

24 has established a limit, New Jersey's regulation shall remain in effect. On April 2, 1996, EPA proposed national VOC emission standards for consumer products, 61 FR 14531, which includes similar consumer products and VOC content limits as those approved by New Jersey. It is anticipated that the national rule will be promulgated in 1997.

#### Conclusion

EPA has evaluated the revisions to the New Jersey Ozone SIP which consists of the adoption of a new rule Subchapter 24, "Control and Prohibition of Volatile Organic Compounds from Consumer and Commercial Products," and has determined that all of the provisions contained in Subchapter 24 are consistent with EPA policy and guidance and are approvable. Therefore, EPA is proposing approval of Subchapter 24.

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

#### Administrative Requirements

##### *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.

##### *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 section 110 and subchapter I, part D of the Clean Air Act 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 Clean Air Act, 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 actions 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).

#### *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 annual 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 action proposed does not include a federal mandate that may result in estimated annual 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The Administrator's 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 Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: December 30, 1996.  
William J. Muszynski,  
*Acting Regional Administrator.*  
[FR Doc. 97-1370 Filed 1-17-97; 8:45 am]  
BILLING CODE 6560-50-P

#### 40 CFR Part 52

[IL143-1b; FRL-5671-4]

#### Approval and Promulgation of Implementation Plans; Illinois

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve Illinois' January 8, 1996, submittal of a site-specific State Implementation Plan (SIP) revision request for Reynolds Metals Company's McCook Sheet and Plate Plant in McCook, Illinois (in Cook County). The purpose of this request is to amend the State's volatile organic material (VOM) reasonably available control technology (RACT) requirements for Reynolds' aluminum rolling operations to mirror the facility's RACT requirements promulgated under the Chicago area Federal Implementation Plan. In the final rules section of this Federal Register, the EPA is approving this action as a direct final rule without prior proposal because EPA views this as a noncontroversial action 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 the proposed rule. Any parties interested in commenting on this document should do so at this time.

**DATES:** Comments on this proposed rule must be received on or before February 20, 1997.

**ADDRESSES:** Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR18-J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal are available for inspection at: Regulation Development Section, Air Programs Branch (AR18-J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:**

Mark J. Palermo, Regulation Development Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6082.

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

Dated: December 17, 1996.

Michelle D. Jordan,

*Acting Regional Administrator.*

[FR Doc. 97-1332 Filed 1-17-97; 8:45 am]

BILLING CODE 6560-50-P

**40 CFR Part 194**

RIN 2060-AE30

[FRL-5679-2]

**Opportunity To Present Oral Testimony on the DOE's Compliance Certification Application for the Waste Isolation Pilot Plant; Notice of Public Hearings**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public hearings.

**SUMMARY:** The Environmental Protection Agency (EPA) intends to certify whether or not the Waste Isolation Pilot Plant (WIPP) will comply with EPA's environmental radiation protection standards for the disposal of radioactive waste (40 CFR part 191). The WIPP is being constructed by the Department of Energy (DOE) near Carlsbad, New Mexico, as a potential repository for the safe disposal of transuranic radioactive waste. Pursuant to the WIPP Land Withdrawal Act of 1992, as amended, EPA must certify that the WIPP will comply with EPA's radioactive waste disposal standards, as well as other applicable environmental laws and regulations, before DOE may commence disposal of radioactive waste at the WIPP.

EPA will determine whether the WIPP will comply with EPA's disposal standards based on the application submitted by the Secretary of Energy. DOE's Compliance Certification Application was received by the EPA on October 29, 1996. EPA is reviewing the application and has requested supplemental information from DOE. Copies of the application and the letter from EPA to DOE requesting additional information are available for review at each of EPA's WIPP docket locations (see Supplementary Information for specifics). The Administrator will make

a determination as to the completeness of the application in the near future and will notify the Secretary of Energy, in writing, when the Agency deems the application "complete." EPA will evaluate the "Department's" application in determining whether the WIPP will comply with the Agency's radioactive waste disposal standards. EPA requests public comment on all aspects of the DOE's application.

**DATES:** EPA will conduct public hearings to receive comments on the Department of Energy's (DOE) Compliance Certification Application for the Waste Isolation Pilot Plant (WIPP) in Carlsbad, NM on February 19, from Noon to 5:00 p.m. and from 7:00 p.m. to 9:00 p.m.; in Albuquerque, NM on February 20 from noon to 5:00 p.m. and from 7:00 p.m. until 9:00 p.m.; and in Santa Fe, NM from Noon to 5:00 p.m. and from 7:00 p.m. to 9:00 p.m.

Testifiers are requested to pre-register. Contact Rafaela Ferguson, EPA, by telephone or fax at (202) 233-9362 or (202) 233-9649 with the following information: Name/Organizational Affiliation (if any)/address/hearing date, location, time(s) available to testify, and a daytime telephone number. Individual speakers will be allocated 5 minutes and individuals testifying as the official representative or spokesperson on behalf of groups and organizations will be allocated 10 minutes for an oral presentation exclusive of any time consumed by questions from the government panel and answers to these questions. In order to guarantee an opportunity to testify, requests must be received by February 14, 1997. Speakers not registered in advance may register at the door and will be scheduled to testify, if openings are still available and time permits.

**ADDRESSES:** EPA's public hearings to accept comments on DOE's Compliance Certification Application will be held on February 19, at the Pecos River Village Conference Center, Room #5, 302 South Canal Street, Carlsbad, NM; on February 20, at the Albuquerque Convention Center, Cochiti/Taos Room, 401 Second Street, NW, Albuquerque, NM; and on February 21, at the Sweeney Convention Center, Room #1, 201 W. Marcy, Santa Fe, NM.

Information on EPA's radioactive waste disposal standards (40 CFR Part 191), the compliance criteria (40 CFR Part 194), and DOE's compliance certification application is listed under Dockets No. R-89-01, A-92-56, and A-93-02, respectively, and is available for review at the following three EPA WIPP docket locations in New Mexico: in Carlsbad at the Municipal Library,

Hours: Mon-Thu, 10-9, Fri-Sat, 10-6, and Sun 1-5; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: Mon-Thu, 8-9, Fri, 8-5, Sat-Sun, 1-5; and in Santa Fe at the Fogelson Library, College of Santa Fe, Hours: Mon-Thu, 8-12 Midnight, Fri, 8-5, Sat, 9-5, and Sun, 1-9. For purposes of judicial review, EPA's official docket for all rulemaking activities under the Waste Isolation Pilot Plant Land Withdrawal Act, as amended, is located in Washington, DC in the Air Docket, Room M1500, Mailcode 6102, U.S. EPA, 401 M Street, SW., Washington, DC 20460.

Note: The dockets in New Mexico only contain major items from the official docket (WDC) plus all those documents added to the official docket since October 1992 when the WIPP Land Withdrawal Act was enacted.

As provided in 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Rafaela Ferguson, Office of Radiation and Indoor Air, (202) 233-9362 or call EPA's 24-hour toll-free WIPP Information Line, 1-800-331-WIPP.

**SUPPLEMENTARY INFORMATION:** The U.S. Department of Energy is developing the Waste Isolation Pilot Plant (WIPP) near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of transuranic (TRU) radioactive waste. TRU wastes are materials containing elements having atomic numbers greater than 92 in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes, with half-lives greater than twenty years, per gram of waste. Most TRU wastes are items that have become associated with the production of nuclear weapons, e.g., rags, equipment, tools, and contaminated organic and inorganic sludges.

On October 30, 1992, the Waste Isolation Pilot Plant Land Withdrawal Act (Pub. L. 102-579) was enacted, and on September 23, 1996, the Act was amended. Among other things, the Act, as amended, specifies the terms and conditions for the DOE's activities at the WIPP and the regulatory requirements which apply throughout various stages of the repository's development including the requirement that before beginning disposal of radioactive wastes at the WIPP, DOE must demonstrate that the WIPP will comply with the Environmental Protection Agency's (EPA) radioactive wastes disposal standards, e.g., "Environmental Standards for the Management and Disposal of Spent Nuclear Fuel, High-Level and Transuranic Radioactive Wastes" (40 CFR Part 191).