Administration, 200 C St. SW., Washington, DC 20204, or may be examined at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 200 C St. SW., rm. 3321, Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC; or

(ii) A minimum weight-average molecular weight of 27,000, as determined by gel permeation chromatography using polystyrene standards.

* * * * *

Dated: May 10, 1999.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 99–12531 Filed 5–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–99–034]

Drawbridge Operating Regulation; Gulf Intracoastal Waterway, TX

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117.977 governing the operation of the Pelican Island Causeway bascule drawbridge across the Gulf Intracoastal Waterway, mile 356.1 at Galveston, Galveston County, Texas. This deviation allows the Galveston County Navigation District to maintain the bridge in the closed-to-navigation position from 7 a.m. until 7 p.m. from Monday, May 17, 1999, until Friday, June 4, 1999. Additionally, the bridge may remain in the closed-to-navigation position continuously from 7 a.m. on Thursday, May 20, 1999, until 7 p.m. on Sunday, May 23, 1999. At all other times, the bridge will operate normally for the passage of vessels. This temporary deviation is issued to allow for the replacement of the bridge fendering system.

DATES: This deviation is effective from 7 a.m. on Monday, May 17, 1999, until 7 p.m. on Friday, June 4, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. David Frank, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130–3396, telephone number 504–589–2965.

SUPPLEMENTARY INFORMATION: Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. The Galveston County Navigation District requested a temporary deviation from the normal operation of the bridge in order to accommodate the replacement of the fender system of the bridge. The fender system will be replaced in-kind.

This deviation allows the draw of the Pelican Island Causeway bascule span drawbridge across the Gulf Intracoastal Waterway, mile 356.1 at Galveston, Galveston County, Texas, to remain in the closed-to-navigation position from 7 a.m. until 7 p.m. from Monday, May 17, 1999, until Friday, June 4, 1999. Additionally, the bridge may remain in the closed-to-navigation position continuously from 7 a.m. on Thursday, May 20, 1999, until 7 p.m. on Sunday, May 23, 1999. At all other times, the bridge will operate normally for the passage of vessels. Presently, the draw opens on signal for the passage of vessels; except that, from 7 a.m. to 8:30 a.m., 12 noon to 1 p.m., and 4:15 p.m. to 5:15 p.m. Monday through Friday, except Federal holidays, the draw need not open for the passage of vessels. Public vessels of the United States and vessels in distress shall be passed at any time.

Dated: May 12, 1999.

A. L. Gerfin, Jr.,

Captain, U.S. Coast Guard Commander, 8th Coast Guard Dist., Acting.

[FR Doc. 99–12610 Filed 5–18–99; 8:45 am]

BILLING CODE 4310–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WY–001–0002a and WY–001–0003a; FRL–6344–2]

Approval and Promulgation of State Implementation Plans; Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA approves two revisions to the Wyoming State Implementation Plan (SIP) regarding particulate matter. The SIP revisions include clarification and revisions to the particulate matter control requirements in section 25 of the Wyoming Air Quality Standards and Regulations (WAQSR) for the FMC Corporation Trona plant in the Trona Industrial Area of Wyoming, and the addition of guidelines for best available control technology (BACT) in the minor source construction permitting requirements of section 21 of the WAQSR for large mining operations. The State submitted these SIP revisions to EPA for approval on September 15, 1982 and on May 16, 1985, respectively. We approve these SIP revisions because they are consistent with Federal requirements.

We also revise 40 CFR 52.2620 to list subsections 21(a)(iv), 24(a)(xix), 24(b)(iv), and 24(b)(xii)(H) of the WAQSR in the ''Incorporation by reference'' section. We approved these subsections in previous SIP approvals (on November 29, 1994 and on November 3, 1995, respectively) but we inadvertently neglected to identify those subsections as incorporated into the SIP in the CFR.

DATES: This rule is effective on July 19, 1999 without further notice, unless we receive adverse comment by June 18, 1999. If we receive adverse comments, we 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: You should mail your written comments to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202. Copies of the documents relative to this action are available for inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202–2466. Copies of the Incorporation by Reference material are available at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Department of Environmental Quality, 122 West 25th Street, Cheyenne, Wyoming 82002.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312–6445.

SUPPLEMENTARY INFORMATION:

I. What Action Is EPA Taking Today?

We approve two revisions to the Wyoming SIP pertaining to particulate matter. Specifically, we approve the following: (A) clarification and revisions to the particulate matter control requirements for the FMC Corporation in the Trona Industrial Area of Sweetwater County, Wyoming; and (B)

the addition of specific BACT guidelines in the State's minor source construction permitting requirements for controlling particulate matter from large mining operations. The State submitted these SIP revisions on September 15, 1982 and on May 16, 1985, respectively.

We also revise 40 CFR 52.2620 to list in the ''Incorporation by reference'' section various subsections of the WAQSR that we approved in past actions but inadvertently did not list in the CFR, as follows:

(A) Subsection 21(a)(iv) of the WAQSR, that was part of the State's November 12, 1993 SIP submittal approved by EPA on November 29, 1994 (59 FR 60905) at 40 CFR 52.2620(c)(25); and

(B) Subsections 24(a)(xix), 24(b)(iv), and 24(b)(xii)(H), that were part of the State's March 14, 1995 SIP submittal approved by EPA on November 3, 1995 (60 FR 55798) at 40 CFR 52.2620(c)(26).

We are publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective July 19, 1999 without further notice unless we receive adverse comments by June 18, 1999. If we receive adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

II. What Changes Were Made to the Wyoming SIP?

A. Changes to the Requirements for FMC Corporation

The State revised the particulate matter control requirements for the FMC Corporation in section 25c.(2) of the WAQSR. The FMC Corporation owns and operates a trona plant in the Trona Industrial Area, which had previously been designated as a nonattainment area under EPA's former national ambient air quality standards (NAAQS) for total suspended particulate matter (TSP). In the September 15, 1982 SIP submittal, the State clarified the fugitive dust requirements that apply to FMC's coal stockpile to identify the specific measures being implemented by FMC. In addition, the State revised the fugitive dust control requirements for the loadout facilities to not include the sesqui loadout facility, because the State found that controls at the sesqui loadout facility were not necessary to attain the TSP NAAQS.

B. Addition of Specific BACT Measures for Large Mining Operations

In its May 16, 1985 SIP submittal, the State added guidelines on BACT for large mining operations to its minor source construction permitting requirements. These provisions were added to section 21c.(5) of the WAQSR. The guidelines control fugitive particulate emissions from access and haul roads and stockpiles. Section 21c.(5) lists the measures that will normally be required, although the BACT determination is not limited to those measures. Note that the State imposes a separate BACT requirement to new or modified major stationary sources under the State's prevention of significant deterioration (PSD) permitting program in section 24 of the WAQSR. If a large mining operation is subject to PSD permitting as a new or modified major stationary source, then it will have to meet BACT as defined in the PSD regulations and EPA policy, considering the controls that are currently available.

III. Why Is EPA Approving the SIP Revisions?

We approve the revisions to section 25 of the WAQSR regarding FMC Corporation because the revisions are consistent with Federal requirements regarding attainment and maintenance of the NAAQS. The requirements for the coal stockpile are more clearly defined in the revised section 25, which strengthens the enforceability of the rule. The State's SIP submittal also included documentation to show that fugitive particulate controls were not needed at the sesqui loadout facility to attain the TSP NAAQS.[1] FMC Corporation has three PM–10 monitors on-site, and none have recorded a violation of the PM–10 NAAQS.

We approve the revisions to section 21 of the WAQSR because these revisions help to reduce particulate emissions from large mining operations by applying the State's BACT requirements, thus furthering the goals of protecting the particulate matter NAAQS.

We also find that the State met the applicable public participation requirements of the Clean Air Act by providing at least thirty days notice to the public prior to the public hearings on these rule changes, which were held on December 7, 1981 for the changes to section 25 of the WAQSR and on January 23–24, 1984 for the changes to section 21 of the WAQSR.

IV. What Are the Administrative Requirements Associated With This Action?

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875: Enhancing the Intergovernmental Partnership

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, 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 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 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 Executive Order 12875 do not apply to this rule.

C. 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.

[1] EPA replaced the TSP NAAQS with a NAAQS for PM–10 (particulate matter with an aerodynamic diameter of less than 10 microns) on July 1, 1987 (see 52 FR 24634). EPA subsequently revised the PM–10 NAAQS and added a NAAQS for particulate matter with an aerodynamic diameter of less than 2.5 microns on July 18, 1997 (see 62 FR 38652).

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 Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. 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 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to 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 officials 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 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.

E. Regulatory Flexibility Act

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 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 section 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 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 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 July 19, 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, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 7, 1999.

Jack McGraw,

Acting Regional Administrator, Region VIII.

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 ZZ—Wyoming

2. Section 52.2620 is amended by adding paragraph (c)(27) to read as follows:

§ 52.2620 Identification of plan.

* * * * *

(c) * * *

(27) On September 15, 1982, the Administrator of the Wyoming Air Quality Division submitted clarifications and revisions to the particulate matter control requirements of Section 25 of the Wyoming Air Quality Standards and Regulations (WAQSR) for FMC Corporation in the Trona Industrial Area. In addition, on May 16, 1985, the Administrator of the Wyoming Air Quality Division submitted revisions to the construction

permitting requirements in Section 21 of the WAQSR to specify guidelines for best available control technology for new large mining operations. The Governor of Wyoming submitted revisions to Section 21 of the WAQSR, ''Permit requirements for construction, modification, and operation,'' on November 12, 1993. Last, the Governor of Wyoming submitted revisions to Section 24 of the WAQSR, ''Prevention of Significant Deterioration,'' on March 14, 1995.

(i) Incorporation by reference.

(A) Revisions to Section 25 of the WAQSR, ''Sweetwater County Non-Attainment Area Particulate Matter Regulations,'' subsection c.(2), effective September 13, 1982.

(B) Revisions to Section 21 of the WAQSR, ''Permit requirements for construction, modification, and operation,'' subsection c.(5), effective May 10, 1985.

(C) Revisions to Section 21 of the WAQSR, ''Permit requirements for construction, modification, and operation,'' subsection (a)(iv), effective October 26, 1993.

(D) Revisions to Section 24 of the WAQSR, ''Prevention of Significant Deterioration,'' subsections (a)(xix), (b)(iv), and (b)(xii)(H), effective February 13, 1995.

[FR Doc. 99–12582 Filed 5–18–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300848; FRL–6077–7]

RIN 2070–AB78

Methacrylic Copolymer; Exemption from the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the methacrylic copolymer when applied to growing crops, to raw agricultural commodities after harvest or to animals when applied/used as an inert ingredient in the pesticide formulations. Rohm and Haas Company submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996 requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of methacrylic copolymer.

DATES: This regulation is effective May 19, 1999. Objections and requests for hearings must be received by EPA on or before July 19, 1999.

ADDRESSES: Written objections and hearing requests, identified by the docket control number [OPP–300848], 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) 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–300848], 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 be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of electronic 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 electronic objections and hearing requests must be identified by the docket number [OPP–300848]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Bipin Gandhi, 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. 713J, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703–308–8380, gandhi.bipin@epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 20, 1998 (63 FR 64478) (FRL–6042–4), 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 (Pub. L. 104–170) announcing the filing of a pesticide tolerance petition (PP 8E4952) by Rohm and Haas Company, 100 Independence Mall West, Philadelphia, PA 19106-2399. This notice included a summary of the petition prepared by the petitioner Rohm and Haas Company. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of methacrylic copolymer.

I. Background and Statutory Findings

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...''

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide us in residential settings.

II. Toxicological Profile

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered