general SIP requirements regarding enforceability, for example, are still appropriate for the rule. In determining the approvability of this rule, EPA evaluated it in light of the ''SO_2 Guideline Document'', EPA–452/R–94–008.

On April 17, 1987, EPA approved into the SIP a version of Rule 64, Sulfur Content of Fuels, that had been adopted by the VCAPCD on July 5, 1983. VCAPCD submitted an amendment to Rule 64 on July 13, 1994 which includes the following significant changes from the current SIP:

- Adds a section on applicability of the rule.
- Adds a section on test methods for determining the sulfur content of fuels.
- Removes incineration of waste gases whose gross heating value is less than 300 BTUs per cubic foot from the list of exemptions to Rule 64.
- Exempts flare gas combustion and places it under the requirements of Rule 54: Sulfur Compounds.

EPA has evaluated VCAPCD's submitted Rule 64 for consistency with the CAA, EPA regulations, and EPA policy and has found that the revisions result in a clearer, more enforceable rule. Although VCAPCD's Rule 64 will strengthen the SIP, this rule contains the following deficiency which should be corrected.

- The rule does not explicitly state those records which sources are required to keep on site and made available to inspectors to assess compliance. The rule also does not state the minimum length of time for retaining data on site.

A detailed discussion of the rule deficiency can be found in the Technical Support Document for Rule 64 (7/1/98), which is available from the U.S. EPA, Region IX office. Because of this deficiency, the rule is not approvable and may lead to rule enforceability problems.

Because of the above deficiency, EPA cannot grant full approval of this rule under section 110(k)(3). Also, because the submitted rule is not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rule under section 110(k)(3). However, EPA may grant a limited approval of the submitted rule under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to strengthen the SIP, EPA is proposing a limited approval of VCAPCD Rule 64 under sections 110(k)(3) and 301(a) of the CAA. At the same time, EPA is also proposing a limited disapproval of this rule because it contains a deficiency. There will be no sanctions clock as VCAPCD is in attainment for SO_2.

It should be noted that the rule covered by this proposed rulemaking has been adopted by the VCAPCD and is currently in effect in the VCAPCD. EPA's final limited disapproval action will not prevent the VCAPCD or EPA from enforcing this rule.

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.

IV. Administrative Requirements

A. Executive Orders 12866 and 13045

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

The proposed rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under E.O. 12866.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA 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, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301, and subchapter I, part D of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, 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 action 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).

C. 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 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 Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, sulfur oxides.

Authority: 42 U.S.C. 7401–7671q.

Dated: July 22, 1998.

Sally Seymour,

Acting Regional Administrator, Region IX.

[FR Doc. 98–20609 Filed 7–31–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6133–8]

Designation of Areas for Air Quality Planning Purposes: State of Idaho and the Fort Hall Indian Reservation and Clean Air Act Reclassification; Fort Hall Indian Reservation Particulate Matter Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; re-opening of public comment deadline.

SUMMARY: By this action, EPA is re-opening the public comment period from July 20, 1998, to August 19, 1998, the deadline for receiving written comments on two Agency proposed actions: the redesignation of the Power-Bannock Counties PM–10 nonattainment area, and a finding that the proposed Fort Hall nonattainment area failed to attain the National Ambient Air Quality Standard (NAAQS) for particulate matter of less than ten micrometers in aerodynamic diameter (PM–10).

DATES: Comments must be received or postmarked on or before August 19, 1998.

ADDRESSES: Copies of the request and other information supporting this proposed action are available for inspection during normal business hours at the following location: United States Environmental Protection Agency, Office of Air Quality, 1200 Sixth Avenue, (OAQ–107), Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Steven K. Body, Office of Air Quality (OAQ–107), US Environmental Protection Agency, Region 10, Seattle, Washington 98101, (206) 553–0782.

SUPPLEMENTARY INFORMATION: On June 19, 1998 (63 FR 33597), EPA solicited public comment on its proposal to redesignate the Power-Bannock Counties PM–10 nonattainment area by creating two distinct nonattainment areas that together cover the identical geographic area as the original nonattainment area. Likewise, on June 19, 1998 (63 FR 33605), EPA solicited public comment on a concurrent proposal to find that a portion of the Fort Hall Indian Reservation had failed to attain the PM–10 NAAQS by the applicable attainment date of December 31, 1996. EPA received a request to extend the public comment period to allow more time to prepare a comprehensive comment document.

As a result of a request to extend the public comment period, EPA is granting a 30-day extension. A copy of this request has been placed into the docket and may be reviewed during normal business hours at the following location: Office of Air Quality (OAQ–107), Environmental Protection Agency, 1200 Sixth Avenue Seattle, Washington 98101. Interested parties are invited to comment on all aspects of EPA's two proposals of June 19, 1998. Comments should be submitted, preferably in triplicate, to the address listed in the front of this document.

Dated: July 24, 1998.

Phil Millam,

Acting Regional Administrator, Region 10.

[FR Doc. 98–20608 Filed 7–31–98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA 98–3967; Notice 2]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

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

ACTION: Extension of comment period for a Notice of Proposed Rulemaking (NPRM).

SUMMARY: This document extends the comment period on an NPRM concerning a petition from Reitter & Schefenacker GmbH & Co. KG. to amend the agency's lighting standard. The petition asks that the standard be amended to relieve design restrictions that may inadvertently prevent the implementation of certain new-technology light sources in motor vehicle signal lamps. In the NPRM, the agency sought comments on adding requirements reflecting Society of Automotive Engineers (SAE) specifications for measurement of photometrics in taillamps and in certain stop and turn signal lamps with more than one lighted section. In response to a petition from the American Automobile Manufacturers Association (AAMA), the agency is extending the comment period from August 10, 1998 to October 9, 1998. The reason for the extension is to give commenters sufficient time to review new information that has come to light since the NPRM was published.

DATES: Comments on Docket No. NHTSA 98–3967; Notice 1 must be received by October 9, 1998.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, S.W., Washington, D.C. 20590 (Docket hours are from 10:00 a.m. to 5:00 p.m.).

FOR FURTHER INFORMATION CONTACT: Chris Flanigan, Office of Safety Performance Standards (202–366–4918).

SUPPLEMENTARY INFORMATION: On June 24, 1998, NHTSA published in the **Federal Register** (63 FR 34350) an NPRM concerning a petition from Reitter & Schefenacker GmbH & Co. KG. The petitioner requested the agency amend Federal Motor Vehicle Safety Standard (FMVSS) No. 108, ''Lamps, Reflective Devices, and Associated Equipment,'' to relieve design restrictions that may inadvertently prevent the implementation of certain new-technology light sources in motor vehicle lamps. The petition was submitted to relieve design restrictions that may inadvertently prevent the implementation of certain new-technology light sources. These new lamp technologies include light-emitting diodes (LEDs), miniature halogen bulbs, and other light sources with a limited luminous flux. Because the requirements contained in FMVSS No. 108 for signal lamps are based on SAE Standards and Recommended Practices that were developed many years before LEDs, when incandescent bulbs were the only light sources in use at that time, the standard does not take into account the characteristics of these new-technology light sources.

On July 23, 1998, AAMA petitioned for an extension of the comment period. AAMA noted that new information has recently been published which should be thoroughly considered before offering comment on the NPRM. Namely, the University of Michigan Transportation Research Institute published a report in June 1998 entitled ''Photometric Requirements for Signal Lamps Using Innovative Light Sources: Updating Requirements Based on Lighted Sections'' (UMTRI–98–19). The opportunity to examine the views expressed in this report should be given to those who will comment on the NPRM.

After considering the arguments raised by AAMA, NHTSA has decided that it is in the public interest to grant the petitioner's request.

(Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50)

Issued on: July 29, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–20630 Filed 7–31–98; 8:45 am]

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