Indicia Program Product/Service Provider Infrastructure Specification. Contact the Manager, Retail Systems and Equipment, USPS, 475 L'Enfant Plaza, Washington DC 20260–6807 for these requirements.

§ 502.31 Notice of Proposed Changes in Regulations.

Appropriate amendments to 39 CFR parts 111 and 502 to reflect these changes will be published if the proposal is adopted

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 97–7861 Filed 3–27–97; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI38–01–6734; FRL–5803–2]

Approval And Promulgation Of Implementation Plans: Michigan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve requested State Implementation Plan (SIP) revisions submitted by the State of Michigan for the purpose of transferring the authority of the Michigan Air Pollution Control Commission (Commission) to the Director of the Michigan Department of Natural Resources (MDNR) and subsequently transferring the authority of the Director of MDNR to the Director of the Michigan Department of Environmental Quality (MDEQ). Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to any SIP. The EPA shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

DATES: Comments on this proposed rule must be received in writing on or before April 28, 1997. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the Michigan SIP revision request and EPA's analysis are available for inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Laura Gerleman, Air Programs Branch, Permits and Grants Section (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–5703.

Copies of the State of Michigan's final authorization revision application are available during normal business hours at the following addresses for inspection and copying: Library of Michigan, Government Documents Section, 717 West Allegan, Lansing, Michigan; Olson Library, Northern Michigan University, Harden Circle Drive, Marquette, Michigan; Detroit Public Library Main Branch, Sociology and Economics Department, 5201 Woodward Avenue, Detroit, Michigan. To arrange for access to the materials in Lansing, call (517) 373–9489 between 9 a.m. and 6 p.m. on Mondays through Saturdays and between 12 p.m. and 4 p.m. on Sundays (Eastern time); in Marquette, call (906) 227–2260 between 8 a.m. and 12 a.m. on Mondays through Thursdays, between 8 a.m. and 9 p.m. on Fridays, and between 10 a.m. and 6 p.m. on Sundays (Eastern time); in Detroit, call (313) 833–1440 between 9:30 a.m. and 5:30 p.m. on Tuesdays and Thursdays through Saturdays, and between 1 p.m. and 9 p.m. on Wednesdays (Eastern time). Anyone wishing to come to the Region 5 offices should contact Laura Gerleman first.

SUPPLEMENTARY INFORMATION:

A. Executive Order 1991–31

On November 8, 1991, Governor John Engler of Michigan signed Executive Order 1991–31 which, inter alia, abolished the Commission and transferred the authority of the Commission to the Director of MDNR. The State of Michigan submitted to EPA under a December 13, 1994 cover letter, a SIP revision request containing the transfer of authority of the Commission to the Director of MDNR. The EPA deemed the submittal complete in a February 16, 1995 letter to Roland Harmes, Director, MDNR.

B. Executive Order 1995–18

On July 31, 1995, Governor Engler signed Executive Order 1995–18 which, inter alia, elevated eight program divisions and two program offices from within MDNR to the MDEQ, effective October 1, 1995. The authority given to the Director of MDNR in Executive Order 1991–31 was conferred upon the Director of MDEQ in Executive Order 1995–18, with the exception of administrative appeals decisions. For administrative appeals where the Director of MDEQ made the original permit decision, Executive Order 1995–18 requires the Director to appoint an individual within or outside MDEQ to decide the appeal.

The State of Michigan submitted Executive Order 1995–18 to EPA under a January 19, 1996 cover letter as a supplement to the December 13, 1994 SIP revision.

C. Authority

The EPA proposes to approve Michigan's requested SIP revisions as reorganizations of Michigan's environmental agencies wherein the authorities of the Director of the Commission under the SIP have been conferred upon the Director of MDEQ by Executive Order. Public comment is solicited on the requested SIP revision and on EPA's proposed approval of the request. Public comments received by the date indicated above will be considered in the development of EPA's final rule.

The EPA notes that it is currently reviewing the Michigan Environmental Audit Privilege and Immunity Law, Public Act 132 of 1996, and its potential impact on Michigan's federally delegated and authorized programs, including programs under the Federal Clean Air Act. The EPA's proposed approval only addresses and seeks comments on the requested SIP revisions submitted by Michigan that result from Executive Order 1991–31 and Executive Order 1995–18. The EPA's proposed approval of requested revisions to Michigan's SIP arising out of these two Executive Orders does not express any viewpoint on the question of whether there are legal deficiencies in Michigan's SIP resulting from Public Act 132 of 1996.

Administrative Requirements

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.

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

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entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The SIP approvals under section 110 and subchapter I, part D of the 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 this does not have a significant impact on small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co.* v. *EPA*, 427 U.S. 246, 256–66 (1976); 42 U.S.C. 7410(a)(2).

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') (signed into law on March 22, 1995) requires that the 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 requires the Agency 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, the EPA must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The EPA must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the EPA explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this proposed rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of less than $100 million in any one year, the EPA has not prepared a budgetary impact statement or specifically addressed the 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, the EPA is not required to develop a plan with regard to small governments. This rule imposes no additional regulatory burden.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7671(q).

Dated: March 14, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97–7818 Filed 3–27–97; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 123

[FRL–5803–3]

Modification of Michigan's Approved Program to Administer the National Pollutant Discharge Elimination System Permitting Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed approval; request for public comment.

SUMMARY: This document announces EPA's intention to approve modification of Michigan's approved National Pollutant Discharge Elimination System (NPDES) permitting program, specifically, to explicitly and formally recognize that a recent internal reorganization of Michigan's environmental agencies is consistent with the minimum requirements of the State NPDES program regulations. EPA invites public comment on its approval of any modification of the State program that may have resulted from the reorganization.

DATES: Comments on this document must be received in writing by April 28, 1997.

ADDRESSES: Written comments on this document may be submitted to Jo Lynn Traub, Director, Water Division, Attn: Michigan NPDES Modification, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. In the alternative, EPA will accept comments electronically. Comments should be sent to the following Internet E-mail address: chaiken.eugene@epamail.epa.gov. Electronic comments must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. EPA will print electronic comments in hard-copy paper form for the official administrative record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Central time) April 28, 1997.

FOR FURTHER INFORMATION CONTACT: Eugene Chaiken, Chief, NPDES Support and Technical Assistance Branch at the EPA address noted above or telephone at (312) 886–0120.

A copy of the supporting information for today's notice is available for review at: EPA, Region 5, 77 West Jackson Boulevard, 16th Floor, Chicago, Illinois; Library of Michigan, Government Documents Section, 717 West Allegan, Lansing, Michigan; Olson Library, Northern Michigan University, Harden Circle Drive, Marquette, Michigan; and the Detroit Public Library Main Branch, Sociology and Economics Department, 5201 Woodward Avenue, Detroit, Michigan. To arrange for access to the docket materials in Chicago, call (312) 886–0120 between 8 a.m. and 4:30 p.m. (Central time)(Monday–Friday); in Lansing, call (517) 373–9489 between 9 a.m. and 6 p.m. (Eastern time)(Monday–Saturday), and between 12 p.m. and 4 p.m. (Eastern time)(Sunday); in Marquette, call (906) 227–2260 for current library hours; and in Detroit, call (313) 833–1440 between 9:30 a.m. and 5:30 p.m. (Eastern time)(Tuesday, Thursday–Saturday), and between 1 p.m. and 9 p.m. (Eastern time)(Wednesday).

The supporting information for today's notice includes: copies of Executive Orders 1991–31, 1995–4, and 1995–18 signed by the Governor of Michigan on November 8, 1991, February 7, 1995, and July 31, 1995, respectively; copies of the correspondence from Michigan to EPA dated August 9, 1995 and January 19, 1996, regarding the effects of the Executive Orders on Michigan's NPDES program; statements of the Michigan Attorney General dated August 2, 1995, and June 13, 1996; an October 24, 1996, letter from the Director of MDEQ regarding MDEQ's compliance with Clean Water Act conflict of interest requirements; NPDES program documents submitted in support of Michigan's original (1973) request for EPA approval; a June 14, 1996, letter from the Michigan Environmental Council to EPA regarding Michigan Public Act 132 of 1996; and EPA's preliminary finding of no substantial revisions and preliminary approval of any revisions resulting from the Executive Orders.

SUPPLEMENTARY INFORMATION: On October 17, 1973, EPA approved the National Pollutant Discharge Elimination System (NPDES) permitting program submitted by the State of Michigan pursuant to section 402 of the

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