

considered to be private health insurance providers within the meaning of this provision. However, the constantly evolving variety of innovative funding sources for institutional care precludes any attempt to specifically address each possible situation in these regulations. Our administrative issuances provide guidance to adjudicators in determining whether particular HMOs, or other kinds of insurers, may or may not be considered private health insurance providers. We also received several other comments, but they were not within the scope of this rulemaking.

Therefore, the interim final rules are adopted as final without change.

Dated: July 28, 1997.

John J. Callahan,

Acting Commissioner for Social Security.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Accordingly, the interim final rules amending 20 CFR part 416 which were published at 62 FR 1053 on January 8, 1997, are adopted as final without change.

[FR Doc. 97-20741 Filed 8-6-97; 8:45 am]

BILLING CODE 4190-29-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. NJ17-2-169, FRL-5868-4]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Volatile Organic Compounds for the State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is announcing the approval of a revision to the New Jersey State Implementation Plan (SIP) for the attainment and maintenance of the national ambient air quality standards for Ozone. The SIP revision was submitted by the New Jersey Department of Environmental Protection and consists of the adopted revisions to Subchapter 16 "Control and Prohibition of Air Pollution by Volatile Organic Compounds." These revisions relate to the control of volatile organic compounds from major stationary sources not subject to control techniques guidelines (CTG). The intended effect is to reduce the

emissions of volatile organic compounds and thereby reduce ozone concentrations in the lower atmosphere which will assist in attaining the health based ozone air quality standard. EPA finds that the State has met the Clean Air Act requirement to adopt reasonably available control technology for non-CTG major sources.

EPA is also approving revisions to Subchapter 8 "Permits and Certificates," Subchapter 17 "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23 "Prevention of Air Pollution From Architectural Coatings and Consumer Products" and Subchapter 25 "Control and Prohibition of Air Pollution by Vehicular Fuels," and Air Test Method 3—Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations (Title 7, Chapter 27B, Subchapter 3).

EFFECTIVE DATE: This rule will be effective September 8, 1997.

ADDRESSES: Copies of New Jersey's submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region 2 Office, Air Programs Branch,
290 Broadway, 25th Floor, New York,
New York 10007-1866

New Jersey Department of
Environmental Protection, Office of
Air Quality Management, Bureau of
Air Pollution Control, 401 East State
Street, CN027, Trenton, New Jersey
08625

Environmental Protection Agency, Air
and Radiation Docket and Information
Center, Air Docket (6102), 401 M
Street, S.W., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Paul R. Truchan, Environmental Engineer, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION: On April 11, 1997 (62 FR 17766) EPA published, in the **Federal Register**, a proposed approval of a request by the State of New Jersey to revise its State Implementation Plan (SIP) for ozone. This revision to the New Jersey Ozone SIP added revisions to Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," of New Jersey Administrative Code (N.J.A.C.) of Title 7, Chapter 27 which have occurred several times since EPA's last action. EPA is approving all changes which have occurred in Subchapter 16 (effective date March 2, 1992) since EPA's last approval on April 15, 1994 (59 FR 1994). This includes the

following versions of Subchapter 16 with effective dates of December 20, 1993, June 20, 1994, December 5, 1994, May 15, 1995, and July 17, 1995.

EPA is also approving revisions to Subchapter 8 "Permits and Certificates" (sections 8.1 and 8.2), Subchapter 17 "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23 "Prevention of Air Pollution From Architectural Coatings and Consumer Products" and Subchapter 25 "Control and Prohibition of Air Pollution by Vehicular Fuels," and Air Test Method 3—Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations (Title 7, Chapter 27B, Subchapter 3). These revisions were effective July 17, 1995 and only involve administrative changes made to insure consistency with Subchapter 16 revisions.

Today's approval by EPA will revise the State Implementation Plan so that it contains the most current versions of the State regulations which were submitted as SIP revisions. The revisions and rationale for EPA's approval and rulemaking actions were explained in the April 11, 1997 proposal and will not be restated here. The reader is referred to the proposal for a detailed explanation of New Jersey's SIP revision. In response to EPA's proposed approval of New Jersey's SIP revision, no comments were received.

Conclusion

EPA is approving the revisions of Subchapter 8, "Permits and Certificates" (sections 8.1 and 8.2), Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23, "Prevention of Air Pollution From Architectural Coatings and Consumer Products," and Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels," and to Title 7, Chapter 27B, Subchapter 3 of the New Jersey Administrative Code Air Test Method 3—"Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations," into the New Jersey SIP for the attainment and maintenance of the national ambient air quality standards for Ozone.

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

The Office of Management and Budget 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 (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. *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 promulgated 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.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 6, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

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.

Dated: July 21, 1997.

William J. Muszynski,
Deputy Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart FF—New Jersey

2. Section 52.1570 is amended by adding new paragraph (c)(63) to read as follows:

§ 52.1570 Identification of plan.

* * * * *
(c) * * *
* * * * *

(63) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from stationary sources, dated November 15, 1993 and two revisions dated June 21, 1996 submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:
(A) Amendments effective December 20, 1993 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds."

(B) Amendments effective June 20, 1994 to Title 7, Chapter 27 of the New Jersey Administrative Code: Subchapter 8, "Permits and Certificates" (sections 8.1 and 8.2), Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23, "Prevention of Air Pollution From Architectural Coatings and Consumer Products," and Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels." Amendments effective June 20, 1994 to Title 7, Chapter 27B, Subchapter 3 of the New Jersey Administrative Code Air Test Method 3—"Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations."

(C) Amendments effective December 5, 1994 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds."

(D) Amendments effective May 15, 1995 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds."

(E) Amendments effective July 17, 1995 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds."

(ii) Additional material:
(A) November 15, 1993 letter from Jeanne Fox, NJDEP, to William J. Muszynski, EPA, requesting EPA approval of Subchapter 16.
(B) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapters 8, 16, 17, 23, 25 and Air Test Method 3.

(C) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapter 16.

3. Section 52.1605 is amended by revising the entries for Subchapters 8, 16, 17, 23, and 25 under the heading "Title 7, Chapter 27" and Subchapter 3 under the heading "Title 7, Chapter 27B

to the table in numerical order to read as follows:

§ 52.1605 EPA-approved New Jersey regulations.

State regulation	State effective date	EPA approved date	Comments
Title 7, Chapter 27			
Subchapter 8, "Permits and Certificates, Hearings, and Confidentiality".	Apr. 5, 1985	Nov. 25, 1986, 51 FR 42573.	
Section 8.11	Mar. 2, 1992	Apr. 15, 1994, 59 FR 17935.	
Sections 8.1 and 8.2	June 20, 1994.	August 7, 1997 [FR page citation].	
Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds".	July 17, 1995.	August 7, 1997 [FR page citation].	Earlier versions of Subchapter 16 remain part of the SIP only to the extent of determining compliance dates which have since passed.
Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances".	June 20, 1994.	August 7, 1997 [FR page citation].	Subchapter 17 is included in the SIP only as it relates to the control of perchloroethylene.
Subchapter 23, "Prevention of Air Pollution from Architectural Coatings and Consumer Products".	June 20, 1994.	August 7, 1997 [FR page citation].	
Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels".	June 20, 1994.	August 7, 1997 [FR page citation].	Approves 1992 revision of Subchapter 25 except that (1) oxygenated gasoline provisions are approved only as they apply to the four month control period from November 1 through the last day in February, consistent with the February 21, 1995 NJDEP modification of N.J.A.C. 7:27-25; and (2) oxygenated gasoline provisions are approved only as they apply to the Northern New Jersey portion of the New York-Northern New Jersey-Long Island consolidated metropolitan statistical area.
Title 7, Chapter 27B			
Subchapter 3, "Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations".	June 20, 1994.	August 7, 1997 [FR page citation].	

[FR Doc. 97-20827 Filed 8-6-97; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5869-3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete Spokane Junkyard and Associated

Properties Site from the National Priorities List: Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Spokane Junkyard and Associated Properties Site (the Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended. EPA and the

State of Washington Department of Ecology (Ecology) have determined that the Site poses no significant threat to public health and the environment and, therefore, all appropriate CERCLA actions have been implemented, and no further cleanup is appropriate.

DATES: Comments concerning this site may be submitted on or before September 8, 1997.

ADDRESSES: Comments may be mailed to: Kevin Rochlin, Office of Environmental Cleanup, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, Mail Stop: ECL-111, Seattle, Washington 98101.