''FDA''; and in paragraphs (l), (m)(4), (n)(3) and (n)(4), and (o)(3) and (o)(4) by removing ''the Commissioner of Food and Drugs'', wherever it appears, and adding in its place ''FDA''; by revising paragraph (m)(3); and by adding paragraphs (m)(4)(iii) and (m)(5) to read as follows:

§ 101.69 Petitions for nutrient content claims.

* * * * *

(m) * * *

(3) Within 100 days of the date of receipt of the petition, FDA will notify the petitioner by letter that the petition has either been filed or denied. If denied, the notification shall state the reasons therefor. If filed, the date of the notification letter becomes the date of filing for the purposes of section 403(r)(4)(A)(i) of the act. If FDA does not act within such 100 days, the petition shall be deemed to be denied unless an extension is mutually agreed upon by the FDA and the petitioner. A petition that has been denied, or has been deemed to be denied without filing, shall not be made available to the public. A filed petition shall be available to the public as provided under paragraph (g) of this section.

* * * * *

(4) * * *

(iii) If FDA does not act within 90 days of the filing date, the petition shall be deemed to be denied unless an extension is mutually agreed upon by FDA and the petitioner.

(5) If FDA issues a proposal, the rulemaking shall be completed within 540 days of the date of receipt of the petition.

* * * * *

3. Section 101.70 is amended by revising paragraph (j)(2), by adding paragraph (j)(3)(iii), and by revising paragraph (j)(4)(ii) to read as follows:

§ 101.70 Petitions for health claims.

* * * * *

(j) * * *

(2) Within 100 days of the date of receipt of the petition, FDA will notify the petitioner by letter that the petition has either been filed for comprehensive review or denied. The agency will deny a petition without reviewing the information contained in ''B. Summary of Scientific Data'' if the information in ''A. Preliminary Requirements'' is inadequate in explaining how the substance conforms to the requirements of § 101.14(b). If the petition is denied, the notification will state the reasons therefor, including justification of the rejection of any report from an authoritative scientific body of the U.S. Government. If filed, the date of the notification letter becomes the date of filing for the purposes of this regulation. If FDA does not act within such 100 days, the petition shall be deemed to be denied unless an extension is mutually agreed upon by FDA and the petitioner. A petition that has been denied, or has been deemed to be denied, without filing will not be made available to the public. A filed petition will be available to the public to the extent provided under paragraph (e) of this section.

(3) * * *

(iii) If FDA does not act within 90 days of the filing date, the petition shall be deemed to be denied unless an extension is mutually agreed upon by FDA and the petitioner.

(4) * * *

(ii) For cause, FDA may extend, no more than twice, the period in which it will publish a final rule; each such extension will be for no more than 90 days. FDA will publish a notice of each extension in the **Federal Register**. The document will state the basis for the extension, the length of the extension, and the date by which the final rule will be published, which date shall be within 540 days of the date of receipt of the petition.

Dated: May 6, 1998.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 98–12832 Filed 5–13–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 100

RIN 1219–AB03

Civil Penalties; Correction

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Final rule; correction.

SUMMARY: This document corrects the RIN number to the final rule for criteria and procedures for proposed assessment of civil penalties published in the **Federal Register** on April 22, 1998.

EFFECTIVE DATE: May 14, 1998.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On April 22, 1998, (63 FR 20032) MSHA published a final rule on criteria and procedures for proposed assessment of civil penalties. This document corrects an error that appears on the front page of the notice. The RIN number 1219–AA49 is corrected to read 1219–AB03.

Patricia W. Silvey,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 98–12759 Filed 5–13–98; 8:45 am]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL–6013–2]

OMB Approval Numbers Under the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for the Urban Bus Rebuild Requirements.

EFFECTIVE DATE: This final rule is effective June 15, 1998.

FOR FURTHER INFORMATION CONTACT: William Rutledge, Engine Programs and Compliance Division (Mail Code 6403–J), U.S. Environmental Protection Agency, Washington, DC 20460. Telephone: (202) 564–9297.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to list those information requirements promulgated under the Urban Bus Rebuild Requirements which appeared in the **Federal Register** on April 21, 1993 (58 FR 21359). The affected regulations are codified at 40 Code of Federal Regulations (CFR) §§ 85.1401 through 85.1415. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and record keeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

This ICR was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is ''good cause'' under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

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. However, section 808 provides that any rule for which the issuing agency for good cause finds that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of June 15, 1998. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: May 5, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, part 9 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT [AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 et seq., 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1 the table is amended by adding the new entries under the indicated heading in numerical order to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES AND MOTOR VEHICLE ENGINES

40 CFR citation	OMB control No.
* * * * *	
85.1403	2060–0302
85.1404	2060–0302
85.1406	2060–0302
85.1407	2060–0302
85.1408	2060–0302
85.1409	2060–0302
85.1410	2060–0302
85.1411	2060–0302
85.1412	2060–0302
85.1413	2060–0302
85.1414	2060–0302
85.1415	2060–0302
* * * * *	

[FRDoc. 98–12852 Filed 5–13–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ–007–FON FRL–6010–3]

Finding of Failure To Submit Required State Implementation Plans for Carbon Monoxide; Arizona; Phoenix Carbon Monoxide Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Clean Air Act (Act), EPA is taking final action to find that the State of Arizona has failed to make required State Implementation Plan (SIP) submittals for the metropolitan Phoenix carbon monoxide (CO) nonattainment area. These required submittals are the serious area plan requirements for attainment of the CO national ambient air quality standards (NAAQS). The deadline for these submittals was February 28, 1998.

This final action triggers the 18-month time clock for mandatory application of sanctions and 2-year time clock for a Federal Implementation Plan under the Act. This action is consistent with the Act's mechanism for assuring timely SIP submissions.

EFFECTIVE DATE: April 27, 1998.

FOR FURTHER INFORMATION CONTACT: Frances Wicher, Office of Air Planning (AIR–2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California, 94105–3901, telephone (415) 744–1248.

SUPPLEMENTARY INFORMATION:

I. Background

A. Serious Area CO Planning Requirements for the Phoenix Metropolitan Area

Under sections 107(d)(1)(C) and 186(a) of the Clean Air Act (Act or CAA), the Phoenix metropolitan area was designated nonattainment and classified as ''moderate'' for carbon monoxide. The nonattainment designation and classification are codified in 40 CFR part 81. See 56 FR 56694 (November 6, 1991). Moderate CO nonattainment areas were given until December 31, 1995 to attain the CO NAAQS.

The Act provides that moderate areas that the Administrator finds have failed to attain by their moderate area deadlines are reclassified to serious by operation of law, CAA section 186(b)(2). Reclassified areas are then required to submit revised SIPs to address the