

provides for the implementation and enforcement of those limits.

In the final rules section of the **Federal Register**, the EPA is approving the state's submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this proposed rule, no further activity is contemplated and the direct final rule will become effective. If the EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by May 26, 1998.

**ADDRESSES:** Comments may be mailed to Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Wayne Kaiser at (913) 551-7603.

**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: April 9, 1998.

**Dennis Grams, P.E.,**

*Regional Administrator, Region VII.*

[FR Doc. 98-10856 Filed 4-22-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[IA 051-1051b; FRL-6002-7]

#### Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Iowa; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the Iowa state 111(d) plan for controlling landfill gas emissions from existing municipal solid waste (MSW) landfills. The plan was submitted to fulfill the requirements of the Clean Air Act. The state plan establishes emission

limits for existing MSW landfills, and provides for the implementation and enforcement of those limits.

In the final rules section of the **Federal Register**, the EPA is approving the state's submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated and the direct final rule will become effective. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

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**SUPPLEMENTARY INFORMATION:** See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: April 9, 1998.

**Dennis Grams, P.E.,**

*Regional Administrator, Region VII.*

[FR Doc. 98-10854 Filed 4-22-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 88

[FRL-5994-6]

RIN 2060-AH56

#### Clean Fuel Fleet Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed rulemaking; delay of implementation date.

**SUMMARY:** The provisions of subpart C of Title II of the Clean Air Act require states with certain ozone and carbon monoxide (CO) nonattainment areas to revise their State Implementation Plans (SIP) to incorporate a Clean Fuel Fleet Program. Under this program, specified

percentages of new vehicles acquired by covered fleet operators in certain ozone and CO nonattainment areas must meet EPA's clean-fuel vehicle (CFV) emissions standards. In this action, EPA proposes to delay by one model year, the requirement that a covered area's State Implementation Plan implement a Clean Fuel Fleet Program (CFFP) fleet operator purchase requirement. As a result, EPA would approve a CFFP SIP revision which provides that covered fleet operators must include a certain percentage of CFVs in their fleet vehicle purchases each year beginning with model year 1999. This proposal is intended to ensure successful implementation of the CFFP, and to ensure that an adequate supply of appropriate vehicles is available for fleet operators to purchase and use once the program is underway, so that compliance with the mandatory purchase requirements will be possible and economically feasible for covered fleet operators.

**DATES:** Written comments on this proposal must be received no later than May 26, 1998.

**ADDRESSES:** Interested parties may submit written comments in response to this rule (in duplicate if possible) to Public Docket No. A-97-53. It is requested that a duplicate copy may be submitted to Sally Newstead at the address in the **FOR FURTHER INFORMATION CONTACT** section below. The docket is located at the Air Docket, Room M-1500 (6102), Waterside Mall SW, Washington, DC 20460. The docket may be inspected between 8:00 a.m. and 5:30 p.m. on weekdays, excluding holidays. A reasonable fee may be charged for copying docket material.

**FOR FURTHER INFORMATION CONTACT:** Sally Newstead, Office of Mobile Sources, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan, 48105. Telephone (734) 668-4474.

**SUPPLEMENTARY INFORMATION:**

#### Statutory Authority

The statutory authority for this action is provided by sections 246 and 301 of the Clean Air Act.

#### Background

In the Rules and Regulations section of this **Federal Register**, EPA is adopting this provision as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for this action is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no

further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

The Clean Air Act, as amended in 1990 ("CAA" or "the Act"), requires certain states to adopt and submit to EPA a State Implementation Plan (SIP) containing a CFFP for nonattainment areas with 1980 populations greater than 250,000 that are classified as Serious or worse for ozone, or with a design value of at least 16.0 ppm for carbon monoxide (CO). The nonattainment areas currently covered by the requirement to adopt and submit a CFFP are Atlanta, Washington DC metropolitan area, Chicago-Gary-Lake Counties, Milwaukee-Racine, Baton Rouge, and Denver-Boulder.<sup>1</sup>

Section 246 of the CAA provides that a states' SIP submission must require fleet operators with 10 or more vehicles that are centrally fueled or capable of being centrally fueled, to include a specified percentage of clean-fuel vehicles (CFVs) in their new vehicle purchases each year. In addition, states CFFP SIP submissions must comply with other specifications in Section 246, including the requirement that covered fleet operators must operate their CFVs in covered nonattainment areas on a clean alternative fuel, defined as a fuel on which the vehicle meets EPA's CFV standards when using such fuel. EPA promulgated emissions standards for CFVs in September 1994. See 40 CFR Part 88. EPA estimates that demand for CFVs by covered fleets in model year<sup>2</sup> 1998 would be approximately 47,000 light duty vehicles and 12,000 heavy duty vehicles.

#### Start Date for CFFP Purchase Requirement

Section 246(c) of the CAA provides that the specified percentage of new light duty vehicle purchases by covered

fleet operators that must be CFVs in a given model year shall be 30% in model year 1998, 50% in model year 1999, and 70% in model year 2000 and later years, if certain categories of new vehicles (light duty trucks (LDTs) below 6000 lbs gross vehicle weight rating (GVWR) and light duty vehicles (LDVs)) certified to the Phase II CFV exhaust emissions standards are offered for sale in California.<sup>3</sup> In March 1993, EPA stated its expectation that the vehicles specified in Section 246(c) would be offered for sale in California by model year 1997, and therefore states' SIP submissions should provide for implementation of the CFFP purchase requirement beginning in model year 1998. EPA also stated its intent to delay this implementation date if it later determined that the requisite vehicles would not be offered for sale in California in model year 1997. See 58 FR 11888 (March 1, 1993).

EPA cannot mandate that vehicle manufacturers produce CFVs for fleets to purchase to meet the CFFP requirements—Congress intended that the creation of a market for CFVs would provide an incentive for vehicle manufacturers to produce and sell such vehicles outside California, ultimately resulting in broader market penetration. The specification in section 246 (c) that certain vehicles meeting CFV exhaust emissions standards must be available for sale in California for implementation of the CFFP purchase requirement to begin in model year 1998 was intended to provide a minimum level of reasonable assurance that complying vehicle technology was available and being produced.<sup>4</sup> Without some such evidence of vehicle availability, fleet operators cannot realistically be expected to comply with the CFFP purchase requirements. However, Section 246 is not clear on the issue of how many of the vehicles specified in Section 246(c) must be offered for sale in California before triggering implementation of the CFFP purchase requirements.

EPA is proposing to delay the start date that the SIP must contain for implementation of the CFFP purchase requirements from model year 1998 to model year 1999, and would approve state SIP submissions with CFFPs that start in model year 1999. EPA has

received information from various stakeholders, including states, covered fleet operators, and vehicle manufacturers on this issue, and has concluded that a delay until model year 1999 will result in a successful, effective fleet program that advances the penetration of CFVs and clean alternative fuels into the national market, and is consistent with the provisions of Section 246(c) and with Congress' intent in adopting the CFFP provisions of the Act.

The legislative history of the 1990 amendments to the CAA indicates that, in adopting the CFFP, Congress made a clear choice between two alternatives: requiring auto manufacturers to produce and sell CFVs, or creating a market for CFVs and for clean alternative fuels by requiring fleet operators to purchase such vehicles and operate on such fuels. In choosing the latter option, Congress attempted to minimize the burden on fleet operators by requiring some evidence of vehicle availability in California as a precondition to implementation of the purchase requirement before model year 2001. However, the Act does not provide a clear indication of Congressional intent regarding the number of vehicles in each weight category specified in Section 246(c) that must be offered for sale in California to trigger the fleet operators' purchase requirement. Because the CAA is silent on this particular issue, and in the absence of a clear indication of Congressional intent, it is appropriate for EPA to reasonably exercise its discretion in a way that furthers the goals of the CFFP provisions, and determine whether a sufficient number of requisite vehicle models are offered for sale in California to require that other states SIPs implement the CFFP in MY1998.

Auto manufacturers have certified a number of vehicle models to the LEV standards in California on California reformulated gasoline, and EPA expects these vehicles could be certified as federal CFVs. However, because of the Act's requirement that fleet operators operate CFVs on clean alternative fuels, as defined in Section 241(b), fleet operators who purchase such CFVs to meet CFFP purchase requirements may have to operate these vehicles on California reformulated gasoline, which is generally not available outside California. EPA cannot conclude at this time that federal reformulated gasoline or federal conventional gasoline qualify as clean alternative fuels for CFVs certified to LEV standards on California reformulated gasoline, due to potential emissions differences resulting from differences in fuel composition between

<sup>1</sup> States with covered nonattainment areas may opt out of the CFFP with an adequate substitute program. See CAA Section 182(c)(4)(B). Eleven states have opted out of the CFFP pursuant to this provision. Areas reclassified for ozone, that have a 1980 population of at least 250,000, must also submit a SIP revision with a CFFP within one year of such reclassification. See CAA Section 246(a)(3).

<sup>2</sup> A "model year" for purposes of fleet operators' compliance with CFFP purchase requirements, and as used in this notice, is not the same as "model year" as defined for purposes of motor vehicle production. The definition of "model year" for the CFFP means September 1 of the preceding year through August 31 of the named year. Therefore, model year 1998 for the CFFP runs from September 1, 1997 through August 31, 1998. See 40 CFR 88.302-94.

<sup>3</sup> The Phase II CFV exhaust emissions standards are found in CAA Section 243(a)(2) and 243(b)(2), and include standards for non-methane organic gases (NMOG), CO, oxides of nitrogen (NO<sub>x</sub>), particulate matter (PM), and formaldehyde that are identical to California's Low Emission Vehicle (LEV) exhaust emissions standards.

<sup>4</sup> See *A Legislative History of the Clean Air Act Amendments of 1990*, Volume 1 at 903.

California reformulated gasoline and federal fuels. EPA expects that manufacturers could certify LEVs that have been certified to California LEV standards on California reformulated gasoline as federal CFVs on federal fuels—if manufacturers did so, fleet operators could purchase such vehicles

to meet CFFP purchase requirements, and operate them on federal fuels in covered nonattainment areas without violating the fuel use requirement of the CFFP. Certain new light duty trucks (LDTs) below 6000 pounds GVWR and new light duty vehicles (LDVs) certified to LEV exhaust emissions standards are

currently being offered for sale in California. However, only a limited number of LDTs below 6000 lbs. GVWR were certified to California's LEV standards and offered for sale in California in MY1997 as indicated in the following chart.

LIST OF CERTIFIED CA LEVs OFFERED FOR SALE IN CALIFORNIA IN MY97  
[As of April 1997]

Manufacturer	Certification number	Models	Type	Standard	Fuel
Ford	FORD-LDV-97-01-00	Escort, Escort Wagon	LDV	LEV	CA RFG.
	FORD-LDV-97-38-00	Sable, Sable Wagon, Taurus, Taurus Wagon.	LDV	LEV	CA RFG.
General Motors	GM-LDT-97-29-00	Astro AWD (C&P)* Passenger	LDT	LEV	CA RFG.
	GM-LDT-97-40-00	Safari AWD (P), Astro AWD (C&P)	LDT	LEV	CA RFG.
Honda	HONDA-LDV-97-19-00	Civic, del Sol	LDV	LEV	CA RFG.
	HONDA-LDV-97-20-00	Civic	LDV	LEV	CA RFG.
	HONDA-LDV-97-21-00	Civic, del Sol	LDV	LEV	CA RFG.
	HONDA-LDV-97-22-00	Civic	LDV	LEV	CA RFG.
Nissan	NISSN-LDV-97-06-00	Sentra/200SX	LDV	LEV	CA RFG.
Suzuki	SUZUK-LDV-97-05-00	Metro	LDV	LEV	CA RFG.
	SUZUK-LDV-97-06-00	Metro, Swift	LDV	LEV	CA RFG.
Toyota	TOYOT-LDV-97-11-00	Camry	LDV	LEV	CA RFG.
	TOYOT-LDV-97-12-00	Camry	LDV	LEV	CA RFG.

\*P=Passenger, C=Cargo.

In order to meet the MY98 purchase requirements, fleet operators must have placed vehicle orders in April, 1997; however, the supply of federally certified CFVs at this time was limited. Based on the limited numbers of light duty vehicles and trucks offered for sale in California in MY1997, and particularly the limited number of LDTs <6000 pounds GVWR, EPA believes that a short delay of the required implementation date of the CFFP for one model year is reasonable to avoid the potential for serious disruption of the initial implementation of this program from an inadequate supply of vehicles. Given the list of current federally certified CFVs, the available choices for passenger cars, pick-up trucks, vans and sport utility vehicles is limited to the following:

LIST OF CERTIFIED CFVs OFFERED FOR SALE IN MY97  
[As of April 30, 1997]

Manufacturer	Certification number	Models	Type	Standard	Fuel
IMPCO Tech	IMPCO-LDCNGT-97-01	Sierra C Pickup	LDT	LEV	CNG.
Chrysler	CHRYSLER-LDCLT-97-01-00	Caravan(2WD), Voyager(2WD)	LDCLT	ILEV + ULEV	CNG.
	CHRYZ-ZEV-97-01	Caravan(2WD), Voyager(2WD)	LDT	ZEV	Electricity.
Ford	FORD-LDCNGV-97-01	Crown Victoria	LDV	ILEV + ULEV	CNG.
	FORD-LDCNGT-97-01	F250(2WD)	LDT	ILEV + ULEV	CNG.
	FORD-LDCNGT-97-02	E250(2WD), E350(2WD)	LDT	ILEV + ULEV	CNG.
General Motors	GM-ZEV-97-01	EV1	LDV	ILEV + ZEV	Electricity.
	GN-ZEV-LDT-97-01	S10 Pickup	LDT	ILEV + ZEV	Electricity.
Honda	HN-ZEV-97-01	EV Plus	LDV	ILEV + ZEV	Electricity.

Manufacturer	Certification number	Models	Standard	Fuel
Cummins	CUMMINS-NGE(MHDD)-97-18	B5.9-195G	LEV	CNG.
	CUMMINS-NGE(MHDD)-97-19	B5.9-195F	LEV	CNG.
	CUMMINS-NGE(MHDD)-97-22	C8.3-250G	LEV	CNG.
	CUMMINS-NGE(MHDE)-97-01	B5.9-195G	ULEV	CNG.
Detroit Diesel	DDC-NGE(LHDDE)-97-01	Series 30G	LEV	CNG.

**SIP Revisions**

In light of this proposal, states with adopted CFFP SIPs would revise their SIPs to provide for a model year 1999 start date for the CFFP purchase requirements. Fleet operators could still earn credits for early purchase of CFVs that meet all applicable requirements, including the requirement that fleet operators operate their CFVs on clean alternative fuels when in the covered nonattainment area. The EPA believes this proposed delay would provide states and fleet

owners the necessary flexibility in those areas that are unable to meet the CFF purchase requirements cited in the CAA.

## Administrative Requirements

### A. Administrative Designation

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is "significant" and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budget impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, EPA believes that this proposed action is not a significant regulatory action and therefore not subject to OMB review. Approvals of SIP submittals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. This proposed action simply revises regulations governing the requirements states' CFFP SIP submissions must meet. It serves to delay states' required implementation of CFFP purchase requirements. Therefore, it has been determined that this proposal does not constitute a "major" regulation.

### B. Reporting and Recordkeeping Requirement

There are no information requirements in this proposed rule which require the approval of the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. 3501 et seq.

### C. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment

rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This proposed rule would not have a significant impact on a substantial number of small entities. This is based on the fact that this proposed action would not impose any new requirements, but simply would delay the applicable start date of the CFFP purchase requirements that must be included in certain state's SIPs, pursuant to the CAA. Thus, the impact created by the proposed action would not increase the preexisting burden of the existing rules which this proposal seeks to amend. Therefore, this proposed action would not have a significant economic impact on a substantial number of small entities.

### D. Unfunded Mandates Act

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 where the estimated costs to State, local, or tribal governments, or to the private sector, will be \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective 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 impacted by the rule. To the extent that the rules being proposed in this action would impose any mandate at all as defined in section 101 of the Unfunded Mandates Act upon the state, local, or tribal governments, or the private sector, as explained above, this proposal is not estimated to impose costs in excess of \$100 million. EPA has determined that today's proposed action would simply delay the purchase requirements under state CFFPs and would not impose additional costs or regulatory burdens. In fact, the one-year delay of implementation of the purchase requirements is expected to reduce costs of compliance and ease regulatory burdens.

## List of Subjects in 40 CFR Part 88

Environmental protection, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: April 3, 1998.

**Carol M. Browner,**  
Administrator.

[FR Doc. 98-10152 Filed 4-22-98; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 654

[I.D.041698G]

RIN 0648-AK48

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Stone Crab Fishery of the Gulf of Mexico; Amendment 6

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 6 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP) for review, approval, and implementation by NMFS. Amendment 6 would extend, for up to 4 years, the existing temporary moratorium on the Federal registration of stone crab vessels. Written comments are requested from the public.

**DATES:** Written comments must be received on or before June 22, 1998.

**ADDRESSES:** Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 6, which includes a regulatory impact review and an environmental assessment, should be sent to the Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619-2266; Phone: 813-228-2815; Fax: 813-225-7015.

**FOR FURTHER INFORMATION CONTACT:** Michael E. Justen, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery