notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the 30–day period specified in paragraph (a) of this section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control.

§ 586.704 Penalty imposition or withdrawal.

(a) *No violation*. If, after considering any response to the prepenalty notice and any relevant facts, the Director of the Office of Foreign Assets Control determines that there was no violation by the respondent named in the prepenalty notice, the Director promptly shall notify the respondent in writing of that determination and that no monetary penalty will be imposed.

(b) *Violation*. If, after considering any response to the prepenalty notice, the Director of the Office of Foreign Assets Control determines that there was a violation by the respondent named in the prepenalty notice, the Director promptly shall issue a written notice of the imposition of the monetary penalty to the respondent.

(1) The penalty notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the mailing of the penalty notice.

(2) The penalty notice shall inform the respondent of the requirement to furnish the respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that such number will be used for purposes of collection and reporting on any delinquent penalty amount in the event of a failure to pay the penalty imposed.

§ 586.705 Administrative collection; referral to United States Department of Justice.

In the event that the respondent does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to the Director of the Office of Foreign Assets Control within 30 days of the mailing of the written notice of the imposition of the penalty, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

Subpart H—Procedures

§ 586.801 Procedures.

For license application procedures and procedures relating to amendments, modifications, or revocations of licenses; administrative decisions; rulemaking; and requests for documents pursuant to the Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), see subpart D of part 501 of this chapter.

§ 586.802 Delegation by the Secretary of the Treasury.

Any action which the Secretary of the Treasury is authorized to take pursuant to Executive Order 13088 (63 FR 32109, June 12, 1998), and any further Executive orders relating to the national emergency declared in Executive Order 13088, may be taken by the Director of the Office of Foreign Assets Control, or by any other person to whom the Secretary of the Treasury has delegated authority so to act.

Subpart I—Paperwork Reduction Act

§ 586.901 Paperwork Reduction Act notice.

For approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507) of information collections relating to recordkeeping and reporting requirements, to licensing procedures (including those pursuant to statements of licensing policy), and to other procedures, see § 501.901 of this chapter. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Dated: September 18, 1998.

R. Richard Newcomb,

Director, Office of Foreign Assets Control.

Approved: September 29, 1998.

Elisabeth A. Bresee,

Assistant Secretary (Enforcement), Department of the Treasury.

[FR Doc. 98–27339 Filed 10–7–98; 4:34 pm]

BILLING CODE 4810–25–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN52–01–7277a; MN53–01–7278a; FRL–6162–1]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to Minnesota's State Implementation Plan (SIP) for sulfur dioxide (SO_2) in Air Quality Control Region (AQCR) 131. The EPA's action is based upon a revision request submitted by the State of Minnesota on April 24, 1997, which amends two State Administrative Orders for two Northern States Power facilities: Inver Hills and Riverside. The Orders are included as part of Minnesota's approved SIP to attain and maintain the National Ambient Air Quality Standard for sulfur dioxide.

DATES: This rule is effective on December 14, 1998 unless the Agency receives relevant adverse comments by November 12, 1998. Should the Agency receive such comments, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch, (AR–18J), EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Victoria Hayden at (312) 886–4023 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Victoria Hayden, Regulation Development Section (AR–18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 886-4023.

SUPPLEMENTARY INFORMATION:

I. Background

On April 14, 1994, and September 9, 1994, EPA approved SIP revisions for SO_2 for much of the Minneapolis-Saint Paul area. The regulatory portion of these revisions consisted of administrative orders limiting emissions from affected facilities. On June 13, 1995, EPA approved amendments to the previously approved administrative orders addressing SO_2. On April 24, 1997, Minnesota submitted additional changes to the amendments for the administrative orders for two Northern States Power facilities: Inver Hills and Riverside. For the Inver Hills Generating Facility the administrative order was amended to increase the boilers heat input, decrease their emission limits, increase the amount of fuel oil usage, but decrease the sulfur content. The administrative order for the Riverside Station was revised similarly to increase

the heat input, decrease their emission limits, and to also add 40 CFR part 75 to their continuous emissions monitoring requirements.

II. Submittal Summary

The State submittal dated April 24, 1997, consisted of revisions to the Minnesota SO_2 SIP in the form of amendments to two administrative orders, along with technical support information, for the following two Northern States Power facilities: Inver Hills and Riverside. The following discusses the principal revisions made by the State and submitted to EPA.

For Northern States Power—Riverside Facility

(1) The annual emission limit of SO_2 from emission points 1 and 2 has been revised from 1.08 to 1.00 pounds per million British Thermal Units (lbs/MMBtu) per emission point on a 3-hour average.

(2) Changes were made to remove the use of the wording ''Exhibit 5'' and to replace it with and add ''40 CFR part 75'' to their continuous emissions monitoring requirements (CEMs).

(3) The section in the administrative order discussing the operation and maintenance of the CEMs was revised to add exemptions from the 90 percent monitoring uptime requirements.

(4) The Minnesota rule reference within the Notification of Monitoring Equipment Breakdown section was changed to Minn. R. 7019.100, subpart 4, which requires a company to notify the Minnesota Pollution Control Agency Commissioner of any breakdown or malfunction lasting greater than eight hours.

(5) Maximum heat input was increased from 792 MMBtu/hr to 852 MMBtu/hr for Emissions Points 1 and 2.

For Northern States Power—Inver Hills Facility

(1) Emission point 7 was removed and the annual emission limit of SO_2 from emission points 1 through 6 was decreased from 1.1 to 0.67 lb/MMBtu each on an instantaneous basis.

(2) For emission points 1 through 6 the use of natural gas was added as a fuel type and the maximum heat input was changed to 870 x 10^6 British Thermal Unit per hour (Btu/hr) for fuel oil and 920 x 10^6 Btu/hr for natural gas.

(3) The amount of fuel oil usage increased from 8.75 to 9.41 million gallons of fuel oil per month based on a monthly 12-month rolling average. However, the maximum sulfur content of fuel oil burned was decreased 1.0 to 0.67 percent by weight in gas turbines 1 through 6.

(4) Other minor language changes were made to clarify the sampling and analyzing method for determining fuel oil sulfur content and heating value.

III. EPA Final Rulemaking Action

The EPA is approving amendments to two administrative orders as requested by the State. These amendments were adopted and effective at the State on November 26, 1996. Specifically for sulfur dioxide, the EPA is approving amendments to the administrative orders for two Northern States Power facilities: Inver Hills and Riverside. These changes do not affect the facilities' ability to meet the NAAQS for SO_2.

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 the SIP revision should relevant adverse comments be filed. This rule will be effective December 14, 1998, without further notice unless the Agency receives relevant adverse comments by November 12, 1998.

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. Only parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on December 14, 1998 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Executive Order 12875

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. 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 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.

C. 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.

D. Regulatory Flexibility Act

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. To the extent that the area must adopt new regulations, based on its attainment status, EPA will review the effect of those actions on small entities at the time the State submits those regulations.

The Administrator certifies that the approval of the redesignation request will not affect a substantial number of small entities.

E. Unfunded Mandates

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.

F. Submission to Congress and the Comptroller General

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).

G. 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 Executive Order 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.

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 December 14, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this 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 an 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 redesignation 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, Reporting and recordkeeping.

Dated: September 3, 1998.

Gail Ginsburg,

Acting Regional Administrator, Region 1.

40 CFR part 52, 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 Y—Minnesota

2. Section 52.1220 is amended by adding paragraph c(46) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(46) On April 24, 1997, the State of Minnesota submitted Administrative Order amendments for sulfur dioxide for two Northern States Power facilities: Inver Hills and Riverside.

(i) Incorporation by reference.

(A) Amendment Two, dated and effective November 26, 1996, to administrative order approved in paragraph (c)(30) of this section for Northern States Power-Riverside Station.

(B) Amendment Three, dated and effective November 26, 1996, to administrative order and amendments approved in paragraphs (c)(35) and (c)(41), respectively, of this section for Northern States Power-Inver Hills Station.

[FR Doc. 98–26897 Filed 10–9–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300740; FRL–6036–7]

RIN 2070–AB78

Dimethomorph [(E,Z) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine]; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a tolerance for residues of the fungicide dimethomorph [(*E,Z*) 4-[3-(4-chlorophenyl)-3-(3,4-dimethoxyphenyl)-1-oxo-2-propenyl]morpholine] in or on potatoes. American Cyanamid 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 October 13, 1998. Objections and requests for hearings must be received by EPA on or before December 14, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300740], 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–300740], 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.