

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 its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 7410 (a)(2).

#### *Unfunded Mandates*

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this State implementation plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being proposed for limited approval and limited disapproval by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this proposed action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

#### *Executive Order 12866*

This action has been classified as a Table 3 action for signature by the Regional Administrator under 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 has exempted this regulatory action from review under Executive Order 12866.

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

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and

recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 12, 1997.

Felicia Marcus,

*Regional Administrator.*

[FR Doc. 97-4966 Filed 2-27-97; 8:45 am]

BILLING CODE 6560-50-P

#### **40 CFR Parts 52 and 81**

[ME47-1-6996b; A-1-FRL-5693-6]

#### **Approval, Maine Air Quality Implementation Plans; and Redesignation of Hancock and Waldo Counties; Maine**

**AGENCY:** Environmental Protection Agency (USEPA or Agency).

**ACTION:** Proposed rule.

**SUMMARY:** USEPA is proposing to approve under the Clean Air Act two requests from the State of Maine: approval of the Maine 1990 base year inventory into the Maine State Implementation Plan; and a redesignation request by the State of Maine. The first request will establish the 1990 base year inventory of volatile organic compounds and oxides of nitrogen emissions for the classified ozone nonattainment areas in Maine. The second request will redesignate the Hancock and Waldo counties marginal ozone nonattainment area from nonattainment to attainment, and approve the 1993 attainment year inventory for Hancock and Waldo counties as the required 1993 periodic inventory. In the Final Rules Section of this Federal Register, EPA is approving the State's request as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision 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. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

**DATES:** Comments must be received on or before March 31, 1997.

**ADDRESSES:** Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection

Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

**FOR FURTHER INFORMATION CONTACT:** For the base year inventory, Robert McConnell, (617) 565-9266, and for the Hancock and Waldo counties redesignation request Richard P. Burkhardt, (617) 565-3578.

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 3, 1997.

John P. DeVillars,

*Regional Administrator, Region I.*

[FR Doc. 97-4965 Filed 2-27-97; 8:45 am]

BILLING CODE 6560-50-P

#### **40 CFR Part 63**

[AD-FRL-5696-1]

RIN 2060-AD93

#### **National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage I)**

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

**ACTION:** Proposed rule: Amendments.

**SUMMARY:** On December 14, 1994, the EPA promulgated the "National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage I)" (the "Gasoline Distribution NESHAP"), pursuant to section 112 of the Clean Air Act (Act). This action is proposing amendments to those final standards in order to implement a proposed settlement agreement with the American Petroleum Institute noticed for comment on November 15, 1996 regarding improvements in the screening equations for determining applicability of the Gasoline Distribution NESHAP. No comments were received on the noticed proposed settlement agreement. This action also proposes some

clarifications to the NESHAP that were requested by other parties. Since the EPA does not anticipate receiving adverse comments or holding a public hearing, the amendments 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 (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 March 31, 1997 unless a hearing is requested by March 10, 1997. If a hearing is requested, written comments must be received by April 14, 1997.

**Public Hearing.** Anyone requesting a public hearing must contact the EPA no later than March 10, 1997. If a hearing is held, it will take place on March 14, 1997, beginning at 9:00 a.m.

**ADDRESSES: Comments.** Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket No. A-92-38 (see docket section below), room M1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The EPA requests that a separate copy also be sent to Mr. Stephen Shedd, whose address is listed in the **FOR FURTHER INFORMATION CONTACT** section below.

**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. JoLynn Collins, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541-5671.

**Docket.** Docket No. A-92-38, category VIII 1997 Amendments, containing information considered by the EPA in developing the proposed amendments, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, except for Federal holidays, at the EPA's Air and Radiation Docket and Information Center, room M1500, U.S.

Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460; telephone (202) 260-7548. A reasonable fee may be charged for copying. This docket also contains information considered by the EPA in proposing and promulgating the original Gasoline Distribution NESHAP.

**FOR FURTHER INFORMATION CONTACT:** For information concerning applicability and rule determinations, contact the

appropriate EPA regional or Office of Enforcement and Compliance Assurance (OECA) representative:

Region I: Greg Roscoe, Air Programs Enforcement Office Chief, U.S. EPA, Region I, JFK Federal Building (SEA), Boston, MA 02203, Telephone number (617) 565-3221

Region II: Kenneth Eng, Air Compliance Branch Chief, U.S. EPA, Region II, 290 Broadway, New York, NY 10007, Telephone number (212) 637-4080, Fax number (212) 637-3998

Region III: Walter K. Wilkie, U.S. EPA, Region III (3AT12), 841 Chestnut Building, Philadelphia, PA 19107, Telephone number (215) 566-2150, Fax number (215) 566-2114

Region IV: Lee Page, U.S. EPA, Region IV (AR-4), 100 Alabama Street, SW, Atlanta, GA 30303-3104, Telephone number (404) 562-9131, Fax number (404) 562-9095

Region V: Howard Caine (AE-17J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, Telephone number (312) 353-9685, Fax number (312) 353-8289

Region VI: Sandra A. Cotter (6EN-AT), U.S. EPA, Region VI (6PD-R), 1445 Ross Avenue, Dallas, TX 75202-2733, Telephone number (214) 665-7347, Fax number (214) 665-7446

Region VII: Bill Peterson, U.S. EPA, Region VII, 726, Minnesota Avenue, Kansas City, KS 66101, Telephone number (913) 551-7881

Region VIII: Heather Rooney, U.S. EPA, Region VIII (8ART-AP), 999 18th Street, Suite 500, Denver, CO 80202-2405, Telephone number (303) 312-6971, Fax number (303) 312-6826

Region IX: Christine Vineyard, U.S. EPA, Region IX (Air-4), 75 Hawthorne Street, San Francisco, CA 94105, Telephone number (415) 744-1197

Region X: Chris Hall, Office of Air Quality (OAQ-107), U.S. EPA, Region X, 1200 Sixth Avenue, Seattle, WA 98101-9797, Telephone number (206) 553-1949 or (800) 424-4372 x1949

OECA: Julie Tankersley, U.S. EPA, Office of Enforcement and Compliance Assurance (2223A), 401 M Street, SW, Washington, DC 20460, Telephone number (202) 564-7002, Fax number (202) 564-0050.

For information concerning the analyses performed in developing the proposed amendments, contact Mr. Stephen Shedd, Waste and Chemical Processes Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-5397 or fax number (919) 541-0246.

**SUPPLEMENTARY INFORMATION:** An electronic version of the proposal

preamble and the direct final rule is available for download from the EPA Technology Transfer Network (TTN), a network of electronic bulletin boards developed and operated by the Office of Air Quality Planning and Standards. The TTN provides information and technology exchange in various areas of air pollution control. The service is free, except for the cost of a phone call. Dial (919) 541-5742 for data transfer of up to 14,400 bits per second. If more information on the operation of the TTN is needed, contact the systems operator at (919) 541-5384. The TTN is also available on the Internet (access: <http://ttnwww.rtpnc.epa.gov>).

On December 14, 1994 (59 FR 64303), the EPA promulgated the "National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage I)" (the "Gasoline Distribution NESHAP"). The Gasoline Distribution NESHAP regulates all hazardous air pollutants (HAP) emitted from new and existing bulk gasoline terminals and pipeline breakout stations that are major sources of HAP emissions or are located at sites that are major sources of HAP emissions. The regulated category and entities affected by this action include:

Category	Examples of regulated entities
Industry ....	Bulk gasoline terminals. Pipeline breakout stations.

This table is not intended to be exhaustive but, rather, provides a guide for readers regarding entities likely to be interested in the amendments to the regulation affected by this action. To determine whether your facility is regulated by this action, you should carefully examine all of the applicability criteria in 40 CFR 63.420. If you have questions regarding the applicability of this action to a particular entity, consult the appropriate person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The specific amendments to the promulgated Gasoline Distribution NESHAP that are being proposed are described in detail in the direct final rule located in the final rules section of this Federal Register. The Agency is seeking comments on these proposed amendments and on the pertinent support materials found in the docket. If no significant, adverse comments are timely received, no further activity is contemplated in relation to this proposed action, and the direct final rule in the final rules section of this Federal Register will automatically go into effect on the date specified in that rule. If significant adverse comments are

timely received, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule. Since the EPA will not institute a second comment period on these proposed amendments, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule amendments, see the notice containing the direct final rule in the final rules section of this Federal Register.

## Administrative Requirements

### A. Paperwork Reduction Act

The information collection requirements of the previously promulgated NESHAP were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (OMB control number 2060-0325) may be obtained from Ms. Sandy Farmer, Information Policy Branch, Environmental Protection Agency, 401 M Street, S.W. (mail code 2136), Washington, D.C. 20460, or by calling (202) 260-2740.

Today's proposed amendments to the Gasoline Distribution NESHAP have no impact on the information collection burden estimates made previously. No additional certifications or filings are being proposed. Therefore, the ICR has not been revised.

### B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether a regulation is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The criteria set forth in section 1 of the Order for determining whether a regulation is a significant rule are as follows:

(1) Is likely to have an annual effect on the economy of \$100 million or more, or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal government communities;

(2) Is likely to create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Is likely to materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

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

The Gasoline Distribution NESHAP promulgated on December 14, 1994 was treated as a "significant regulatory action" within the meaning of the Executive Order. An estimate of the cost and benefits of the NESHAP was prepared at proposal as part of the background information document (BID). This estimate was updated in the BID for the final rule to reflect comments and changes made in developing the final rule. The amendments being proposed today have no impact on the estimates in the final BID. Pursuant to the terms of Executive Order 12866, it has been determined that this action is a "non-significant regulatory action" within the meaning of the Executive Order. As such, this action was not submitted to OMB for review.

### 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. When the Agency promulgated the Gasoline Distribution NESHAP, it analyzed the potential impacts on small businesses, discussed the results of this analysis in the Federal Register, and concluded that the promulgated regulation would not result in financial impacts that significantly or differentially stress affected small companies. This proposed rule would not have a significant impact on a substantial number of small entities because it would impose no additional impacts on small businesses beyond those analyzed in the original rulemaking and would simplify the administration of the rule for all governmental jurisdictions. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

### D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act, signed into law on March 22, 1995, the 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, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that today's 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. Therefore, the requirements of the Unfunded Mandates Reform Act do not apply to this action.

### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Incorporation by reference, Petroleum bulk stations and terminals, Reporting and recordkeeping requirements.

Dated: February 21, 1997.

Carol M. Browner,  
Administrator.

[FR Doc. 97-4886 Filed 2-27-97; 8:45 am]

BILLING CODE 6560-50-P

[OPPTS-42187E; FRL-5592-1]

## 40 CFR Part 799

RIN 2070-AC76

### Proposed Test Rule for Hazardous Air Pollutants; Extension of Comment Period on Proposed Rule

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

**ACTION:** Extension of comment period on proposed test rule.

**SUMMARY:** EPA is extending the public comment period from March 31, 1997 to April 30, 1997 on the proposed rule to require manufacturers and processors of 21 hazardous air pollutants (HAPs) to test these substances for certain health effects. This proposed rule was published in the Federal Register on June 26, 1996 (61 FR 33178)(FRL-4869-1). On December 23, 1996, EPA extended the public comment period on the proposed rule from January 31, 1997 to March 31, 1997 (61 FR 67516)(FRL-5580-6).

**DATES:** Written comments on the proposed rule must be received by EPA on or before April 30, 1997.

**ADDRESSES:** Submit three copies of written comments on the proposed HAPs test rule, identified by document control number (OPPTS-42187A; FRL-4869-1) to: U.S. Environmental Protection Agency, Office of Pollution