

enable individuals to conceal their wrongdoing or mislead the course of the investigation; and result in the secreting of or other disposition of assets that would make them difficult or impossible to reach in order to satisfy any Government claim growing out of the investigation or proceeding.

(iii) From subsection (e)(1) because it is not always possible to detect the relevance or necessity of each piece of information in the early stages of an investigation. In some cases, it is only after the information is evaluated in light of other evidence that its relevance and necessity will be clear.

(iv) From subsections (e)(4)(G) and (H) because this system of records is compiled for law enforcement purposes and is exempt from the access provisions of subsections (d) and (f).

(v) From subsection (e)(4)(I) because to the extent that this provision is construed to require more detailed disclosure than the broad, generic information currently published in the system notice, an exemption from this provision is necessary to protect the confidentiality of sources of information and to protect privacy and physical safety of witnesses and informants. DLA will, nevertheless, continue to publish such a notice in broad generic terms as is its current practice.

Dated: May 5, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense

[FR Doc. 98-12321 Filed 5-8-98; 8:45 am]

BILLING CODE 5000-04-F

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

[Secretary of the Navy Instruction 5211.5]

Privacy Act; Implementation

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its Privacy Act regulation on exemptions for specific record systems. The administrative amendment consists of changing the system name of N05520-4, NIS Investigative Files System' to 'NCIS Investigative Files System'.

EFFECTIVE DATE: May 11, 1998.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685-6545 or DSN 325-6545.

SUPPLEMENTARY INFORMATION:

Executive Order 12866. It has been determined that this Privacy Act rule for

the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of \$100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866 (1993).

Regulatory Flexibility Act. It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. It has been determined that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

The Department of the Navy is amending the system name of an exempt system of records published in 32 CFR part 701, subpart G. The administrative amendment consists of changing the system name of N05520-4, NIS Investigative Files System' to 'NCIS Investigative Files System'.

List of Subjects in 32 CFR Part 701

Privacy.

1. The authority citation for 32 CFR part 701, Subpart G continues to read as follows:

AUTHORITY: Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 552a).

2. Section 701.118, is amended by revising the heading of paragraph (m) as follows:

§ 701.118 Exemptions for specific Navy record systems.

* * * * *

(m) *System identifier and name:*
N05520-4, NCIS Investigative Files System. * * *

Dated: May 5, 1998.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98-12322 Filed 5-8-98; 8:45 am]

BILLING CODE 5000-04-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA-46-1-7384a; FRL-6009-1]

Approval and Promulgation of State Implementation Plans; Louisiana: Site-Specific Revision for the Exxon Company Baton Rouge Refinery

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, the EPA is approving a site-specific revision to the Louisiana 15% Rate-of-Progress State Implementation Plan (SIP). The revision extends the date of compliance for the installation of particular Volatile Organic Liquid (VOL) storage tank controls for storage tanks located at the Baton Rouge Refinery of Exxon Company, U.S.A. Specifically, the revision extends the compliance date of the requirement for the installation of guide pole sliding cover gaskets on 33 storage tanks until the earlier of the next scheduled downtime of the subject tanks or December 2005.

In the proposed rules section of today's **Federal Register** (FR), the EPA is proposing and seeking public comment on the same conditional and final approvals of the Louisiana SIP that are discussed in this document. If relevant adverse comments are received on these approvals, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that the direct final rule did not take effect, and addressing the relevant comments received in a subsequent final rule, based on the related proposed rule. No additional opportunity for public comment will be provided.

DATES: This action is effective on July 10, 1998 unless adverse or critical comments are received by June 10, 1998. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule did not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, Region 6, Dallas, 1445 Ross Avenue, Texas 75202-2733, telephone: (214) 665-7214

Air Quality Division, Louisiana Department of Environmental Quality (LDEQ), 7290 Bluebonnet Boulevard, Baton Rouge, Louisiana 70810, telephone: (504) 765-7247.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Eaton R. Weiler, Air Planning Section (6PD-L), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone: (214) 665-2174.

SUPPLEMENTARY INFORMATION:

I. Background

A. VOL Storage Rule

In 61 FR 54737 (October 22, 1996) the EPA approved the Louisiana 15% Rate-of-Progress plan which describes how ozone nonattainment areas classified as moderate and above will achieve an actual reduction in emissions of volatile organic compounds during the first six years after the enactment of the 1990 Clean Air Act amendments. See section 182(b). Included in this plan is the State rule for controlling Volatile Organic Compound (VOC) emissions from VOL storage, Louisiana Administrative Code (LAC) 33:III.2103. The calculated emissions reductions from the implementation of this rule were credited towards the Louisiana 15% Rate-of-Progress plan.

The compliance date for rule LAC 33:III.2103 was November 15, 1996. The control requirements for external floating roof storage tanks of this rule include the installation of guide pole sliding cover gaskets. Relating to compliance date extensions, the rule states, "Requests for extension of the November 15, 1996, compliance date will be considered on a case-by-case basis for situations which require the tank to be removed from service to install the controls and must be approved by the administrative authority." In this instance, the term "administrative authority" refers to both the Secretary or designee of the LDEQ, and the Administrator or authorized representative of the EPA.

B. Site Specific Request

In letters to the LDEQ dated November 13, 1996; May 14, 1997; and July 3, 1997; the Baton Rouge Refinery of Exxon Company, U.S.A. requested an extension of the compliance schedule of the requirement for the installation of guide pole sliding cover gaskets on 33 external floating roof tanks. These letters include a list of the tanks, the date of the next maintenance downtime, and emissions estimates for the tanks.

To accomplish the installation of the sliding cover gaskets, the guide pole roller brackets must be temporarily removed to allow the sliding cover to be elevated to insert the gasket. The roller brackets on these 33 tanks are welded in place (versus bolted in place) and require the use of cutting torches or other "hotwork" (spark generating cutting or welding) for removal.

Prematurely shutting down and cleaning the subject tanks to install the required sliding cover gaskets would result in considerable additional VOC emissions from each tank beyond that expected for normal maintenance and inspection. Where possible, the Refinery has complied with all other floating roof storage tank rules to limit emissions of VOC's.

Calculations provided by Exxon and reviewed and accepted by the LDEQ and the EPA show installation of the sliding gaskets would result in a reduction of VOC emissions by 12 tons per year. Premature shut down and degassing needed to install the sliding gaskets would result in additional VOC emissions of over 100 tons. Furthermore, the installation of the sliding gaskets represents a minuscule portion of the 2,500 tons per year of emission reductions from Exxon's tank controls as approved in the 15% Rate-of-Progress plan.

Therefore, the delayed reductions will not significantly impact the 15% Rate-of-Progress plan for the Baton Rouge ozone nonattainment area. The VOC emission impact of this extension is approximately 0.03 tons per day and will diminish as tanks come out of service and are retrofitted while reductions demonstrated in the 15% Rate-of-Progress plan exceed the required reductions by 1.4 tons per day; therefore, the plan will still demonstrate the required reductions.

In letters dated July 17, and September 12, 1997, the LDEQ notified Exxon of LDEQ's approval of the compliance date extensions for installation of the sliding cover gaskets. In a letter dated December 20, 1997, the Governor of Louisiana submitted the LDEQ-approved site-specific revision to

the 15% Rate-of-Progress plan to the EPA for approval.

II. Final Action

By this action, the EPA is approving a revision to the Louisiana 15% Rate-of-Progress SIP to allow for a site-specific extension of the compliance date to LAC 33:III. 2103.D.4 for the installation of sliding pole gasket covers for 33 tanks located at the Exxon Company U.S.A., Baton Rouge Refinery until the earlier of the next scheduled downtime or December 2005.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective July 10, 1998 without further notice unless, by June 10, 1998, relevant adverse comments are received.

If EPA receives such comments, then the EPA will publish a timely withdrawal of the final rule in the **Federal Register** informing the public that the rule did not take effect. All relevant public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on the proposed rule. Any parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective July 10, 1998 and no further action will be taken on the proposed rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

III. Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. See 5 U.S.C. 603 and 604. Alternatively, EPA may

certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The SIP approvals under section 110 and subchapter I, part D of the 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 impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, 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.

The EPA has determined that the approval action promulgated 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 preexisting 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.

D. Submission to Congress and the Comptroller General

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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). The EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability.

E. Petitions for Judicial Review

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 July 10, 1998. 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the SIP for the State of Louisiana was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 23, 1998.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

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

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

Subpart T—Louisiana

2. Section 52.970 is amended by adding paragraphs (c)(79) to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

(79) Site-specific revision to the 15% Rate-of-Progress plan submitted by the Governor in a letter dated December 20, 1997. The revision provides for a schedule extension for installation of guide pole sliding cover gaskets on 33 external floating roof tanks located at the Baton Rouge refinery of Exxon Company U.S.A.

(i) Incorporation by reference.

Letters dated July 17, 1997, and September 12, 1997, from the LDEQ to Exxon Company U.S.A. approving the compliance date extension; which are included in the State Implementation Plan submittal entitled, "Summary of 15% Rate-of-Progress State Implementation Plan Revision," dated December 20, 1997.

(ii) Additional material.

(A) Letter from the Governor of Louisiana dated December 20, 1997, transmitting a copy of the State Implementation Plan revision.

(B) Letters dated November 13, 1996; May 14, 1997; and July 3, 1997; from Exxon Company U.S.A. to the LDEQ requesting the compliance date extension and including a list of the subject tanks, the date of the next maintenance downtime, and emissions estimates for the tanks; which are included in the State Implementation Plan submittal entitled, "Summary of 15% Rate-of-Progress State Implementation Plan Revision," dated December 20, 1997.

[FR Doc. 98-12433 Filed 5-8-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300646; FRL-5787-4]

RIN 2070-AB78

Bentazon; Extension of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a time-limited tolerance for residues of the herbicide bentazon and its metabolites in or on succulent peas at 3 part per million (ppm) for an additional 1-year period, to June 30, 1999. 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 succulent peas. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to