

September 17, 1999, to 6:00 p.m. (CDT) October 1, 1999.

FOR FURTHER INFORMATION CONTACT:
COTP New Orleans representative,
LT(jg) Kevin Lynn at (504) 589-4221.

SUPPLEMENTARY INFORMATION:

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to the potential hazards to local marine traffic and personnel involved in pollution response and diving operations.

Background and Purpose

The hazardous condition requiring this regulation is a result of personnel involved in pollution response and diving operations on the Lower Mississippi River between 94.0 and mile 96.0 Above Head of Passes. A safety zone is needed to protect personnel involved in pollution response and underwater diving operations in the area. Entry into this zone is prohibited to all vessels, with the exception of towing vessels operating without tows, unless authorized by the Captain of the Port. This regulation is issued pursuant to 33 U.S.C. 1231 as set out in the authority citation for all of Part 165.

Regulatory Evaluation

This temporary final rule is not a significant regulatory evaluation under Executive Order 12866 and is not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full regulatory evaluation is unnecessary. This regulation will only be in effect for a short period of time, and the impacts on routine navigation are expected to be minimal.

Collection of Information

This temporary final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2-1, paragraph (34)(g) of the Commandant Instruction M16475.1C, this proposal is categorically excluded from further environmental documentation.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Since the impact of this regulation on non-participating small entities is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation will only be in effect for several days and the impacts on small entities are expected to be minimal.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Chapter 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 1605; 49 CFR 1.46.

2. A new § 165.T08-034 is added to read as follows:

§ 165.T08-034 Safety Zone.

(a) *Location.* The following area is a safety zone: Lower Mississippi River from mile 94.0 to mile 96.0 Above Head of Passes, in the vicinity of Algiers Point extending the entire width of the river.

(b) *Effective date.* This section will become effective on September 17, 1999 at 6:00 p.m. (CDT). It will be terminated on October 1, 1999, at 6:00 p.m. (CDT), unless sooner terminated by the Captain of the Port. The Captain of the Port will notify the public of changes in the status of this zone by Marine Radio Safety

Broadcasts on VHF Marine Band Radio, Channel 22 (157.1 MHz).

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone by any vessel, with the exception of towing vessels operating without tows, is prohibited unless authorized by the Captain of the Port New Orleans.

Dated: September 16, 1999.

S.W. Rochon,

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

[FR Doc. 99-25447 Filed 9-27-99; 1:45 pm]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH-038-7165a; A-1-FRL-6445-4]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Stage II Comparability and Clean Fuel Fleets

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving two State Implementation Plan (SIP) revisions that the New Hampshire Department of Environmental Services (DES) submitted to EPA: New Hampshire's Stage II comparability demonstration submitted on July 9, 1998, and Clean Fuel Fleets opt out submitted on June 7, 1994. The intended effect of this action is to approve both submittals into the New Hampshire SIP. This action is being taken in accordance with the Clean Air Act (CAA).

DATES: This direct final rule is effective on November 29, 1999 without further notice, unless EPA receives adverse comment by October 29, 1999. 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 will not take effect.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th

floor, Boston, MA and at the Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302-2033.

FOR FURTHER INFORMATION CONTACT:

Anne E. Arnold, (617) 918-1047, for Stage II Comparability and Matthew B. Cairns, (617) 918-1667, for Clean Fuel Fleets.

SUPPLEMENTARY INFORMATION: This section is organized as follows:

- What action is EPA taking?
- What are the CAA requirements for Stage II comparability?
- What measures are included in New Hampshire's Stage II comparability SIP?
- What is the relationship between New Hampshire's previously approved Stage II serious area SIP and its Stage II comparability SIP?
- What is New Hampshire's Stage II comparability reduction target?
- How is New Hampshire achieving its reduction target?
- What are the Clean Fuel Fleets requirements?
- How is New Hampshire meeting the Clean Fuel Fleets requirements?
- Why is EPA approving New Hampshire's Stage II comparability and Clean Fuel Fleets opt out SIP revisions?
- What is the process for EPA's approval of these SIP revisions?
- Administrative Requirements

What Action Is EPA taking?

The Environmental Protection Agency is approving the Stage II comparability demonstration the New Hampshire DES submitted on July 9, 1998 and the Clean Fuel Fleets opt out submitted on June 7, 1994. EPA is approving these submittals into the New Hampshire SIP because they meet the requirements of section 184(b)(2) and section 182(c)(4), respectively, of the CAA. 42 U.S.C. 7401, 7511c(b)(2), and 7511a(c)(4).

What Are the CAA Requirements for Stage II Comparability?

Section 184(b)(2) of the CAA requires states in the Ozone Transport Region (OTR) to adopt Stage II or comparable measures within one year of EPA completion of a study identifying control measures capable of achieving emissions reductions comparable to the reductions achievable through section 182(b)(3) Stage II vapor recovery controls. EPA completed its study "Stage II Comparability Study for the Northeast Ozone Transport Region" (EPA-452/R-94-011) on January 13, 1995.

Stage II vapor recovery controls reduce volatile organic compound (VOC) emissions that occur during the refueling of motor vehicles. VOC emissions contribute to the formation of ground-level ozone (the main component of smog).

What Measures Are Included in New Hampshire's Stage II Comparability SIP?

To demonstrate that it has met the CAA Stage II comparability requirement, New Hampshire relies on VOC reductions achieved from implementing its Stage II vapor recovery program and its reformulated gasoline (RFG) program.

What Is the Relationship Between New Hampshire's Previously Approved Stage II Serious Area SIP and its Stage II Comparability SIP?

By meeting the CAA Stage II serious area requirements, the state has also met the CAA Stage II comparability requirements for the two areas in New Hampshire classified as serious ozone nonattainment pursuant to the CAA Amendments of 1990. New Hampshire's Stage II comparability demonstration, therefore, focuses on demonstrating Stage II comparability in the rest of the state, specifically in the Manchester area (originally classified as marginal pursuant to the CAA Amendments of 1990) and in the counties of Belknap, Carroll, Cheshire, Coos, Grafton, and Sullivan.

Under the CAA section 182(b)(3) Stage II vapor recovery requirement for serious ozone nonattainment areas, New Hampshire adopted a Stage II program in Hillsborough, Merrimack, Rockingham, and Strafford counties. At the time New Hampshire adopted its Stage II program, these four counties included the state's one marginal and two serious ozone nonattainment areas. On December 7, 1998 (63 FR 67405), EPA approved New Hampshire's Stage II program pursuant to the CAA section 182(b)(3) Stage II requirement for serious ozone nonattainment areas.

What Is New Hampshire's Stage II Comparability Reduction Target?

The State has calculated that it must achieve a 9,551 pounds per day (ppd) reduction in VOC emissions to meet the Stage II comparability requirement (not counting the Stage II reductions achieved in the two serious areas). In its Stage II comparability SIP, New Hampshire refers to this 9,551 ppd reduction as the Stage II comparability reduction target.

As noted in EPA's Stage II comparability guidance, states should make comparability determinations for the year 1999. New Hampshire's Stage II comparability demonstration states that uncontrolled 1999 refueling emissions in the Manchester marginal area and in the other six counties would be 6,529 ppd and 6,148 ppd,

respectively. New Hampshire DES estimates that the implementation of a CAA required Stage II program in New Hampshire would achieve a 75.34 percent overall reduction in refueling emissions.¹ Applying this 75.34 percent reduction to the uncontrolled refueling emissions results in a reduction target of 9,551 ppd.

How Is New Hampshire Achieving Its Reduction Target?

In its Stage II comparability demonstration, New Hampshire commits to reserving all of the available emission reductions from its Stage II program in the marginal nonattainment area (4,145 ppd) and a portion of the available emission reductions from its reformulated gasoline program (5,406 ppd out of 20,398 ppd) to meet the 9,551 ppd Stage II comparability target.

New Hampshire has reductions available from its Stage II program in the Manchester marginal nonattainment area that the State may use to meet the Stage II comparability requirement. The State estimates that in 1999, Stage II controls will achieve a 4,919 ppd reduction in emissions in this area. The State, however, previously reserved 774 ppd of the Stage II marginal area reductions as an additional environmental benefit as part of its Stage II serious area program approval. See 63 FR 50180 (September 21, 1998). Therefore, 4,145 ppd of the marginal area Stage II reductions are available to meet the Stage II comparability requirement.

The state also has emission reductions available from implementing its reformulated gasoline (RFG) program that may be used to meet the Stage II comparability requirement. New Hampshire is implementing RFG in the counties of Hillsborough, Merrimack, Rockingham, and Strafford. RFG reductions in this area can count toward determining Stage II comparability in the Manchester marginal area and in the other six counties, since EPA's Stage II comparability guidance allows States to determine comparability on a statewide basis. New Hampshire estimates that RFG in the counties of Hillsborough, Merrimack, Rockingham, and Strafford achieves an emission reduction of

¹ EPA's Stage II Comparability guidance estimates that the implementation of a CAA required Stage II program results in a 77 percent overall reduction in refueling emissions. This estimate is based in part on a nationwide average penetration rate of 90 percent, based on a study of metropolitan area service station size distributions. As noted in EPA's guidance, size distribution varies from area to area. New Hampshire's estimated 75.34 percent overall reduction is based in part on an 84 percent penetration rate, based on the service station size distribution found in New Hampshire.

20,529 ppd in 1999. New Hampshire, however, previously reserved 131 ppd of the RFG reductions as part of its June 7, 1994 Clean Fuel Fleet SIP submittal. Therefore, 20,398 ppd of the total RFG reductions are available for purposes of meeting the Stage II comparability requirement.

What Are the Clean Fuel Fleets Requirements?

Section 246 of the CAA requires that serious nonattainment areas with populations of more than 250,000 adopt a Clean Fuel Fleets program (CFFP). The New Hampshire portion of the Boston-Lawrence-Worcester nonattainment area (parts of Rockingham and Hillsborough Counties, otherwise known as the Southern nonattainment area) meets that criterion. Pursuant to the CAA of 1990, the Southern nonattainment area was classified serious nonattainment for ozone. See 56 FR 56694 (November 6, 1991).

Section 182 (c)(4)(A) of the CAA requires States with serious ozone nonattainment areas to submit for EPA approval a SIP revision that includes measures to implement the CFFP. Under this program, a certain specified percentage of vehicles purchased by fleet operators for covered fleets must meet emission standards that are more stringent than those that apply to conventional vehicles.

Alternatively, section 182(c)(4)(B) of the CAA allows States to "opt out" of the CFFP by submitting a program or programs that will result in at least equivalent long term reductions in ozone-producing and toxic air emissions in the appropriate nonattainment area as achieved by the CFFP. The CAA directs EPA to approve a substitute program if it achieves long term reductions in emissions of ozone producing and toxic air pollutants equivalent to those that would have been achieved by the CFFP or the portion of the CFFP for which the measure is to be substituted.

How Is New Hampshire Meeting the Clean Fuel Fleets Requirements?

New Hampshire has decided to opt out of the CFFP. New Hampshire has emission reductions available from the implementation of its reformulated gasoline (RFG) program that may be used to meet substitute CFFP requirement. The implementation of RFG in New Hampshire is estimated to achieve an emission reduction of 7662 ppd in 1999 in the Southern nonattainment area. New Hampshire estimates a net reduction of 131 ppd of VOCs would result with a CFFP in the Southern nonattainment area. New Hampshire, however, previously

reserved 5406 ppd of the RFG reductions in the Four County Area (which includes, but is larger than the Southern nonattainment area) as part of its July 9, 1998, Stage II comparability demonstration SIP submittal. Therefore, even if we conservatively assume that all of the Stage II-related reductions are from the Southern nonattainment area, and reduce the 7662 ppd RFG reductions by 5406 ppd, 2216 ppd of these RFG reductions are still available for purposes of meeting the substitute CFFP requirement.

EPA generally agrees with New Hampshire's assumption that reductions in toxic air emissions from the CFFP and RFG program are roughly proportional to the reductions in VOCs; any substitute plan which reduces VOCs will also reduce toxic air emissions in approximately the same proportion. New Hampshire has demonstrated that toxic air emissions reductions projected to be achieved by the CFFP are insignificant in the Southern nonattainment area. Therefore, New Hampshire's substitute plan will meet substitute CFFP requirements for air toxics.

Why Is EPA Approving New Hampshire's Stage II Comparability and Clean Fuel Fleets Opt Out SIP Revisions?

EPA is approving New Hampshire's Stage II comparability SIP revision because the State has successfully demonstrated that it has met its Stage II comparability reduction target through implementing its Stage II program and its reformulated gasoline program. New Hampshire's emission reduction calculations follow EPA guidance. Further information on New Hampshire's Stage II comparability SIP revision and EPA's evaluation of this SIP revision can be found in a memorandum dated May 21, 1999, entitled "Technical Support Document—NH Stage II Comparability." Copies of this document are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document.

EPA is approving New Hampshire's Clean Fuel Fleets opt out SIP revision because the State has successfully demonstrated that it has achieved long term reductions in emissions of ozone producing and toxic air pollutants equivalent to those that would have been achieved by the CFFP through its reformulated gasoline program. New Hampshire's emission reduction calculations follow EPA guidance. Further information on New Hampshire's Clean Fuel Fleets opt out SIP revision and EPA's evaluation of

this SIP revision can be found in a memorandum dated May 21, 1999, entitled "Technical Support Document—Clean Fuel Fleets, New Hampshire." Copies of this document are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document.

What Is the Process for EPA's Approval of These SIP Revisions?

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 rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve these SIP revisions should relevant adverse comments be filed. This action will be effective November 29, 1999 without further notice unless the Agency receives relevant adverse comments by October 29, 1999.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. Any parties interested in commenting on the this action should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 29, 1999 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 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.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review, entitled "Regulatory Planning and Review."

B. Executive Orders on Federalism

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides

the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only one State, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

"Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because 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 create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of 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).

F. Unfunded Mandates

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.

G. 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).

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA,

EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. 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 November 29, 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).) 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, Ozone.

Dated: September 17, 1999.

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 EE—New Hampshire

2. Section 52.1520 is amended by adding paragraphs (c)(61) and (62) to read as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(61) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on July 9, 1998.

(i) Additional materials.

(A) "New Hampshire Stage II Comparability Analysis," prepared by the New Hampshire Department of

Environmental Services, dated July 1, 1998.

(62) Revisions to the State Implementation Plan submitted by the New Hampshire Department of Environmental Services on June 7, 1994.

(i) Additional materials.

(A) Letter from the New Hampshire Department of Environmental Services dated June 7, 1994 submitting a revision to the New Hampshire State Implementation Plan.

(B) "Clean Fuel Fleet Equivalency Demonstration," prepared by the New Hampshire Department of Environmental Services, dated May, 1994.

[FR Doc. 99-25156 Filed 9-28-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[W191-01-7322; FRL-6446-7]

Approval and Promulgation of Implementation Plans; Wisconsin; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Because EPA received adverse comment, we are withdrawing the direct final rule for the approval of a site-specific revision to the Wisconsin sulfur dioxide (SO₂) State Implementation Plan (SIP). We published the direct final rule on August 16, 1999 (64 FR 44415), approving alternate SO₂ emission limits for Murphy Oil, located in Superior, Wisconsin. We stated in the direct final rule that if we received adverse comment by September 15, 1999, we would publish a timely notice of withdrawal in the **Federal Register**. We subsequently received adverse comment on the direct final rule. We will address those comments in a subsequent final action based on the parallel proposal also published on August 16, 1999 (64 FR 44451). As stated in the parallel proposal, we will not institute a second comment period on this action.

DATES: As of September 29, 1999, EPA withdraws the direct final rule published at 64 FR 44415, on August 16, 1999.

ADDRESSES: Copies of the SIP revision, public comments on the rulemaking, and other materials relating to this rulemaking are available for inspection at the following address: (It is recommended that you telephone Christos Panos at (312) 353-8328, before

visiting the Region 5 Office.) United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Programs Branch (AR-18J), Regulation Development Section, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch (AR-18J), Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8328.

List of Subjects in 40 CFR Part 52

Environmental protection, Intergovernmental relations, Sulfur dioxide.

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

Therefore the amendment to 40 CFR part 52 which added § 52.2570(c)(99) is withdrawn.

Dated: September 17, 1999.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 99-25311 Filed 9-28-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300929; FRL-6385-6]

RIN 2070-AB78

Pymetrozine; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a permanent tolerance for pymetrozine [1,2,4-triazin-3(2H)-one,4,5-dihydro-6-methyl-4-[(3-pyridinylmethylene) amino]] in or on tuberous and corm vegetables (Subgroup 1-C), at 0.02 parts per million (ppm). Novartis Crop Protection, Inc. of Greensboro, North Carolina 27419, requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective September 29, 1999. Objections and requests for hearings, identified by docket control number OPP-300929, must be received by EPA on or before November 29, 1999.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each