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 this 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 If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule.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 May 14, 1997.

ADDRESSES: Written comments on this action should be addressed to William Denman at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of 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. Reference file TN176–02–9708. The Region 4 office may have additional background documents not available at the other locations.

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, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303, William Denman, 404/562–9030.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531, 615/532–0554.

FOR FURTHER INFORMATION CONTACT: William Denman 404/562–9030.

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

Dated: March 25, 1997.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 97–9507 Filed 4–11–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 94–2–7235; FRL–5810–7]

Approval and Promulgation of State Implementation Plans; California—South Coast

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision from the State of California demonstrating that the California Low Emission Vehicle (LEV) program qualifies as a substitute for the Clean Air Act Clean-Fuel Vehicle Fleet Program (CAA fleet program). The CAA fleet program provisions require states, in order to opt-out of the fleet program, to submit a substitute program for all or a portion of the program which achieves at least equal long-term emission reductions of ozone-producing and air toxic emissions. EPA is also proposing to approve a SIP revision for the South Coast, establishing a parking cash-out program as a contingency measure. The measure is part of the South Coast plan for attaining the national ambient air quality standards (NAAQS) for carbon monoxide (CO). The intended effect of proposing approval of these rules is to regulate emissions of volatile organic compound (VOC) and CO emissions in accordance with the CAA and regarding EPA actions on SIP submittals.

DATES: EPA requests that comments be received in writing on or before May 14, 1994.

ADDRESSES: Written comments should be submitted (in duplicate, if possible) to: Julia Barrow, Air Planning Office (AIR–2), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the SIP submissions and Technical Support Documentation are available for public inspection at EPA's San Francisco, Region 9 office on weekdays between 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Roxanne Johnson, Air Planning Office (AIR–2), Air Division, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California, 94105–3901; tel. (415) 744–1225.

SUPPLEMENTARY INFORMATION: EPA proposes to approve two SIP revisions submitted by the State of California: (1) Executive Order G–125–145 supporting the State's opt-out from the Clean Air Act (CAA or Act) Clean-Fuel Fleet Vehicle Program (fleet program), and (2) South Coast Air Quality Management District (SCAQMD) Rule 1504, establishing a parking cash-out program as a contingency measure.

On February 14, 1995, the Administrator signed direct final approval of these two SIP revisions as part of a notice promulgating Federal implementation plans (FIPs) for California. On April 10, 1995, legislation was enacted mandating that these FIPs ''shall be rescinded and shall have no further force and effect'' (Pub. L. 104–6, Defense Supplemental Appropriation, H.R. 889), prior to publication of the FIP and SIP actions in the **Federal Register**. On August 21, 1995 (60 FR 43468), EPA announced the FIP rescission. EPA is in this action reissuing and proposing to approve the California SIP submissions to opt-out from the Federal fleet program and the contingency measure in SCAQMD Rule 1504.

Sections 182(c)(4)(A) and 246 of the Act require certain states, including California, to submit for EPA approval a SIP revision that includes measures to implement the Clean Fuel Fleet Program. Section 182(c)(4)(B) of the Act allows states to ''opt-out'' of the clean-fuel vehicle fleet program by submitting for EPA approval a SIP revision consisting of a program or programs that will result in at least equivalent long term reductions in ozone-producing and toxic air emissions.

On November 13, 1992, the California Air Resources Board (CARB) submitted a request to EPA to opt-out of the CAA fleet program. On November 29, 1993, EPA conditionally approved CARB's opt-out request (58 FR 62532). On November 7, 1994, CARB submitted as a SIP revision Executive Order G–125–145, formally adopting its request to opt-out of the CAA fleet program, and attaching supporting materials demonstrating that the State's LEV program achieves emission reductions at least as large as the CAA fleet program's requirement would have. On January 30, 1995, the revision was found to be complete pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51, Appendix V.[1] EPA now proposes to approve this submittal

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

and remove the condition on the approval of California's opt-out of the CAA fleet program.

On May 13, 1994, the SCAQMD adopted Rule 1504, establishing a parking cash-out program for parking not owned by the employer. On July 8, 1994, Rule 1504 was submitted as a SIP revision to help meet the requirements of section 187(a)(3) of the Act, relating to carbon monoxide (CO) SIP contingency measures. On January 8, 1995, the revision became complete by operation of law.[2]

The rule serves as a contingency measure to be triggered if the South Coast CO SIP's annual estimates of vehicle miles traveled are exceeded or EPA makes a finding, which is required by the CAA, that the South Coast has failed to attain the CO NAAQS by the year 2000.

Regulatory Process

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 population of less than 50,000.

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 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 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. 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 SIP or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the 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 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.

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 Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 31, 1997.

Felicia Marcus,

Regional Administrator.

[FR Doc. 97–9581 Filed 4–11–97; 8:45 am]

BILLING CODE 6560–50–P

[2] Section 110(k)(1)(B) provides that SIP revisions that have not been determined by EPA to be incomplete by 6 months after receipt shall on that date be deemed by operation of law to meet the minimum criteria for completeness. EPA's completeness rule is set forth in 40 CFR Part 51, Appendix V, which establishes the minimum criteria that a plan revision must meet before EPA is required to act on the submission.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 247

[SWH–FRL–5810–8]

RIN 2050–AE23

Comprehensive Guideline for Procurement of Products Containing Recovered Materials; Proposal To Designate Ink Jet Cartridges

AGENCY: Environmental Protection Agency.

ACTION: Notice of Data Availability.

SUMMARY: This notice summarizes information submitted in response to the Environmental Protection Agency's November 7, 1996 proposal to designate ink jet cartridges as a procurement item under section 6002 of the Resource Conservation and Recovery Act. Based on this new information, the Agency believes that there is insufficient evidence to support a designation at this time. As a result, the Agency has tentatively decided it will not include ink jet cartridges as a designated item in the final Comprehensive Procurement Guideline when it is promulgated. This notice summarizes the information available to the Agency and requests additional information from interested parties.

DATES: EPA will accept public comments on the information in this notice until May 14, 1997.

ADDRESSES: To comment on this notice, send an original and two copies of comments to: RCRA Information Center (5305W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Reference docket number F–96–CP2P–FFFFF on the comments.

If any information is confidential, it should be identified as such. An original and two copies of Confidential Business Information (CBI) must be submitted under separate cover to: Document Control Officer (5305W), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Documents related to the proposal to designate ink jet cartridges are available for viewing at the RCRA Information Center (RIC), which is located at: U.S. Environmental Protection Agency, 1235 Jefferson Davis Highway, Ground Floor, Crystal Gateway One, Arlington, VA 22202. The RIC is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (703) 603–9230. Copies cost $.15 per page.