40 CFR 63.340(e)(1).

(ii) [Reserved]

Note to paragraph (a)(2): The date in parenthesis indicates the effective date of the federal rules that have been adopted by and delegated to the Alaska Department of Environmental Conservation. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

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[FR Doc. 99-11270 Filed 5-5-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300846; FRL-6074-9]

RIN 2070-AB78

Myclobutanil; Extension of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends a time-limited tolerance for combined residues of the fungicide myclobutanil and its metabolite in or on strawberries at 0.5 parts per million (ppm) for an additional 1-year period. This tolerance will expire and is revoked on March 31, 2000. This action is in response to

EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on strawberries. 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 FIFRA section 18.

DATES: This regulation becomes effective May 6, 1999. Objections and requests for hearings must be received by EPA, on or before July 6, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP-300846], must be submitted to: Hearing Clerk