

plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

I. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

II. 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. Today's determination does not create any new requirements, but suspends the indicated requirements. Therefore, because this action does not impose any new requirements, EPA certifies that it does not have a significant impact on any small entities affected.

III. 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 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 proposed/promulgated 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 does not create any new requirements, but suspends the indicated requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

IV. Submission to Congress and the General Accounting Office

Under section 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).

V. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 5, 1997. Filing a petition for reconsideration by the Administrator of this final rule regarding a determination of attainment of ozone standard and a determination regarding the applicability of certain CAA requirements in the Richmond area 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, Intergovernmental relations, Nitrogen dioxide, Ozone.

Dated: September 27, 1997.

William T. Wisniewski,
Acting Regional Administrator, Region III.

40 CFR part 52, subpart VV of chapter I, title 40 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 VV—Virginia

2. Section 52.2428 is added to read as follows:

§ 52.2428 Control Strategy: Carbon monoxide and ozone.

Determination—EPA has determined that, as of November 5, 1997, the Richmond ozone nonattainment area, which consists of the counties of Chesterfield, Hanover, Henrico, and part of Charles City County, and of the cities of Richmond, Colonial Heights and

Hopewell, has attained the 1-hour .12 ppm ozone standard based on three years of air quality data for 1993, 1994 and 1995. EPA has further determined that the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act do not apply to the Richmond area for so long as the area does not monitor any violations of the 1-hour .12 ppm ozone standard, or until the area is no longer designated nonattainment. If a violation of the ozone NAAQS is monitored in the Richmond ozone nonattainment area while the area is designated nonattainment, these determinations shall no longer apply.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5902-7]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of Partial Deletion of Releases from the Saegertown Industrial Area Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of releases on certain properties at the Saegertown Industrial Area Superfund Site (Site) in Saegertown, Pennsylvania from the National Priorities List (NPL). Pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), EPA promulgated the National Oil and Hazardous Substances Contingency Plan (NCP) at 40 CFR part 300. The NPL is published at appendix B of 40 CFR part 300. EPA and the Commonwealth of Pennsylvania have determined that all appropriate Fund-financed and responsible party-financed responses under CERCLA have been implemented on the former GATX property at the Site, and that no further cleanup is appropriate for the former GATX property, the former SCI property or the SMC property at the Site. Moreover, EPA and the Commonwealth of Pennsylvania have determined that the remedial action conducted on the former GATX property to date remains

protective of public health, welfare, and the environment.

EFFECTIVE DATE: October 6, 1997.

ADDRESSES: Comprehensive information about this Site is available through the public docket, which is available for viewing at the Site information repositories at the following locations: Hazardous Waste Technical Information Center, 9th Floor, U.S. EPA, Region III, 841 Chestnut Building, Philadelphia, PA, 19107, (215) 566-5364. Saegertown Area Library, 320 Broad Street, Saegertown, PA 16433, (814) 763-5203.

FOR FURTHER INFORMATION CONTACT: Steven J. Donohue, Remedial Project Manager, EPA Region III, 841 Chestnut Building, Philadelphia, PA 19107. 215-566-3215.

SUPPLEMENTARY INFORMATION: The site to be partially deleted from the NPL is: Saegertown Industrial Area Site, Saegertown, Pennsylvania.

Based primarily on the information collected during the Remedial Investigation and Feasibility Study (RI/FS), EPA issued a Record of Decision (ROD) for the Saegertown Industrial Area Site on January 29, 1993. The ROD called for remedial action on two areas of the industrial park: the property formerly owned by the General American Transportation Corporation (GATX) and property owned and operated by the Lord Corporation (Lord). The RI/FS conducted for the Site indicated that the releases from the Spectrum Control, Inc. (SCI) property and the Saegertown Manufacturing Company (SMC) property posed no significant threat to public health or the environment. The ROD, therefore,

selected no action for the SMC and SCI properties at the Site. On September 17, 1993 SCI sold its property at the Site to SMC.

GATX has implemented all appropriate response actions required under CERCLA on its former property at the Site. In July 1997, EPA approved the remedial action certification report documenting the completion of the cleanup of the former GATX property in accordance with the ROD. With the exception of the continued monitoring of the ground water, no further action is required at the former GATX property. The former GATX property is available for unrestricted use and unlimited access. Due to the continued ground water monitoring on the former GATX property, EPA will include this portion of the Site in the next Five-Year Review of the Site.

Because the selected remedy for the ground water below the Lord property at the Site has not yet been fully implemented and completed, this portion of the Site is not yet protective of human health and the environment, and is not being proposed for deletion.

A Notice of Intent for Partial Deletion for this Site was published on August 22, 1997 in the **Federal Register** (62 FR 44619-44621). The closing date for comments on the Notice of Intent for Partial Deletion was September 22, 1997. EPA did not receive any written comments during the comment period.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the National Priorities List containing those sites. Remedial Actions at sites on the NPL may be funded by

the Hazardous Substance Response Trust Fund (Fund). 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(e)(3) 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 the liability of responsible parties 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, Superfund, Water supply.

Dated: September 26, 1997.

W. Michael McCabe,

Regional Administrator, U.S. Environmental Protection Agency, Region III.

For the reason 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.

2. Table 1 of appendix B to part 300 is amended by revising the entry for "Saegertown Industrial Area", Saegertown, Pennsylvania to read as follows:

APPENDIX B TO PART 300—NATIONAL PRIORITIES LIST

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/County	Notes(a)
PA	Saegertown Industrial Area	Saegertown.	P

(a) A=Based on issuance of a health advisory by Agency for Toxic Substances and Disease Registry (if scored, HRS score need not be ≤ 28.50).

P=Sites with partial deletion(s).

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