

Marathon's FCCU for the June 14 to September 5, 1996, period is the limitation given in the State's variance rather than the otherwise applicable limitation in the State's regulations.

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

IV. Administrative Requirements

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA 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, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. This action affects a only one source and therefore does not affect a substantial number of small entities.

Under section 202 of the Unfunded Mandates Reform Act of 1995, USEPA must undertake various actions in association with 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. 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 the private sector, result from this action.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 27, 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, Particulate matter, Reporting and recordkeeping requirements.

Dated: January 8, 1998.

Michelle D. Jordan,

Acting Regional Administrator, Region V.
[FR Doc. 98-1763 Filed 1-23-98; 8:45 am]

BILLING CODE 6560-50-U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1842

Miscellaneous Revisions to the NASA FAR Supplement Coverage on Contract Administration

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) contract administration policy to update references to OMB Circulars and NASA internal guidance documents and to provide revised guidance on audit followup procedures.

EFFECTIVE DATE: January 26, 1998.

FOR FURTHER INFORMATION CONTACT:

Jack Horvath, NASA, Office of Procurement, Analysis Division (Code HC), (202) 358-0456.

SUPPLEMENTARY INFORMATION:

Background

NFS sections 1842.101 and 1842.7301 reference OMB Circulars A-88 and A-128. Both of these have been cancelled and replaced by OMB Circular A-133, and the NFS references are updated accordingly. Section 1842.102-70(b) provides guidance for NASA Centers on advising NASA Headquarters of changes in contract administration activity. This section is further clarified to indicate that NASA Center reports to Headquarters are required semiannually. Finally, changes are made to section 1842.7301 to include references to new NASA guidance documents and to clarify audit followup activities.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Part 1842

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR part 1842 is amended as follows:

1. The authority citation for 48 CFR part 1842 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1842—CONTRACT ADMINISTRATION

1842.101 [Amended]

2. In paragraph (a)(i) to section 1842.101, the phrase "OMB Circular No. 88" is revised to read "OMB Circular No. A-133".

3. In paragraph (a)(ii) to section 1842.101, "(Code HS)" is revised to read "(Code HK)".

1842.102-70 [Amended]

4. In section 1842.102-70, paragraph (b) introductory text is revised to read as follows:

1842.102-70 Review of administration and audit services.

* * * * *

(b) A summary, including a negative summary, of the Center's assessment shall be submitted by the procurement officer to the Headquarters Office of Procurement (Code HK) by not later than January 15 and June 15 of the fiscal year. The summary shall include—

* * * * *

1842.7301 [Amended]

5. Section 1842.7301 is revised to read as follows:

1842.7301 NASA external audit follow-up system.

(a) This section implements OMB Circular No. A-50, NASA Policy Directive (NPD) 1200.1, and NASA Procedures and Guidelines (NPG) 1200.1, "Management Accountability and Control, Audit Liaison, and Audit Follow-up", which provide more detailed guidance. Recommendations for external audits (OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Institutions) shall be resolved by formal review and approval procedures analogous to those at 1815.406-171.

(b) The external audit followup system tracks up contract and OMB Circular No. A-133 audits where NASA has resolution and disposition authority. The objective of the tracking system is to ensure that audit recommendations are resolved as expeditiously as possible, but at a

maximum, within 6 months of the date of the audit report.

(c)(1) The identification and tracking of contract audit reports under NASA cognizance are accomplished in cooperation with the DCAA.

(2) Identification and tracking of OMB Circular No. A-133 audit reports are accomplished in cooperation with the NASA Office of the Inspector General (OIG) by means of a transmittal memorandum. A transmittal memorandum is sent by the OIG to the procurement officer of each NASA Center having an award (contract, grant, or other agreement) covered by the audit report. The transmittal memorandum will identify any significant audit findings.

(d)(1) All reportable contract audit reports are defined by Part 15, Section 6, of the DCAA Contract Audit Manual (CAM) shall be reported quarterly to the Headquarters Office of Procurement (Code HC); and

(2) Only OMB Circular No. A-133 audit reports involving the following shall be reported quarterly to Code HC:

(i) A significant management control issue; or

(ii) Questioned costs of \$10,000 or more due to an audit finding (see Subpart E-Auditor, paragraph 510 of OMB Circular No. A-133).

(3) NASA contracting officers will maintain a dialogue with DOD Administrative Contracting Officers (ACO) who have been delegated activities on NASA contracts. A review will be conducted no less frequently than semiannually, and the status and disposition of significant audit findings will be documented in the contract file.

(e)(1) The terms "resolution" and "disposition" are defined in Appendix A of NPG 1200.1.

(2) The resolution and disposition of OMB Circular No. A-133 audits are handled as follows:

(i) Audit findings pertaining to an individual NASA award are the responsibility of the procurement officer administering that award.

(ii) Audit findings having a Governmentwide impact are the responsibility of the cognizant Federal agency responsible for oversight. For organizations subject to OMB Circular No. A-133, there is either a cognizant agency or an oversight agency. The cognizant agency is the Federal agency that provides the predominant amount of direct funding to the recipient organization unless OMB makes a specific cognizant agency for audit assignment. To provide for the continuity of cognizance, the

determination of the predominant amount of direct funding will be based on the direct Federal awards expended in the recipient's fiscal years ending in 1995, 2000, 2005, and every fifth year thereafter. When there is no direct funding, the Federal agency with the predominant indirect funding is to assume the oversight responsibilities. In cases where NASA is the cognizant or oversight Federal agency, audit resolution and disposition is the responsibility of the procurement officer for the Center having the largest amount of direct funding, or, if there is no direct funding, the largest amount of indirect funding for the audited period. A copy of the memorandum dispositioning the findings shall be provided by each Center having resolution responsibility for the particular report to the Headquarters OIG office and Code HC.

[FR Doc. 98-1753 Filed 1-23-98; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 195

[Docket No. PS-121; Notice-3]

RIN 2137-AD 05

Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines

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

ACTION: Confirmation of effective date of Direct Final rule.

SUMMARY: This document confirms the effective date of the amendments of the direct final rule which extends the time for compliance with the requirements for pressure testing of older hazardous liquid and carbon dioxide pipelines.

EFFECTIVE DATES: This document confirms January 20, 1998 as the effective date of the direct final rule, published on October 21, 1997, at 62 FR 54591.

FOR FURTHER INFORMATION CONTACT: Mike Israni, (202) 366-4571, e-mail: mike.israni@rspa.dot.gov, regarding the subject matter of this document, or the Dockets Unit (202) 366-4453, for copies of this document or other information in the docket.

SUPPLEMENTARY INFORMATION:

Background

On October 21, 1997, RSPA published a direct final rule (62 FR 54591) titled "Pressure Testing Older Hazardous Liquid and Carbon Dioxide Pipelines." In that rule, RSPA stated that if no adverse comments were received by December 22, 1997, it would publish a confirmation notice in the **Federal Register** by January 5, 1998, and if an adverse comment was received, RSPA would issue a notice to confirm that fact and would withdraw the direct final rule in whole or in part. The rule also stated that RSPA might then incorporate the adverse comment(s) into a subsequent direct final rule or might publish a notice of proposed rulemaking.

The Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) met on November 18, 1997, in Houston, TX, to consider the extension of the time for compliance discussed in the October direct final rule. (The THLPSSC was established by statute to evaluate the technical feasibility, reasonableness, and practicability of proposed regulations.) The consensus of the THLPSSC was to support the direct final rule.

RSPA received one industry comment supporting RSPA's action on extension of time for compliance. Therefore, this document confirms new compliance dates for pressure testing older hazardous liquid and carbon dioxide pipelines as amended in the direct final rule effective January 20, 1998.

The new compliance dates are as follows:

- Before December 7, 1998, plan and schedule testing; or establish the pipeline's maximum operating pressure under § 195.406 (a)(5).
- Before December 7, 2000, pressure test each pipeline containing more than 50 percent by mileage of electric resistance welded pipe manufactured before 1970; and at least 50 percent of the mileage of all other pipelines; and
- Before December 7, 2003, pressure test the remainder of the pipeline mileage.

Issued in Washington, D.C. on January 21, 1998.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

[FR Doc. 98-1747 Filed 1-23-98; 8:45 am]

BILLING CODE 4910-60-P