

determine if the microscale plan, in and of itself, fully complies with the Clean Air Act requirements for moderate and serious PM-10 nonattainment areas. Such a determination is not possible until the regional plan is submitted and reviewed.

Because the microscale plan taken alone is not intended to fully comply with the RACM/BACM implementation, reasonable further progress and attainment demonstration requirements of the Clean Air Act, final disapprovals of portions of the microscale plan would not trigger sanctions under CAA section 179(a). CAA section 179(a) requires the imposition of one of the sanctions in section 179(b) within 18 months of a disapproval if EPA "disapproves a [State] submission \* \* \* based on the submission's failure to meet one or more of the elements required by [the CAA]." Because the purpose of the microscale plan was to, in effect, provide a down payment towards meeting certain requirements of the Act, EPA is not, at this time, proposing to find that the State has failed to meet any of the applicable elements required by the CAA as contemplated by section 179(a).

EPA is subject to the terms of a consent decree approved by the U.S. District Court for the District of Arizona on March 25, 1997. *Ober v. Browner*, No. CIV 94-1318 PHX PGR. The consent decree obligates EPA to propose a federal implementation plan (FIP) for PM-10 in the Maricopa nonattainment area by March 20, 1998 and finalize that FIP by July 18, 1998<sup>27</sup> if the Agency disapproves all or part of the microscale plan. Therefore, if EPA finalizes the proposed disapprovals described above, EPA will have an obligation to promulgate a regional moderate area PM-10 FIP that addresses the statutory requirements for attainment, RACM and RFP. Under the consent decree, the scope of this FIP obligation is reduced to the extent that EPA approves by July 18, 1998 SIP provisions meeting the statutory requirements for RACM, RFP and attainment for moderate PM-10 nonattainment areas.

EPA believes, as is expressed in CAA section 101(a), that air pollution control is primarily the responsibility of states and local jurisdictions. Therefore, the Agency will work with the State of Arizona and the local agencies and jurisdictions responsible for PM-10 planning and control in Maricopa County to develop SIP provisions that can reduce the scope of, or eliminate, any potential FIP. Considerable work is

already underway or planned in the area to address the PM-10 problem. As noted before, the full serious area regional PM-10 plan is due December 10, 1997. In addition, the microscale plan contains two initiatives, MCESD's regional program to address controls on nonpermitted sources and the ADEQ/MCESD/NRCS agreement to address fugitive dust from agricultural sources, that are targeted at significant but currently uncontrolled sources of PM-10.

#### IV. Administrative Requirements

##### A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

##### 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.

SIP approvals under sections 110 and 301, and subchapter I, part D of the CAA do not create any new requirements but simply act on requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Clean Air Act forbids EPA to base its action concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (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 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 the approval/disapproval action proposed 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, Particulate matter, Incorporation by reference.

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

**Dated:** May 29, 1997.

**Felicia Marcus,**

*Regional Administrator.*

[FR Doc. 97-14848 Filed 6-5-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52

[AL-044-1 9710b; FRL-5829-8]

#### Approval and Promulgation of Implementation Plans Alabama: Revisions to Several Chapters and Appendices of the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the State implementation plan (SIP) revision submitted by the State of Alabama through the Department of Environmental Management on October

<sup>27</sup> The FIP deadlines each advance 2 months if EPA fails to act on the microscale plan by July 18, 1997.

30, 1996, the State of Alabama through the Department of Environmental Management (ADEM) submitted a State Implementation Plan (SIP) submittal to revise the ADEM Administrative Code for the Air Pollution Control Program. Numerous revisions were made to Chapters 335-3-1, -2, -3, -4, -5, -6, -8, -9, -12, -13, -14, -15, Appendices C, E, and F. In the final rules section of this **Federal Register**, the EPA is approving the State of Alabama's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment 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 that direct final rule, no further activity is contemplated in relation to this proposed 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 document should do so at this time.

**DATES:** To be considered, comments must be received by July 7, 1997.

**ADDRESSES:** Written comments on this action should be addressed to Kimberly Bingham, at the EPA Regional Office listed below. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Atlanta Federal Center, Region 4 Air Planning Branch, Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia 30303-3104.

**FOR FURTHER INFORMATION CONTACT:** Kimberly Bingham of the EPA Region 4 Air Planning Branch at (404) 562-9038 and at the above address.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: April 7, 1997.

**Michael V. Peyton,**

*Acting Regional Administrator.*

[FR Doc. 97-14852 Filed 6-5-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[AD-FRL-5836-5]

RIN 2060-AE37

#### National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins

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

**ACTION:** Proposed rule; extension of compliance.

**SUMMARY:** This action proposes a temporary extension of the compliance dates specified in 40 CFR 63.1311 (b) and (d) for poly(ethylene terephthalate) (PET) affected sources and announces the reconsideration of the equipment leak provisions contained in 40 CFR 63.1331 as these provisions pertain to PET affected sources. The EPA is proposing this temporary extension only as necessary to complete reconsideration and any necessary revision to the rule. The EPA is proposing this temporary extension pursuant to Clean Air Act section 301(a)(1).

Because these amendments are merely extending the compliance date for equipment leaks, the EPA does not anticipate receiving adverse comments. Consequently, the proposed revisions to the promulgated rule are also being issued as a direct final rule in the Final Rules Section of this **Federal Register**. If no significant adverse comments are received by the due date for comments (see **DATES** section below), no further action will be taken with respect to this proposal, and the direct final rule will become final on the date provided in that action.

**DATES:** *Comments.* Comments must be received on or before July 7, 1997 unless a hearing is requested by June 16, 1997. If a hearing is requested, written comments must be received by July 21, 1997.

*Public Hearing.* Anyone requesting a public hearing must contact the EPA no later than June 16, 1997. If a hearing is held, it will take place on June 23, 1997 beginning at 10:00 a.m.

**ADDRESSES:** *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket

and Information Center (6102), Attention Docket Number A-92-45 (see docket section below), Room M-1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. The EPA requests that a separate copy also be sent to the contact person listed under **FOR FURTHER INFORMATION CONTACT**. Comments and data may also be submitted electronically by following the instructions provided in the **SUPPLEMENTARY INFORMATION** section. No Confidential Business Information (CBI) should be submitted through electronic mail.

*Public Hearing.* If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Marguerite Thweatt, U.S. Environmental Protection Agency, MD-13, Research Triangle Park, N.C. 27711, telephone (919) 541-5607.

*Docket.* The official record for this rulemaking has been established under docket number A-92-45 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments and data, which does not include any information claimed as CBI, is available for inspection between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in the **ADDRESSES** section. Alternatively, a docket index, as well as individual items contained within the docket, may be obtained by calling (202) 260-7548 or (202) 260-7549. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Rosensteel, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5608.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Filing

Electronic comments and data can be sent directly to EPA at: a-and-r-docket@epamail.epa.gov. Electronic comments and data must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-92-45. Electronic