Environmental protection, Pesticides and pests, Pesticide company, Pesticide producing establishment, Reporting and recordkeeping requirements.


Elaine G. Stanley,
Director, Office of Compliance, Office of Enforcement and Compliance Assurance.

Therefore, 40 CFR part 167 is amended as follows:

PART 167—[AMENDED]

1. The authority citation for part 167 continues to read as follows:

Authority: 7 U.S.C. 136 (e) and (w).

2. In §167.90(b), by revising the address at the end of the paragraph to read as follows:

§167.90 Where to obtain and submit forms.

* * * * * * * * * * *

(b) * * * * * * * * * * * * * * * * * * *

U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Office of Compliance, Agriculture and Ecosystems Division (2225A), 401 M Street, SW, Washington, DC 20460, ATTN: Foreign Registration Clerk.

[FR Doc. 97–25223 Filed 9–22–97; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL–5896–7]

West Virginia; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final determination on West Virginia’s application for program approval.

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 a final determination that the State of West Virginia’s underground storage tank program satisfies all of the requirements necessary to qualify for approval. Thus, EPA is granting final approval to the State of West Virginia to operate its program.

EFFECTIVE DATES: Program approval for West Virginia shall be effective on October 23, 1997.


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 the State in lieu of the Federal underground storage tank (UST) program. To qualify for approval, a State’s program must be “no less stringent” than the Federal program in all seven elements set forth at section 9004(a) (1) through (7) of RCRA, 42 U.S.C. 6991(a) (1) through (7), as well as the notification requirements of section 9004(a)(8) of RCRA, 42 U.S.C. 6991c(a)(8) and must provide for adequate enforcement of compliance with UST standards (section 9004(a) of RCRA, 42 U.S.C. 6991c(a)).

On July 7, 1997, the State of West Virginia submitted an official application for approval to administer its underground storage tank program. On August 1, 1997, EPA published a tentative determination announcing its intent to approve the District’s program. Further background on the tentative decision to grant approval appears at 62 FR 41326, (August 1, 1997).

Along with the tentative determination, EPA announced the availability of the application for public review and comment, and the date of a tentative public hearing on the application and EPA’s tentative determination. EPA requested advance notice for testimony and reserved the right to cancel the public hearing in the event of insufficient public interest. Since there were no requests to hold a public hearing, it was cancelled.

B. Final Decision

I conclude that the State of West Virginia’s application for program approval meets all of the statutory and regulatory requirements established by Title I of RCRA and 40 CFR part 281. Accordingly, the State of West Virginia is granted approval to operate its underground storage tank program in lieu of the Federal program.

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), P.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.
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.

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).

List of Subjects in 40 CFR Part 281

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

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.


W. Michael McCabe,
Regional Administrator.

[FR Doc. 97-25132 Filed 9-22-97; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300
[FRL-5895-3]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Spokane Junkyard and Associated Properties site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 announces the deletion of the Spokane Junkyard and Associated Properties site from the National Priorities List.

1. The authority citation for Part 300 continues to read as follows:


2. Table 1 of Appendix B to part 300 is amended by removing the entry for “Spokane Junkyard/Associated Properties, Spokane, Washington.”