

into the SIP definition changes in the districts' rules to be consistent with revised federal definitions. EPA is proposing approval of these revisions for the attainment of the national ambient air quality standards (NAAQS) for ozone under title I of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP revisions as a direct final rule without prior proposal because the Agency views these changes as noncontroversial and anticipates no adverse comments. A detailed rationale for this 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 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 If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments on this proposed rule must be received in writing by March 9, 1998.

**ADDRESSES:** Written comments on this action should be addressed to: Christine Vineyard, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the revised rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.  
California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.  
Kern County Air Pollution Control District, 2700 "M" Street, Suite 290, Bakersfield, CA 93301.  
Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.  
Ventura County Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93003.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San

Francisco, CA 94105-3901, Telephone: (415) 744-1197.

#### SUPPLEMENTARY INFORMATION:

This document concerns Kern County Air Pollution Control District (KCAPCD) Rule 410.1, Architectural Coatings; Rule 410.5, Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations; Rule 411, Storage of Organic Chemicals; Rule 414.5, Pump and Compressor Seals at Petroleum Refineries and Chemical Plants; Monterey Bay Unified Air Pollution Control District (MBUAPCD) Rule 101, Definitions; and Ventura County Air Pollution Control District (VCAPCD) Rule 2, Definitions. KCAPCD Rules 410.1, 410.5, 411, and 414.5 were submitted to EPA on May 10, 1996; MBUAPCD Rule 101 was submitted to EPA on March 3, 1997; and VCAPCD Rule 2 was submitted on July 23, 1996 by the California Air Resources Board (CARB). For further information, please see the information provided in the Direct Final action that is located in the Final Rules Section of this **Federal Register**.

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

Dated: January 15, 1998.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

[FR Doc. 98-2872 Filed 2-5-98; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 98-7, RM-9211]

#### Radio Broadcasting Services; Roxton, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Lake Broadcasting, Inc. requesting the allotment of Channel 274A to Roxton, Texas, as the community's first local aural transmission service. Channel 274A can be allotted to Roxton in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 274A at Roxton are 33-35-18 NL and 95-40-27 WL.

**DATES:** Comments must be filed on or before March 23, 1998, and reply comments on or before April 7, 1998.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In

addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: William Harrison, President, Lake Broadcasting, Inc., 101 East Main, Suite 255, Denison, Texas 75020 (petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-7, adopted January 21, 1998, and released January 30, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 98-2989 Filed 2-5-98; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

#### Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

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

**ACTION:** Denial of petition for rulemaking.

**SUMMARY:** This document denies a petition for rulemaking submitted by Mr. Richard J. Shaw to specify the design and method of closure for gas caps on motor vehicles. The petition provided insufficient information to support petitioner's contention that fuel spillage and vapor release represent a safety problem that requires regulation. Available crash data do not demonstrate a safety problem with gas cap closure.

**FOR FURTHER INFORMATION CONTACT:** For non-legal issues: Dr. William J.J. Liu, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone: (202) 366-4923. Facsimile (202) 366-4329. For legal issues: Nicole Fradette, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Telephone: (202) 366-2992. Facsimile (202) 366-3820, electronic mail "nicole.fradette@nhtsa.dot.gov".

**SUPPLEMENTARY INFORMATION:** By petition dated May 14, 1997, Mr. Richard J. Shaw petitioned the agency to issue a rule applicable to gas caps. The petitioner stated that the rulemaking was needed to prevent deaths, injuries, and environmental damage caused by improperly secured gas caps. He stated that crash fires and environmental pollution occur when improperly secured gas caps leak gasoline and gasoline vapors. The petitioner requested that NHTSA "standardize gas caps and eliminate the problem completely." To ensure that gas caps are

secured properly, the petitioner suggested the use of a robot or an electronic gas cap wrench at filling stations.

To promulgate or amend a vehicle safety requirement, NHTSA must decide, on the basis of data and analysis, that a safety problem exists and that the requirement would reduce the problem and thus meet the need for motor vehicle safety. In this instance, NHTSA has found no basis for concluding that there is a safety problem with gas caps. Although the petitioner cited some crash data on post-collision vehicle fires, he did not demonstrate a causal connection between the fires and an improperly sealed gas cap. The petitioner did not provide information showing that improper gas cap use or design contributes to motor vehicle fires, nor is NHTSA aware of any information from other sources demonstrating such a problem. In the research now underway relating to a possible upgrade of Federal Motor Vehicle Safety Standard No. 301, "Fuel System Integrity" (49 CFR 571.301), the data collected from vehicle crash fires do not show a connection between gas cap performance and vehicle fires.

The agency notes that the specific solution suggested by the petitioner, requiring filling stations to install an electronic gas wrench, raises questions about the purview of NHTSA's statutory authority. NHTSA is authorized to regulate motor vehicles and items of motor vehicle equipment. In a September 16, 1994 letter to the

Consumer Product Safety Commission, NHTSA determined that gasoline pump nozzle/hose assemblies (referred to in the letter as "gas nozzles") are not "motor vehicle equipment" within the meaning of NHTSA's implementing statute, in part because they are not purchased or otherwise acquired by ordinary users of motor vehicles. An electronic gas wrench installed at a filling station is similar to a gas nozzle with regard to the intended purchaser.

The petitioner also raised the issue of environmental damage caused by gasoline emissions. This issue is not germane to rulemaking under 49 U.S.C. Chapter 301, which is limited to matters of motor vehicle safety. Congress has delegated the authority to regulate emissions to the U.S. Environmental Protection Agency.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of a rulemaking proceeding. After considering all relevant factors, the agency has decided to deny the petition.

**Authority:** 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on February 2, 1998.

**L. Robert Shelton,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 98-2998 Filed 2-5-98; 8:45 am]

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