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 November 23, 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, Hydrocarbons, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 8, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

Subpart F of 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 52.222 is being amended by adding paragraphs (a)(4) and (b)(2) to read as follows:

§ 52.222 Negative declarations.

(a) * * *

(4) Placer County Air Pollution Control District.

(i) Aerospace Coatings; Industrial Waste Water Treatment; Plastic Parts Coating: Business Machines; Plastic Parts Coating: Other; Shipbuilding and Repair; Synthetic Organic Chemical Manufacturing, Batch Plants; and Synthetic Organic Chemical Manufacturing, Reactors were submitted on February 25, 1998 and adopted on October 7, 1997.

* * * * *

(b) * * *

(3) Placer County Air Pollution Control District.

(i) Nitric and Adipic Acid Manufacturing Plants, Utility Boilers, Cement Manufacturing Plants, Glass Manufacturing Plants, and Iron and Steel Manufacturing Plants were submitted on February 25, 1998 and adopted on October 9, 1997.

[FR Doc. 98–25330 Filed 9–22–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[AD–FRL–6165–8]

Clean Air Act Final Approval Of Amendments to Title V Operating Permits Program; Pima County Department of Environmental Quality, Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is promulgating final approval of the following revisions to the operating permits program submitted by the Arizona Department of Environmental Quality (''DEQ'') on behalf of the Pima County Department of Environmental Quality (''Pima'' or ''County''): a revision to the fee provisions; and a revision that will defer the requirement for minor sources subject to standards under sections 111 or 112 of the Act to obtain title V permits, unless such sources are in a source category required by EPA to obtain title V permits. EPA is also promulgating final approval under section 112(l) of Pima's program for delegation of section 112 standards as they apply to sources not required to obtain a title V permit.

EPA took final action on Pima's title V operating permits program on October 30, 1996 (61 FR 55910). However, because Pima's title V program contains certain flaws, EPA did not fully approve it, but instead granted the program an ''interim approval.'' Under its interim approval, Pima is required to adopt and submit program changes to EPA that will correct its program flaws. The program revisions being approved in this document do not address the program issues identified by EPA. This final action approving revisions to Pima's title V program therefore does not constitute a full approval of Pima's title V program.

DATES: This rule is effective on October 23, 1998.

ADDRESSES: Copies of Pima's submittals and other supporting information used in developing this final approval are available for inspection (AZ–Pima–97–1–OPS and AZ–Pima–97–2–OPS) during normal business hours at the following location: U.S. Environmental Protection Agency, Region 9; 75 Hawthorne Street; San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Erica Ruhl (telephone 415–744–1171), Mail Code AIR–3, U.S. Environmental Protection Agency, 75 Hawthorne Street; San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

As required under title V of the Clean Air Act as amended (1990), EPA has promulgated rules that define the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state operating permits programs (57 FR 32250, July 21, 1992). These rules are codified at 40 CFR part 70. Title V requires states to develop and submit to EPA, by November 15, 1993, programs for issuing these operating permits to all major stationary sources and to certain other sources. The EPA's program review occurs pursuant to section 502 of the Act, which outlines criteria for approval or disapproval.

On November 15, 1993, Pima's title V program was submitted. EPA proposed interim approval of the program on July 13, 1995 (60 FR 36083). The fee provisions of the program were found to be fully approvable. On November 14, 1995, in response to changes in state law, Pima amended its fee provisions under Chapter 12, Article VI of Title 17 of the Pima County Air Quality Control Code. Those changes were submitted to EPA on January 14, 1997, after it promulgated final interim approval of Pima's title V program (61 FR 55910, October 30, 1996). EPA subsequently proposed to approve Pima's revised fee provisions (62 FR 16124, April 4, 1997).

On July 17, 1997, EPA received a submittal from ADEQ on behalf of Pima requesting that EPA approve a revision to the applicability provisions of Pima's title V program. Because EPA's evaluation of Pima's title V fee provisions takes into account the numbers and types of sources requiring permits, EPA decided it would be appropriate to reevaluate the approvability of the fee changes in the context of the change to program applicability. EPA therefore withdrew its proposed approval of Pima's revised fee program (63 FR 7109, February 12, 1998) and, in the same document, proposed approval of the changes to Pima's fee and applicability provisions.

II. Final Action and Implications

A. Analysis of State Submission

The analysis of the submittals given in the February 12, 1998 proposed action is supplemented by the discussion of public comment made on the notice of proposed rulemaking (see section II.B. of this document). That analysis remains unchanged and will not be repeated in this final document.

1. Applicability

The amendment to the applicability provisions of Pima's title V program was submitted by the Arizona DEQ on July 17, 1997. The submittal includes the deletion of the term ''Title V Source'' from Pima County Air Quality Control Code (PCC) 17.04.340.133, proof of adoption, evidence of necessary legal authority, evidence of public participation including comments submitted on the rulemaking, and a supplemental legal opinion from the County Attorney regarding the legal adequacy of Pima's title V program, including implementation of section 111 and 112 of the Clean Air Act. In a letter dated November 7, 1997, Pima clarified which sections of its title V program it wished to have rescinded and which sections approved.

With this change, only those sources required to obtain a Class I (title V) permit, (i.e., major sources, solid waste incinerators required to obtain a permit pursuant to section 129(e) of the CAA, and sources required by the Administrator to obtain a permit), are subject to the District's title V program. Non-major sources, including those regulated under sections 111 and 112 of the CAA, are deferred from the requirement to obtain a Class I/title V permit, to the extent allowed by the Administrator.

2. Program for Delegation of Section 112(l) Standards as Promulgated

In a letter dated December 2, 1997, Pima specifically requested approval under section 112(l) of a program for delegation of unchanged section 112 standards applicable to sources that are not subject to mandatory permitting requirements under title V. (See letter from David Esposito, Director, PDEQ to David Howekamp, Director, Air and Toxics (sic) Division, EPA Region IX.)

3. Fees

An amendment to the fee provisions of Pima's title V program was submitted by the Arizona DEQ on January 14, 1997. The submittal includes the revised fee regulations (Chapter 12, Article VI of Title 17 of the Pima County Air Quality Control Code as amended on November 14, 1995), a technical support document, and a legal opinion by the County Attorney. Additional materials, including proof of adoption and a commitment to provide periodic updates to EPA regarding the status of the fee program, were submitted on February 26, 1997. In a letter dated July 25, 1997, Pima submitted a detailed discussion of the expected costs of and anticipated revenue from its title V program.

B. Public Comments and Responses

Only one comment letter was received. That letter, from Steven Burr of Lewis and Roca (representing the Arizona Mining Association or ''AMA'') incorporated by reference both the comments AMA made on the EPA's previous proposal to approve Pima's fee provisions (62 FR 16124, April 4, 1997) as well as AMA's ''supplemental comments'' dated January 2, 1998.

1. Adequacy of Fees under Section 502(b)(3) of the CAA

Section 502(b)(3) of the Act requires that each permitting authority collect fees sufficient to cover all reasonable direct and indirect costs required to develop and administer its title V operating permits program. The commenter disagreed with EPA's proposed approval of the revision to the Pima County title V program because he contends the fee program fails to meet the minimum requirements of section 502(b)(3) of the Clean Air Act. The commenter states that the documentation submitted by Pima County fails to demonstrate that the County's fees will cover the full costs of the title V program and that the fees Pima County collects will not cover the costs of issuing permits to existing title V sources.

Pima uses a combination of emissions fees and fees for issuance and revision to cover program costs.

Fees for issuance and revision. Pima's fee provisions require that applicants for permits to construct and operate that are subject to title V must pay the total actual cost of reviewing and acting upon applications for permits and permit revisions. See sections 17.12.510.G. and 17.12.510.I. These fees are used to cover the cost of issuing permits to new sources and for processing revisions to permits. Pima estimated the permitting-related average hourly billing costs for permitting of title V facilities, including salary, fringe benefits, direct non-salary costs and indirect costs including cost estimates of various types of permit related activities. The estimated hourly cost is $53.60. However, because state law caps hourly fees at $53.00, Pima's hourly charges are capped at $53.00. See section 17.12.510.M. Although this cap is 60 cents per hour less than the District's estimated hourly costs for permit processing, EPA finds this provision to be fully approvable. In view of the fact that the estimation of program cost inherently involves projections and approximation, and of the fact that fee adequacy can be monitored on an ongoing basis as the program is implemented, EPA concludes that this provision is sufficient to adequately fund the program.

Emission Fees. Emission fees are used by Pima to cover the direct and indirect costs of the title V related activities not covered the fees charged for permit issuance to new sources and revisions to all sources. These activities are: (1) part 70 program development and implementation; (2) issuance of title V permits to existing sources; (3) part 70 source compliance, including inspection services; and (4) part 70 business assistance, which helps sources determine and meet their obligations under part 70. Pima estimates the annual cost of these activities in the first three years of program implementation to range between $83,562 and $87,674. Based upon the fall 1996 dollar per ton value ($35.78), invoicing records and emissions estimates, Pima projects it will collect $98,275 in emissions fees annually.

As set out in the February 12, 1998 notice of proposed approval, EPA finds that Pima County's fee provisions meet the requirements of 502(b)(3). Materials submitted by Pima County demonstrate that the cost of issuing initial permits to existing title V sources is covered by annual emission fees.

2. Validity of EPA's October 30, 1996 Interim Approval

On October 30, 1996, EPA promulgated interim approval of Pima's title V program. The commenter observes that Pima County adopted the amendment to its fee rule almost one year before EPA granted interim approval to the title V program. Pima County did not, however, submit the amended rule until after EPA had granted interim approval. The commenter argues that the fee rule that EPA purported to approve does not exist and did not exist when EPA issued its interim approval, therefore, Pima County's title V program does not include an approved or approvable fee rule. The commenter contends that a fee rule satisfying section 502(b)(3) is a requirement for interim approval and therefore, EPA should acknowledge that

its interim approval of Pima County's title V program is void.

The proposal on which EPA is taking final action is limited to the question of whether the revision to Pima's fee provisions is approvable under part 70. As described in the notice of proposed rulemaking and in the preceding response, EPA has evaluated the submitted revision to Pima's program and has found that it meets the requirements of part 70 and section 502(b) of the Act. An evaluation of the validity of EPA's grant of interim approval to Pima's title V program is beyond the scope of this action. The issue raised in this comment has also been raised as an issue in a petition to the Ninth Circuit challenging EPA's final interim approval of Pima's title V program. EPA believes that is the appropriate forum in which to resolve this issue.

3. Validity of Pima's Fee Provisions under State Law

The commenter contends that the revision to the Pima County title V program cannot be approved by EPA because it is unenforceable as a matter of state law. The commenter notes that the Arizona Revised Statutes (section 49–112(B)) require that fees charged by county agencies must be approximately equal to or less than permit fees charged by the Arizona Department of Environmental Quality (ADEQ). He contends that, although the language in the amendment Pima adopted is identical to the language in ADEQ's rule,[1] Pima County's interpretation of the rules, as described by both the County and EPA in its proposed approval, would result in substantially higher fees being paid in Pima County. The commenter states that ADEQ interprets its rule to apply only to new sources while Pima charges fees to both new and existing sources.

In order to determine if the commenters allegations were well founded, on May 21, 1997, EPA sent a letter to Pima County requesting information on differences between Pima County and ADEQ with respect to how their fee provisions are implemented. EPA asked that Pima address the question of whether fees are charged for the issuance of permits to existing sources. On July 25, 1997, Pima County responded to EPA's letter. The response included an affidavit prepared by the Pima County Attorney's office and signed by Pima staff stating that the District does not charge a permit processing fee to existing part 70 sources. As explained above, the cost of issuing initial permits to existing sources is covered by revenue from emissions fees. In the absence of any documentation of practices to the contrary, EPA has concluded that Pima's implementation of the fee rule is consistent with ADEQ's implementation.

4. Timing of EPA Action in Light of AMA Litigation in State Court

The commenter points out that the AMA is in the midst of litigating in state court the question of the validity of the Pima County fee rules that EPA now proposes to approve. He states his belief that it is not the EPA's policy to substitute its judgement for that of a state court on a matter of the legality of a state provision and that, at the very least, EPA should defer action on the approval of Pima County's fee rule until the court has decided the issue of its legality. The commenter goes on to say that if the court upholds AMA's position, the rule will be declared void ab initio and that EPA has no authority to approve a fee rule that is not enforceable as a matter of state law.

As long as the rule is effective as a matter of state law, EPA will treat it as such. If a state court strikes down the law, this might be a basis for EPA action, consistent with 70.10(c)(1)(i)(B). For the purpose of this federal approval action, and without expressing further opinion on the validity of the commenter's suit in state court, it does not appear to EPA that Pima's fee provisions run afoul of state law. As required by Arizona Revised Statutes section 49–112(B), Pima's fee provisions are consistent with those of ADEQ, and as evidenced by Pima's submittal, County representatives have attested that the County will implement its fee rule in a manner consistent with that of ADEQ. EPA does not have reason to believe that Pima County's fee rule is unenforceable as a matter of state law. As explained in the February 12, 1998 **Federal Register** document, EPA is satisfied that Pima's fee rules meet the requirements of title V of the CAA and 40 CFR part 70.

Section 70.4(i) of part 70 does require that permitting authorities keep EPA apprised of any proposed changes to their basic statutory or regulatory structure. EPA therefore expects that if any part of a part 70 program is deleted or modified, either by the district hearing board or by court action, it will be notified by the permitting authority. Were such changes to render a program deficient or prevent a permitting authority from adequately implementing the program, EPA would follow the procedures set of under section 70.4(i) to ensure that such inadequacies are promptly corrected. If corrections are not made in a timely manner, part 70 sets out a mechanism for the withdrawal of its approval of the program and for implementation of the federal operating permits program in its place. *See* section 70.10.

C. Final Action

EPA is finalizing its approval of the submitted amendments to the applicability and fee provisions of Pima's title V operating permits program. EPA is also finalizing its approval under section 112(l) to include Pima's program for delegation of section 112 standards as they apply to those sources not required to obtain a title V permit.

EPA's approval of the change in applicability results in the following revision to Pima's title V program: Rule 17.04.340.240 (definition of ''title V source'' adopted September 28, 1993) will be removed from the County's title V program.

EPA's approval of the amendments to Pima County's fee provisions results in the following changes to the County's title V program. Rules 17.12.320, 17.12.500, 17.12.520 , 17.12.580 (adopted September 28, 1993); Rule 17.12.610 (adopted November 14, 1989); and Rules 17.12.640 and 17.12.650 (adopted December 10, 1991) will be removed. Rules 17.12.320, 17.12.500, and 17.12.510 (adopted November 14, 1995) will be added. With this rulemaking, EPA is taking action to approve the fee changes and bring the approved version of the program in line with the current version in place at the county.

IV. Administrative Requirements

A. Docket

Copies of Pima's submittal and other information relied upon for this final action, including public comments, are contained in dockets (AZ–Pima–97–1–OPS, and AZ–Pima–97–2–OPS) maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final approval. The dockets are available for

[1] The language referenced is: ''Before the issuance of a permit to construct and operate a source that is required to obtain a permit pursuant to title V of the Act, the applicant for the permit shall pay to the Director a fee billed by the Director representing the total actual cost of reviewing and action upon the application.'' AMA alleges that Pima interprets this provisions to allow the collection of a ''fee for service'' from an existing source for its initial a permit to operate whereas ADEQ interprets this to mean that a fee for service may only be collected from new sources that are applying for both a permit to construct and a permit to operate.

inspection at the location listed under the **ADDRESSES** section of this document.

B. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this action will not have a significant economic impact on a substantial number of small entities. The EPA's actions under section 502 of the Act do not create any new requirements, but simply address revisions to Pima County's existing operating permits program that were submitted to satisfy the requirements of 40 CFR part 70.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (''UMRA''), Pub. 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. Under section 205, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated in this rulemaking document 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, in any one year. This federal action approves pre-existing requirements under state or local law, and imposes no new federal 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 General Accounting Office

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. The 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective October 23, 1998.

E. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether its regulatory actions are ''significant'' and therefore subject to Office of Management and Budget review and the requirements of the Executive Order. The Order defines a significant regulatory action ''as one that is likely to result in a rule that may: (1) Have an annual effect on the economy of $ 100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. The Office of Management and Budget has exempted this action from Executive Order 12866 review.

F. Executive Order 13045

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 is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

G. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under Executive Order 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. If the mandate is unfunded, EPA must 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 any written communications from the 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 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 approves preexisting State requirements and does not impose new Federal mandates 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 Executive Order 12875 do not apply to this rule.

H. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly 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, Executive Order 13084 requires EPA to develop an effective process permitting elected and other 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 impose new Federal mandates on Indian tribal governments and does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. sections 7401–7671q.

Dated: September 14, 1998.

Felicia Marcus,

Regional Administrator, Region 9.

Part 70, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by revising paragraph (c) under Arizona to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Arizona

* * * * *

(c) *Pima County Department of Environmental Quality:*

(1) Submitted on November 15, 1993 and amended on December 15, 1993; January 27, 1994; April 6, 1994; April 8, 1994; August 14, 1995; July 22, 1996; August 12, 1996; interim approval effective on November 29, 1996; interim approval expires June 1, 2000.

(2) Revisions submitted on January 14, 1997; February 26, 1997; July 17, 1997; July 25, 1997; November 7, 1997; approval effective October 23, 1998; interim approval expires June 1, 2000.

* * * * *

[FR Doc. 98–25323 Filed 9–22–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300713; FRL–6029–3]

RIN 2070–AB78

Isoxaflutole; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for combined residues of isoxaflutole [5-cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethyl benzoyl) isoxazole] and its metabolites 1-(2-methylsulfonyl-4-trifluoromethylphenyl)-2-cyano-3-cyclopropyl propan-1,3-dione and 2-methylsulphonyl-4-trifluoromethyl benzoic acid, calculated as the parent compound, in or on field corn, grain; field corn, fodder; field corn, forage; and establishes a tolerance for combined residues of the herbicide isoxaflutole [5-cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethyl benzoyl) isoxazole] and its metabolite 1-(2-methylsulfonyl-4-trifluoromethylphenyl)-2-cyano-3-cyclopropyl propan-1,3-dione, calculated as the parent compound, in or on the meat of cattle, goat, hogs, horses, poultry, and sheep; liver of cattle, goat, hogs, horses and sheep; meat byproducts (except liver) of cattle, goat, hogs, horses, and sheep; fat of cattle, goat, hogs, horses, poultry, and sheep; liver of poultry; eggs; and milk. Rhone-Poulenc Ag Company requested this tolerance 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 September 23, 1998. Objections and requests for hearings must be received by EPA on or before November 23, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300713], 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–300713], 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, Crystal Mall #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 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300713]. 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, 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 February 26, 1997 (62 FR 8737)(FRL–5585–2), 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) 6F4664 for tolerance by Rhone-Poulenc Ag Company, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. This notice included a summary of the petition prepared by Rhone-Poulenc Ag Company, the registrant. There were no comments received in response to the notice of filing.

In the **Federal Register** of July 27, 1998 (63 FR 40119)(FRL–6017–3), 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 an amended pesticide petition for this tolerance petition. The revised petition requested that 40 CFR part 180 be amended by establishing tolerances for combined residues of the herbicide isoxaflutole [5-cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethyl benzoyl) isoxazole] and