the declaration of ingredients. Therefore, it will not result in regulatory changes for firms and thus, will not result in any costs to firms. Firms will still be able to communicate the same information in the same manner to consumers.

B. Small Entity Analysis

FDA has examined the impacts of the final rule under the Regulatory Flexibility Act. The Regulatory Flexibility Act (5 U.S.C. 601–612) requires Federal agencies to consider alternatives that would minimize the economic impact of their regulations on small businesses and other small entities. In compliance with the Regulatory Flexibility Act, FDA finds that this final rule will not have a significant impact on a substantial number of small entities.

The final rule is offered to clarify the existing label requirements. The rule to not require a separate disclosure statement that is more prominent than the declaration of ingredients will not result in any costs to firm. Therefore, this rule will not have a significant impact on a substantial number of small entities. Accordingly, under the Regulatory Flexibility Act, the agency certifies that this final rule will not have a significant economic impact on a substantial number of entities.

C. Unfunded Mandates Act of 1995

FDA has examined the impacts of this final rule under the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). This rule does not trigger the requirement for a written statement under section 201(a) of the UMRA because it does not impose a mandate that results in an expenditure of $100 million or more by State, local, and tribal governments in the aggregate, or by the private sector, in any 1 year.

III. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by OMB under the Paperwork Reduction Act of 1995 is not required.

IV. Comments

Because the amendments set forth in this document incorporate the language of section 306 of FDAMA into § 179.26, FDA finds, for good cause, that notice and public procedure are unnecessary and, therefore, are not required under 5 U.S.C. 553. Nonetheless, under 21 CFR 10.40(e), FDA is providing an opportunity for comment on whether the regulations set forth in this document should be modified or revoked.

Interested persons may, on or before September 16, 1998, submit to the Dockets Management Branch (address above) written comments regarding this final rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday though Friday.

List of Subjects in 21 CFR Part 179

Food additives, Food labeling, Food packaging, Radiation protection, Reporting and recordkeeping requirements, Signs and symbols.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 179 is amended as follows:

PART 179—IRRADIATION IN THE PRODUCTION, PROCESSING AND HANDLING OF FOOD

1. The authority citation for 21 CFR part 179 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 343, 348, 373, 374.

2. Section 179.26 is amended by adding a sentence at the end of paragraph (c)(1) to read as follows:

§ 179.26 Ionizing radiation for the treatment of food.

* * * * *

(c) * * * (1) * * * The radiation disclosure statement is not required to be more prominent than the declaration of ingredients required under § 101.4 of this chapter. As used in this provision, the term ''radiation disclosure statement'' means the written statement that discloses that a food has been intentionally subject to irradiation.

* * * * *

Dated: August 4, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–21998 Filed 8–14–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC39

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Pipelines and Pipeline Rights-of-Way

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule.

SUMMARY: This rule implements a Memorandum of Understanding (MOU) between the Department of the Interior (DOI) and the Department of Transportation (DOT) regarding joint regulation of Outer Continental Shelf (OCS) pipelines. MMS regulations will apply to all OCS oil or gas pipelines located upstream of the points at which operating responsibility for the pipelines transfers from a producing operator to a transporting operator. This rule requires OCS producers and transporters to designate the transfer point.

DATES: Effective October 16, 1998.

FOR FURTHER INFORMATION CONTACT: Carl W. Anderson, Operations Analysis Branch, at (703) 787–1608; e-mail Carl.Anderson@mms.gov.

SUPPLEMENTARY INFORMATION: MMS, through delegations from the Secretary of the Interior, has authority to promulgate and enforce regulations that promote safe operations, environmental protection, and conservation of the natural resources of the OCS, as that area is defined in the OCS Lands Act (43 U.S.C. 1331 *et seq.*). This authority includes the pipeline transportation of mineral production and the approval and granting of rights-of-way for the construction of pipelines and associated facilities on the OCS. Thus, whether a pipeline is built and operated under DOI or DOT regulatory requirements, MMS, as the Federal land management agency, reviews and approves all OCS pipeline right-of-way applications. MMS also administers the following laws as they relate to OCS pipelines: (1) The Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) for oil and gas production measurement, and (2) the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990 (OPA) and implemented under Executive Order 12777. (Under a February 3, 1994, MOU to implement OPA, DOI, DOT, and the U.S. Environmental Protection Agency divided their respective responsibilities for oil spill prevention and response

according to the definition of ''coast line'' contained in the Submerged Lands Act, 43 U.S.C. 1301(c) (59 FR 9494–9495)). Nothing in this regulation will affect MMS' authority under either FOGRMA or OPA.

Under an MOU between DOI and DOT dated May 6, 1976, MMS regulated oil and gas pipelines located upstream of the outlet flange of each facility where hydrocarbons were first produced or where produced hydrocarbons were first separated, dehydrated, or otherwise processed, whichever facility was farther upstream. The December 10, 1996, MOU redefined the DOI-DOT regulatory boundary from the OCS facility where hydrocarbons are *first* produced, separated, dehydrated, or otherwise processed to the point at which operating responsibility for the pipeline transfers from a producing operator to a transporting operator. (The MOU includes the flexibility to cover situations that do not correspond to this general definition of the regulatory boundary.) The MOU places, to the greatest extent practical, producer-operated pipelines under DOI regulation and transporter-operated pipelines under DOT regulation.

The 1996 MOU was the result of negotiations that began in the summer of 1993 and included a high degree of participation from the regulated industry. In May 1996, MMS and DOT's Research and Special Programs Administration (RSPA) met with a joint industry workgroup representing OCS oil and natural gas producers and transmission pipeline operators led by the American Petroleum Institute. (The Interstate Natural Gas Association of America also participated on the workgroup.) The workgroup proposed that the agencies rely upon individual operators of production and transportation facilities to identify the boundaries of their respective facilities, since producers and transporters can best make such decisions based on the operating characteristics peculiar to each facility. The two agencies agreed with the industry proposal. Under the industry proposal, MMS would have primary regulatory responsibility for producer-operated facilities and pipelines on the OCS, while RSPA would have primary regulatory responsibility for transporter-operated pipelines and associated pumping or compressor facilities. Producing operators are companies which are engaged in the extraction and processing of hydrocarbons on the OCS. Transporting operators are companies which are engaged in the transportation of those hydrocarbons.

Additional goals of the 1996 MOU are to develop compatible regulatory requirements for all OCS pipelines whether under DOI or DOT regulation and to provide for DOI to act as an agent for the DOT in identifying and reporting potential violations of DOT regulations at platforms on the OCS. As an agent, DOI may inspect all DOT-regulated pipeline facilities on production platforms during DOI inspections. (DOT-regulated pipeline facilities are those pipeline facilities that have not been exempted from DOT regulations under 49 CFR parts 192 and 195.) DOI may also perform coordinated DOI/DOT inspections of pipeline facilities on DOT-regulated platforms. The inspections may include reviewing any operating or maintenance records or reports that are located at the inspected OCS platform facility.

The Purpose of This Rule

The purpose of this rule is to implement the new MOU by requiring OCS producing and transporting operators to designate the specific points on their pipelines where operating responsibility transfers from a producing operator to an adjoining transporting operator. The rule amends 30 CFR Part 250, Subpart J—Pipelines and Pipeline Rights-of-Way, § 250.1000, ''General Requirements,'' § 250.1001, ''Definitions,'' and § 250.1007, ''Applications.'' Operators have up to 60 days after the date the rule is published to identify the specific points at which operating responsibility transfers. In most cases, the specific transfer points are easily identifiable either because of specific valves or flanges where the adjoining operations connect, or because of differences in paint colors that adjoining operators use to protect and maintain pipeline coatings or surfaces. For those instances in which the transfer points are not identifiable by a durable marking, each operator has up to 240 days after the date the rule is published to mark the transfer points. (The 240-day period gives operators time to mark the transfer points during customary maintenance routines.) For pipelines that go into service after that date, the transfer points must be identifiable on the date service begins.

The operator must durably mark each transfer point directly on the pipeline (usually at a valve or flange). If it is not practicable to durably mark a transfer point, and the transfer point is located above water, then the operator must depict the transfer point on a schematic located on the facility. Some transfer points may be located subsea. In such cases, the operators also must identify the transfer points on schematics which can be provided to MMS upon request.

For those instances in which adjoining operators cannot agree on a transfer point, MMS and RSPA's Office of Pipeline Safety (OPS) will make a joint determination of the boundary.

MMS and OPS will, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to the general boundary description (operations transfer point) on a facility-by-facility or area-by-area basis. Operators also may petition, by letter, MMS and OPS for exceptions to the general boundary description. In considering all such petitions, the Regional Supervisor will consult with the OPS Regional Director and the affected parties.

For existing lease term pipelines, the current designated operator or lessee(s) of the associated lease(s) will have operating responsibility for the pipeline(s). For right-of-way pipelines, MMS will assume that the current right-of-way grant holder has operating responsibility, unless the right-of-way grant holder informs MMS otherwise within 90 days after the date this rule is published. (There are about 130 designated operators of lease term pipelines and 75 operators of transportation pipelines on the OCS.)

Applications for new right-of-way pipelines are required to include an identification of the operator and a boundary demarcation point on the flow schematic submitted in accordance with 30 CFR 250.1007(a)(2).

A pipeline segment originally operated under DOT regulations but transferred under MMS regulatory responsibility as of the effective date of this rule may continue to be operated under DOT design and construction requirements, until a significant modification or repair is made to the segment. When the pipeline segment undergoes a significant repair or modification, MMS regulatory requirements concerning design and construction will also be applied to that segment.

Discussion and Analysis of Comments

MMS received four comments on the Notice of Proposed Rule (NPR). The commenters were the American Petroleum Institute, Chevron U.S.A. Production Company, Chevron Pipe Line Company, and the Offshore Operator's Committee (OOC). The American Petroleum Institute led the joint industry work group that developed the proposal that resulted in the December 1996 MOU on OCS pipelines between DOI and DOT;

consequently, they were supportive of the proposed rule in its entirety.

The other commenters raised technical issues concerning the applicability of the rule to producer-operated pipelines that either (1) cross into State waters without first connecting to a transporting operator's facility on the OCS, as described in the current MOU, or (2) were previously subject to DOT regulation under terms of the former 1976 MOU between DOI and DOT.

Both Chevron U.S.A. Production Company and Chevron Pipe Line Company observed that the proposed regulation did not appear to allow OCS producer-operated pipelines to remain under DOT regulatory responsibility. This arises from the way in which regulatory boundaries in both the 1996 MOU and the proposed rule are described in terms of specific points on pipelines where operating responsibility transfers from a producing operator to an adjoining transporting operator. However, there is no such transfer point on certain producer pipelines that cross the OCS/State boundary into State waters without first connecting to a transporter-operated facility. Indeed, there are some producer lines that flow from wells located in State waters to production platforms located on the Federal OCS. Regardless of the direction of flow, producer pipelines that cross the OCS/State boundary are always subject to DOT regulation on the portions of the lines located in State waters. The two Chevron companies pointed out the potential for ''dual regulation'' with respect to these lines and recommended that the operators of these lines be able to choose that the entire pipeline remain under DOT regulation.

The Chevron comments demonstrate that implementation of the MOU is not complete with this rulemaking.

First, the ''Purpose'' section of the 1996 MOU concludes: ''This MOU puts, to the greatest extent practicable, OCS production pipelines under DOI responsibility and OCS transportation pipelines under DOT responsibility.'' This was based on two assumptions—that production pipeline operators generally would prefer to operate under MMS regulations, and that transportation pipeline operators generally would prefer to operate under RSPA regulations. Although these were the primary assumptions underlying the MOU, we recognize that we did not fully address all pipeline scenarios when we published the NPR of October 2, 1997. The NPR would have required OCS producing and transporting operators to designate the specific points on their pipelines where operating responsibility transfers from a producing operator to an adjoining transporting operator. However, the NPR did not adequately address the possibility that a pipeline may cross the Federal/State boundary before the transfer point. In that event, once in the State waters, MMS no longer could regulate the pipeline. This would be the case even if the production pipeline operator still were the operator. Because of this limitation, we are preparing a new NPR that will address regulatory questions concerning producer-operated pipelines that cross the Federal/State boundary without first connecting to a transporter-operated facility.

Second, we recognize that an important principle of the industry agreement leading to the 1996 MOU was to allow, to the extent permissible, the producing or transporting operators to decide the regulatory boundaries on or near their facilities. The MOU provides the necessary flexibility to accommodate the concerns of these operators. Paragraph 7 under ''Joint Responsibilities'' in the MOU provides: ''DOI and DOT may, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to this MOU on a facility-by-facility or area-by-area basis. Operators may also petition DOI and DOT for exceptions to this MOU.'' In our October 2, 1997, NPR we did not state the regulatory language in broad enough terms to consider operator petitions concerning issues other than the appropriateness of the transfer point serving as the regulatory boundary. Therefore, in the forthcoming NPR we will address other petition matters. These matters would include petitions from operators of production pipelines who wish to be regulated under RSPA regulations and petitions from operators of transportation pipelines who wish to be regulated under MMS regulations.

Three commenters were concerned about pipeline throughput for pipeline segments transferring from DOT to MMS responsibility because of differences in approved pipeline Maximum Allowable Operating Pressure (MAOP) and safety device pressure settings for the segments. Chevron Pipe Line Company noted: ''There will be cases where, moving from DOT regulations to MMS regulations may cause undue hardship, e.g., for pipelines operating under MMS requirements for high pressure shutdown settings (15% above normal operating pressure range) and not DOT (10% above MAOP) may involve throughput reduction to meet MMS requirements. This change may appear to be minor, but decreasing throughput capacity will be a major economic impact to the operators.'' Chevron U.S.A. Production Company offered a similar comment.

We believe that there will not be a significant impact on pipeline throughput, since DOT as well as MMS allows lines to operate up to, but not higher than, the pipeline MAOP. If the normal pressure operating range allows, the primary over-pressure protection may be set at the pipeline MAOP and, when required, secondary protection may be set up to 10 percent above the MAOP. This secondary protection setting will require specific approval on a case-by-case basis.

Even if there were a reduction of throughput, the MMS provision to set over-pressure protection 15 percent above normal operating pressure is needed to shut in the source in case of an abnormal condition which may cause an emergency at an incoming facility. For example, a line with an MAOP of 2,160 pounds per square inch gauge (psig) and with a normal high pressure operating range of 1,000 psig would require an over-pressure protection setting of 1,150 psig to effectively shut-in the source. However, if we used only DOT criteria, an over-pressure protection setting of 2,376 psig (10 percent above MAOP) would be allowed. That would not allow the orderly shut in of the source and may further compromise the safety of the facility.

The OOC addressed this concern in terms of the hydrotest information that is used to establish MAOP for a pipeline. They expressed concern that pipelines transferring from DOT to DOI regulations would have to be re-hydrotested. They recommended that, for any pipeline segments transferring from DOT to MMS regulations after the effective date of the rule, MMS operational and maintenance requirements be applied, ''including MAOP determination based on existing hydrotest information.'' This provision, if adopted, may result in a higher MAOP for some gas pipelines since they are tested to 1.5×MAOP vs 1.25×MAOP as per MMS regulations. For example, a test pressure of 3,240 psig divided by 1.5 will result in an MAOP of 2,160 psig; but dividing 3,240 psig by 1.25 will result in an MAOP of 2,592 psig.

Because hydrotest information for any transferring line segment may be at least several years old, it would not be prudent for MMS to make a blanket acceptance of existing hydrotest information to increase the MAOP for segments that transfer to MMS regulations. Furthermore, the MAOP for the lines may be limited by the pipe,

valves, flanges, or connecting pipeline. MMS will accept the MAOP for the transferring segments as assigned according to DOT regulations, pending the results of a public review process to accomplish compatibility between DOI and DOT regulations.

Under existing 30 CFR 250.1003, the MMS Regional Supervisor may approve alternative techniques, procedures, equipment, or activities proposed by the operator, if such measures afford a degree of protection, safety, or performance equal to or better than that intended to be achieved by MMS regulations. Thus, operators of pipelines transferring to MMS regulations after the effective date of this rule may submit to the Regional Supervisor applications to establish new MAOP and safety device pressure settings that affect the throughput of transferring pipelines.

Section 250.1000, paragraph (c)(5), of the proposed rule specified that ''Pipeline segments designed and constructed under DOT regulations before [INSERT THE EFFECTIVE DATE OF THE FINAL RULE], may continue to operate under DOT design and construction requirements until significant modifications or repairs are made to those segments.'' The OOC requested that this requirement be modified to read, ''Pipeline segments designed and constructed under DOT regulations before [INSERT THE EFFECTIVE DATE OF THE FINAL RULE], may continue to be modified and repaired in accordance with the DOT design and construction requirements.'' The OOC maintained that ''Pipeline segments constructed under DOT regulations are operating in a safe manner now. New modifications to the segments should match the design and construction requirements (the DOT design and construction regulations) for which the original segment was built. This avoids having two design and construction requirements for the same pipeline segment.''

We have not made this change because the language in the proposal we published is clear that ''Pipeline segments designed and constructed under DOT regulations before (the effective date of the final rule), may continue to operate under DOT design and construction requirements until significant modifications or repairs are made to those segments.'' We have retained this language in the final rule. Moreover, the MOU's intent is that all pipelines operating under MMS regulatory authority eventually will have to conform to MMS design and construction requirements.

Procedural Matters

Federalism (Executive Order (E.O.) 12612)

In accordance with E.O. 12612, the rule does not have significant Federalism implications. A Federalism assessment is not required.

Takings Implications Assessment (E.O. 12630)

In accordance with E.O. 12630, the rule does not have significant Takings Implications. A Takings Implication Assessment is not required.

Regulatory Planning and Review (E.O. 12866)

This document is not a significant rule and is not subject to review by the Office of Management and Budget (OMB) under E.O. 12866.

(1) This 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. An analysis of the rule indicates that the direct costs to industry for the entire rule total approximately $360,000 for the first year, and that in succeeding years, the cost of the rule to industry would not likely exceed $255,000.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

(3) This rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues.

Civil Justice Reform (E.O. 12988)

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

National Environmental Policy Act (NEPA)

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA of 1969 is not required.

Paperwork Reduction Act (PRA) of 1995

As part of the NPR process, OMB approved the proposed collection of information under the PRA (44 U.S.C. 3501 *et seq.*) and assigned OMB control number (1010–0108). MMS did not receive any comments on the information collection aspects in the NPR. The final rule does not change any of the information collection requirements. The PRA provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current valid OMB control number.

The collection of information for this rule consists of: (1) Reviewing existing pipeline maps, conferring and agreeing with operators of adjoining transportation pipeline segments concerning the locations of specific transfer points, and either marking directly on each pipeline or depicting on a schematic the specific point on each pipeline where operating responsibility transfers from the producing operator to a transporting operator; (2) identifying the operator of right-of-way pipelines if different from the grant holder; and (3) allowing for petitions for exceptions to general operations transfer points. As stated under the section, ''The Purpose of this Rule'', specific transfer points will be easily identifiable in most cases, either because of specific valves or flanges where the adjoining operations connect, or because of differences in paint that adjoining operators use to protect and maintain pipeline coatings or surfaces.

The requirement to respond is mandatory. MMS uses the information to determine the demarcation where pipelines are subject to MMS design, construction, operation, and maintenance requirements, as distinguished from similar OPS requirements.

The regulated community consists of up to 160 Federal OCS oil and gas lease designated operators and 70 transportation pipeline operators. There are approximately 3,000 points where operating responsibility for pipelines transfers from a producer to a transporter. MMS assumes that about 2,400 (representing 80 percent) of these transfer points are already marked. Therefore, this rule would require a one-time identification and marking of about 600 points where operating responsibility for pipelines transfers from a producer to a transporter. For the 2,400 transfer points that are clearly marked, there would be no information burden. The 600 unmarked transfer points, on the other hand, would require widely-varying times for marking depending on whether a painted line or a schematic was used to mark the transfer point.

The public reporting burden for this information collection requirement is estimated to average 5 hours per response. This includes the time for

reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the required marking. The average annualized burden over a 3-year period would be 1,051 hours.

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.*). While this rule will affect a substantial number of ''small entities,'' the economic effects of the rule will not be significant. There are many companies on the OCS that are ''small businesses'' as defined by the Small Business Administration. However, the technology necessary for conducting offshore oil and gas exploration and development activities is very complex and costly. Most entities that engage in offshore activities have considerable financial resources and numbers of employees well beyond what would normally be considered ''small business.''

DOI's analysis of the economic impacts indicate that direct costs to industry for the entire rule total approximately $360,000 for the first year, and in succeeding years, the cost of the rule to industry would not likely exceed $255,000 annually. These annual costs would not persist for long, because relatively few producer pipelines are not already in compliance with MMS safety valve requirements, due to their adherence to API standards. There are up to 130 designated operators of leases and 75 operators of transportation pipelines on the OCS (both large and small operators), and the economic impacts on the oil and gas production and transportation companies directly affected will be minor. Not all operators affected will be small businesses, but much of their modification costs may be paid to offshore service contractors who may be classified as small businesses. The few operators having to install new automatic shutdown valves as a result of transferring to MMS regulation will sustain the greatest economic impact from this rule. It is impractical, however, to determine in advance which operators would be so affected, because the operators themselves will determine the transfer points between MMS regulated producer lines and DOT regulated transporter lines.

To the extent that this rule might eventually cause some of the larger OCS operators to make modifications to their pipelines, it may have a minor beneficial effect of increasing demand for the services and equipment of smaller service companies and manufacturers. This rule will not impose any new restrictions on small pipeline service companies or manufacturers, nor will it cause their business practices to change.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small business about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This rule is not a major rule under (5 U.S. C. 804(2)), SBREFA. This rule:

(a) Does not have an annual effect on the economy of $100 million or more.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandate Reform Act of 1995

This 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 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.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: August 6, 1998.

Sylvia V. Baca,

Deputy Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, Minerals Management Service (MMS) amends 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

2. In § 250.1000, paragraph (c) is revised to read as follows:

§ 250.1000 General requirements.

* * * * *

(c)(1) Department of the Interior (DOI) pipelines, as defined in § 250.1001, must meet the requirements in §§ 250.1000 through 250.1008.

(2) A pipeline right-of-way grant holder must identify in writing to the Regional Supervisor the operator of any pipeline located on its right-of-way, if the operator is different from the right-of-way grant holder.

(3) A producing operator must identify for its own records, on all existing pipelines located on its lease or right-of-way, the specific points at which operating responsibility transfers to a transporting operator.

(i) Each producing operator must, if practical, durably mark all of its above-water transfer points by April 14, 1999 or the date a pipeline begins service, whichever is later.

(ii) If it is not practical to durably mark a transfer point, and the transfer point is located above water, then the operator must identify the transfer point on a schematic located on the facility.

(iii) If a transfer point is located below water, then the operator must identify the transfer point on a schematic and provide the schematic to MMS upon request.

(iv) If adjoining producing and transporting operators cannot agree on a transfer point by April 14, 1999, the MMS Regional Supervisor and the Department of Transportation (DOT) Office of Pipeline Safety (OPS) Regional Director may jointly determine the transfer point.

(4) The transfer point serves as a regulatory boundary. An operator may write to the MMS Regional Supervisor to request an exception to this requirement for an individual facility or area. The Regional Supervisor, in consultation with the OPS Regional Director and affected parties, may grant the request.

(5) Pipeline segments designed, constructed, maintained, and operated under DOT regulations but transferring to DOI regulation as of October 16, 1998, may continue to operate under DOT design and construction requirements until significant modifications or repairs are made to those segments. After October 16, 1998, MMS operational and maintenance requirements will apply to those segments.

* * * * *

3. In § 250.1001, a definition of the term ''DOI pipelines'' is added in alphabetical order as follows:

§ 250.1001 Definitions.

* * * * *

DOI pipeline refers to a pipeline extending upstream from a point on the OCS where operating responsibility transfers from a producing operator to a transporting operator.

* * * * *

4. Section 250.1007 is amended by revising the heading, revising paragraph (a) introductory text, and adding a new sentence at the end of paragraph (a)(2) to read as follows:

§ 250.1007 What to include in applications.

(a) Applications to install a lease term pipeline or for a pipeline right-of-way grant must be submitted in quadruplicate to the Regional Supervisor. Right-of-way grant applications must include an identification of the operator of the pipeline. Each application must include the following:

* * * * *

(2) * * * The schematic must indicate the point on the OCS at which operating responsibility transfers between a producing operator and a transporting operator.

* * * * *

[FR Doc. 98–21945 Filed 8–14–98; 8:45 am]

BILLING CODE 4310–MR–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 083–0072a; FRL–6138–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, San Joaquin Valley Unified Air Pollution Control District, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following districts: Kern County Air Pollution Control District (KCAPCD), San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), and South Coast Air Quality Management District (SCAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules control VOC emissions from wastewater separators, rubber tire manufacturing, and soil decontamination operations. Thus, EPA is finalizing the approval of these rules into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This rule is effective on October 16, 1998 without further notice, unless EPA receives relevant adverse comments by September 16, 1998. If EPA receives such comment, then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules 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 95812

Kern County Air Pollution Control District, 2700 M Street, Suite 290, Bakersfield, CA 93301

San Joaquin Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765

FOR FURTHER INFORMATION CONTACT: Patricia Bowlin, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1188.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: KCAPCD Rule 414, Wastewater Separators; SJVUAPCD Rule 4681, Rubber Tire Manufacturing; and SCAQMD Rule 1166, Volatile Organic Compound Emissions from Decontamination of Soil. These rules were submitted by the California Air Resources Board (CARB) to EPA on May 10, 1996; May 24, 1994; and October 13, 1995, respectively.

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the San Joaquin Valley Area [1] and the Los Angeles-South Coast Air Basin Area. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that these areas' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call).[2] On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment

[1] Kern County is located in the San Joaquin Valley Area and the Southeast Desert Air Basin. At the time, SJVUAPCD did not exist, and KCAPCD had jurisdiction over all of Kern County. The San Joaquin Valley Area portion of Kern County was designated nonattainment. The Southeast Desert Air Basin portion of Kern County was designated as unclassified.

[2] EPA's SIP-Call applied to all of the KCAPCD, including the Southeast Desert Air Basin portion of Kern County.