

1993, entitled "Enhancing the Intergovernmental Partnership." Under Executive Order 12875, EPA may not issue a regulation which is not required by statute unless the Federal Government provides the necessary funds to pay the direct costs incurred by the State and small governments or EPA provides to the Office of Management and Budget a description of the prior consultation and communications the agency has had with representatives of State and small governments and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected and other representatives of State and small governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

The present action satisfies the requirements of Executive Order 12875 because it does not contain a significant unfunded mandate. This rule approves preexisting state requirements and does not impose new federal mandates binding on State or small governments. Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves 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 proposed does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in

light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: September 11, 1998.

John P. DeVillars,

Regional Administrator, Region I.

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DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 414

RIN 1006-AA40

Offstream Storage of Colorado River Water and Interstate Redemption of Storage Credits in the Lower Division States

AGENCY: Bureau of Reclamation, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Department of the Interior ("the Department" or "we") hereby gives notice that we are reopening the comment period on our proposed rule entitled "Offstream Storage of Colorado River Water and Interstate Redemption of Storage Credits in the Lower Division States." We originally published the proposed rule on December 31, 1997, at 62 FR 68492, and accepted public comments until April 3, 1998.

DATES: We must receive your comments at the address below on or before October 21, 1998.

ADDRESSES: If you wish to submit comments, you may do so by any one of three methods. You may mail comments to Bureau of Reclamation, Administrative Record, Lower Colorado Regional Office, P.O. Box 61470, Boulder City, NV 89006-1470. You may comment via the internet at bjohnson@lc.usbr.gov Or, you may hand-deliver comments to Bureau of Reclamation, Administrative Record, Lower Colorado Regional Office, 400 Railroad Avenue, Boulder City, NV.

FOR FURTHER INFORMATION CONTACT: Mr. Dale Ensminger, (702) 293-8659.

SUPPLEMENTARY INFORMATION: We request that interested parties provide

comments on whether an authorized entity in a Storing State under the rule must hold an "entitlement" to use Colorado River water pursuant to court decree, contract with the United States, or reservation of water from the Secretary of the Interior. As published on December 31, 1997, section 414.2 of the proposed rule defined "authorized entity" as "a State water banking authority, or other entity of a Lower Division State holding entitlements to Colorado River water. * * *" Section 414.2 of the proposed rule defined "Entitlement" as "an authorization to beneficially use Colorado River water pursuant to: (1) a decreed right, (2) a contract with the United States through the Secretary, or (3) a reservation of water from the Secretary."

The Department received differing comments on these definitions and other technical matters during the previous comment period. For example, differing comments on the definition of "authorized entity" revealed that some read the definition as allowing a State Water Bank to participate in activities under the rule without holding an entitlement to Colorado River water, while others did not. We invite comment on whether the definition of "authorized entity" should be revised to clarify that an "authorized entity," including a State water bank, must hold an entitlement to Colorado River water in order to ensure consistency with the Law of the River, including specifically section 5 of the Boulder Canyon Project Act, 43 U.S.C. 617d, as interpreted by the *Supreme Court in Arizona v. California*, 373 U.S. 546 (1963).

We also invite comment on whether efficiency, flexibility, and certainty in Colorado River management may result combining an approval Interstate Storage Agreement and a contract under Section 5 of the Boulder Canyon Project Act into one document, thus making the parties entitlement holders upon execution of the Agreement. And, we invite comment on whether, if the documents are not combined, the Interstate Storage Agreements and any separate Section 5 contract (or amendments to an existing contract) should be processed and approved simultaneously to eliminate duplication of any administrative and compliance procedures.

Dated: September 15, 1998.

Patricia J. Beneke,

Assistant Secretary—Water and Science.

[FR Doc. 98-25139 Filed 9-18-98; 8:45 am]

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