commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 2, 1998 and no further action will be taken on the proposed rule.

IV. Administrative Requirements

A. Executive Orders 12866 and 13045

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

This final rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under E.O. 12866.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D 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 impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a 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).

C. 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 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. 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).

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 2, 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the director of the Federal Register on July 1, 1982.

Dated: August 13, 1998.

Laura Yoshi,

Deputy Regional Administrator, Region IX.

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 52.220 is amended by adding paragraph (c)(199)(i)(E)(*1*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(199) * * *

(i) * * *

(E) Yolo-Solano Air Quality Management District

(*1*) Rule 2.34, adopted on July 13, 1994

* * * * *

[FR Doc. 98–23500 Filed 9–2–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[KY–104–9818a; FRL–6152–9]

Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Edmonson County and Owensboro portions of the Kentucky State Implementation Plan (SIP) submitted on April 16, 1998, through the Kentucky Natural Resources and Environmental Protection Cabinet (NREPC). The purpose of this action is to incorporate revised motor vehicle emissions budgets for Owensboro and Edmonson, Kentucky. These budgets are used for demonstration of conformity of transportation plans, programs, and projects with the Kentucky SIP for the Edmonson County and Owensboro ozone maintenance areas. This action is

in accordance with the Transportation Conformity Rule promulgated on November 24, 1993, and subsequent amendments.

DATES: This direct final rule is effective on November 2, 1998, without further notice, unless EPA receives adverse comments by October 5, 1998. If adverse comment is received, EPA 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: Written comments should be addressed to: Kelly Sheckler at the Region 4, Environmental Protection Agency, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file number KY–104–9818. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Kentucky Department for Environmental Protection, 803 Schenkel Lane, Frankfort, Kentucky 400601.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler at (404) 562–9042. Reference file KY–104–9818.

SUPPLEMENTARY INFORMATION: The Commonwealth of Kentucky through the KNREPC submitted an attainment and maintenance plan for the Edmonson County and Owensboro ozone nonattainment areas on November 13, 1992. The Owensboro area consists of Daviess County and a portion of Hancock County. The Commonwealth of Kentucky's request for redesignation of the Edmonson County and Owensboro ozone nonattainment areas was approved by EPA because the areas attained the ozone NAAQS, met all relevant requirements under section 110 and part D of the CAA, had a fully approved SIP under section 110(k) of the CAA, demonstrated permanent and enforceable air quality improvement, and had a maintenance plan satisfying the requirements of section 175A of the CAA. For further detail on this rulemaking refer to 59 FR 55058, dated November 3, 1994. This SIP contained comprehensive inventories of volatile organic compound (VOC), nitrogen oxide (NO_X), and carbon dioxide (CO) emissions for the Edmonson County and Owensboro ozone areas. The inventories include biogenic, area, stationary, and mobile sources using 1990 as the base year for projections to demonstrate maintenance. The 1990 inventory is considered representative of attainment conditions because the NAAQS was not violated during 1990.

EPA approved this revision of the Kentucky SIP and redesignated the area from nonattainment to attainment for ozone effective January 3, 1995. At the time of this submittal, EPA had not finalized the Transportation Conformity rule which provides the criteria and procedures by which the transportation planning authorities must show that transportation plans and projects conform to the emission estimates in the applicable state maintenance plan. In the maintenance SIP, the Commonwealth did not provide an explicit motor vehicles emissions budget for the purposes of showing conformity. However, the Transportation Conformity regulations at 40 CFR 51.456 were promulgated on November 24, 1993, and defined a mobile source emissions budget for determining conformity of transportation as the mobile source portion of the total allowable emissions defined in the submitted or approved control strategy implementation plan revision or maintenance plan. The Commonwealth established an emissions baseline inventory as part of its redesignation and maintenance SIP. As required for maintenance demonstrations, the emission projections from the baseline inventory were developed for a ten year period. In areas subject to conformity, that had not established an emissions budget per 40 CFR 51.456, a SIP approved emissions projection inventory would be used as the emissions budget for conformity purposes. Therefore, the emission projections inventory provided in the Commonwealth's maintenance plan became the emissions budget for conformity.

Furthermore, 40 CFR Part 93.118, allows states to revise their emissions budgets at any time through the standard SIP revision process, provided the submittal demonstrates that the revised emissions budget will not interfere with attainment and maintenance of the standard or any milestones in the required time frame.

The Clean Air Act (CAA), as amended in 1990, defines conformity to an implementation plan as conformity to the plan's purpose of reducing the severity and number of violations of the National Ambient Air Quality Standards (NAAQS) and achieving expeditious attainment of such standards. Specifically, the CAA requires transportation improvement programs (TIP) and Long Range Transportation Plans that are federally funded or approved actions will not cause or contribute to any new violation, increase the frequency or severity of any existing violation, or delay timely attainment of any standard or any required interim emission reductions or other milestones in any area. Therefore, the emissions expected from implementation of such transportation plans and programs must be consistent with estimates of emissions from a maintenance plan.

The total emissions in the revised emissions budget for the Edmonson County and Owensboro ozone maintenance areas are below the 1990 levels through the period of projection necessary for the attainment and maintenance plan, i.e., through 2005. Due to reductions expected from new and/or future federal emission standards, non-road source emissions are projected to decrease below the levels projected in the original maintenance plan. The safety margin created from this category is allotted to the on-road mobile source emissions budget. As provided in the table below, the reallotted emissions budget maintains the 1990 levels and is consistent with the redesignation/maintenance demonstration SIP.

NO_X Emissions Inventory Summary

[Tons per day]

Category	1990	1993	1996	1999	2002	2004
Edmonson County						
Mobile	.86	.83	.81	.79	.77	.78
Area	.04	.04	.04	.04	.04	.04
Point	0	0	0	0	0	0
Nonroad	.37	.38	.39	.40	.40	.41
Total	1.27	1.25	1.24	1.23	1.22	1.23
Daviess County						
Mobile	5.33	5.25	5.17	5.11	5.04	5.10
Area	.22	.22	.22	.22	.22	.22
Point	39.20	38.92	38.65	38.37	38.10	37.92
Nonroad	2.91	2.89	2.87	2.85	2.83	2.82
Total	47.66	47.28	46.91	46.55	46.19	46.06
Hancock County						
Mobile	.14	.14	.13	.13	.12	.12
Area	0	0	0	0	0	0
Point	42.86	42.89	42.93	42.97	43.01	43.04
Nonroad	.16	.16	.16	.16	.16	.16
Total	43.16	43.19	43.22	43.26	43.29	43.32

VOC Emissions Inventory Summary

[Tons per day]

Category	1990	1993	1996	1999	2002	2004
Edmonson County						
Mobile	1.24	.79	.75	.73	.72	.72
Area	.74	.76	.77	.79	.80	.82
Point	0	0	0	0	0	0
Nonroad	.45	.46	.47	.48	.49	.50
Total	2.43	2.01	1.99	2.00	2.01	2.04
Daviess County						
Mobile	10.18	6.65	6.48	6.42	6.44	6.53
Area	5.29	5.25	5.22	5.18	5.15	5.13
Point	13.23	13.13	13.04	12.95	12.86	12.80
Nonroad	3.84	3.81	3.79	3.76	3.74	3.72
Total	32.54	28.84	28.53	28.31	28.19	28.18
Hancock County						
Mobile	.20	.13	.12	.12	.11	.11
Area	.08	.08	.08	.08	.08	.08
Point	3.23	3.30	3.30	3.30	3.31	3.31
Nonroad	.09	.09	.09	.09	.09	.09
Total	3.60	3.60	3.59	3.59	3.59	3.59

Final action

EPA is approving Kentucky's revised emission budget for the Edmonson County and Owensboro ozone maintenance area. The Agency has reviewed this request for revision of the Federally approved State implementation plans (SIP) for conformance with the provisions of the Amendments enacted on November 15, 1990, and the Transportation Conformity Rule promulgated on November 24, 1993 and amended on August 15, 1997. The Agency has determined that this request conforms to those requirements. Therefore, this action revises the motor vehicle emissions budget for the Kentucky Counties of Edmonson, Daviess and a portion of Hancock.

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 November 2, 1998 without further notice unless the Agency receives relevant adverse comments by October 5, 1998.

If the EPA receives such comments, then EPA will publish a timely withdrawal of the direct final rule 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 this rule. Only parties interested in commenting on the rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 2, 1998 and no further action will be taken on the proposed rule.

The ozone SIP is designed to satisfy the requirements of part D of the CAA and to provide for attainment and maintenance of the ozone NAAQS. Approval of this motor vehicle emissions budget should not be interpreted as authorizing the State to delete, alter, or rescind any of the VOC or NO_X emission limitations and restrictions contained in the approved ozone SIP. Changes to ozone SIP VOC regulations rendering them less stringent than those contained in the EPA approved plan cannot be made unless a revised maintenance plan is submitted to and approved by EPA. Unauthorized relaxations, deletions, and changes could result in both a finding of non-implementation [section 173(b) of the CAA] and in a SIP deficiency call made pursuant to section 110(a)(2)(H) of the CAA.

Nothing in this action will be construed as permitting or allowing or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP will be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Nothing in this action should be construed as making any determination or expressing any position regarding Kentucky's audit privilege and penalty immunity law KRS 224.01–040 or its impact upon any approved provision in the SIP, including the revision at issue here. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of Kentucky's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

I. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13045

The final rule is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks, because it is not an ''economically significant'' action under Executive Order 12866.

C. Regulatory Flexibility Act

Under the Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C sections 603 and 604. Alternatively, EPA may certify 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 government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA does not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410 (a)(2) and, 7410 (k)(3).

D. 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 the private sector, of $100 million or more. Under Section 205, EPA must select the most cost effective and least burdensome alternative that achieves 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 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 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.

E. 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. 804(2).

F. 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 2, 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 will 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: July 30, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *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 S—Kentucky

2. Section 52.920, is amended by adding paragraph (c)(91) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(91) The maintenance plan for Edmonson County and Owensboro ozone area submitted by the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet on April 16, 1998, as part of the Kentucky SIP.

(i) Incorporation by reference.

Mobile Emissions Budgets for Owensboro Area and Edmonson County Marginal Ozone Maintenance Areas: Introduction page and Tables 1 through 8 effective April 14, 1998.

(ii) Other material. None.

[FR Doc. 98–23502 Filed 9–2–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1504, 1542, and 1552

[FRL–6155–5]

Acquisition Regulation: Administrative Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending the EPA Acquisition Regulation (EPAAR) (48 CFR Chapter 15) removing from the EPAAR unnecessary coverage that duplicates existing FAR coverage on quick-closeout procedures, and making other administrative changes.

EFFECTIVE DATE: September 3, 1998.

FOR FURTHER INFORMATION CONTACT: Paul Schaffer, U.S. Environmental Protection Agency, Office of Acquisition Management (3802R), 401 M Street, SW, Washington, D.C. 20460, Telephone: 202–564–4366.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule eliminates EPAAR 1542.708 Quick-Closeout Procedures which duplicates existing FAR coverage (FAR 42.708), and makes other administrative changes. As authorized by section 22(a) of the Office of Federal Procurement Policy Act, 41 U.S.C. 418b, this rule is being issued without notice and opportunity for public comment because it does not have a significant effect beyond the internal operating procedures of the Agency, and it does not impose a significant cost or administrative impact on contractors or offerors.

B. Executive Order 12866

The final rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review was required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB).

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

D. Regulatory Flexibility Act

The EPA certifies that this final rule does not exert a significant economic impact on a substantial number of small entities. The requirements to contractors under the rule impose no reporting, record-keeping, or any compliance costs.

E. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments, and the private sector. This final rule does not contain 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 one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule was not subject to the requirements of sections 202 and 205 of the UMRA.

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

List of Subjects in 48 CFR Parts 1504, 1542, and 1552

Environmental protection, Government procurement.

Therefore, 48 CFR Chapter 15 is amended as set forth below:

1. The authority citation for Parts 1504, 1542 and 1552 continue to read as follows:

Authority: The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c),63 Stat. 390, as amended.