

### E. Petitions for Judicial Review

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 June 22, 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: February 25, 1998.

**William Rice,**

*Acting Regional Administrator, Region VII.*

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 AA—Missouri

2. Section 52.1320 is amended by adding paragraph (c)(103) to read as follows:

#### § 52.1320 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(103) Revisions to the Missouri plan were submitted by the Governor on March 20, 1997.

(i) Incorporation by reference.

(A) St. Louis City Ordinance 59270, Section 4—Definitions, numbers 80. “Open Burning,” 100. “Refuse,” 108. “Salvage Operation,” and 126. “Trade Waste” only; and Section 12, effective October 23, 1984.

(B) St. Louis City Permit No. 96-10-084, issued to Washington University School of Medicine Medical Waste Incinerator, 500 S. Euclid Avenue, effective February 20, 1997.

(C) St. Louis City Permit No. 96-10-083, issued to Washington University School of Medicine Pathological Incinerator, 4566 Scott Avenue, effective February 20, 1997.

(D) St. Louis City Operating Permit, issued to St. Louis University Medical Center Medical Waste Incinerator, 3628 Rutger Avenue, effective August 3, 1992.

(E) Kansas City Air Quality Control Code C.S. No. 56726, Chapter 8, Sections: 8-2, definitions for “Open burning,” “Refuse,” “Salvage operation,” and “Trade waste”; and 8-4, only, effective August 2, 1984.

(F) Remove St. Louis City Ordinance 50163, effective June 11, 1968.

(G) Remove St. Louis City Ordinance 54699, effective March 27, 1967.

(H) Remove St. Louis County Air Pollution Control Code SLCRO, Title VI, Chapter 612, effective February 22, 1967.

(I) Remove Kansas City Air Pollution Control Code C.S. No. 36539, Chapter 18, except sections: 18.83—Definitions, subsections (13) “Incinerators” and (15) “Multiple Chamber Incinerators”; and 18.91—Incinerators, effective August 31, 1972.

(J) Remove City of Springfield Air Pollution Control Standard G.O. No. 1890, Chapter 2A, except sections: 2A-2—Definitions, the definitions for “Director of Health,” “Existing Equipment,” “Incinerator,” “Multiple-chamber incinerator,” “New equipment,” “Open burning,” “Particulate matter,” “Refuse,” and “Trade waste”; 2A-25; 2A-34; 2A-35; 2A-36; 2A-37; 2A-38; 2A-51; 2A-55; and 2A-56, effective October 12, 1969.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[VT-006-01-1219a; A-1-FRL-5998-1]

### Approval and Promulgation of Air Quality Implementation Plans; Vermont; VOC Regulations

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

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving State Implementation Plan (SIP) revisions submitted by the State of Vermont on February 4, 1993, August 9, 1993, and August 10, 1994. These SIP revisions establish requirements for certain categories of sources which emit volatile organic compounds. The intended effect of this action is to approve these regulations into the Vermont SIP. This action is being taken in accordance with the Clean Air Act (CAA).

**DATES:** This rule is effective June 22, 1998 without further notice, unless EPA receives relevant adverse comments by May 22, 1998. If EPA receives such comments, then it will publish a timely document withdrawing this rule.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA; and Air Pollution Control Division, Agency of Natural Resources, Building 3 South, 103 South Main Street, Waterbury, VT 05676.

**FOR FURTHER INFORMATION CONTACT:** Anne E. Arnold, (617) 565-3166.

**SUPPLEMENTARY INFORMATION:** On February 4, 1993, August 9, 1993, and August 10, 1994, the State of Vermont submitted formal revisions to its State Implementation Plan (SIP). These SIP revisions consist of regulations to reduce volatile organic compound (VOC) emissions from certain categories of sources.

### I. Summary of SIP revision

#### Background

On November 15, 1990, amendments to the 1977 CAA were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. §§ 7401-7671q. Pursuant to the amended CAA, the entire state of Vermont was designated as “unclassifiable/attainment” for ground-level ozone. 56 FR 56694 (Nov. 6, 1991).

Section 184 of the amended CAA, establishes an Ozone Transport Region (OTR) which is comprised of several northeastern states, including Vermont. Section 184(b) requires that states in the OTR implement reasonably available control technology (RACT) for all VOC sources covered by a Control Techniques Guideline (CTG) issued before or after the enactment of the Clean Air Act Amendments of 1990 and for all major VOC sources (defined as 50 tons of VOC emissions per year for sources in the OTR).

A CTG is a document issued by EPA which establishes a “presumptive norm” for RACT for a specific VOC source category. Under the pre-amended CAA, EPA issued CTG documents for 29 categories of VOC sources. Section 183 of the amended CAA requires that EPA issue 13 new (i.e., post-1990) CTGs. Appendix E of the General Preamble of Title I (57 FR 18077) lists the categories

for which EPA plans to issue new CTGs. On November 15, 1993, EPA issued a CTG for Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations and Reactor Processes. Also, on August 27, 1996, EPA issued a CTG for shipbuilding and repair operations. In addition, on May 26, 1996, EPA issued a CTG for wood furniture finishing operations. CTGs for the remaining Appendix E categories have not yet been issued.

#### *EPA's Evaluation of Vermont's Submittal*

In response to the Section 184(b) RACT requirement, on April 6, 1992 and August 28, 1992, Vermont submitted negative declarations for the following pre-1990 CTG categories:

1. Automobile and Light-Duty Truck Coating Operations
2. Can Coating
3. Coil Coating
4. Fabric Coating
5. Vinyl Coating
6. Coating of Metal Furniture
7. Coating of Large Appliances
8. Coating of Magnet Wire
9. Petroleum Refinery Sources
10. Leaks from Petroleum Refinery Equipment
11. Petroleum Liquid Storage in External Floating Roof Tanks
12. Leaks from Natural Gas/Gasoline Processing Equipment
13. Manufacture of Synthesized Pharmaceutical Products
14. Pneumatic Rubber Tire Manufacturing
15. Graphic Arts Systems
16. Petroleum Solvent Dry Cleaners
17. Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment
18. Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins
19. Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry

Vermont also submitted negative declarations regarding several post-1990 CTG categories. On April 20, 1994, Vermont submitted a negative declaration for the SOCMI Distillation Operations and Reactor Processes CTG. In addition, Vermont submitted a negative declaration for the shipbuilding and repair operations CTG on September 30, 1996.

Through these negative declarations, the State of Vermont is asserting that there are no sources within the State that would be subject to a rule for that source category. EPA is approving these negative declarations as meeting the Section 184(b) RACT requirement for the source categories listed. However, if evidence is submitted during the comment period that there are existing sources within the State of Vermont

that, for purposes of meeting the RACT requirement, would be subject to one or more of these rules, if developed, EPA would be unable to take final approval action on the negative declarations.

After submitting the above negative declarations, Vermont then proceeded with the process of adopting regulations to control VOC emissions from the remaining pre-1990 CTG categories (which include surface coating processes, solvent metal cleaning, the use of cutback asphalt, and gasoline marketing operations) and from major non-CTG sources. Vermont's regulation for major non-CTG sources, 5-253.20 "Other Sources that Emit Volatile Organic Compounds," was approved by EPA on April 9, 1997 (62 FR 17084) and will not be further discussed in this document.

The VOC regulations included in Vermont's February 4, 1993, August 9, 1993, and August 10, 1994 SIP submittals which are the subject of today's document are listed below.

- 5-101 Definitions
- 5-253.1 Petroleum Liquid Storage In Fixed Roof Tanks
- 5-253.2 Bulk Gasoline Terminals
- 5-253.3 Bulk Gasoline Plants
- 5-253.4 Gasoline Tank Trucks
- 5-253.5 Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities
- 5-253.10 Paper Coating
- 5-253.12 Coating of Flatwood Paneling
- 5-253.13 Coating of Miscellaneous Metal Parts
- 5-253.14 Solvent Metal Cleaning
- 5-253.15 Cutback and Emulsified Asphalt

In addition to the above-mentioned rules, Vermont submitted revisions to its "SIP Narrative," which contain descriptive material on how the state will implement these rules.

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the Act and EPA regulations, as found in Section 110 and Part D of the Act and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in various EPA policy guidance documents. For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guidelines (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for RACT for specific source categories. EPA has not yet developed CTGs to cover all sources of VOC emissions. Further interpretations of EPA policy are found in those portions of the proposed Post-1987 ozone and carbon

monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987) and "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register Notice**" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988) and the existing CTGs. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

EPA has evaluated Vermont's VOC regulations and has found that they are generally consistent with the following EPA guidance documents: Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles, and Light-Duty Trucks (EPA-450/2-77-008); Control of Volatile Organic Compounds from Use of Cutback Asphalt (EPA-450/2-77-037); Clarification for Final SIP Actions on Asphalt Regulations (EPA memorandum, October 4, 1979); Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed Roof Tanks (EPA-450/2-77-036); Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals (EPA-450/2-77-026); Control of Volatile Organic Emissions from Bulk Gasoline Plants (EPA-450/2-77-035); Hydrocarbon Control Strategies for Gasoline Marketing Operations (EPA-450/3-78-017); Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VII: Factory Surface Coating of Flat Wood Paneling (EPA-450/2-78-032); Control of Volatile Organic Compound Emissions from Solvent Metal Cleaning (EPA-450/2-77-022); and Model Volatile Organic Compound Rules for Reasonably Available Control Technology (EPA draft, June 1992). This finding is supported by Vermont's SIP Narrative, in which the State declares that it will require sources to use EPA test methods and otherwise exercise any discretion under its rules in a manner that is consistent with the CTGs. As such, EPA believes that the submitted rules constitute RACT for the applicable sources.

Vermont's VOC regulations and EPA's evaluation are detailed in a memorandum, dated [date], entitled "Technical Support Document—Vermont—VOC Regulations." Copies of that document are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

## II. Final Action

EPA is approving the following regulations into the Vermont SIP:

- 5-101 Definitions
- 5-253.1 Petroleum Liquid Storage in Fixed Roof Tanks
- 5-253.2 Bulk Gasoline Terminals
- 5-253.3 Bulk Gasoline Plants
- 5-253.4 Gasoline Tank Trucks
- 5-253.5 Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities
- 5-253.10 Paper Coating
- 5-253.12 Coating of Flatwood Paneling
- 5-253.13 Coating of Miscellaneous Metal Parts
- 5-253.14 Solvent Metal Cleaning
- 5-253.15 Cutback and Emulsified Asphalt.

In addition to approving these regulations into Vermont's SIP, EPA is also approving revisions to Vermont's SIP narrative, as well as negative declarations submitted by Vermont for certain CTG categories, as "additional material" under Section 52.2370.

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 a separate document in this **Federal Register** publication, the EPA is proposing to approve these SIP revisions should relevant adverse comments be filed. This rule will be effective June 22, 1998 without further notice unless, by May 22, 1998, the Agency receives relevant adverse comments.

If the EPA receives such comments, then EPA will publish a subsequent document informing the public that the rule is withdrawn. 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 rule will be effective June 22, 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.

## III. Administrative Requirements

### A. Executive Order 12866

The Office of Management and Budget (OMB) 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. 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.

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 impose any new requirements, the Administrator certifies 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 CAA, preparation of a 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).

### C. Unfunded Mandates

To reduce the burden of Federal regulations on States and small governments, President Clinton issued Executive Order 12875 on October 26, 1993, entitled "Enhancing the Intergovernmental Partnership." Under Executive Order 12875, EPA may not issue a regulation which is not required by statute unless the Federal Government provides the necessary funds to pay the direct costs incurred by the State and small governments or EPA provides to the Office of Management and Budget a description of the prior consultation and communications the agency has had with representatives of State and small governments and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected and other representatives of State and small governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

The present action satisfies the requirements of Executive Order 12875 because it is required by statute and because it does not contain a significant unfunded mandate. Section 110(k) of the Clean Air Act requires that EPA act

on implementation plans submitted by states. This rulemaking implements that statutory command. In addition, this rule approves preexisting state requirements and does not impose new federal mandates binding on State or small governments.

Under Sections 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 the 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 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 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.

### 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. 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).

### E. Petitions for Judicial Review

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 June 22, 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).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

**Note:** Incorporation by reference of the State Implementation Plan for the State of Vermont was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 1, 1998.

**John P. DeVillars,**

*Regional Administrator, Region I.*

Part 52 of 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 UU—Vermont**

2. Section 52.2370 is amended by adding paragraph (c)(25) to read as follows:

**§ 52.2370 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(25) Revisions to the State Implementation Plan submitted by the Vermont Air Pollution Control Division on February 3, 1993, August 9, 1993, and August 10, 1994.

(i) Incorporation by reference.

(A) Letters from the Vermont Air Pollution Control Division dated February 4, 1993, August 9, 1993, and

August 10, 1994 submitting revisions to the Vermont State Implementation Plan.

(B) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.1, entitled “Petroleum Liquid Storage in Fixed Roof Tanks,” effective in the State of Vermont on November 13, 1992.

(C) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.2, entitled “Bulk Gasoline Terminals,” effective in the State of Vermont on November 13, 1992.

(D) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.3, entitled “Bulk Gasoline Plants,” effective in the State of Vermont on November 13, 1992.

(E) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.4, entitled “Gasoline Tank Trucks,” effective in the State of Vermont on November 13, 1992.

(F) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.5, entitled “Stage I Vapor Recovery Controls at Gasoline Dispensing Facilities,” effective in the State of Vermont on November 13, 1992.

(G) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.10, entitled “Paper Coating,” effective in the State of Vermont on November 13, 1992.

(H) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.12, entitled “Coating of Flat Wood Paneling,” effective in the State of Vermont on November 13, 1992.

(I) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.13, entitled “Coating of Miscellaneous Metal Parts,” effective in the State of Vermont on August 13, 1993.

(J) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.14, entitled “Solvent Metal Cleaning,”

effective in the State of Vermont on August 13, 1993.

(K) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–253.15, entitled “Cutback and Emulsified Asphalt,” effective in the State of Vermont on August 17, 1994.

(L) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–101, entitled “Definitions,” effective in the State of Vermont on November 13, 1992.

(M) Chapter 5 of the Agency of Natural Resources Environmental Protection Regulations, Subsection 5–101, entitled “Definitions,” effective in the State of Vermont on August 13, 1993.

(ii) Additional materials.

(A) Vermont Agency of Natural Resources document entitled “State of Vermont: Air Quality Implementation Plan” dated August 1993.

(B) Letter from the Vermont Agency of Natural Resources dated September 30, 1996 submitting a negative declaration for the shipbuilding and repair Control Techniques Guideline (CTG) category.

(C) Letter from the Vermont Agency of Natural Resources dated April 20, 1994 submitting a negative declaration for the synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor processes CTG categories.

(D) Letters from the Vermont agency of Natural Resources dated April 6, 1992 and August 28, 1992 submitting negative declarations for several pre-1990 CTG categories.

(E) Nonregulatory portions of the submittal.

3. In § 52.2381, Table 52.2381 is amended by adding a new entry to existing state citation “Chapter 5, Air Pollution Control, Subchapter I, Definitions, Section 5–101 Definitions” and by adding 10 new entries to existing state citation “Subchapter II, Prohibitions” to read as follows:

**§ 52.2381 EPA—Approved Vermont state regulations.**

\* \* \* \* \*

TABLE 52.2381—EPA-APPROVED REGULATIONS  
[Vermont SIP regulations 1972 to present]

State citation, title and subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.2370	Comments and unapproved sections
* * * * *					
Section 5–101 Definitions .....	10/29/92 7/29/93	4/22/98	[Insert <i>FR</i> citation from published date].	(c)(25) .....	Add definitions associated with VOC RACT rules.

TABLE 52.2381—EPA-APPROVED REGULATIONS—Continued  
[Vermont SIP regulations 1972 to present]

State citation, title and subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.2370	Comments and unapproved sections
* * Section 5–253.1 Petroleum Liquid Storage in Fixed Roof Tanks.	10/29/92	4/22/98	[Insert FR citation from published date].	(c)(25) .....	* *
Section 5–253.2 Bulk Gasoline Terminals	10/29/92	4/22/98	[Insert FR citation published date].	(c)(25) .....	
Section 5–253.3 Bulk Gasoline Plants	10/29/92	4/22/98	[Insert FR citation from published date].	(c)(25) .....	
Section 5–253.4 Gasline Tank Trucks.	10/29/92	4/22/98	[Insert FR citation from published date].	(c)(25) .....	
Section 5–253.5 Stage I vapor recovery controls at gasoline dispensing facilities.	10/29/92	4/22/98	[Insert FR citation from published date].	(c)(25) .....	
Section 5–253.10 Paper Coating.	10/29/92	4/22/98	[Insert FR citation from published date].	(c)(25) .....	
Section 5–253.12 Coating of Flatwood Paneling.	10/29/92	4/22/98	[Insert FR citation from published date].	(c)(25) .....	
Section 5–252.13 Coating of Miscellaneous Metal Parts.	7/29/93	4/22/98	[Insert FR citation from published date].	(c)(25) .....	
Section 5–253.14 Solvent Metal Cleaning.	7/29/93	4/22/98	[Insert FR citation from published date].	(c) 25) .....	
Section 5–253.15 Cutback and Emulsified Asphalt.	8/2/94	4/22/98	[Insert FR citation from published date].	(c)(25) .....	
* * * * *					* *

[FR Doc. 98–10724 Filed 4–21–98; 8:45 am]  
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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP–300635; FRL–5782–1]

RIN 2070–AB78

### Fenoxaprop-ethyl; Pesticide Tolerance

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for combined residues of fenoxaprop-ethyl [ethyl 2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate] and its metabolites [2-[4-[(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoic acid and 6-chloro-2,3-dihydrobenzoxazol-2-one in or on the following raw agricultural commodities (RACs): barley, grain at 0.05 parts per million (ppm), and barley straw at 0.1 ppm. AgrEvo USA Company 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 April 22, 1998. Objections and requests for hearings must be received by EPA on or before June 22, 1998.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number, [OPP–300635], 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–300635], 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, 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 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 or

ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300635]. 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: Joanne I. Miller, Product Manager (PM) 23, 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) 305–6224, e-mail: miller.joanne@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of September 17, 1997 (62 FR 48837) (FRL–5741–1), EPA, issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) announcing the filing of a pesticide petition (PP) for tolerance by AgrEvo USA Company, Little Falls One, 2711 Centerville Road, Wilmington, DE 19808. This notice included a summary of the petition prepared by AgrEvo USA Company, the registrant. There were no