action. Louisiana will ultimately be subject to the provisions contained in EPA's final conformity rule.

Nothing in today's action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Regional Administrators' decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and part D of the Act, as amended, and EPA regulations in 40 CFR part 51.

## IV. Administrative Requirements

### *A. Executive Order 12866*

The Office of Management and Budget has exempted this regulatory action from Executive Order 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. *See* 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.

The EPA's proposed disapproval of the State request under section 110 and subchapter I, part D of the Act does not affect any existing requirements applicable to small entities. Any preexisting Federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements and does not impose any new Federal requirements.

### *C. Small Business Regulatory Enforcement Fairness Act*

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the small business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. House of Representatives and the Comptroller General of the general Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

### *D. Unfunded Mandates Act*

Under section 202 of the Unfunded Mandate Reform Act of 1995, 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 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. This Federal action imposes no new requirements.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: July 21, 1997.

**Lynda F. Carroll,**

*Acting Regional Administrator.*

[FR Doc. 97–20179 Filed 7–30–97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[CA 173–0044b; FRL–5867–4]**

## Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan Air Quality Management District and Santa Barbara County Air Pollution Control District

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to act on revisions to the California State Implementation Plan (SIP) consisting of two volatile organic compound (VOC) negative declarations from the Sacramento Metropolitan Air Quality Management District for Plastic Parts Coating: Business Machines and Plastic Parts Coating: Other and six negative declarations from the Santa Barbara County Air Pollution Control District for the following VOC source categories: Industrial Wastewater, Plastic Parts Coating: Business Machines, Plastic Parts Coating: Other, Industrial Cleaning Solvents, Offset Lithography, and Shipbuilding Coatings. The intended effect of proposing to include these negative declarations in the SIP is to meet the requirements 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 acting on the state'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 rationale for this action 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 September 2, 1997.

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

Copies of the negative declarations are available for public inspection at EPA's Region 9 office and at the following locations during normal business hours.

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Air Docket (6102), U.S. Environmental Protection Agency, 40l ''M'' Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826

Santa Barbara County Air Pollution Control District, Agency, 26 Castilian Drive, B–23, Goleta, CA 93117.

**FOR FURTHER INFORMATION CONTACT:** Julie A. Rose, Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection

Agency, 75 Hawthorne Street, San Francisco, CA 94105–3901 Telephone: (415) 744–1184

**SUPPLEMENTARY INFORMATION:** This document concerns negative declarations for VOC source categories from the Sacramento Metropolitan Air Quality Management District (SMAQMD) and the Santa Barbara County Air Pollution Control District (SBCAPCD). On June 6, 1996, the SMAQMD submitted two negative declarations for the following VOC source categories: Plastic Parts Coating: Business Machines and Plastic Parts Coating: Other. On July 12, 1996, the SBCAPCD submitted six negative declarations for the following VOC source categories: Industrial Wastewater, Plastic Parts: Business Machines, Plastic Parts: Other, Industrial Cleaning Solvents, Offset Lithography, and Shipbuilding Coating. These negative declarations confirm that the respective source categories are not present in the SMAQMD or the SBCAPCD. The negative declarations were submitted to EPA by the California Air Resources Board as revisions to the SIP on the dates indicated.

For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: July 16, 1997.

**Felicia Marcus,**

*Regional Administrator.*

[FR Doc. 97–20218 Filed 7–30–97; 8:45 am]

BILLING CODE 6560–50–P

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## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 261

**[SW–FRL–5862–8]**

## Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Removal of Final Rule

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule and request for comment.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing repeal of the exclusion that appears in the final rule published at 56 FR 67197 (December 30, 1991) regarding a delisting granted to Reynolds Metals Company (Reynolds), Gum Springs, Arkansas. The exclusion granted to Reynolds on December 30, 1991, was to exclude (or delist), certain solid wastes (i.e., kiln residue from treatment of spent potliner from primary aluminum reduction) generated at Reynolds' facility from the lists of hazardous wastes contained in 40 CFR 261.24, 40 CFR 261.31, 40 CFR 261.32 and 40 CFR 261.33 (hereinafter all sectional references are to 40 CFR unless otherwise indicated). This proposed decision to repeal the exclusion is based on an evaluation of waste-specific information provided by Reynolds and obtained by EPA either independently or from the Arkansas Department of Pollution Control and Ecology (ADPC&E) subsequent to the promulgation of the exclusion. If this proposed decision is finalized, all future waste generated at Reynold's Gum Springs, Arkansas facility will no longer be excluded from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) and must be handled as hazardous waste in accordance with 40 CFR parts 260 through 266, 268 and 273 as well as any permitting standards of 40 CFR part 270.

**DATES:** The EPA is requesting public comments on this proposed decision. Comments will be accepted until September 2, 1997. Comments postmarked after the close of the comment period will be stamped ''late'', and will not be considered in formulating a final decision.

Any person may request a hearing on this proposed decision by filing a request by August 15, 1997. The request must contain the information prescribed in § 260.20(d).

**ADDRESSES:** Send three copies of your comments. Two copies should be sent to William Gallagher, Delisting Program, Multimedia Planning and Permitting Division (6PD–O), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202. A third copy should be sent to the Arkansas Department of Pollution Control and Ecology, P.O. Box 8913, Little Rock, Arkansas 72209–8913. Identify your comments at the top with this regulatory docket number: F–97–ARDEL–REYNOLDS. Requests for a hearing should also be addressed to William Gallagher.

The RCRA regulatory docket for this proposed rule is located at Region 6, Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202 and is available for viewing in the EPA library on the 12th floor from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding Federal holidays. Call (214) 665–6444 for appointments. The docket may also be viewed at the Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at $0.15 per page for additional copies.

**FOR FURTHER INFORMATION, CONTACT:** For technical information concerning this notice, contact William Gallagher, Delisting Program (6PD–O), Region 6, Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665–6775.

**SUPPLEMENTARY INFORMATION:**

### I. Background

*A. ''Delisting'', in General*

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, the EPA published an amended list of hazardous wastes from nonspecific and specific sources. This list has been amended several times, and is published in §§ 261.31, 261.32 and 261.33. These wastes are listed as hazardous because they typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in subpart C of part 261 (i.e., ignitability, corrosivity, reactivity, and toxicity) or meet the criteria for listing contained in § 261.11 (a)(2) or (a)(3).

In 1988,[1] the Agency determined that spent potliners are a solid waste that may pose a substantial present or potential hazard to human health or the environment when improperly transported, treated, stored, disposed of, or otherwise managed. It was determined that spent potliners contain toxic constituents that are mobile and/or persistent in the environment. Spent potliners were originally listed as hazardous waste because: (1) Spent potliners contain significant amounts of iron cyanide complexes and free cyanide, both of which EPA detected in spent potliners in significant concentrations; (2) free cyanide is extremely toxic to both humans and aquatic life if ingested; (3) available data indicated that significant amounts of free cyanide and iron cyanide will leach from potliners if spent potliners are stored or disposed in unprotected piles outdoors and are exposed to rain water; (4) damage incidents have been reported that are attributable to improper disposal of spent potliners, demonstrating migration, mobility, and persistence of waste constituents and demonstrating that substantial hazard can result from improper management of this waste; and (5) generation of large quantities of the waste increases the

[1] 53 FR 35412 (September 13, 1988)