

Buckingham, FIFRA, Section 7 Registration Contact, Agriculture and Ecosystems Division (2225A), Office of Compliance, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 564-5008; Fax: (202) 564-0085.

**SUPPLEMENTARY INFORMATION:** Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires that pesticides subject to the Act be produced only in establishments registered with EPA, and requires that registered establishments file annual reports with the Agency. The Agency has established regulations at 40 CFR part 167 to implement the requirements of section 7 of FIFRA. Section 167.90 of those regulations directs that applications for registration of establishments and annual reports be sent to the appropriate EPA regional office (if a registered establishment is located in the United States) or to a specified address at EPA headquarters (if a registered establishment is located in any other country). The Agency is, by this document, amending 40 CFR 167.90(b) by revising the address to be used by foreign establishments when submitting applications or annual reports to the Agency. This technical amendment to the regulations will become effective upon publication of this document in the **Federal Register**.

**List of Subjects in 40 CFR Part 167**

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

Dated: September 17, 1997.

**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.

**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 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. 6991c(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 Subtitle 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

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. 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.

#### *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.

Dated: September 15, 1997.

**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 (NPL). 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 of 1980, as amended (CERCLA).

EPA and the State of Washington Department of Ecology (Ecology) have determined that no further cleanup under CERCLA is appropriate and that the selected remedy has been protective of human health and the environment.

**EFFECTIVE DATE:** September 23, 1997.

**FOR FURTHER INFORMATION CONTACT:** Kevin Rochlin, U.S. EPA Region 10, 1200 Sixth Avenue, Mail Stop: ECL-111, Seattle, Washington 98101, (206) 553-2106.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Spokane Junkyard and Associated Properties, Spokane, Washington.

A Notice of Intent to Delete for this site was published on August 7, 1997, (62 FR 42414). The closing date for comments on the Notice of Intent to Delete was September 7, 1997. EPA received no comments.

EPA identifies sites which appear to present a significant risk to human health, welfare or the environment, and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substances Response Trust Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425 of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

#### **List of Subjects in 40 CFR Part 300**

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, and Water supply.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

#### **PART 300—[AMENDED]**

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

**Authority:** 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601-9657; E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

#### **Appendix B—[Amended]**

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