ACTION: Final rule; correction of effective date under CRA.

SUMMARY: On November 12, 1997 (62 FR 60664), the Environmental Protection Agency published in the **Federal Register** a final rule revising the EPA Acquisition Regulation on calculation of profit or fee, which established an effective date of November 12, 1997. This document corrects the effective date of the rule to February 10, 1998, to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808.

EFFECTIVE DATE: This rule is effective on February 10, 1998.

FOR FURTHER INFORMATION CONTACT: Judith Koontz, Telephone: (202) 260–9887.

SUPPLEMENTARY INFORMATION:

I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on November 12, 1997 (62 FR 60664) by operation of law, the rule did not take effect on November 12, 1997, as stated therein. Now that EPA has discovered its error, the rule is being submitted to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

Section 553 of the Administrative Procedure Act, 55 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since November 12, 1997, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2).

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in November 12, 1997, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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 General Accounting Office; however, in accordance with 5 U.S.C. 808(2), this rule is effective on February 10, 1998. This rule is not a ''major rule'' as defined in 5 U.S.C. 804(2).

This final rule only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date.

Dated: January 30, 1998.

Carol Browner,

Administrator.

[FR Doc. 98–3020 Filed 2–9–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Part 1552

[FRL–5959–9]

Technical Amendments to Acquisition Regulation; Coverage on Information Resources Management (IRM); Correction of Effective Date Under Congressional Review Act (CRA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction of effective date under CRA.

SUMMARY: On June 28, 1996 (61 FR 33693), the Environmental Protection Agency published in the **Federal Register** a final rule amending its Acquisition Regulation coverage on Information Resources Management (IRM) by providing electronic access to EPA IRM policies for the Agency's contractors, which established an effective date of July 15, 1996. This document corrects the effective date of the rule to February 10, 1998, to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808.

EFFECTIVE DATE: This rule is effective on February 10, 1998.

FOR FURTHER INFORMATION CONTACT: Edward N. Chambers at (202) 260–6028.

SUPPLEMENTARY INFORMATION:

I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on June 28, 1996 (61 FR 33693) by operation of law, the rule did not take effect on July 15, 1996, as stated therein. Now that EPA has discovered its error, the rule is being submitted to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an

opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since June 28, 1996, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2).

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in June 28, 1996, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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 General Accounting Office; however, in accordance with 5 U.S.C. 808(2), this rule is effective on February 10, 1998. This rule is not a ''major rule'' as defined in 5 U.S.C. 804(2).

This final rule only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date.

Dated: January 30, 1998.

Carol Browner,

Administrator.

[FR Doc. 98–3031 Filed 2–9–98; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS–121; Notice–2]

RIN 2137–AB46

Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Response to petitions for reconsideration; request for comments.

SUMMARY: On June 7, 1994, RSPA issued a final rule amending existing regulations for liquid and carbon dioxide pipeline facilities. The rule required the hydrostatic pressure testing of certain older pipelines that were never pressure tested to current standards. The American Petroleum Institute (Petitioner or API) and Williams Pipe Line Company (Petitioner or Williams) filed Petitions for Reconsideration (petitions) concerning certain provisions of the final rule. In response to these petitions, this document clarifies certain provisions of the final rule and seeks comments on one issue.

DATES: Interested persons are invited to submit comments on this notice by April 13, 1998. Late filed comments will be considered to the extent practicable.

ADDRESSES: Written comments must be submitted in duplicate and mailed or hand-delivered to the OPS, Room 2335, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Identify the docket and notice number stated in the heading of this notice. Alternatively, comments may be submitted via e-mail to ''ops.comments@rspa.dot.gov''. Comments will become part of this docket and will be available for inspection or copying in Room 2335 between 8:30 a.m. and 5:00 p.m. each business day.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366–4571, or e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this document, or OPS (202) 366–4046, for copies of this petition document or other material in the docket.

SUPPLEMENTARY INFORMATION:

Background

The purpose of the pressure testing rule (59 FR 29379; June 7, 1994) is to ensure that certain older hazardous liquid and carbon dioxide pipelines have an adequate safety margin between their maximum operating pressure and test pressure. The rule applied to those pipelines never pressure tested according to current standards. The compliance dates for pressure testing the older pipelines have been extended. (62 FR 54591; October 21, 1997). The extension is to allow for consideration of rulemaking providing an alternative to pressure testing in certain circumstances. This alternative to pressure testing is based on a petition from API.

In its petitions for reconsideration of the final rule, API raised three issues and Williams raised two issues. The most significant issue raised by both API and Williams related to the prohibition of testing with petroleum. The pressure testing rule prohibited the use of petroleum as a test medium in pressure testing such pipelines. RSPA withdrew the prohibition by amendment of the pressure testing rule on August 11, 1994 in the **Federal Register** (59 FR 41259).

Remaining Issues in Petitions

Disposal of Test Water

API asserted that the final rule did not adequately address its comments concerning problems with obtaining permits to acquire and dispose of test water. API reiterated concerns raised in its comments submitted during the pressure testing rulemaking comment period. Specifically, API asked that RSPA issue administrative procedures, perhaps in conjunction with the Environmental Protection Agency (EPA), that would facilitate the process of obtaining permits to acquire and dispose of test water. In its petition, API claimed that RSPA's coordination effort ''has not reached the appropriate persons within EPA so that it has any impact on the ability of an operator to obtain a permit or waiver.'' Furthermore, API stated that some of its member companies have been attempting to get EPA's attention on the subject of permits for hydrostatic test water for several years with little success. API claimed that member companies in EPA Region VI have experienced ''delays of years in obtaining permits, with some permits never issued.'' API stated that, because