

Radiation. The Office of Management and Budget has exempted this regulatory action from E.O. 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.

Conditional approvals of SIP submittals 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 it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a 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. 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 does 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.

### C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates 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 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.

The EPA has determined that the conditional 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 preexisting 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.

### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 1, 1997.

**Jerry Clifford,**

*Acting Regional Administrator.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 260, 261, and 273

[SWH-FRL-5856-6]

### Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury-Containing Lamps

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of data availability.

**SUMMARY:** The Environmental Protection Agency (EPA) is making available to the public a study containing information relating to its Proposed Rule addressing the management of mercury-containing lamps under the Resource Conservation and Recovery Act Subtitle C hazardous waste management system published in the **Federal Register** on July 27, 1994, 59 FR 39288. The study consists of an electronic model and report that provides an assessment of mercury emissions from the management of mercury-containing lamps under different approaches, including two that were discussed in the Proposed Rule: A

conditional exclusion from hazardous waste regulations and adding lamps to Universal Waste regulations (May 11, 1995, 60 FR 25542). Readers should note that only comments about the study discussed in this Notice of Data Availability will be considered by the Agency during this comment period. The Agency is not reopening the comment period for the July 27, 1994 proposed rule through this Notice of Data Availability.

**DATES:** Comments on the study will be accepted through August 25, 1997.

**ADDRESSES:** Commenters must send an original and two copies of their comments referencing docket number F-97-FLEA-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW., Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically by sending electronic mail through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F-97-FLEA-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. If comments are not submitted electronically, EPA is asking prospective commenters to voluntarily submit one additional copy of their comments on labeled personal computer diskettes in ASCII (TEXT) format or a common word processing format that can be converted to ASCII (TEXT). It is essential to specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow EPA to convert the comments into one of the word processing formats utilized by the Agency. Please use mailing envelopes designed to physically protect the submitted diskettes. EPA emphasizes that submission of comments on diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW., Washington, DC 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor,

1235 Jefferson Davis Highway, Arlington, VA 22202. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. Copies of the electronic emissions model on compact disk will be available from the docket at no charge.

In addition to being available for public viewing in the docket, the electronic model and report discussed in this Notice will also be available in electronic format on the Internet. Access to documents on the Internet will begin in mid-July 1997. Follow these instructions to access these documents.

WWW: <http://www.epa.gov/epaoswer/hazwaste/id>

FTP: <ftp://ftp.epa.gov>

Login: anonymous

Password: your Internet address

Files are located in /pub/gopher/OSWRCRA.

The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

EPA responses to comments, whether the comments are written or electronic, will be in a notice in the **Federal Register** or in a response to comments document placed in the official record for this rulemaking. EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

**FOR FURTHER INFORMATION CONTACT:** For general information or to order paper copies of this Federal Register document, call the RCRA Hotline. Callers within the Washington, D.C. Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline is open Monday-Friday, 9:00 a.m. to 6:00 p.m., Eastern Standard Time. For other information on this notice, contact Mr. Lyn Luben (5307W), Office of Solid Waste, 401 M St. SW., Washington, DC 20460, phone 703-308-0508.

A telephone line and electronic address specifically dedicated to

technical support for the Mercury Emissions electronic model have been established for the public comment period. For technical assistance on any aspect of the Mercury Emissions electronic model, call 1-888-272-8729. Requests for assistance may also be submitted electronically to [mercurymodel@icfkaiser.com](mailto:mercurymodel@icfkaiser.com) or may be faxed to 703-934-3740.

**SUPPLEMENTARY INFORMATION:** On July 27, 1994, the Environmental Protection Agency issued a proposed rule (59 FR 39288) proposing two alternative approaches for the management of mercury-containing lamps.

The amount of mercury released into the environment from spent fluorescent lamps was a key uncertainty identified in the 1994 proposed rule. Since the proposal, the Agency has continued to collect and analyze information from other sources on mercury emissions from the management of spent fluorescent lamps. Part of this ongoing effort included development of the Mercury Emissions study. This Notice announces the availability of this additional information and the mercury emissions study.

The purpose of the mercury emissions study is to provide a supplementary tool for the assessment of amounts and sources of mercury emissions potentially produced under alternative management scenarios for spent fluorescent lamps. The study examines three basic elements in the assessment of mercury emissions associated with the disposal of spent fluorescent lamps: mercury input into the waste management system, mercury emissions from the management of spent lamps, and mercury emissions avoided due to the installation of energy efficiency lighting and the corresponding reduction in power generation requirements.

The study is considered by EPA to be a qualitative study based partly on quantitative analyses. It is considered qualitative by EPA due to limitations of the data. The study should be used in combination with available scientific knowledge to help evaluate primary and secondary mercury emissions potentially associated with the management of spent lamps.

EPA believes the following observations may be derived from the study results. First, mercury emissions from municipal waste combustors are a major source of mercury emissions from lamps. Second, mercury emissions from lamps broken prior to recycling or disposal are a significant contributor to lamp mercury emissions. These two observations are derived from Table 3-

2 in the report. Finally, as detailed in Table 3-4, energy savings from the use of fluorescent lamps and the resultant decrease in mercury emissions from coal-fired utility boilers appear to be independent of spent lamp management approach.

#### Data Available For Review and Comment

The Agency requests comment on the study described in this notice. Supporting documents used in the development of the study are listed below. Copies of reports and these supporting documents are available for inspection in the docket for this Notice.

1. Hinkley, William M., Bureau of Solid and Hazardous Waste Management, Department of Environmental Protection, State of Florida, Comments on EPA's Proposed Rule: Modification of the Hazardous Waste Program; Mercury Containing Lamps, November 23, 1994.

2. Howley, Joseph, GE Lighting; Letter to Ms. Kristina Meson and Ms. Yvette Hopkins of the U.S. Environmental Protection Agency, August 20, 1996.

3. McGaughey, James F., et al. Eastern Research Group, Inc. *Mercury and Other Metals Testing at the GSF Energy Inc. Landfill Gas Recovery Plant at the Fresh Kills Landfill; Final Report*, January 1997.

4. National Electrical Manufacturers Association, *Environmental Risk Analysis: Spent Mercury-Containing Lamps, A Summary of Current Studies*, (second edition) February 20, 1995.

5. National Electrical Manufacturers Association, *Environmental Risk Analysis: Spent Mercury-Containing Lamps, A Summary of Current Studies*, (third edition) March 18, 1996.

6. State of California—Department of Toxic Substances Control, letter submitted to Alec McBride of EPA, March 9, 1993.

7. State of Florida—Florida Department of Environmental Protection, *Managing Spent Fluorescent and High Intensity Discharge (HID) Lamps*, July 1996.

8. State of Florida, Florida Department of Environmental Protection, *1995 Florida Mercury-Containing Lamp Recycling & 1996 Florida Mercury-Containing Lamp Recycling*, May 20, 1997.

9. State of Minnesota—Minnesota Pollution Control Agency, FAX submitted to Yvette Hopkins of EPA, August 23, 1996.

10. State of Wisconsin—Department of Natural Resources, Letter sent to David Layland of EPA, February 26, 1993.

11. Sylvania Corporation: Meeting notes and follow-up letter. Meeting between Ms. Kristina Meson, EPA technical staff, and personnel from Sylvania Corporation, August 21, 1996. Sylvania follow-up comments presented in letter dated September 18, 1996.

12. TetraTech Inc. and Frontier Geosciences Inc., *Information on Fate of Mercury From Mercury-Containing Lamps Disposed in Landfills*, November 1994.

13. Truesdale, Robert S., et al., Research Triangle Institute, *Management of Used Fluorescent Lamps: Preliminary Risk Assessment*, (RTI Project No. 94U-5400-010), October 1992 (Revised May 14, 1993).

14. United States Department of Commerce, Economics and Statistics Administration, Bureau of the Census, *Current Industry Reports—Electric Lamps, Summary for 1992*, MQ36B(92)-5, September 1993.

15. United States Department of Commerce, Economics and Statistics Administration, Bureau of the Census, *Current Industry Reports—Electric Lamps, Summary for 1993*, (in: *Commerce News*) MQ36B(94)-1, November 1994.

16. United States Department of Commerce, Economics and Statistics Administration, Bureau of the Census, *Current Industry Reports—Electric Lamps, Summary for 1994*, (in: *Commerce News*) MQ36B(94)-1, July 1995.

17. United States Department of Energy, Energy Information Administration, *Commercial Buildings Energy Consumption and Expenditures—1992*, DOE/EIA-0318(92), April 1995.

18. United States Department of Energy, Energy Information

Administration, *Commercial Buildings Characteristics—1992*, DOE/EIA-0246(92), April 1994.

19. United States Department of Energy, Energy Information Administration, *Electric Power Annual 1995—Generating Capability, Net Generation, Fossil Fuel Statistics* (consumption-stocks-receipts-costs), Estimated Retail Sales/Revenue, Volume I (DOE/EIA-0348(95)), July 1996.

20. United States Environmental Protection Agency, *Mercury Study, Report To Congress: SAB Review Draft*. EPA-452/R-96-001. June 1996.

21. United States Environmental Protection Agency, Office of Air and Radiation, *Lighting Upgrade Technologies*, EPA 430-B-95-008, February 1997.

22. United States Environmental Protection Agency, Office of Air and Radiation, EPA Green Lights, FAXes from Geoffrey Brown to Gary Ballard. October 23, 1995 and October 25, 1995.

23. United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Control Technology Center, *Evaluation of Mercury Emissions From Fluorescent Lamp Crushing*. EPA-453/D-94-018. February 1994.

24. United States Environmental Protection Agency, Standards of Performance for Municipal Waste Combustors—Direct Final Rule, **Federal Register**, Vol. 60, No. 243, Tuesday, December 19, 1995. 25. Waltisky, Paul, Phillips Lighting Company: Letter to Ms. Kristina Meson, Environmental Protection Agency. September 30, 1996.

Dated: July 3, 1997.

**Elizabeth Cotsworth**,

*Acting Director, Office of Solid Waste.*

[FR Doc. 97-18246 Filed 7-10-97; 8:45 am]

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## DEPARTMENT OF DEFENSE

### 48 CFR Parts 245 and 252

[DFARS Case 92-D024]

#### Defense Federal Acquisition Regulation Supplement; Demilitarization

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule; extension of comment period.

**SUMMARY:** This extends the public comment period for the proposed rule concerning Demilitarization that the Department of Defense published on June 5, 1997 (62 FR 30832). The end of the comment period is extended from August 4, 1997 to August 15, 1997.

**DATES:** Comments on the proposed rule should be submitted in writing to the address shown below on or before August 15, 1997, to be considered in the formulation of a final rule.

**ADDRESSES:** Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Mr. Rick Layser, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 92-D024 in all correspondence related to this issue.

**FOR FURTHER INFORMATION CONTACT:** Rick Layser, (703) 602-0131.

**Michele P. Peterson**,

*Executive Editor, Defense Acquisition Regulations Council.*

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