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 February 1, 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 to approve VOC and NO_X RACT determinations for a number of individual sources in Pennsylvania as a revision to the Commonwealth's SIP 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.

Dated: November 13, 1998.

William Wisnewski,

Acting Regional Administrator, Region III.

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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(137) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(137) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO_X RACT, submitted on May 31, 1995, November 15, 1995, March 21, 1996 and September 13, 1996 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Four letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_X RACT determinations in the form of plan approvals, operating or compliance permits on the following dates: May 31, 1995, November 15, 1995, September 13, 1996 and March 21, 1996.

(B) Plan approvals (PA), Operating permits (OP), Compliance Permits (CP):

(*1*) Columbia Gas Transmission Corporation—Artemas Compressor Station, Bedford County, PA O5–2006, effective April 19, 1995; except for the plan approval expiration date and item (or portions thereof) Nos. 4 and 13 relating to non-RACT provisions.

(*2*) Columbia Gas Transmission Corporation—Donegal Compressor Station, Washington County, PA 63–000–631, effective July 10, 1995; except for the plan approval expiration date and item (or portions thereof) Nos. 9 and 20 relating to non-RACT provisions.

(*3*) Columbia Gas Transmission Corporation—Gettysburg Compressor Station, Adam County, OP 01–2003, effective April 21, 1995; except for the operating permit expiration date and item (or portions thereof) No. 13 relating to non-RACT provisions.

(*4*) Columbia Gas Transmission Corporation—Eagle Compressor Station, Chester County, OP 15–022, effective February 1, 1996; except for the operating permit expiration date and item (or portions thereof) Nos. 9 and 10 relating to non-RACT provisions.

(*5*) Columbia Gas Transmission Corporation—Downingtown Compressor Station, Chester County, CP–15–0020, effective September 15, 1995; except for the compliance permit expiration date and item (or portions thereof) Nos. 2 and 6 relating to non-RACT provisions.

(ii) Additional Material—Remainder of the Commonwealth of Pennsylvania's May 31, 1995, November 15, 1995, March 21, 1996 and September 13, 1996 VOC and NO_X RACT SIP submittals.

[FR Doc. 98–32006 Filed 12–2–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 162–0109; FRL–6194–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing a limited approval and limited disapproval of a revision to the California State Implementation Plan (SIP) proposed in the **Federal Register** on August 11, 1998. The revised rule controls VOC emissions from sources coating metal parts and products in the Santa Barbara County Air Pollution Control District. EPA's final action will incorporate this rule into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) according to the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA is finalizing a simultaneous limited approval and limited disapproval under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because this revision, while strengthening the SIP, also does not meet fully the CAA provisions regarding plan submissions and requirements for nonattainment areas. Because of this limited disapproval, EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on January 4, 1999.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for this rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:

Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105;

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460;

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814; and,

Santa Barbara County Air Pollution Control District 26 Castilian Drive, Suite B–23, Goleta, CA 93117.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1226.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rule being approved into the California SIP is Santa Barbara County Air Pollution Control District (SBCAPCD) Rule 330—Surface Coating

of Metal Parts and Products. This rule was submitted by the California Air Resource Board to EPA on October 13, 1995.

II. Background

On August 11, 1998 in 63 FR 42784, EPA proposed granting limited approval and limited disapproval and including within the California SIP Santa Barbara County Air Pollution Control District's (SBCAPCD) Rule 330—Surface Coating of Metal Parts and Products. SBCAPCD revised and adopted Rule 330 on April 21, 1995. The California Air Resource Board submitted Rule 330 to EPA on October 13, 1995. This rule was submitted in response to EPA's 1988 SIP Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for Rule 330 and nonattainment areas is provided in the proposed rule cited above.

EPA evaluated Rule 330 for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the proposed rule. EPA is finalizing the limited approval of Rule 330 to strengthen the SIP and finalizing the limited disapproval requiring the correction of the remaining deficiencies. Rule 330 contains the following deficiencies:

—the rule allows the use of up to 200 gallons per year of non-compliant coating exceeding USEPA's 55 gallon per year limit; and,

—the rule does not require a metal parts and products coating operation to record its daily use of non-compliant coatings.

A detailed discussion of Rule 330's deficiencies can be found in the Technical Support Document for Rule 330 (7/98), which is available from the U.S. EPA, Region 9 office.

III. Response to Public Comments

A 30-day public comment period was provided in 63 FR 42784. EPA received no comment letters on this August 11, 1998 proposal for a limited approval and limited disapproval.

IV. EPA Action

EPA is finalizing a limited approval and a limited disapproval of SBCAPCD, Rule 330—Surface Coating of Metal Parts and Products. The limited approval of this rule is finalized under section 110(k)(3) given EPA's authority, pursuant to section 301(a), to adopt regulations necessary to further air quality by strengthening the SIP. EPA's approval is limited in the sense that although Rule 330 strengthens the SIP, it does not meet the section 182(a)(2)(A) CAA requirement because of the rule's deficiencies discussed in the proposed rule. Thus, to strengthen the SIP, EPA is granting limited approval of Rule 330 under sections 110(k)(3) and 301(a) of the CAA. This action approves the Rule 330 into the SIP as a federally enforceable rule.

At the same time, EPA is finalizing a limited disapproval of Rule 330 because it contains deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA; and, as such, the rule does not fully meet the requirements of Part D of the Act. As stated in the proposed rule, upon the effective date of this final rule, the 18 month clock for sanctions and the 24 month FIP clock will begin. If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the effective date of the final rule, either the highway sanction or the offset sanction will be imposed at the 18 month mark. It should be noted that Rule 330 has been adopted by the SBCAPCD and is in effect within the SBCAPCD. EPA's limited disapproval action will not prevent the SBCAPCD, State of California, or EPA from enforcing this rule.

V. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, Enhancing the Intergovernmental Partnership, 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, E.O. 12875 requires EPA to provide the OMB 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, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 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. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly 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, E.O. 13084 requires EPA to provide to the OMB, 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, E.O. 13084 requires EPA to develop an effective process permitting elected 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 E.O. 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 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 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 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).

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 annual 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 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 annual 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 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).

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 February 1, 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, 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: November 18, 1998.

Laura Yoshii,

Acting Regional Administrator, Region 9.

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) (225)(i)(F) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(225) * * *

(i) * * *

(F) * * *

(*1*) Rule 330, adopted on April 21, 1995.

* * * * *

[FR Doc. 98–32004 Filed 12–2–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

30 CFR Part 602; 43 CFR Part 3195

[WO–130–1820–00–24 1A]

RIN 1004–AD24

Helium Contracts

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Bureau of Land Management (BLM) is finalizing the interim rule that was published in the **Federal Register** on July 28, 1998 (63 FR 40175). This action implements the requirements of the Helium Privatization Act of 1996 by establishing procedures for the helium program, defining the obligations of the Federal helium suppliers and users, and removing the Bureau of Mines regulations governing helium distribution contracts. The effect of this action is to adopt the interim rule as a final rule without change.

DATES: This rule is effective on December 3, 1998.

FOR FURTHER INFORMATION CONTACT: Shirlean Beshir, Regulatory Affairs Group (WO–630), Bureau of Land Management, Mail Stop 401LS, 1849 ''C'' Street, NW, Washington, DC 20240; telephone (202) 452–5033 (Commercial or FTS) and Timothy R. Spisak, (806) 324–2656 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Background
II. Discussion of the Final Rule and Response to Comments
III. Procedural Matters