

**ACTION:** Final disapproval; correction of effective date under CRA.

**SUMMARY:** On November 19, 1997 (62 FR 61633), the Environmental Protection Agency published in the **Federal Register** a final disapproval of the SIP revision submitted by the State of Louisiana for establishing and operating a motor vehicle Inspection and Maintenance (I/M) Program, which established an effective date of December 19, 1997. This document corrects the effective date of the rule to February 13, 1998 to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808. Since certain statutory sanctions may be applied if the deficiency identified in the final disapproval is not corrected, this document also clarifies the timing of such sanctions.

**EFFECTIVE DATE:** This rule is effective on February 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Diane Taheri, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7460.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on November 19, 1997, by operation of law, the rule did not take effect on December 19, 1997, as stated therein. Now that EPA has discovered its error, the rule is being submitted to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

As discussed more fully in the November 19, 1997, final rule, under section 179(a)(2) of the Clean Air Act, since EPA has taken final action disapproving the SIP revision for the I/M Program, if the deficiency is not corrected within 18 months of the effective date of the final disapproval action, the Administrator must apply one of the sanctions set forth in section 179(b) of the Act. Since this document has corrected the effective date of the final disapproval to February 13, 1998, the 18-month sanctions clock time frame for the State to correct the deficiency begins February 13, 1998.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since November 19, 1997, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the November 19, 1997, **Federal Register** document.

**II. Administrative Requirements**

Under Executive Order 12866 (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 or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), 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.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the November 19, 1997, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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 General Accounting Office; however, in accordance with 5 U.S.C. 808(2), this rule is effective on February 13, 1998. This rule is not a "major rule" as defined in 5 U.S.C. 804(2). Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of publication of the amendment.

This final rule only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date. Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of publication of the amendment.

Dated: February 6, 1998.

**Carol Browner,**  
Administrator.

[FR Doc. 98-3690 Filed 2-12-98; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 81**

[FRL-5963-9]

**Technical Amendments to Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; Ozone; Correction of Effective Date Under Congressional Review Act (CRA)**

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

**ACTION:** Final rule; correction of effective date under CRA.

**SUMMARY:** On November 6, 1997 (62 FR 60001), the Environmental Protection Agency published in the **Federal Register** a final rule finding that the Phoenix nonattainment area (Maricopa County, Arizona) has not attained the 1-hour ozone national ambient air quality standard (NAAQS) by the applicable attainment date in the Clean Air Act (CAA) for moderate ozone nonattainment areas, which established an effective date of December 8, 1998. The rule stated that revisions to the State Implementation Plan (SIP) are due by December 8, 1998. This document corrects the effective date of the rule to February 13, 1998 to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808. This document does not change the December 8, 1998, SIP revision submission date.

**EFFECTIVE DATE:** This rule is effective on February 13, 1998.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Armour, EPA Region IX, at (415) 744-1730.

**SUPPLEMENTARY INFORMATION:**

## I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on November 6, 1997, **Federal Register** document, by operation of law, the rule did not take effect on December 8, 1998, as stated therein. Now that EPA has discovered its error, the rule is being submitted to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

The November 6, 1997, rule specifies that a revised SIP to meet the serious area requirements is due to be submitted by December 8, 1998, based on the need to meet the deadline for the attainment date for serious areas—November 19, 1999. Since the change in effective date of the rule has no impact on the reasons EPA established the December 8, 1998, revised SIP submission date, and since the State has been on notice of this action since the November 6, 1997, final rule was published in the **Federal Register**, EPA is not changing the December 8, 1998, deadline for submitting SIP revisions.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and

affected parties have known of the underlying rule since November 6, 1997, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2).

## II. Administrative Requirements

Under Executive Order 12866 (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 or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), 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.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the November 6, 1997, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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 General Accounting Office; however, in accordance with 5 U.S.C. 808(2), this rule is effective on February 13, 1998. This rule is not a "major rule" as defined in 5 U.S.C. 804(2).

This final rule only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date. Pursuant to section 307(b)(1) of the Clean Air Act, challenges to this amendment must be brought within 60 days of publication of the amendment.

Dated: February 6, 1998.

**Carol Browner,**  
*Administrator.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-300608; FRL-5767-7]

RIN 2070-AB78

### Lambda-cyhalothrin; Pesticide Tolerances

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for the combined residues of the pyrethroid lambda-cyhalothrin and its epimer in or on alfalfa forage at 5.0 parts per million (ppm); alfalfa hay at 6.0 ppm; leaf lettuce at 2.0 ppm; brassica head and stem subgroup (broccoli, Chinese broccoli, Brussels sprouts, cabbage, Chinese (napa) cabbage, Chinese mustard, cauliflower, caval broccolo, and kohlrabi) at 0.4 ppm; replaces the term "grain dust" with "aspirated grain fractions" with a tolerance of 2.0 ppm; and increases the tolerance for poultry fat from 0.01 ppm to 0.03 ppm. Zeneca Ag Products requested these tolerances under the Federal Food, Drug and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (Pub. L. 104-170).

**DATES:** This regulation is effective February 13, 1998. Objections and requests for hearings must be received by EPA on or before April 14, 1998.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number, [OPP-300608], 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-300608], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), 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, CM #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