

entities, but instead is continuing an exemption from a requirement, which makes it less restrictive and less burdensome.

Therefore, the Administrator certifies that this proposed rule will not have a significant impact on a substantial number of small entities, and that a regulatory flexibility analysis is not necessary in connection with this proposed rule.

#### XI. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 54 U.S.C. 3501 *et seq.*, and implementing regulations, 5 CFR part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

#### XII. Unfunded Mandates Act

Under section 202 of the Unfunded Mandates Reform Act of 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate with estimated costs to the private sector of \$100 million or more, or to state, local, or tribal governments of \$100 million or more in the aggregate. 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 this proposed rule imposes no new federal requirements and does not include any federal mandate with costs to the private sector or to state, local, or tribal governments. Therefore, the Administrator certifies that this proposed rule does not require a budgetary impact statement.

#### List of Subjects

##### 40 CFR Part 69

Air pollution control, Alaska.

##### 40 CFR Part 80

Environmental protection, Diesel fuel, Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: April 14, 1998.

**Carol M. Browner,**  
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 69—SPECIAL EXEMPTIONS FROM REQUIREMENTS OF THE CLEAN AIR ACT

1. The authority citation for part 69 is revised to read as follows:

**Authority:** 42 U.S.C. 7545(1) and (g), 7625-1.

2. Subpart E consisting of § 69.51 is added to read as follows:

##### Subpart E—Alaska

Sec.  
69.51 Exemptions.

##### Subpart E—Alaska

##### § 69.51 Exemptions.

(a) Persons in the state of Alaska, including but not limited to, refiners, importers, distributors, resellers, carriers, retailers or wholesale purchaser-consumers may manufacture, introduce into commerce, sell, offer for sale, supply, dispense, offer for supply, or transport diesel fuel, which fails to meet the sulfur concentration or dye requirements of 40 CFR 80.29, in the state of Alaska if the fuel is used only in the state of Alaska.

(b) Persons outside the state of Alaska, including but not limited to, refiners, importers, distributors, resellers, carriers, retailers or wholesale purchaser-consumers may manufacture, introduce into commerce, sell, offer for sale, supply, offer for supply, or transport diesel fuel, which fails to meet the sulfur concentration or dye requirements of § 80.29, outside the state of Alaska if the fuel is:

(1) Used only in the state of Alaska; and

(2) Accompanied by supporting documentation that clearly substantiates the fuel is for use only in the state of Alaska and does not comply with the Federal sulfur standard applicable to motor vehicle diesel fuel.

#### PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

**Authority:** Sec. 114, 211, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7414, 7545 and 7601(a)).

2. Section 80.29 is amended by revising paragraph (a)(1) introductory text to read as follows:

##### § 80.29 Controls and prohibitions on diesel fuel quality.

(a) *Prohibited activities.* (1) Beginning October 1, 1993, no person, including but not limited to, refiners, importers, distributors, resellers, carriers, retailers or wholesale purchaser-consumers, shall manufacture, introduce into

commerce, sell, offer for sale, supply, dispense, offer for supply or transport any diesel fuel for use in motor vehicles, except as provided in 40 CFR 69.51, unless the diesel fuel:

\* \* \* \* \*

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 70

[FRL-6005-1]

#### Operating Permits Program; Notice of Availability of Draft Rules; Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Extension of comment period for notice of availability of draft rules.

**SUMMARY:** On March 25, 1998, EPA published a notice in the **Federal Register** announcing opportunity for public review and comment on portions of the draft preamble and all but two sections of draft revisions to the operating permits regulations in 40 CFR part 70. (The remaining portions of the preamble and regulations will be made available at a later date.) The public review period for that notice ends April 24, 1998. This action extends the public review period for that notice until May 26, 1998.

**DATES:** Comments on the draft preamble and regulatory revisions must be received by May 26, 1998.

**ADDRESSES:** The draft preamble and regulatory revisions are available in EPA's Air Docket number A-93-50 as items VI-A-5 and VI-A-4, respectively. This docket is available for public inspection and copying between 8:30 a.m. and 5:30 p.m., Monday through Friday, at the address listed below. A reasonable fee may be charged for copying. The address of the EPA air docket is: EPA Air Docket (6102), Attention: Docket Number A-93-50, Room M-1500, Waterside Mall, 401 M Street SW, Washington, DC, 20460. Requests for material may be made by telephone at 202-260-7548.

The drafts may also be downloaded from the Internet at: <http://www.epa.gov/ttn/oarpg/t5pgm.html>.

Comments on the materials referenced in today's notice must be mailed (in duplicate if possible) to: EPA Air Docket (6102), Attention: Docket No. A-93-50, at the above address. Please identify comments as concerning today's notice of availability of items VI-A-4 and VI-A-5.

**FOR FURTHER INFORMATION CONTACT:** Ray Vogel (telephone 919-541-3153) or Roger Powell (telephone 919-541-5331), Mail Drop 12, EPA, Information Transfer and Program Integration Division, Research Triangle Park, North Carolina, 27711. Internet addresses are: vogel.ray@epa.gov and powell.roger@epa.gov.

**SUPPLEMENTARY INFORMATION:** The part 70 operating permits regulations were originally promulgated on July 21, 1992 (57 FR 32250). Revisions to part 70 were proposed on August 29, 1994 (59 FR 44460) and August 31, 1995 (60 FR 45530). On May 13, 1997, the Agency released a draft of the final preamble and regulatory revision rulemaking that would revise part 70 for purposes of considering any final comments from interested parties before final action. The draft rulemaking reflected EPA's consideration of comments on the 1994 and 1995 proposals, and included additional regulatory changes that EPA believed appropriate based on comments. Availability of the May 13, 1997 draft and a 30-day public review period were announced in a June 3, 1997 **Federal Register** notice (62 FR 30289).

Subsequently, after discussing the draft rulemaking with industry, environmental, and State/local permitting agency representatives ("stakeholders"), EPA decided that additional changes were necessary, particularly to the section on permit revision procedures. Consequently, EPA announced in a July 3, 1997 notice (62 FR 36039) that the public should withhold comment on the May 1997 draft until a new draft was prepared.

Since May 1997, EPA has discussed with stakeholders alternative approaches to the permit revision system contained in the May draft. While the discussions with stakeholders to date have involved the provisions of §§ 70.7 and 70.8, EPA also wants to discuss with the stakeholders any concerns with the remaining sections. To prepare for those discussions, it is important to be aware of concerns from the public at large on the remaining sections. Therefore, the March 25, 1998 notice (63 FR 14392) announced availability of the remaining sections of part 70 for public review and provided for a period until April 25, 1998 for the public to submit any comments. The preamble and regulatory revisions related to §§ 70.7 and 70.8 will be made available in a future **Federal Register** notice of availability.

Items VI-A-4 and VI-A-5 in docket A-93-50 contain the portions of the preamble and regulations for the

revisions that may be made to §§ 70.2 through 70.6 and §§ 70.9 through 70.11 of the part 70 regulations. That material is also available on the Internet at the address noted above. As in the June 3, 1997 notice, EPA seeks comment only on regulatory revisions that have changed since the August 1994 and August 1995 proposals. The changes since the proposals are addressed in the preamble discussions on the relevant sections of part 70 (e.g. § 70.2).

This action extends the comment submittal period until May 26, 1998. Please send comments directly to Docket A-93-50 at the address previously provided and specify that they are in response to this notice. Comments will be forwarded from the Air Docket to the Operating Permits Group of EPA.

Dated: April 21, 1998.

**Richard D. Wilson,**

*Acting Assistant Administrator for Air and Radiation.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 86

[FRL-6005-2]

#### Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Draft Tier 2 Study and Fuel Sulfur Paper Availability

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of document availability.

**SUMMARY:** The Clean Air Act requires EPA to prepare a study and submit a report to Congress regarding whether or not further reductions in emissions from light-duty vehicles and light-duty trucks should be required. EPA has performed the required study, called the "Tier 2 Study." Today EPA is releasing a draft of the study for public comment prior to submitting it to Congress.

In the very near future, EPA will also be releasing a related document titled "EPA Staff Paper on Gasoline Sulfur Issues" and encourages public comment on this document as well.

**DATES:** EPA requests that comments on the draft Tier 2 Study be submitted by June 12, 1998. A public meeting to discuss the gasoline sulfur issues and the Gasoline Sulfur Staff Paper will be held on May 12, 1998 from 10:00 a.m. to 5:30 p.m.

**ADDRESSES:** Materials relevant to this rulemaking are contained in Docket No.

A-97-10 which may be found at 401 M Street, SW., Washington, DC 20460 and may be viewed in room M1500 between 8:00 a.m. and 5:30 p.m., Monday through Friday. The telephone number is (202) 260-7548 and the fax number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket material.

The Draft Tier 2 Study is also available electronically from the EPA Office of Mobile Sources World Wide Web site at <http://www.epa.gov/omswwww/tr2home/htm>. The Gasoline Sulfur Staff Paper will also be available on this Web site upon its release.

Comments should be sent to Docket No. A-97-10 at the above address. EPA requests that a copy of comments also be sent to Tad Wysor, U.S. EPA, Engine Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105 or to the Tier 2 E-mailbox "tier2-study@epamail.epa.gov."

The public meeting will be held at Quality Hotel, 1200 N. Courthouse Rd., Arlington, VA 22201 (Telephone: (703) 524-4000).

**FOR FURTHER INFORMATION CONTACT:** Ms. Delores Frank, U.S. EPA, Fuels and Energy Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone 734-668-4295.

**SUPPLEMENTARY INFORMATION:** The 1990 revisions to the Clean Air Act set specific exhaust emission standards for light-duty vehicles or LDVs (passenger cars) and light-duty trucks or LDTs (including sport-utility vehicles, minivans, and pickup trucks) beginning in the 1994 model year. These "Tier 1" standards were required by Sections 202(g) and (h) of the Clean Air Act as revised ("the Act"). Section 202(i) of the Act requires EPA to "study whether or not further reductions in emissions from light-duty vehicles and light-duty trucks should be required...." The Act required EPA to examine three specific issues related to that question: (1) the need for further emission reductions in order to attain or maintain compliance with the National Ambient Air Quality Standards (NAAQS); (2) the technological feasibility of meeting more stringent standards by the 2004 model year; and (3) the cost-effectiveness of such further reductions as compared to alternate means of reducing emissions. The Study was to be submitted to Congress by June 1, 1997. EPA has recently entered into a draft consent decree to sign a letter transmitting the Study by July 31, 1998.

Section 202(i) of the Act also requires that EPA provide a reasonable opportunity for public comment on the Tier 2 study prior to its formal submittal to Congress. In response to this