

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 annual 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. 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 September 20, 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).)

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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, and Volatile Organic Compounds. Note: Incorporation by reference of the State Implementation Plan for the State of

California was approved by the Director of the Federal Register on July 1, 1982.

Dated: June 29, 1999.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

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 F—California**

2. Section 52.220 is amended by adding paragraphs (c) (263) and (264) to read as follows:

##### **§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(263) New and amended regulations for the following APCDs were submitted on May 13, 1999, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(1) Rule 1103, adopted on March 12, 1999.

\* \* \* \* \*

(264) New and amended regulations for the following APCDs were submitted on June 3, 1999, by the Governor's designee.

(i) Incorporation by reference.

(A) South Coast Air Quality Management District.

(1) Rule 462, adopted on May 14, 1999.

(B) Yolo-Solano Air Quality Management District.

(1) Rule 2.30, adopted on April 14, 1999.

\* \* \* \* \*

[FR Doc. 99-18472 Filed 7-20-99; 8:45 am]

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#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 82**

[AD-FRL-6400-9]

#### **Technical Correction to Partial Withdrawal of Direct Final Rule, "Protection of Stratospheric Ozone: Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions"**

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

**ACTION:** Final rule, technical correction.

**SUMMARY:** This technical action corrects two typographical errors in the October 5, 1998, partial withdrawal of a direct final rule (63 FR 53290). The errors are in the CFR citations referring to the Part affected by that paragraph. 40 CFR 80.4 was printed instead of 40 CFR 82.4, the part of the Code which addresses stratospheric ozone protection.

**EFFECTIVE DATE:** July 21, 1999.

**ADDRESSES:** Comments and materials supporting the rulemaking are contained in Public Docket No. A-92-13. The docket is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M-1500, first floor, 401 M Street SW, Washington, DC 20460, or by calling 202/260-7548 or 260-7549. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Tom Land, U.S. Environmental Protection Agency, Program Implementation Branch, Stratospheric Protection Division, Office of Atmospheric Programs, 6205J 401 M Street, SW, Washington, DC 20460, 202/564-9185.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On August 4, 1998, EPA promulgated a direct final rule consisting of a variety of amendments to the accelerated phaseout regulation, intended to: reflect changes in U.S. obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol); ensure compliance through the petition system for importation of used ozone-depleting substances; and change various requirements to ease the burden on affected companies. EPA received numerous comments on various sections of the rule. Where adverse comments were received, EPA withdrew those specific provisions, proposed the withdrawn provisions, and will ultimately promulgate a final rule that addresses the provisions. The **Federal Register** notice withdrawing the provisions was published on October 5, 1998, through a Partial Withdrawal of Direct Final Rule.

##### **II. Correction to 63 FR 53290**

In the October 5, 1998 withdrawal, 63 FR 53290, paragraphs (6) and (7) under the section entitled, **DATES**, the Code of Federal Regulations (CFR) cite is incorrectly published as 40 CFR 80.4. The numbers after "CFR" indicate the part of the Code of Federal Regulations where the regulation can be found. The corrected part is 82.4 in both (6) and (7).

Therefore, the corrected version should read:

“(6) The addition of paragraph (t)(3) in newly designated 40 CFR 82.4(t).

(7) The addition of paragraph (u)(3) in newly designated 40 CFR 82.4 (u).”

### III. Administrative Requirements

#### A. Good Cause Finding

By promulgating these technical corrections directly as a final rule, the EPA is foregoing an opportunity for public comment on a notice of proposed rulemaking Section 553(b) of title 5 of the United States Code and section 307(b) of the CAA permit an agency to forego notice and comment when “the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issues) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” The EPA finds that notice and comment regarding these minor technical corrections are unnecessary due to their noncontroversial nature and because they do not substantively change the requirements of the partial withdrawal, the direct final amendment from which the provisions were withdrawn, or the accelerated phaseout regulation for which the amendments are intended, once promulgated. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b) for a determination that the issuance of a notice of proposed rulemaking is unnecessary.

#### B. Executive Orders 12866, 13045, 13083, 13084, Unfunded Mandates Reform Act, Regulatory Flexibility Act, and Administrative Procedure Act

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, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), 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.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory 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 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public’s interest. This determination must be supported by a brief statement, 5 U.S.C. 802(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of April 26, 1999. 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 action is not a “major rule” as defined by 5 U.S.C. 804(2).

#### C. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (the NTAA), Pub. L. 104–113, section 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) That are developed or adopted by voluntary consensus standard bodies. The NTAA requires the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This regulatory action makes technical corrections to errors in

citation and does not involve any technical standards that would require the Agency to consider voluntary consensus standards pursuant to section 12(d) of the NTAA.

#### List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Chlorofluorocarbons, Exports, Hydrochlorofluorocarbons, Imports, Ozone layer, Reporting and recordkeeping requirements.

Dated: July 10, 1999.

**Robert Perciasepe,**

*Assistant Administrator for the Office of Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP–300884; FRL–6088–3]

RIN 2070–AB78

### Imidacloprid; Pesticide Tolerances for Emergency Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes time-limited tolerances for the combined residues of imidacloprid and its metabolites containing the 6-chloropyridinyl moiety, all expressed as parent in or on blueberries and cranberries. This action is in response to EPA’s granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on blueberries and cranberries. This regulation establishes maximum permissible levels for residues of imidacloprid in these food commodities pursuant to section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerances will expire and are revoked on June 1, 2001.

**DATES:** This regulation is effective July 21, 1999. Objections and requests for hearings must be received by EPA on or before September 20, 1999.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number [OPP–300884], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees