

TAPA. EPA is simultaneously proposing to approve the amendments to A.R.S. 2083, 2122 and 2125, which were included as part of the LMP, following a public hearing on August 20, 1997, as a revision to the Arizona SIP.

EPA is proposing in this notice to approve Arizona's request for redesignation to attainment for the TAPA area if, prior to that action, ADEQ submits a SIP revision containing the amendments that were made to A.R.S. 49-406 providing for the inclusion of attainment areas, as well as nonattainment areas, in the legislation providing county and state assurances that emission control measure commitments in the nonattainment area plan would be fully implemented as required by Section 110(a)(2)(E) of the CAA.

EPA is soliciting public comments on this document and on issues relevant to EPA's proposed action. Comments will be considered before taking final action. Interested parties may participate in the federal rule making procedure by submitting written comments to the person and address listed in the ADDRESSES section at the beginning of this document.

V. 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.

This 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 and because it does not involve decisions on environmental health or safety risk.

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.

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA, does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. SIP approvals under sections 110 and

301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve the requirements that the State is already imposing. Therefore, the Administrator certifies that the approval of the SIP revisions and redesignation will not affect a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base Agency actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 256-66 (S. Ct. 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 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 this proposed approval action 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, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

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

Dated: July 13, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 745

[OPPTS-62156A; FRL-6017-4]

RIN 2070-AC63

Identification of Dangerous Levels of Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period.

SUMMARY: EPA is extending the comment period for a proposed rule to establish standards for lead-based paint hazards in most pre-1978 housing and child-occupied facilities under authority of TSCA section 403. The proposed rule also establishes, under authority of TSCA section 402, residential lead dust cleanup levels and amendments to dust and soil sampling requirements and, under authority of TSCA section 404, amendments to State program authorization requirements.

DATES: Written comments in response to this proposed rule must be received on or before October 1, 1998.

ADDRESSES: Each comment must bear the docket control number OPPTS-62156. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G099, East Tower, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epamail.epa.gov. No Confidential Business Information (CBI) should be submitted through e-mail.

All comments which contain information claimed as CBI must be clearly marked as such. Three copies, sanitized of any comments containing information claimed as CBI, must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information, any portion of which they believe is entitled to treatment as CBI by EPA, must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

If requested, EPA will schedule public meetings where oral comments will be heard. EPA will announce in the

Federal Register the time and place of any public meetings. Oral statements will be scheduled on a first come first serve basis by calling the telephone number listed in the **Federal Register** notice that announces these meetings. All statements will be made part of the public record and will be considered in the development of the final rule.

FOR FURTHER INFORMATION CONTACT: For general information contact: National Lead Information Center's Clearinghouse, 1-800-424-LEAD(5323). For technical and policy questions contact: Jonathan Jacobson, (202) 260-3779;

jacobson.jonathan@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 3, 1998 (63 FR 30302)(FRL-5791-9), EPA issued a proposed rule under Title IV of the Toxic Substances Control Act (TSCA)(15 U.S.C. 2683, 2682, and 2684). Section 403 of TSCA directs EPA to promulgate regulations identifying lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil. Section 402 of TSCA directs EPA to promulgate regulations governing lead-based paint activities. Section 404 of TSCA requires that any State that seeks to administer and enforce the requirements established by the Agency under section 402 of TSCA must submit to the Administrator a request for authorization of such a program. The proposed rule provided for a 90-day public comment period. In response to requests by interested parties, EPA is extending the comment period on its proposed rule by 30 days. Comments must now be received by October 1, 1998.

List of Subjects in 40 CFR Part 745

Environmental protection, Hazardous substances, Lead-based paint, Lead poisoning, Reporting and recordkeeping requirements.

Dated: July 15, 1998.

William H. Sanders,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 98-19521 Filed 7-21-98; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 503

[Docket No. 98-11]

Availability of Records to the Public— Electronic Freedom of Information Act

AGENCY: Federal Maritime Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission proposes to revise its regulations on public access to Commission records, materials, and information in order to clarify existing rules, provide information concerning the electronic availability of information and records, and to incorporate the requirements of the Electronic Freedom of Information Act Amendments of 1996.

DATES: Submit comments on or before August 21, 1998.

ADDRESSES: Address all comments concerning this proposed rule to: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol St., NW, Room 1046, Washington, DC 20573-0001.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol St., NW, Room 1046, Washington, DC 20573-0001, (202) 523-5725, E-mail: secretary@fmc.gov.

SUPPLEMENTARY INFORMATION: The Electronic Freedom of Information Act Amendments of 1996 ("EFOIA") Pub. L. 104-231, 110 Stat. 3408, provides for the availability of government records maintained in electronic form, and encourages the use of new technology to enhance public access to government information. It also provides for more time and greater flexibility in the processing of requests for information under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552. The Commission's rules at 46 CFR 503, subparts C and D, govern the availability of Commission records and procedures for requesting information under the FOIA. The Commission now proposes to update those subparts to reflect the changes made by EFOIA. In addition, modifications are proposed to clarify and reorganize the subparts.

Clarification and Reorganization of Subparts C and D

The proposed rule would reorganize subparts C and D. Subpart C currently identifies records that are required by FOIA to be made available for public inspection and copying, and for which a FOIA request is not required. Subpart D also contains procedures for obtaining records without resort to a FOIA request, as well as procedures for requesting records pursuant to FOIA. Under the proposed rule subpart C would concern itself with information that is made available without requiring a FOIA request, while subpart D is confined to procedures for obtaining information through a FOIA request.

The proposed rule also changes subpart and section headings where

doing so is more descriptive. In various places throughout the text of the proposed rule, "the Secretary" is substituted for "the Commission" in order to specify which Commission official has responsibility for a function and should be contacted. Also added throughout the proposed rule are cross references to the Commission's fee provisions, to make the fees for a service easier to find.

Proposed Subpart C

Proposed subpart C would consist of four sections, each listing materials available and how they can be accessed.

Proposed section 503.21, *Mandatory public records*, consists of the current § 503.21, with some minor language changes and additions. Proposed § 503.21(a)(4), is new, and incorporates EFOIA's requirement that the Commission make available certain records which are potentially subject to subsequent requests and an index of such records. EFOIA's requirement that the extent of certain deletions be indicated on released records would be added in § 503.21(b). Proposed § 503.21(c) combines current §§ 503.22 and 503.23.

Proposed § 503.22 names those records available from the Secretary without prior request and relocates current § 503.31. The proposed rule would relocate and reorganize this section for ease of reading and to avoid duplication.

Proposed § 503.23 names those records generally available from the Secretary only upon prior written request and is substantively similar to current § 503.32, but adds a cross reference to applicable Commission rules regarding access to tariffs.

Proposed § 503.24, *Information available on the web site*, is new and contains a list of Commission materials found on the Commission's Internet home page. Addition of this section would effectuate one of the main stated purposes of EFOIA, i.e., to encourage the use of electronic telecommunications.

Proposed Subpart D

Proposed subpart D is renamed to read "Requests for records under the Freedom of Information Act." In addition to incorporating changes made by EFOIA, some paragraphs of subpart D are revised, reorganized, and renamed for clarification.

Proposed § 503.31 is substantively the same as current § 503.33 and describes generally the FOIA request process, but adds a provision that the Commission will make records available in any form