

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) * * *

(I) 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

I. Background

These regulations are issued by BLM to implement the requirements of the Helium Privatization Act of 1996, Public Law 104-273 (the Act). BLM adds these regulations as a new Part 3195 to BLM's oil and gas regulations. This action implements the requirements of the Act by:

- Establishing procedures for the helium program;
- Defining the obligations of Federal helium suppliers and users; and
- Removing the Bureau of Mines regulations at 30 CFR 602 governing helium distribution contracts.

On July 28, 1998, BLM published an interim rule in the **Federal Register** (63 FR 40175). The written comment period on the interim rule closed August 27, 1998. BLM received public comments from one private industry supplier, which we considered in finalizing the rule.

II. Discussion of Final Rule and Response to Comments

A. Legal Basis for the Final Rule

The Act requires that:

- BLM discontinue producing, marketing, and selling refined helium.
- Persons who supply a major helium requirement to Federal agencies contract with BLM to purchase an equivalent amount of crude helium from BLM.
- BLM use a legislatively mandated formula for determining the minimum price for crude helium.

Accordingly, this action implements the requirements of the Act 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 (5 U.S.C. 301).

B. General and Specific Comments

The private industry supplier raised the following concerns:

- The interim rule does not address pre-existing contracts executed under Bureau of Mines regulations;
- Whether the pre-existing contracts should be terminated or rebid under the new regulations;
- Whether the pre-existing contracts should be allowed to run their course; and
- How should BLM handle the situation where a distributor, who is not an approved Federal helium supplier, is supplying helium to Federal agencies.

Any pre-existing contracts (pre-existing contracts) between former helium distributors and the BLM that were in place were cancelled effective April 1, 1998. Thus, those distributors

lost the ability to act as an authorized Federal helium supplier on April 1, 1998. Therefore, if any such distributors wish to continue to sell a major helium requirement to Federal agencies to complete contractual obligations entered into prior to April 1, 1998, or to enter into new contracts to sell major helium requirements to Federal agencies, they must execute an In-Kind Crude Helium Sales Contract with BLM to allow them to do so. Further, as the disposition of pre-existing contracts was covered in the interim rule, no change to the rule is necessary. Accordingly, the interim rule adding 43 CFR Part 3195 and removing 30 CFR Part 602 which was published in the **Federal Register** (63 FR 40175) on July 28, 1998, is hereby adopted as a final rule without change.

III. Procedural Matters

Executive Order 12866

This final rule is not a significant rule and was not subject to review by the Office of Management and Budget under Executive Order 12866. This final rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities. The final rule merely provides the BLM a means to document and bill sales of refined helium to Federal agencies and their contractors. The total maximum dollar value of the crude helium sales is estimated at about \$15 million annually. The crude helium sales required by the Act replace the BLM refined helium sales being discontinued by the same Act. The final rule adds a small administrative cost to track crude and refined helium sales. This final rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. This rule merely fulfills the requirements of the Act, and does not raise novel legal or policy issues.

Regulatory Flexibility Act

The Department certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule outlines the reporting requirements of Federal helium users and suppliers. In addition, this rule raises refined helium sales thresholds from those contained in the prior

regulations. The prior provisions would have required more small refined helium distributors to participate in refined helium sales reporting and subsequent crude helium purchases.

Small Business Regulatory Enforcement Fairness Act

The Department has determined that this final rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This final rule is not a major rule because total annual helium sales under the Act are not likely to exceed \$15 million, well below the \$100 million statutory threshold. Furthermore, any increases in cost will be borne by the Federal Government and in any event are mandated by the Act. Any effect on competition is the result of the Act. The final rule merely provides BLM a means to document and bill sales of refined helium to Federal agencies and their contractors. The crude helium sales required by the Act replace the BLM refined helium sales being discontinued by the same Act. This rule adds a small administrative cost to track crude and refined helium sales.

Unfunded Mandates Reform Act

This final rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than \$100 million per year. The final rule does not have a significant or unique effect on State, local, or tribal governments, or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required. The final rule merely provides the BLM a means to document and bill sales of crude helium to Federal helium suppliers based on their sales of refined helium to Federal agencies and their contractors. The total maximum dollar value of the crude helium sales is estimated at about \$15 million annually. The crude helium sales required by the Act would replace the BLM refined helium sales being discontinued by the same Act. This rule adds a small administrative cost to track crude and refined helium sales.

Executive Order 12630

In accordance with Executive Order 12630, the final rule does not have significant takings implications. A takings implication assessment is not required. Since the final rule defines the obligations arising under future contracts, there will be no private property rights impaired as a result.

Executive Order 12612

In accordance with Executive Order 12612, the final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This final rule does not impose any obligations on any other Government nor preempt any regulatory authority of any State.

Executive Order 12988

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this final rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

The information required by these regulations is the same as the information required by the In-Kind Crude Helium Sales Contracts. The information collections contained in the In-Kind Crude Helium Sales Contracts have been approved by OMB under Approval No. 1004-0179 which expires May 31, 2001. The In-Kind Crude Helium Sales Contracts require Federal helium suppliers and Federal agencies to which the Federal helium suppliers sell the helium to provide specific information to BLM.

National Environmental Policy Act

This final rule does not constitute a major Federal action significantly affecting the quality of the human environment. However, BLM has prepared an Environmental Assessment (EA) in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C). BLM has placed the EA and Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified previously.

Author. The principal author of this final rule is Shirlean Beshir, Regulatory Affairs Group, Room 401LS, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240; Telephone: (202) 452-5033 (Commercial or FTS).

List of Subjects*30 CFR Part 602*

Government contracts, helium, reporting and recordkeeping requirements.

43 CFR Part 3195

Government contracts, mineral royalties, oil and gas exploration, public lands-mineral resources, reporting and recordkeeping requirements, and surety bonds.

Dated: November 23, 1998.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

Accordingly, under the authority of 5 U.S.C. 301 and for the reasons stated above, BLM adopts without change as a final rule the interim rule that removed 30 CFR Chapter VI, Part 602; and added 43 CFR Chapter II, Part 3195, which was published at 63 FR 40175, on July 28, 1998.

[FR Doc. 98-31850 Filed 12-2-98; 8:45 am]

BILLING CODE 4310-84-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 571**

[Docket No. NHTSA-98-4807]

RIN 2127-AF51

Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule deletes the material and manufacturing process requirements in the standard on compressed natural gas fuel container integrity. The agency believes that this amendment will facilitate technological innovation, without adversely affecting safety.

DATES: This final rule is effective January 4, 1999. Petitions for Reconsideration must be received by January 19, 1999.

ADDRESSES: Petitions should refer to the docket number of this rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 7th Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Mr. Charles Hott, NPS-12, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Telephone 202-366-0247) (FAX 202-366-4329).

For legal issues: Ms. Nicole H. Fradette, NCC-20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (Telephone 202-366-2992) (FAX 202-366-3820).

SUPPLEMENTARY INFORMATION:**I. Background**

Federal Motor Vehicle Safety Standard No. 304, Compressed natural gas fuel container integrity, serves to reduce the risk of deaths and injuries occurring from fires resulting from fuel leakage during and after motor vehicle crashes. The Standard was patterned after the American National Standards Institute's (ANSI's) voluntary industry standard known as ANSI/NGV2 and developed by the Natural Gas Vehicle Coalition (NGVC). Standard No. 304 specifies detailed material and manufacturing process requirements for different types of CNG containers, including those made with aluminum alloys. The Standard also specifies burst, bonfire, and pressure cycling tests for the purpose of ensuring the durability, initial strength, and venting of CNG containers.

- The burst test evaluates a container's initial strength and resistance to degradation over time by specifying, for each type of container, a unique safety factor for determining the internal hydrostatic pressure that the container must withstand during the burst test. This requirement helps to ensure that a container's design and selected material are sufficiently strong over the life of the container.

- The bonfire test evaluates a container's pressure relief characteristics when pressure builds up in a container, primarily due to an increase in temperature.

- Finally, the pressure cycling test evaluates a container's durability by requiring a container to withstand without leakage, 18,000 cycles of pressurization and depressurization. This requirement helps to ensure that a CNG container is capable of sustaining the cycling loads imposed on the container during refueling over its entire service life.

In addition, the Standard specifies labeling requirements for CNG fuel containers.

Standard No. 304 specifies certain material and manufacturing characteristics for aluminum containers using alloy 6010 and alloy 6061, based on the specifications set forth in ANSI/NGV2. The material characteristics specify the percentage of various elements, including magnesium, silicon, copper, and manganese. On November 24, 1995, NHTSA issued a final rule amending the labeling and the bonfire test requirements in Standard No. 304, Compressed Natural Gas fuel container integrity. In the final rule, the agency decided to defer consideration of two