

compliance, please contact Lieutenant Rob Coller, U.S. Coast Guard Marine Safety Office Los Angeles-Long Beach, at (562) 980-4425.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under Commandant Instruction M16475.1C, Figure 2-1, paragraph (34)(g), this rule is categorically excluded from further

environmental documentation. This regulation is expected to have no significant effect on the environment.

Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), the Coast Guard must consider whether this rule will result in an annual expenditure by state, local, and tribal governments, in the aggregate of \$100 million (adjusted annually for inflation). If so, the Act requires that a reasonable number of regulatory alternatives be considered, and that from those alternatives, the least costly, most cost-effective, or least burdensome alternative that achieves the objective of the rule be selected.

No state, local, or tribal government entities will be effected by this rule, so this rule will not result in annual or aggregate cost of \$100 million or more. Therefore, the Coast Guard is exempt from any further regulatory requirements under the Unfunded Mandates Act.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, subpart F of part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new § 165.T11-054 is added to read as follows:

§ 165.T11-054 Safety Zone: San Pedro Bay.

(a) *Location.* All navigable waters bounded by a line connecting the following coordinates are established as safety zone:

	Latitude	Longitude
Safety Zone Point #1:	33°41'16" N,	118°13'15" W; thence to
Safety Zone Point #2:	33°40'45" N,	118°13'01" W; thence to
Safety Zone Point #3:	33°40'34" N,	118°13'37" W; thence to
Safety Zone Point #4:	33°41'04" N,	118°13'51" W; thence return- ing to the point of begin- ning.
Datum: NAD 83		

(b) *Effective Dates:* This section will be in effect from 6 a.m. PDT on May 17, 1998 until 11:59 p.m. PDT on May 17, 1999.

(c) *Regulations.* In accordance with the general regulations in § 165.23, entry into, transit through, or anchoring within this safety zone is prohibited for all vessels with a draft of 50 feet or more, unless specifically authorized by the Captain of the Port, for the entire time that this regulation is enforced by the Captain of the Port.

(1) All other vessels are prohibited from entering into, transiting through, or anchoring within this safety zone, unless specifically authorized by the Captain of the Port, only when actual construction activities are in progress.

(2) The Captain of the Port will announce, via Broadcast Notice to Mariners and any other means practicable, when the area is closed to

vessels less than 50 feet in draft because construction activities are in progress.

Dated: May 15, 1998.

G.F. Wright,

Captain, U.S. Coast Guard, Captain of the Port Los Angeles-Long Beach, California.

[FR Doc. 98-15424 Filed 6-9-98; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-6106-6]

Approval of Colorado's Petition to Relax the Federal Gasoline Reid Vapor Pressure Volatility Standard for 1998, 1999, and 2000

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is approving the State of Colorado's January 21, 1998, petition to relax the Reid Vapor Pressure (RVP) standard that applies to gasoline introduced into commerce in the Denver-Boulder area from June 1 to September 15. The standard is relaxed from 7.8 pounds per square inches (psi) to 9.0 psi for the years 1998, 1999, and 2000. This action is being taken under section 211(h)(1) of the Clean Air Act as Amended in 1990 (CAA) to modify EPA's gasoline volatility regulations promulgated June 11, 1990 and modified December 12, 1991. The Agency does not believe that this action will cause environmental harm to Denver-Boulder's residents. The area has been in compliance with the ozone standard since 1987. The Denver-Boulder area's gasoline has had a 9.0 psi

standard since 1992. In addition to today's approval, EPA has approved relaxations of Denver-Boulder's RVP standard from 7.8 psi to 9.0 psi for the past six years, from 1992 through 1997.

DATES: This rule is effective on July 27, 1998 without further notification unless the Agency receives relevant comments by July 10, 1998. Should the Agency receive such comments, it will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: Materials relevant to this rulemaking have been placed in Docket A-98-04 by EPA. The docket is located at the Docket Office of the U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, Room M-1500 in Waterside Mall and

may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday. A duplicate public docket CO-RVP-98 has been established at U. S. EPA Region VIII, 999 18th Street, Suite 500, Denver, CO, 80202-2466, and is available for inspection during normal working hours. Interested persons wishing to examine the documents in this docket should make an appointment with the appropriate contact at least 24 hours before the visiting day. Contact Scott P. Lee at (303) 312-6736. As provided in 40 CFR part 2, a reasonable fee may be charged for copying docket material. Comments should be submitted (in duplicate if possible) to the two dockets listed above at the above addresses.

A copy should also be sent to the EPA contact person listed below at the

following address: U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW (6406-J), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Marilyn Winstead McCall of the Fuels and Energy Division at 202-564-9029 at the above address.

SUPPLEMENTARY INFORMATION:

I. Background

A. Regulated Entities

Entities potentially affected by this action are those involved with the production, distribution, and sale of conventional gasoline that is supplied and consumed in the Denver-Boulder, Colorado area. Regulated categories include:

Category	Examples of regulated entities
Industry	Gasoline refiners and importers, gasoline terminals, gasoline truckers, gasoline retailers and wholesale purchaser-consumers.

B. Regulatory History of Gasoline Volatility

In 1987, EPA determined that gasoline had become increasingly volatile, causing an increase in evaporative emissions from gasoline-powered sources. These emissions from gasoline, referred to as volatile organic compounds (VOCs), are precursors for ozone and are a major contributor to the nation's serious ground-level ozone problem. Ground-level ozone causes health problems, including damaged lung tissue, reduced lung function, and lungs that are sensitized to other pollutants.

Under authority in section 211(c)(4) of the Clean Air Act (as Amended in 1977), EPA promulgated regulations on March 22, 1989 that, beginning in 1989, set maximum volatility levels for gasoline sold during the summer ozone control season. These regulations were referred to as Phase I of a two-phase nationwide¹ program, which was designed to reduce the volatility of commercial gasoline during the summer high ozone season² by setting maximum RVP standards. On June 11, 1990, EPA promulgated more stringent volatility controls for Phase II.³ The requirements established maximum volatility standards of 9.0 psi and 7.8 psi (depending upon the state and the

month, and the area's ozone attainment status) during the ozone control season.

The 1990 CAA Amendments established a new section 211(h) to address fuel volatility. Section 211(h) requires EPA to promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP level in excess of 9.0 psi during the high ozone season. It further requires EPA to establish more stringent RVP standards in nonattainment areas if EPA finds such standards "necessary to generally achieve comparable evaporative emissions (on a per vehicle basis) in nonattainment areas, taking into consideration the enforceability of such standards, the need of an area for emission control, and economic factors." Section 211(h) bans EPA from establishing a volatility standard more stringent than 9.0 psi in an attainment area, except that EPA may impose a lower standard in any former ozone nonattainment area redesignated to attainment.

On December 12, 1991, EPA promulgated regulations to modify the Phase II volatility regulations⁴ pursuant to section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi during the summer ozone season in all areas designated attainment for ozone, beginning in 1992. Areas designated as nonattainment retained the original

Phase II standards published on June 11, 1990.

As stated in the preamble for the Phase II volatility controls⁵ and reiterated in the proposed change to the volatility standards published on May 29, 1991,⁶ EPA will rely on states to initiate changes to the EPA volatility program that they believe will enhance local air quality and/or increase the economic efficiency of the program, within the statutory limits. The Governor of a state may petition EPA to set a less stringent volatility standard for some month or months in a nonattainment area. The petition must demonstrate the existence of a particular local economic impact that makes such changes appropriate and must demonstrate that sufficient alternative programs are available to achieve attainment and maintenance of the ozone National Ambient Air Quality Standard (NAAQS).

C. Colorado's Petition

On January 21, 1998, Governor Roy Romer sent a letter to William Yellowtail, EPA Regional Administrator for Region VIII, requesting EPA to waive the federal RVP standard for the Denver-Boulder area. The specific change requested was to "retain the 9.0 psi Reid Vapor Pressure standard for gasoline volatility in the Denver-Boulder area for the summers of 1998 and 1999." (Denver-Boulder has received waivers of

¹ Hawaii, Alaska and U. S. territories were excepted.

² For more details, see 54 FR, 11868 (March 22, 1989).

³ For more details, see 55 FR 23658 (June 11, 1990).

⁴ For more details, see 56 FR 64704 (December 12, 1991).

⁵ The Phase II final rulemaking discussed procedures by which states could petition EPA for more or less stringent volatility standards. 55 FR at 23660 (June 11, 1990).

⁶ 56 FR 24242 (May 29, 1991).

the 7.8 psi RVP standard since 1992.) The Governor further stated that this waiver should only be necessary until EPA acts on the submittal of the ozone maintenance plan for the area or takes an alternative action regarding the implementation of the new standard for ozone. The request was based on discussions and reviews held in November 1997, by the Colorado Air Quality Control Commission (AQCC) of the environmental and economic impacts of the 7.8 psi standard. On December 10, 1997, the AQCC issued a resolution which recommended that the Governor submit a petition to EPA to request EPA to waive the 7.8 psi standard and replace it with a 9.0 psi standard.

D. History of Denver-Boulder Ozone Attainment Status Prior to Establishment of New NAAQS for Ozone

On November 6, 1991, the Denver-Boulder metropolitan area was designated nonattainment for the ozone NAAQS (see 56 FR 56694 (November 6, 1991)). The nonattainment area encompasses Denver's entire six-county Consolidated Metropolitan Statistical Area, with the exception of Rocky Mountain National Park in Boulder County and the eastern portions of Adams and Arapahoe Counties.

Under the Phase II rule promulgated on December 12, 1991, the standard applicable in the Denver-Boulder nonattainment area beginning in 1992 was 9.0 psi in May and 7.8 psi from June 1 to September 15. The standard applicable in other areas of Colorado was 9.0 psi from May 1 to September 15.

On November 6, 1991, EPA issued ozone nonattainment designations pursuant to section 107(d)(1)(C) of the Act (56 FR 56694). In that notice, EPA designated the Denver-Boulder area as a nonattainment area and classified it as a "transitional area" as determined under section 185A of the CAA. Section 185A defines a transitional area as "an area designated as an ozone nonattainment area as of the date of enactment of the Clean Air Act Amendments of 1990 [that] has not violated the national primary ambient air quality standard for ozone for the 36-month period commencing on January 1, 1987, and ending on December 31, 1989." In fact, according to monitoring data, the Denver-Boulder area attained and has continued to maintain the 0.12 parts per million (ppm) 1-hour standard since 1987.

E. Establishment of the New NAAQS for Ozone and Denver-Boulder's Current Attainment Status

On July 18, 1997, EPA promulgated a new 8-hour ozone standard of 0.08 ppm effective September 16, 1997 (see 62 FR 38856). EPA indicated in its December 29, 1997, guidance memorandum entitled "Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM₁₀ NAAQS" that designations for areas regarding the new 8-hour ozone NAAQS would take place in the future. EPA currently plans to designate areas as nonattainment for the new 8-hour ozone standard by July 2000, based on the most recently available three years of air quality data at that time (e.g., 1997, 1998, and 1999). Therefore, EPA is granting Colorado's request to relax the 7.8 psi standard until the year 2000. Taking into account Denver-Boulder's ozone attainment status for the new 8-hour standard, EPA will make a determination at that time as to which volatility standard will apply to the Denver-Boulder area.

F. Previous Petitions for Waivers of the 7.8 psi RVP Standard Granted by EPA

In separate rulemakings, EPA previously granted petitions by the Governor of Colorado for a relaxation of the Federal RVP volatility standard for the Denver-Boulder area for the years 1992 and 1993,⁷ for the years 1994 and 1995,⁸ and for the years 1996 and 1997.⁹ For in-depth discussions of these actions, please refer to the **Federal Register** notices.

In summary, EPA granted these petitions to relax the 7.8 psi standard based on evidence presented to EPA by Colorado that showed economic hardship to consumers and industry if the 7.8 psi standard were retained. Evidence also demonstrated that the 7.8 psi standard was not necessary given the area's record of continued attainment of the 0.12 ppm 1-hour ozone standard.

G. Justification for Granting Colorado's Petition to Waive the 7.8 psi RVP Standard for 1998, 1999, and 2000

The Denver-Boulder area has attained the 1-hour ozone standard and EPA has proposed to revoke that standard for the area (see Notice of Proposed Rulemaking, 63 FR 2804, January 16, 1998). Ambient air quality data archived in EPA's national data base—Aerometric

Information and Retrieval System (AIRS)—show continuous attainment of the 1-hour standard in Denver-Boulder since 1987, with a summertime gasoline RVP of 9.0 psi. Furthermore, even with the 9.0 RVP gasoline, data in AIRS show that the Denver-Boulder area has been attaining the new 8-hour ozone standard for 1994, 1995, and 1996, and in addition, a preliminary analysis also indicates continued attainment of the 8-hour standard through 1997. Thus, the Denver-Boulder area to date has been able to attain the 1-hour standard and the 8-hour standard with a 9.0 psi RVP gasoline standard in place.

Available evidence indicates that retention of the 7.8 psi standard would impose significant, additional costs for consumers and the gasoline industry in the area. Previous documentation submitted in support of Colorado's petitions for relaxation of the 7.8 psi RVP standard indicate that implementation of that standard would be costly. This documentation shows that implementation of the 7.8 psi RVP standard would cost the consumer about 1.1 cents more per gallon of gasoline with an overall seasonal cost of over \$3,000,000.

In a letter of June 20, 1995, the local refinery industry stated that the imposition of a 7.8 psi standard in the Denver-Boulder area at that time would cause many refiners to make irreversible capital improvements. It was stated that these improvements may not be needed if Denver-Boulder implemented a 9.0 psi RVP standard after redesignation to attainment, which at that time seemed imminent. EPA notes that because the rest of the Colorado market requires a 9.0 psi RVP standard, any refinery changes made in order to comply with the 7.8 psi standard would be in response only to the market demand in the Denver-Boulder areas.

In testimony and documentation presented at a 1995 hearing held before the Colorado Air Quality Control Commission, the Air Pollution Control Board of the Colorado Department of Health stated that these increased costs would vary among refiners. Also minutes and documentation from that hearing indicated that the Air Pollution Control Board supported a relaxation of the RVP standard since there had been no monitored violations of the ozone (1-hour) NAAQS since 1986.

As stated above, with a 9.0 RVP gasoline standard in place, the Denver-Boulder area has attained the 1-hour ozone standard since 1992, (when the Phase II volatility standards were implemented), and has shown attainment with the 8-hour standard for 1994, 1995, and 1996, (with a

⁷ For more details, see 53 FR 26067 (April 30, 1993).

⁸ For more details, see 59 FR 15629 (April 4, 1994).

⁹ For more details, see 61 FR 16391 (April 15, 1996).

preliminary analysis also showing attainment for 1997). Therefore, EPA believes that keeping in place the 9.0 psi RVP gasoline standard for the next three years in Denver-Boulder will not cause Denver-Boulder's air quality to deteriorate significantly. Additionally, since 1989, summertime gasoline volatility has been reduced significantly through federal volatility regulations. Moreover, ongoing vehicle fleet turnover, as well as several requirements under the 1990 CAA Amendments (tighter tailpipe standards, longer periods for a vehicle's "useful life" during which it must comply with the standards, requirements for on-board diagnostic equipment to detect failures of the emissions control system, requirements for on-board vapor recovery equipment to capture emissions during refueling, and enhanced inspection and maintenance requirements) will continue to help control overall mobile source emissions of VOCs in the Denver-Boulder area.

Under the CAA, EPA has up to three years from promulgation of a new NAAQS to designate areas for the new NAAQS. If an area is designated in 2000 as nonattainment for the 8-hour NAAQS, that area will be required to develop and submit a State Implementation Plan (SIP) revision to provide for attainment of the 8-hour standard. EPA believes that when the Agency determines the Denver-Boulder area's ozone attainment status for purposes of the initial designations (by July 2000), that will be the appropriate time to assign a permanent RVP standard for the Denver-Boulder area.

II. Direct Final Rulemaking

This action is being taken without prior proposal because EPA believes that this continuation of the relaxation of the RVP requirements is noncontroversial. The effect of this rulemaking is limited to the Denver-Boulder, Colorado nonattainment area, and EPA anticipates no significant comments on this action. This action extends the RVP standard that has been in effect in the Denver-Boulder area since 1992.

III. Administrative Requirements

A. Public Participation

This rule will become effective without further notification unless the Agency receives relevant adverse comments on the parallel document of proposed rulemaking published in today's **Federal Register** within 30 days of this document. Should the Agency receive such comments, it will publish a notice informing the public that this

rule did not take effect. All relevant public comments received within the 30-day comment period will then be addressed in a subsequent final rule based on EPA's proposal to approve Colorado's petition published in the proposed rules section of today's **Federal Register**. No second comment period on this rule will be instituted.

B. Environmental Impact

The proposed amendment is not expected to have any adverse environmental effects. The Denver-Boulder six-county area has met the 1-hour NAAQS for ozone since 1987. Current air quality is expected to be further maintained by a 9.0 psi RVP gasoline standard for the years 1998, 1999, and 2000.

C. Economic Impact

The proposed continued relaxation of the 7.8 psi RVP gasoline standard to 9.0 psi will avoid a cost increase in gasoline refining and decrease in summertime gasoline supply levels in the Denver-Boulder area. No new economic burdens will be placed on the local refining industry to implement a change in the RVP standard.

D. Executive Order 12866

Under Executive Order 12886¹⁰, the Agency must determine whether a regulatory action is "significant" and

¹⁰ 58 FR 51735 (October 4, 1993).

the selection of this alternative is inconsistent with the law.

The Agency has determined that this rule does not include a federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. This rule reduces costs to such entities by relaxing a regulatory requirement. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments.

H. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. section 804(2).

I. 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 August 10, 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 it 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).)

J. Electronic Copies of Rulemaking

A copy of this action is available on the Internet at www.epa.gov/OMSWWW under the title: "Relaxation of Federal Gasoline RVP Standard in Denver-Boulder Metropolitan Area."

K. Statutory Authority

The promulgation of this regulation is authorized by sections 211(h) and 301(a) of the Clean Air Act as amended by the Clean Air Act Amendments of 1990 (42 U.S.C. 7545(h) and 7601(a)).

L. Children's Health Protection

This direct final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it does not

involve decisions on environmental health risks or safety risks that may disproportionately affect children.

List of Subjects in 40 CFR Part 80

Environmental Protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: May 28, 1998.

Carol M. Browner,
Administrator.

For the reasons set forth in the preamble, part 80 of title 40 of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

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

2. In § 80.27(a)(2), the table is amended by revising the entry for Colorado and footnote 2 to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

*	*	*	*	*
(a)	*	*	*	*
(2)	*	*	*	*

APPLICABLE STANDARDS¹ 1992 AND SUBSEQUENT YEARS

State	May	June	July	August	September
Colorado ²	9.0	7.8	7.8	7.8	7.8

¹ Standards are expressed in pounds per square inch (psi).

² The standard for 1992 through 2000 in the Denver-Boulder area designated nonattainment for the 1-hour ozone NAAQS in 1991 (see 40 CFR 81.306) will be 9.0 for June 1 through September 15.

[FR Doc. 98-15449 Filed 6-9-98; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-300652; FRL 5788-4]

RIN 2070-AB78

Glyphosate; Extension of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a time-limited tolerance for residues of Roundup Ultra and Roundup Ultra RT (Glyphosate [N-(Phosphonomethyl)glycine] and its metabolites in or on dry peas, lentils, and chickpeas at 5 part per million (ppm) for an additional 18 month, to February 29, 2000. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of the pesticide on dry peas, lentils, and chickpeas. Section 408(l)(6) of the

Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA.

DATES: This regulation becomes effective June 10, 1998. Objections and requests for hearings must be received by EPA, on or before August 10, 1998.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP-300652], must be submitted to: Hearing Clerk (1900), Environmental Protection