

*E. Paperwork Reduction Act*

This action does not add any new requirements involving the collection of information as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The Office of Management and Budget (OMB) has approved the information collection requirements contained in the final RFG/anti-dumping rulemaking (See 59 FR 7716, February 16, 1994) and has assigned OMB control number 2060-0277 (EPA ICR No. 1951.08).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

*F. Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205

allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's proposed rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local or tribal governments or the private sector. The proposed rule would impose no enforceable duty on any State, local or tribal governments or the private sector. Today's proposed rule would extend the existing exemption for California gasoline from many of the regulatory compliance requirements of the RFG program, relieving potentially duplicative obligations.

*G. Executive Order 13045: Children's Health Protection*

Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks (62FR19885, 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.

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 final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62FR19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety

risks that may disproportionately affect children.

*H. National Technology Transfer and Advancement Act of 1995 (NTTAA)*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub L. No. 104-113, 12(d) (15 U.S.C. 272 note) directs 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, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rule does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

*I. Statutory Authority*

Sections 114, 211, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545, and 7601(a)).

**List of Subjects in 40 CFR Part 80**

Environmental protection, Air pollution control, California exemptions, Gasoline, Motor vehicle pollution, Reformulated Gasoline.

Dated: August 27, 1999.

**Carol M. Browner,**  
Administrator.

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 97**

[FRL-6439-5]

**Notice of Availability of Unit-Specific Information for Affected Sources Under Section 126 and Proposed Section 110 FIP Rulemakings; Reopening of Comment Period**

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

**ACTION:** Notice of data availability and request for comment; reopening of comment period.

**SUMMARY:** EPA is reopening the comment period for the Notice of Availability of Unit-Specific Information for Affected Sources Under Section 126 and Proposed Section 110

FIP Rulemakings, published on August 9, 1999, regarding three sets of data related to the proposed Federal NO<sub>x</sub> Budget Trading Program. The August 9, 1999 notice established a 30-day comment period, which ended on September 8, 1999. EPA is reopening the comment period for all information contained within the data files, which were referenced by the notice, to September 24, 1999. In particular, EPA continues to solicit comment on 1997 heat input data for all Electric Generating Units (EGUs), including those EGUs reporting under EPA's Acid Rain Program.

We may use the data in the data files in the future to allocate NO<sub>x</sub> allowances under the Federal NO<sub>x</sub> Budget Trading Program. We proposed the program in rulemakings under Sections 126 and 110 of the Clean Air Act. The program aims to reduce interstate transport of ozone by controlling emissions of nitrogen oxides (NO<sub>x</sub>). NO<sub>x</sub> emissions significantly contribute to violations of the National Ambient Air Quality Standard for ozone in downwind states.

Readers should note that we will only consider comments about the data discussed in this notice and the August 9, 1999 notice. We are not soliciting comments on any other topic. In particular, we are not reopening the comment period for the October 21, 1998 proposed rule on the Section 126 rulemaking or the October 21, 1998 proposed rule on the Section 110 Federal Implementation Plans (FIPs) through this Notice of Data Availability. Neither are we soliciting comments on inventory data for 1995 and 1996 that we used to develop Statewide emission budgets.

**DATES:** The EPA is reopening the comment period to end on September 24, 1999.

**ADDRESSES:** Comments may be submitted to the Air and Radiation Docket and Information Center (6102), Attention: Docket Nos. A-97-43 (section 126 rulemakings) and A-98-12 (section 110 FIP rulemakings), U.S. Environmental Protection Agency, 401 M Street SW, room M-1500, Washington, DC 20460, telephone (202) 260-7548. Identify your comments with these docket numbers. Submit two originals and exact duplicates of your comments to each docket. Please submit your comments on paper, not in electronic format. We request this so that we do not receive multiple versions of the same comment that might contradict each other.

Documents relevant to this action are available for inspection at the Docket Office, at the above address, between

8:00 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable copying fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** General questions concerning today's action should be addressed to Margaret Sheppard, Acid Rain Division, EPA, Mail Code 6204 J, 401 M Street SW, Washington DC, 20460; telephone 202-564-9163, email address sheppard.margaret@epa.gov. For technical questions concerning heat input data, contact Kevin Culligan at telephone 202-564-9172, email address culligan.kevin@epa.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **Outline**

1. *What is today's action?*
2. *Why is EPA reopening the public comment period?*
3. *When are my comments due?*
4. *What data should I comment on?*
5. *What things is EPA not requesting comment on?*
6. *Where are the data files?*

##### **1. What Is Today's Action?**

Today, we are reopening the public comment period on the August 9, 1999 notice of data availability (64 FR 43124), entitled "Notice of Availability of Unit-Specific Information for Affected Sources Under Section 126 and Proposed Section 110 FIP Rulemakings." The public comment period for that notice ended on September 8, 1999. Today's notice reopens the public comment period through September 24, 1999.

In addition, we are emphasizing that you may comment on heat input data for 1997 for units reporting under the Acid Rain Program, as well as the other data in the files referenced in the August 9, 1999 notice.

For further information and background on the data referenced by this notice and EPA's rulemakings related to NO<sub>x</sub> transport under Sections 126 and 110 of the Clean Air Act, see the August 9, 1999 notice (64 FR 43124).

##### **2. Why Is EPA Reopening the Public Comment Period?**

Just before the September 8, 1999 deadline for submission of comments, we received several requests to extend the public comment period. Some commenters requested more time to understand potential discrepancies between company records and the data in EPA's data files. Further, although EPA has received comments on heat input data for 1997 for units reporting under the Acid Rain Program, some commenters said that it was not clear

whether there had been an opportunity to comment on such heat input data.

EPA agrees that it may improve the quality of the data to provide some additional time to compare the values with company records. Further, EPA notes that many commenters submitted comments on heat input data for 1997 for units under the Acid Rain Program in response to the August 9, 1999 notice of data availability or prior notices. However, because some commenters claim that they were unclear about whether EPA was requesting comment on the 1997 heat input data, we emphasize that they may comment on such data, in addition to the other data in the data files.

Most commenters requesting an extension asked for a thirty-day extension. We are instead reopening the public comment period for approximately two weeks. Many of the commenters requesting the extension are checking data (e.g., 1997 and 1998 heat input data) that they previously reported to EPA or to the Energy Information Administration (EIA). Under the Acid Rain Program, the designated representative for the affected source has certified that the data reported to EPA are accurate. The data we have provided for comment in the data files differ from the original reports in that: (1) we calculated heat input and electric generation values for the ozone season for each year from hourly or monthly data in the reports to EPA or EIA, and (2) we apportioned electric generation data for an entire plant to individual units that would receive NO<sub>x</sub> allowance allocations. Reopening the public comment period for approximately two weeks will provide a reasonable, additional period for checking the original reports and submitting any resulting comments. This also provides a reasonable, additional period for commenters to submit any other comments.

##### **3. When Are My Comments Due?**

Postmark your comments no later than Friday, September 24, 1999.

##### **4. What Data Should I Comment On?**

Comment on any data in the data files "eguburn.txt," "egunonox.txt" and "nonegu.txt" in the compressed file labeled "alldata.zip". We are particularly interested in comments that may change data that we could use to determine NO<sub>x</sub> allowance allocations under the Federal NO<sub>x</sub> Budget Trading Program. These data include, among other things:

- Electric generation data from EGUs from May through September for the years 1995 through 1998.

- Electric generation data from electric generators that do not burn fuel from May through September for the years 1995 through 1998.

- Nameplate capacity data for electric generators that do not burn fuel.

- Heat rate data for EGUs.

- Heat input data for May through September for the years 1997 and 1998 for EGUs.

- Heat input data for May through September for the year 1995 for non-EGUs. In addition, if you find that the heat input for your non-EQU during May through September for the year 1995 is not representative of your unit's operation over the last several years, then you may comment and provide us heat input data for May through September for the years 1996, 1997, and/or 1998.

See the section entitled "What supporting documentation do I need to provide with my comments?" in the August 9, 1999 notice of data availability for further details on information you should provide with your comments.

If you have already submitted comments on the August 9, 1999 notice of data availability, you may submit supplementary comments.

### 5. What Things Is EPA Not Requesting Comment On?

EPA is requesting comment only on the data in the data files referenced here and in the August 9, 1999 notice of data availability. We are not requesting comment on any other issue or data.

### 6. Where Are the Data Files?

The data files are available on the Regional Transport of Ozone webpage at <http://www.epa.gov/ttn/rto/>. You will find links to the data under the "Related Documents and Data" subheadings under the "Transport FIPs" and "Section 126 Petitions" headings on the Regional Transport of Ozone webpage. Look for a WinZip file labeled "a WinZip file containing heat input and electric generation data that EPA or States could use for determining NOx allowance allocations. EPA requests comment on these data." In addition to the data files, the WinZip file also contains a text file describing the fields in the data files, "readme.txt," and a text file describing EPA's method for preparing the electric generation data, "outmethd.txt". In addition, these data are in Docket Nos. A-97-43 (Section 126 rulemaking) and A-98-12 (Section 110 FIP rulemaking).

Dated: September 9, 1999.

**Paul Stolpman,**

*Director, Office of Atmospheric Programs.*

[FR Doc. 99-24038 Filed 9-14-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-300913; FRL-6098-7]

RIN 2070-AB78

### Cyromazine; Pesticide Tolerance

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to establish tolerances for residues of cyromazine (CAS No. 66215-27-8) in or on mango at 0.3 parts per million (ppm); onion, green at 2.0 ppm; onion, dry bulb at 0.1 ppm; potato at 0.8 ppm; corn, sweet, (kernels plus cob with husks removed) at 0.5 ppm; corn, sweet, forage at 0.5 ppm; corn, sweet, stover at 0.5 ppm; radish, roots at 0.5 ppm; radish, tops at 0.5 ppm; lima beans at 1.0 ppm; cotton, undelinted seed at 0.1 ppm; milk at 0.05 ppm; and meat, fat and meat byproducts (of cattle, goats, hogs, horses and sheep) at 0.05 ppm. EPA also proposes to remove melamine, a metabolite of cyromazine from the tolerance expression since it is no longer considered a residue of concern. The Interregional Research Project (IR-4) and Novartis Crop Protection, Inc., requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

**DATES:** Comments, identified by the docket control number "OPP-300913," must be received by EPA on or before November 15, 1999.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number, [OPP-300913], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. In person, bring comments to Rm. 100, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

A copy of objections and hearing requests filed with the Hearing Clerk may be submitted electronically by sending electronic mail (e-mail) to: [opp-docket@epa.gov](mailto:opp-docket@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-300913]. 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: Linda DeLuise, 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: Rm. 202, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703-305-5428; e-mail: [deluise.linda@epa.gov](mailto:deluise.linda@epa.gov).

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of July 11, 1997 (62 FR 37246) (FRL-5723-1), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170) announcing the filing of pesticide petitions (PP) for tolerances by Novartis Crop Protection, Inc., 410 Swing Road, Greensboro, NC 27419. The notice included summaries of the petitions prepared by Novartis Crop Protection, Inc., the registrant. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.414 be amended by establishing tolerances for residues of the insecticide cyromazine and its metabolite melamine, in or on various food commodities as follows:

1. Novartis Corporation PP5E4450 proposes the establishment of a tolerance for mangoes at 0.3 ppm.

2. Novartis Corporation PP5F4576 proposes the establishment of a tolerance for onion, green at 3.0 ppm and onion, dry bulb at 0.3 ppm.

3. Novartis Corporation PP6F4613 proposes the establishment of a tolerance for potato at 1.5 ppm.

4. Novartis Corporation PP5F4546 proposes establishment of a tolerance for cotton, undelinted seed at 0.2 ppm.

5. Novartis Corporation PP6F3332 proposes establishment of tolerances for sweet corn, (kernels plus cob with husks removed), forage and stover at 0.5 ppm; radish roots, and tops at 0.5 ppm; and milk at 0.04 ppm for cyromazine and 0.02 ppm melamine.

6. Novartis Corporation PP6F3332 proposes establishment of a tolerance for meat, fat and meat byproducts (of cattle, goats, hogs, horses and sheep) at 0.05 ppm.