

review may be filed, and will not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: July 30, 1998.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

#### Subpart S—Kentucky

2. Section 52.920, is amended by adding paragraph (c)(91) to read as follows:

##### § 52.920 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(91) The maintenance plan for Edmonson County and Owensboro ozone area submitted by the Commonwealth of Kentucky through the Natural Resources and Environmental Protection Cabinet on April 16, 1998, as part of the Kentucky SIP.

(i) Incorporation by reference.

Mobile Emissions Budgets for Owensboro Area and Edmonson County Marginal Ozone Maintenance Areas: Introduction page and Tables 1 through 8 effective April 14, 1998.

(ii) Other material. None.

[FR Doc. 98-23502 Filed 9-2-98; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 48 CFR Parts 1504, 1542, and 1552

[FRL-6155-5]

#### Acquisition Regulation: Administrative Amendments

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is amending the EPA

Acquisition Regulation (EPAAR) (48 CFR Chapter 15) removing from the EPAAR unnecessary coverage that duplicates existing FAR coverage on quick-closeout procedures, and making other administrative changes.

**EFFECTIVE DATE:** September 3, 1998.

**FOR FURTHER INFORMATION CONTACT:** Paul Schaffer, U.S. Environmental Protection Agency, Office of Acquisition Management (3802R), 401 M Street, SW, Washington, D.C. 20460, Telephone: 202-564-4366.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

This final rule eliminates EPAAR 1542.708 Quick-Closeout Procedures which duplicates existing FAR coverage (FAR 42.708), and makes other administrative changes. As authorized by section 22(a) of the Office of Federal Procurement Policy Act, 41 U.S.C. 418b, this rule is being issued without notice and opportunity for public comment because it does not have a significant effect beyond the internal operating procedures of the Agency, and it does not impose a significant cost or administrative impact on contractors or offerors.

##### B. Executive Order 12866

The final rule is not a significant regulatory action for the purposes of Executive Order 12866; therefore, no review was required by the Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB).

##### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this final rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*)

##### D. Regulatory Flexibility Act

The EPA certifies that this final rule does not exert a significant economic impact on a substantial number of small entities. The requirements to contractors under the rule impose no reporting, record-keeping, or any compliance costs.

##### E. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments, and the private sector. This final rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments,

in the aggregate, or the private sector in one year. Any private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule was not subject to the requirements of sections 202 and 205 of the UMRA.

#### F. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### G. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions on environmental health or safety risks.

#### List of Subjects in 48 CFR Parts 1504, 1542, and 1552

Environmental protection, Government procurement.

Therefore, 48 CFR Chapter 15 is amended as set forth below:

1. The authority citation for Parts 1504, 1542 and 1552 continue to read as follows:

**Authority:** The provisions of this regulation are issued under 5 U.S.C. 301; Sec. 205(c), 63 Stat. 390, as amended.

**§ 1504.804-5 [Amended]**

2. Section 1504.804-5 is amended by revising the reference "1542.708" to read "FAR 42.708."

**§ 1542.708 [Removed]**

3. Section 1542.708 is removed.

4. Section 1552.209-71 is amended by revising "ALTERNATE I to Paragraph (e)" to read as follows:

**§§ 1552.209-71 Organizational conflicts of interest.**

\* \* \* \* \*

**ORGANIZATIONAL CONFLICTS OF INTEREST (MAY 1994)**

\* \* \* \* \*

**ALTERNATE I**

Contracts for other than Superfund work shall include Alternate I in this clause in lieu of paragraph (e).

(e) The Contractor agrees to insert in each subcontract or consultant agreement placed hereunder provisions which shall conform substantially to the language of this clause, including this paragraph, unless otherwise authorized by the contracting officer.

**§ 1552.211-70 [Amended]**

5. Section 1552.211-70 and ALTERNATE I is amended by revising the OMB clearance number 2030-0005 expiration date of "May 31, 1986" to read "January 31, 2000."

**§ 1552.216-74 [Amended]**

6. Section 1552.216-74 is amended by revising the reference in paragraph (b) "1552.212-70" to read "1552.211-73."

Dated: August 24, 1998.

**Betty L. Bailey,**

*Director, Office of Acquisition Management.*

[FR Doc. 98-23816 Filed 9-2-98; 8:45 am]

BILLING CODE 6560-50-P

**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 Dr. Richard H. McSwain to regulate the bottom of automotive fuel tanks to protect them from rupture by roadway hazards. Neither the information submitted by the petitioner nor

information otherwise available to the agency indicate that the matter identified by the petitioner is a safety problem warranting regulatory action.

**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, SW, Washington, DC 20590. Telephone: (202) 366-4923. Facsimile (202) 366-4329.

For legal issues: Nicole Fradette, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202) 366-2992. Facsimile (202) 366-3820.

**SUPPLEMENTARY INFORMATION:** By petition dated July 17, 1997, Dr. Richard H. McSwain requested the agency to issue a regulation that would protect the bottom of automotive fuel tanks from roadway hazards. The petitioner asserted that, over the past five years, numerous deaths have occurred from vehicle fires caused by the rupture of the bottom of the vehicle's fuel tank by roadway hazards.<sup>1</sup> Dr. McSwain did not quantify the number of those deaths, but did enclose news articles about several allegedly related crashes. He also stated that European motor vehicle standards require the protection of the fuel tank bottom and enclosed Volume 2 of the German "Motor Vehicle Construction and Use Regulations" (1995) and Economic Commission for Europe (ECE) Regulation No. 34, "Uniform Provision Concerning the Approval of Vehicles with Regard to the Prevention of Fire Risks" (01 Series, Addendum 33 to Amendment 1, January 18, 1979).

The petitioner also stated that several U.S. government agencies have recognized the need for protection of fuel tank bottoms. In support of that claim, he enclosed a 1970 Multidisciplinary Accident Investigation report of a case involving a vehicle fire prepared for the U.S. National Highway Safety Bureau (NHSB), a predecessor of NHTSA. The NHSB study examined a major vehicle fire that occurred following a severe crash in which the vehicle's structure was severely deformed, compressing the fuel tank between the left and right frame rails. The tank ruptured at the seams, allowing fuel to escape. The fuel was ignited by the sparks created when the vehicle hit a concrete culvert. The NHSB study recommended

<sup>1</sup> The petitioner did not define what he meant by "roadway hazards." The agency understands the petitioner to be referring to roadway debris and not the roadway elements, such as guardrails and curbs.

incorporating additional protection in fuel tanks to prevent them from rupturing in a crash. The study also recommended installing a protective lining inside of the fuel tank to prevent fuel spillage in the event of a fuel tank rupture.

The petitioner also submitted a 1984 National Transportation Safety Board (NTSB) Safety Recommendation directed to the Motor Vehicle Manufacturers Association (MVMA). The NTSB recommendations were the result of a study of a severe crash that occurred when 22 vehicles drove at speeds ranging from 5 to 50 mph into the dense smoke of a grass fire and were involved in multiple collisions. The fuel tanks of seven of the vehicles ruptured, spilling fuel. The fuel ignited and a major fire ensued. The NTSB study encouraged vehicle manufacturers to develop and apply more effective technology to ensure fuel system integrity during high speed crashes.

To promulgate or amend a vehicle safety requirement, NHTSA must decide that a safety problem exists, that the problem is significant enough to warrant regulation, 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 warranting regulatory action with respect to the rupturing of the bottom of fuel tanks by roadway hazards.

Although the petitioner enclosed several news accounts of vehicle fires caused by ruptured fuel tanks, specifically four news items of severe crashes, and two old case studies of severe crashes, he did not demonstrate that there was a significant safety problem with vehicle fuel tank ruptures by roadway hazards. Further, NHTSA is not aware of information from other sources, including its own, demonstrating the existence of a significant problem.

Most of the information submitted by the petitioner does not appear to relate to the issue of the susceptibility of the bottom of fuel tanks to rupture by roadway hazards. The agency notes that the vehicle fire discussed in the NHSB study occurred when the fuel tank ruptured due to the intrusion of the vehicle frame into the sides, not the bottom, of the fuel tank. The NHSB study did not specifically recommend regulating the bottom of fuel tanks. Further, the 1984 NTSB study recommended that the MVMA develop and apply more effective technology to reduce breaches in the fuel system and to minimize any fuel loss if a breach occurs, particularly in crashes involving