

this document. Any parties interested in commenting should do so at this time.

DATES: To be considered, comments must be received by September 2, 1997.

ADDRESSES: Written comments on this action should be addressed to Randy Terry 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 and reference file NC 82-01-9728. 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.

North Carolina Department of Environment, Health, and Natural Resources, 512 North Salisbury Street, Raleigh, North Carolina 27604.

FOR FURTHER INFORMATION CONTACT: Randy Terry, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street SW, Atlanta, Georgia 30303. The telephone number is (404) 562-9032.

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

Dated: July 7, 1997.

Michael V. Peyton,

Acting Regional Administrator.

[FR Doc. 97-20364 Filed 7-31-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[VT-014-01-1216(b); A-1-FRL-5860-3]

Approval and Promulgation of Air Quality Implementation Plans; Vermont; Approval of PM₁₀ State Implementation Plan (SIP) Revisions and Designation of Areas For Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Vermont. This revision allows Vermont to remove their total suspended particulate (TSP) standard and establish a particulate matter (PM₁₀) standard. In the final rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision 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 this proposed rule. EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

DATES: Comments must be received on or before September 2, 1997.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and the Air Pollution Control Division, Agency of Natural Resources, Building 3 South, 103 South Main Street, Waterbury, VT 05676.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Butensky, (617) 565-3583.

SUPPLEMENTARY INFORMATION: For additional information, see the direct

final rule which is located in the rules section of this **Federal Register**.

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

Dated: July 7, 1997.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 97-19645 Filed 7-31-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL-5866-3]

West Virginia; Approval of Underground Storage Tank Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative determination on West Virginia's application for approval of underground storage tank program, public hearing and public comment period.

SUMMARY: The State of West Virginia has applied for approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the State of West Virginia's application and has made the tentative decision that the State of West Virginia's underground storage tank program satisfies all of the requirements necessary to qualify for approval. The State of West Virginia's application for approval is available for public review and comment. A public hearing will be held to solicit comments on the application unless insufficient public interest is expressed.

DATES: Unless insufficient public interest is expressed in holding a hearing, a public hearing will be held on September 11, 1997. However, EPA reserves the right to cancel the public hearing if sufficient public interest in a hearing is not communicated to EPA in writing by September 2, 1997. EPA will determine by September 5, 1997, whether there is sufficient interest to hold the public hearing. The State of West Virginia will participate in any public hearing held by EPA on this subject. All written comments on the State of West Virginia's application for program approval must be received by 4:30 p.m. on September 2, 1997.

ADDRESSES: Copies of the State of West Virginia's application for program approval are available between 8:30 a.m. to 4 p.m. at the following locations for inspection and copying:

Location: WV Division of Environmental Protection, Office of Waste Management, Underground Storage Tank Section, 1356 Hansford Street, Charleston, WV 25301
Contact: Ken Ellison, Assistant Chief, UST Section, Telephone: 304-558-5929

Location: United States Environmental Protection Agency, Docket Clerk, Office of Underground Storage Tanks, 1235 Jefferson Davis Highway, Arlington, VA 22202, Telephone: (703) 603-9231

Location: United States Environmental Protection Agency, Region III Library, 841 Chestnut Building, Philadelphia, Pennsylvania 19107

Contact: Hazardous Waste Technical Information Center Telephone: (215) 566-5534 or (215) 566-5364.

Written Comments should be sent to Joanne Cassidy, Program Manager, State Programs Branch, (3HW60), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 566-3381.

Unless insufficient public interest is expressed, EPA will hold a public hearing on the State's application for program approval on September 11, 1997, at 7 p.m. at the Division of Environmental Protection, Office of Waste Management, Underground Storage Tank Section, 1356 Hansford Street, Charleston, WV 25301.

Anyone who wishes to learn whether or not the public hearing on the State's application has been cancelled should telephone after September 5, 1997, the EPA Program Manager listed above or Ken Ellison, Assistant Chief, UST Section, Division of Environmental Protection, Office of Waste Management, (304) 558-5929.

FOR FURTHER INFORMATION CONTACT: Joanne Cassidy, State Programs Branch (3HW60), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 566-3381.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in lieu of the Federal underground storage tank (UST) program. EPA may approve a State program if the Agency finds pursuant to section 9004(b), 42 U.S.C. 6991c(b), that the State program is "no less stringent" than the Federal program in all seven elements set forth at section 9004(a)(1) through (7), 42 U.S.C. 6991c(a)(1) through (7), and meets the notification requirements of section 9004(a)(8), 42

U.S.C. 6991c(a)(8) and also provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991c(a)).

B. West Virginia

The West Virginia Division of Environmental Protection (WV-DEP), is the implementing agency for UST activities in the State. The Underground Storage Tank Section of WV-DEP is dedicating a substantial effort to prevent, control and remediate UST-related groundwater contamination. The Underground Storage Tank Section maintains a strong field presence and works closely with the regulated community to ensure compliance with regulatory requirements.

The scope of the West Virginia UST Program extends beyond the scope of the Federal UST Program as follows:

(1) West Virginia requires payment of an annual tank registration fee and a capitalization fee in 1990 and 1993.

(2) West Virginia requires certification of individuals who install, repair, retrofit, upgrade, perform a change-in-service, close or tightness test USTs.

(3) West Virginia requires "carriers" to determine that the UST owner/operator is in compliance with the State's notification, registration and capitalization fee, and financial responsibility regulations before delivering product to a regulated tank.

(4) West Virginia provides more extensive notification requirements.

(5) The Voluntary Remediation and Redevelopment Act (VRRDA) Rule, which became effective on July 1, 1997, provides for implementation of a voluntary, risk-based corrective action program for a wide variety of releases to the environment. This law supplements the State's authorities, which are the subject of this notice and proposed to be authorized by EPA, to compel responsible parties to clean up releases from underground storage tanks. The State of West Virginia has provided assurances to EPA, in its application, that the Division of Environmental Protection will approve corrective action plans pursuant to VRRDA for UST releases only after ensuring that implementation of such plans will adequately protect human health and the environment.

The State of West Virginia has virtually adopted the Federal UST regulations by reference, and West Virginia's requirements are as stringent as the Federal regulations.

The West Virginia Division of Environmental Protection submitted an official application for approval on July 7, 1997. Prior to its submission, the State of West Virginia provided an

opportunity for public notice and comment in the development of its underground storage tank program, as required by 40 CFR 281.50(b). EPA has reviewed the State's application, and has tentatively determined that the State's program meets all of the requirements necessary to qualify for final approval. However, EPA intends to review all timely public comments prior to making a final decision on whether to grant approval to the State of West Virginia to operate its program in lieu of the Federal program.

In accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR 281.50(e), the Agency will hold a public hearing on its tentative decision on September 11, 1997, at 7 p.m. at the Division of Environmental Protection, Office of Waste Management, Underground Storage Tank Section, 1356 Hansford Street, Charleston, WV 25301, unless insufficient public interest is expressed. The public may also submit written comments on EPA's tentative determination until September 2, 1997. Copies of the State's application are available for inspection and copying at the locations indicated in the **ADDRESSEES** section of this document.

EPA will consider all public comments on its tentative determination received at the public hearing, if a hearing is held, and during the public comment period. Issues raised by those comments may be the basis for a decision to deny approval to the State of West Virginia. EPA will give notice of its final decision in the **Federal Register**; the notice will include a summary of the reasons for the final determination and a response to all significant comments.

Compliance with Executive Order 12866

The Office of Management and Budget has exempted this action from the requirements of section 6 of Executive Order 12866.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub L. 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year.

The section 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the West Virginia program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. The State of West Virginia's participation in an authorized UST program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the West Virginia program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may own and/or operate USTs, they are already subject to the regulatory requirements under existing State law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which own and/or operate USTs are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small

entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act.

Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of section 9004 of the Resource Conservation and Recovery Act as amended 42 U.S.C. 6991c.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Dated: July 24, 1997.

W. Michael McCabe,
Regional Administrator.

[FR Doc. 97-20178 Filed 7-31-97; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE32

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for a Plant in the Wenatchee Mountains of Washington

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes endangered species status pursuant to the Endangered Species Act of 1973, as amended (Act), for *Sidalcea oregana* var. *calva* (Wenatchee Mountains checker-mallow). This plant is endemic to meadows that have surface water or saturated soil in the spring and early summer at middle elevations in the Wenatchee Mountains of Chelan County, Washington. Although five populations of this plant are known, three of these have very few individuals.

The estimated total number of plants is about 3,300. The primary threats to *S. oregana* var. *calva* include alterations of hydrology, rural residential development and associated activities, competition from native and alien plants, recreation, fire suppression, and activities associated with fire suppression. To a lesser extent, the taxon is threatened by livestock grazing, road construction, and timber harvesting and associated impacts including changes in surface-runoff in the small watersheds in which the plant occurs. This proposal, if made final, would implement the Federal protection and recovery programs of the Act for this plant.

DATES: Comments from all interested parties must be received by September 30, 1997. Public hearing requests must be received by September 15, 1997.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Supervisor, U.S. Fish and Wildlife Service, Western Washington State Office, 510 Desmond Drive SE, Suite 102, Lacey, WA 98503. Comments and materials received will be available by appointment for public inspection during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ted Thomas (see ADDRESSES section), (telephone 360/753-4327, facsimile 360/534-9331).

SUPPLEMENTARY INFORMATION:

Background

Although the species *Sidalcea oregana* (Oregon checker-mallow) is widespread throughout much of the western United States, *S. oregana* var. *calva* (Wenatchee Mountains checker-mallow) is known only from the Wenatchee Mountains of central Washington. Specimens assignable to var. *calva* were first collected from Icicle Creek near Leavenworth, Chelan County, and from wet meadows near Peshastin, Chelan County, by Sandberg and Leiburg on July 25, 1893. Occasional collections were made over subsequent decades until the type specimen was collected by Hitchcock on June 21, 1951, from Camas Land in Chelan County. The taxon was first recognized as a distinct variety named *S. oregana* ssp. *oregana* var. *calva* by Hitchcock and Kruckeberg (1957). Hitchcock and Cronquist (1973) reduced *S. oregana* ssp. *spicata* to varietal status (*S. oregana* var. *spicata*), thereby eliminating the need to include the subspecies *oregana* as part of the scientific name for this taxon. No further taxonomic revisions have been made for this taxon. In recent