

Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256–66 (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 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 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 not 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 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

#### H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal

agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today’s action does not require the public to perform activities conducive to the use of VCS.

#### I. 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 March 3, 2000. 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Particulate matter, and Reporting and recordkeeping requirements.

Dated: November 30, 1999.

**Max H. Dodson,**

*Acting Regional Administrator, Region VIII.*

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 BB—Montana

2. Section 52.1370 is amended by adding paragraph (c)(48) to read as follows:

##### § 52.1370 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(48) The Governor of Montana submitted revisions to the Missoula County Air Quality Control Program with a letter dated November 14, 1997. The revisions address general

definitions, open burning, and criminal penalties.

(i) Incorporation by reference.

(A) Board order issued on October 31, 1997 by the Montana Board of Environmental Review approving the amendments to Missoula County Air Quality Control Program Chapters IX and XII regarding general definitions, open burning, and criminal penalties.

(B) Missoula County Air Quality Control Program, Chapter IX, Rule 701, General Definitions, effective October 31, 1997.

(C) Missoula County Air Quality Control Program, Chapter IX, Rules 1301–1311, regarding open burning, effective October 31, 1997.

(D) Missoula County Air Quality Control Program, Chapter XII, Criminal Penalties, effective October 31, 1997.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL–6517–1]

### National Oil and Hazardous Substances Pollution Contingency Plan List Update

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the PAB Oil and Chemical Services, Inc. Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) Region 6 announces the deletion of the PAB Oil and Chemical Services, Inc. Superfund Site (the “Site”) located in Vermilion Parish, Louisiana from the National Priorities List (NPL). The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, 42 U.S.C. 9605, is codified at Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300. With the concurrence of the State of Louisiana through the Louisiana Department of Environmental Quality (LDEQ), EPA has determined that responsible parties have implemented all appropriate response actions required at the Site. Moreover, EPA with the concurrence of the State of Louisiana through the LDEQ, has determined that Site investigations show that the Site now poses no significant threat to public health or the environment.

Consequently, pursuant to CERCLA Section 105, and 40 CFR 300.425(e), the Site is hereby deleted from the NPL.

**EFFECTIVE DATE:** January 3, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Caroline A. Ziegler, Remedial Project Manager, (214) 665-2178, United States Environmental Protection Agency, Region 6, Mail Code: 6SF-LP, 1445 Ross Avenue, Dallas, Texas 75202-2733.

Information on the Site is available at the local information repository located at: Vermilion Parish Public Library, 200 N. Magdalen Square, Abbeville, Louisiana 70511, (318) 893-2674.

Requests for comprehensive copies of documents should be directed formally to the Regional Superfund Management Branch, c/o Steve Wyman, (214) 665-2792, United States Environmental Protection Agency, Region 6, Mail Code: 6SF-PO, 1445 Ross Avenue, Dallas, Texas 75202-2733.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is the PAB Oil and Chemical Services, Inc. Superfund Site located near Abbeville in Vermilion Parish, Louisiana. A Notice of Intent to Delete for the Site was published August 31, 1999. The closing date for comments on the Notice of Intent to Delete was September 30, 1999. EPA received no comments and therefore no Responsiveness Summary was prepared.

The EPA identifies sites which present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts. Furthermore, § 300.425(e)(3) of the NCP, 40 CFR 300.425(e)(3), states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action.

**Lists of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: December 21, 1999.

**Lynda F. Carroll,**

Acting Regional Administrator, U.S. EPA Region 6.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

**PART 300—[AMENDED]**

1. The authority citation for part 300 continues to read as follows:

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 R 2923, 3 CFR, 1987 Comp., p.193.

**Appendix B—[Amended]**

2. Table 1 of Appendix B to Part 300 is amended by removing the site for PAB Oil & Chemical Service, Inc., Abbeville, Louisiana.

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**RIN 1018-AF59**

**Endangered and Threatened Wildlife and Plants; Final Rule To List the Sierra Nevada Distinct Population Segment of the California Bighorn Sheep as Endangered**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), determine endangered status pursuant to the Endangered Species Act of 1973, as amended (Act) for the Sierra Nevada distinct population segment of California bighorn sheep (*Ovis canadensis californiana*). This species occupies the Sierra Nevada of California, where it is known from five disjunct subpopulations along the eastern escarpment of the Sierra Nevada, and thought to total no more than 125 animals. All five subpopulations are estimated to be very small and are threatened by mountain lion (*Felis concolor*) predation, disease, naturally occurring environmental events, and genetic problems associated with small population size. We emergency listed this population segment of California bighorn sheep on April 20, 1999. The emergency listing was effective for 240 days. Immediately upon publication, this action continues the protection provided by the temporary emergency listing.

**DATES:** This final rule is effective on January 3, 2000.

**FOR FURTHER INFORMATION CONTACT:** Carl Benz, at the U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, 2493 Portola Rd. Suite B, Ventura, California 93003, (telephone 805/644-1766; facsimile 805/644-3958).

**SUPPLEMENTARY INFORMATION:**

**Background**

The bighorn sheep (*Ovis canadensis*) is a large mammal (family Bovidae) originally described by Shaw in 1804 (Wilson and Reeder 1993). Several subspecies of bighorn sheep have been recognized on the basis of geography and differences in skull measurements (Cowan 1940; Buechner 1960). These subspecies of bighorn sheep, as described in these early works, include *O. c. cremonabates* (Peninsular bighorn sheep), *O. c. nelsoni* (Nelson bighorn sheep), *O. c. mexicana* (Mexican bighorn sheep), *O. c. weemsi* (Weems bighorn sheep), *O. c. californiana* (California bighorn sheep), and *O. c. canadensis* (Rocky Mountain bighorn sheep). However, recent genetic studies question the validity of some of these subspecies and suggest a need to re-evaluate overall bighorn sheep taxonomy. For example, Sierra Nevada bighorn sheep appear to be more closely related to desert bighorn sheep than the *O. c. californiana* found in British Columbia (Ramey 1991, 1993). Regardless, the Sierra Nevada bighorn sheep meets our criteria for consideration as a distinct vertebrate population segment (as discussed below) and is treated as such in this final rule.

The historical range of the Sierra Nevada bighorn sheep (*Ovis canadensis californiana*) includes the eastern slope of the Sierra Nevada, and, for at least one subpopulation, a portion of the western slope, from Sonora Pass in Mono County south to Walker Pass in Kern County, a total distance of about 346 kilometers (km) (215 miles (mi)) (Jones 1950; Wehauser 1979, 1980). By the turn of the century, about 10 out of 20 subpopulations survived. The number dropped to five subpopulations at mid-century, and down to two subpopulations in the 1970s, near Mount Baxter and Mount Williamson in Inyo County (Wehauser 1979). Currently, five subpopulations of Sierra Nevada bighorn sheep occur, respectively, at Lee Vining Canyon, Wheeler Crest, Mount Baxter, Mount Williamson, and Mount Langley in Mono and Inyo Counties, three of which have been reintroduced using sheep obtained from the Mount Baxter subpopulation from 1979 to 1986 (Wehausen *et al.* 1987).

The Sierra Nevada bighorn sheep is similar in appearance to other desert associated bighorn sheep. The species' pelage shows a great deal of color variation, ranging from almost white to fairly dark brown, with a white rump. Males and females have permanent horns; the horns are massive and coiled