

15% plan and the 1990 VOC emission inventory for Philadelphia 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.

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.

Conditional approvals of SIP submittals under section 110 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, EPA certifies 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 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).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action would not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

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 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.

The Regional Administrator's decision to approve or disapprove the SIP revision pertaining to the Philadelphia 15% plan and 1990 VOC emission inventory 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, Intergovernmental regulations, Reporting and recordkeeping, Ozone, Volatile organic compounds.

Dated: February 28, 1997.
Stanley Laskowski,
Acting Regional Administrator.
[FR Doc. 97-6019 Filed 3-10-97; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 86

[AMS-FRL-5701-7]

Extension of Interim Revised Durability Procedures for Light-Duty Vehicles and Light-Duty Trucks

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Today's proposal was originally published as a Direct Final Rule (61 FR 58618, November 15, 1996), but the amendments were removed due to the receipt of an adverse comment.

On January 12, 1993, EPA published a final rule establishing interim durability procedures used for demonstrating compliance with light duty vehicle and light duty truck emission standards, applicable in model years 1994-1996 only. On July 18, 1994, EPA published a direct final rule extending the applicability of the original rule through model year 1998. Today's proposal extends the applicability of those durability procedures indefinitely. The Agency intends to conduct a separate rulemaking to implement a long-term durability program; however, such an action will be linked to others as part of a broad-based streamlining initiative for all vehicle emission compliance activities. It is difficult to predict with any precision when this subsequent action will occur. The Agency currently estimates that new compliance regulations will be promulgated such that they would become effective no earlier than the 2000 model year. Because the current durability regulations expire at the end of the 1998 model year, failure to proceed with today's proposal would result in less effective and inefficient durability regulations beginning with the 1999 model year, and may create timing problems for manufacturers planning to use alternate durability processes in the 1999 model year, since the durability demonstration procedures would revert back to requiring the AMA mileage accumulation process, a procedure which requires 100,000 miles to be accumulated on a prototype vehicle.

DATES: Comments must be received on or before April 25, 1997. A public hearing will be held on March 27, 1997. Request to present oral testimony must be received at least 5 days prior to the hearing.

ADDRESSES: Interested parties may submit written comments (in duplicate, if possible) to Public Docket No. A-93-46 at: Air Docket Section, U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. Materials relevant to this proposed rule have been placed in Docket No. A-93-46. Additional documents of relevance may be found in Docket No. A-90-24. The docket is located at the above address in room M-1500, Waterside Mall, and may be inspected weekdays between 8:30 a.m. and noon, and between 1:30 p.m. and 3:30 p.m. A reasonable fee may be charged by EPA for copying docket materials. The public hearing will be held at the Courtyard by Marriott, 3205 Boardwalk, Ann Arbor, MI. The hearing will begin at 10 am and

continue until all testimony has been presented.

FOR FURTHER INFORMATION CONTACT:

Linda Hormes, Vehicle Programs and Compliance Division, U.S. Environmental Protection Agency, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone (313) 668-4502.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The preamble and regulatory language are available electronically on the Technology Transfer Network (TTN), an electronic bulletin board system operated by EPA's Office of Air Quality, Planning and Standards. Users are able to access and download TTN files of their first call. After logging on to TTN, to navigate through the system for the files of interest, the user must enter the appropriate command at each of a series of menus. The steps required to access information on this rulemaking are listed below. The service is free of charge, except for the cost of the phone call. TTN bulletin board system: (919) 541-5742 (1200-14400 pbs, no parity, 8 data bits, 1 stop bit)

Voice Helpline: (919) 541-5384

Internet access address: TELNET
ttnbbs.rtpnc.epa.gov.

Off-line: Mondays from 8:00 AM to
12:00 Noon ET.

1. Technology Transfer Network Top Menu <T> GATEWAY TO TTN
TECHNICAL AREAS (Bulletin Boards);
Command: T.

2. TTN TECHNICAL INFORMATION
AREAS: <M> OMS—Mobile Sources
Information; Command: M.

3. OMS BBS—MAIN MENU: <K>
Rulemaking & Reporting; Command: K.

4. [1] Light Duty; File Area 2 LD
VEHICLE DURABILITY.

At this stage, the system will list all available files. To download a file, select a transfer protocol which will match the terminal software on your own computer, then set your own software to receive the file using that same protocol.

If unfamiliar with handling compressed (i.e. ZIP'ed) files, go to the TTN top menu, System Utilities (Command: 1) for information and the necessary program to download in order to unZIP the files of interest after downloading to your computer. After getting the files you want onto your computer, you can quit the TTN BBS with the <G>oodbye command.

Internet Access: The preamble, regulatory language and regulatory support document are also available

electronically from the following EPA internet sites:

World Wide Web: <http://www.epa.gov/OMSWWW/>

Gopher: [gopher://gopher.epa.gov/](http://gopher.epa.gov/)
Follow menus for: Offices/Air/OMS
FTP: [ftp://ftp.epa.gov/](http://ftp.epa.gov/)
Change Directory to pub/gopher/OMS

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

I. Background

On January 12, 1993, the Agency published interim procedures for motor vehicle manufacturers to use in demonstrating compliance with emission standards for light-duty vehicles and light-duty trucks (58 FR 3994). That rule, referred to hereafter as the "RDP-I" rule, made the interim procedures applicable to model years 1994 through 1996, but not thereafter.

The Agency initially planned to promulgate a separate durability regulation, hereafter referred to as "RDP II" which was to become effective beginning with the 1997 model year. However, that became impractical due to lead time constraints for manufacturers wishing to certify vehicles in that model year and the uncertainty that sufficient lead time existed for implementation in the 1998 model year as well.

Consequently, the Agency promulgated a direct final rule which extended the applicability of the RDP-I interim rulemaking through model year 1998 (59 FR 36368). This was intended to provide manufacturers with timely notice of the regulations applicable for certifying vehicles through model year 1998 while EPA continued work on preparing and finalizing further technical and procedural improvements to the RDP II program. While work on the RDP-II rule proceeded, various new events and actions precluded the timely completion of this project. In particular, in 1995 the Agency undertook an initiative to revise the current vehicle compliance program, including the RDP-I durability protocols. The revisions would be implemented via new compliance program regulations which are projected to become effective with the 2000 model year. These regulations would replace the RDP-I interim procedures as well as other activities associated with vehicle compliance. Because these regulations are still in the development stage, it is not possible to provide manufacturers with a firm effective date. Therefore, the

Agency believes today's proposal of indefinitely extending the existing RDP-I regulations will satisfy the industry's need to plan its durability programs and will retain the current durability options which can be improved upon in future rulemaking actions.

II. Environmental Effects and Economic Impacts

A. Economic Impacts

This proposal extends an existing program without modification, and as such, the Agency does not expect any new economic impacts over and above those described in the interim rulemaking. In general, the RDP-I interim rulemaking projected annual cost savings with respect to the previously existing program of approximately \$8.6 million, and although this number is highly dependent upon the interaction of several variables, all modeled scenarios resulted in some level of savings. A complete description of those impacts is contained in 58 FR 3994 (January 12, 1993).

B. Environmental and Cost-Benefit Impacts

The RDP I rulemaking revised testing and administrative procedures necessary to determine the compliance of light-duty vehicles and light-duty trucks with the Tier 1 emission standards promulgated in June 1991, and no environmental benefit was claimed over and above that already accounted for in the Tier 1 rule. Today's proposal will similarly claim no environmental benefit. A detailed discussion of the Tier 1 environmental impacts can be found in 56 FR 25734 (June 5, 1991).

III. Public Participation

The Agency originally published this proposal as a direct final rule because it viewed it as non-controversial and anticipated no adverse public comments. Because an adverse comment was received, the direct final rule amendments have been removed in a separate action published elsewhere in this issue of the Federal Register.

A. Comments and the Public Docket

EPA welcomes comments on all aspects of this proposed rulemaking. Commenters are especially encouraged to give suggestions for changing any aspects of the proposal. All comments, with the exception of proprietary information should be addressed to the EPA Air Docket Section, Docket No. A-93-46 (see ADDRESSES).

Commenters who wish to submit proprietary information for

consideration should clearly separate such information from other comments by (1) labeling proprietary information "Confidential Business Information" and (2) sending proprietary information directly to the contact person listed (see **FOR FURTHER INFORMATION CONTACT**) and not to the public docket. This will help insure that proprietary information is not inadvertently placed in the docket. If a commenter wants EPA to use a submission labeled as confidential business information as part of the basis for the final rule, then a nonconfidential version of the document, which summarizes the key data or information, should be sent to the docket.

Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and by the procedures set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, the submission may be made available to the public without notifying the commenters.

B. Public Hearing

Anyone wishing to present testimony about this proposal at the public hearing (see **DATES**) should, if possible, notify the contact person (see **FOR FURTHER INFORMATION CONTACT**) at least five days prior to the day of the hearing. The contact person should be given an estimate of the time required for the presentation of testimony and notification of any need for audio/visual equipment. Testimony will be scheduled on a first come, first served basis. A sign-up sheet will be available at the registration table the morning of the hearing for scheduling those who have not notified the contact earlier and will be scheduled on a first come, first served basis following the previously scheduled testimony.

EPA requests that approximately 50 copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, EPA would find it helpful to receive an advanced copy of any statement or material to be presented at the hearing in advance of the scheduled hearing date. This is to give EPA staff adequate time to review such material before the hearing. Advanced copies should be submitted to the listed contact person.

The official records of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submittals should be directed to the Air Docket Section, Docket No. A-93-24 (see **ADDRESSES**). The hearing will be conducted informally, and technical rules of evidence will not apply. A

written transcript of the hearing will be placed in the above docket for review. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the court reporter recording the proceedings.

IV. Statutory Authority

Authority for the actions promulgated in this final rule is granted to EPA by sections 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), of the Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a), and 5 U.S.C. 553(b)).

V. Administrative Designation

Under Executive Order 12866, the Agency must determine whether the regulatory action is "significant" and, therefore, subject to OMB review and the requirements of the Executive Order. The order defines a "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act of 19980 requires federal agencies to identify potentially adverse impacts of federal regulations upon small entities. The Small Business Regulatory Enforcement Fairness Act of 1996 amended these requirements. In instances where significant impacts are possible on a substantial number of these entities, agencies are required to perform a Regulatory Flexibility Analysis.

The Agency has determined that this action will not have an adverse impact on small entities. Moreover, this regulation does not create any new regulatory requirements.

Therefore, under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I certify that this regulation does not have a significant impact on a substantial number of small entities.

VII. Reporting and Recordkeeping Requirements

This regulation does not impose any new information collection requirements and results in no change to the currently approved collection. The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060-0104.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

VIII. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (signed into law on March 22, 1995) requires that EPA prepare a budgetary impact statement before promulgating a rule that includes a federal mandate that may result in expenditure by state, local, and tribal governments, in aggregate, or by the private sector, of \$100 million or more in any one year. Section 203 of the Unfunded Mandates Reform Act requires EPA to establish a plan for obtaining input from and informing, educating and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, EPA must identify and consider a reasonable number of

regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this proposed rule is expected to result in the expenditure by state, local and tribal governments or the private sector of less than \$100 million in any one year, EPA has not prepared a budgetary impact statement or specifically addressed selection of the least costly, most cost-effective or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, EPA is not required to develop a plan with regard to small governments.

List of Subjects in 40 CFR Part 86

Environmental protection,
Administrative practice and procedure,
Confidential business information,
Labeling, Motor vehicle pollution,
Reporting and recordkeeping
requirements.

Dated: March 4, 1997.

Carol M. Browner,
Administrator.

For the reasons set forth in the preamble, part 86 of chapter I, title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 86—CONTROL OF AIR POLLUTION FROM NEW AND IN-USE MOTOR VEHICLES AND NEW AND IN-USE MOTOR VEHICLE ENGINES: CERTIFICATION AND TEST PROCEDURES

1. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 205, 206, 207, 208, 215, 216, 217, and 301(a), of the Clean Air Act, as amended (42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550, 7552, and 7601(a)).

§ 86.094–13 [Amended]

2. In § 86.094–13, paragraphs (a)(1), (c)(1), (d)(1), (e)(1), and (f)(1) are amended by revising the words “1994 through 1998” to read “1994 and beyond”.

§ 86.094–26 [Amended]

3. In § 86.094–26, paragraphs (a)(2), (b)(2)(i), and (b)(2)(ii) are amended by revising the words “1994 through 1998” to read “1994 and beyond”.

[FR Doc. 97–5877 Filed 3–10–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 92

[FRL–5701–3]

Emission Standards for Locomotives and Locomotive Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Hearing and Additional Information.

SUMMARY: EPA is changing the date on which it will hold the public hearing for the Notice of Proposed Rulemaking (NPRM) that proposed emission standards for locomotives and locomotive engines (published February 11, 1997, 62 FR 6365). EPA is also providing public notice today of the availability of additional information regarding test procedures for locomotives and locomotive engines.

DATES: A public hearing will be held on April 18, 1997, starting at 10:00 a.m. Persons wishing to present oral testimony are requested to notify EPA on or before April 11, 1997 to allow for an orderly scheduling of oral testimony. Written comments must be received on or before May 19, 1997.

ADDRESSES: Written comments are to be addressed to: EPA Air and Radiation Docket, Attention: Docket No. A–94–31, Room M–1500, Mail Code 6102, U.S. EPA, 401 M Street, SW., Washington DC 20460.

A public hearing for the NPRM will be held at the Clarion Hotel (313–665–4444), which is located at 2900 Jackson Road, Ann Arbor, Michigan.

FOR FURTHER INFORMATION CONTACT: For information on this rulemaking contact: Charles Moulis, U.S. EPA, Engine Programs and Compliance Division, 2565 Plymouth Road, Ann Arbor, MI 48105; Telephone: (313) 741–7826, Fax: (313) 741–7816. Requests for hard copies of the rulemaking documents should be directed to Carol Connell at (313) 668–4349.

SUPPLEMENTARY INFORMATION:

Test Procedures

EPA proposed emissions standards and test procedures for new locomotives and new engines used in locomotives on February 11, 1997 62 FR 6365. Today, EPA is announcing the release of additional test procedure information. The Agency has determined that it would be beneficial for the public to made aware of this information, and thus has placed copies of this information in the public docket for this rulemaking. Included in this information is an EPA staff-level document detailing a variation of the proposed set of test procedures. This

variation is being considered by EPA staff for incorporation in the final rule for the control of emissions from new locomotives and new engines used in locomotives. It should be noted that the information being made available today is not expected to significantly affect EPA's assessment of the environmental benefits or the cost of compliance.

Request for Comments

Interested parties may submit written comments (in triplicate if possible) for EPA consideration. The comments are to be addressed to: EPA Air and Radiation Docket, Attention: Docket No. A–94–31, Room M–1500, Mail Code 6102, U.S. EPA, 401 M Street, SW., Washington DC 20460. Should a commenter wish to provide confidential business information (CBI) to EPA, such CBI should NOT be included with the information sent to the docket. Materials sent to the docket should, however, indicate that CBI was provided to EPA. One copy of CBI, along with the remainder of the written comments, should be sent to Charles Moulis at the address provided in **FOR FURTHER INFORMATION CONTACT**.

EPA will also accept oral comments at the hearing for the previously published NPRM. Any person desiring to present testimony regarding this proposal at the public hearing (see **DATES**) should, if possible, notify the contact person listed above of such intent at least seven days prior to the day of the hearing to allow for orderly scheduling of the testimony. The contact person should also be provided an estimate of the time required for the presentation of the testimony and notification of any need for audio/visual equipment. It is suggested that sufficient copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, it will be helpful for EPA to receive an advance copy of any statement or material to be presented at the hearing prior to the scheduled hearing date, in order for EPA staff to give such material full consideration. Such advance copies should be submitted to the contact person listed above. The official record of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submittals should be directed to the EPA Air Docket Section, Docket No. A–94–31 (see **ADDRESSES**).

Availability of Documents

The additional test procedure information, as well as the previously published NPRM (and related documents), are available in the public