

loan assumption agreements, deeds tendered upon satisfaction or conversion of an installment land sales contract, and documents related to filing, pursuing and settling claims with hazard insurance companies.

The Director of the VA Loan Guaranty Service, Washington, DC, will maintain a log listing all corporate officers of the contractor who have been authorized to execute documents and the dates during which these persons were authorized to act. VA will also maintain copies of resolutions of the contractor's board of directors authorizing these persons to execute these documents. Those files will be available for public inspection and copying during normal business hours at the Office of the Director of VA Loan Guaranty Service, Washington, DC 20420.

This authority does not apply, however, with respect to loans under the pilot program for multifamily transitional housing projects for homeless veterans under 38 U.S.C. chapter 37, subchapter vi. Such loans will not be serviced by the contractor servicing the VA loan portfolio.

The provisions of 38 CFR 36.4342(e) are published without regard to the notice and comment and delayed effective date provisions of 5 U.S.C. 553 since they relate to agency management and personnel and are not substantive rules.

#### **Paperwork Reduction Act**

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

#### **Executive Order 12866**

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

#### **Regulatory Flexibility Act**

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. The final rule relates to agency management and personnel and does not contain substantive provisions. Accordingly, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

There is no Catalog of Federal Domestic Assistance number for this program.

#### **List of Subjects in 38 CFR Part 36**

Condominiums, Housing, Indians, Individuals with disabilities, Loan

programs-housing and community development, Loan programs, Indians, Loan programs-veterans, Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Veterans.

Approved: March 14, 2001.

**Anthony J. Principi,**

*Secretary of Veterans Affairs.*

For the reasons set out in the preamble, 38 CFR is amended as set forth below.

### **PART 36—LOAN GUARANTY**

1. The authority citation of part 36 continues to read as follows:

**Authority:** 38 U.S.C. 501, 3701-3704, 3707, 3710-3714, 3719, 3720, 3729, 3762, unless otherwise noted.

2. In § 36.4342, paragraph (e) is added immediately following paragraph (d); and the authority citation at the end of the section is revised to read as follows:

#### **§ 36.4342 Delegation of authority.**

\* \* \* \* \*

(e)(1) Authority is hereby delegated to the officers, designated in paragraph (e)(2) of this section, of the entity performing loan servicing functions under a contract with the Secretary to execute on behalf of the Secretary all documents necessary for the servicing and termination of a loan made or acquired by the Secretary pursuant to 38 U.S.C. chapter 37 (other than under subchapter vi of that chapter). Documents executed under this paragraph include but are not limited to: loan modification agreements, notices of default and other documents necessary for loan foreclosure or termination, notices of appointment or substitution of trustees under mortgages or deeds of trust, releases or satisfactions of mortgages or deeds of trust, acceptance of deeds-in-lieu of foreclosure, loan assumption agreements, loan assignments, deeds tendered upon satisfaction or conversion of an installment land sales contract, and documents related to filing, pursuing and settling claims with insurance companies relating to hazard coverage on properties securing loans being serviced.

(2) The designated officers are: Vice President, Assistant Vice President, and Assistant Secretary.

(3) The Director, Loan Guaranty Service, Washington, DC, shall maintain a log listing all persons authorized to execute documents pursuant to paragraph (e) of this section and the dates such persons held such authority, together with certified copies of resolutions of the board of directors of

the entity authorizing such individuals to perform the functions specified in paragraph (e)(1) of this section. These records shall be available for public inspection and copying at the Office of the Director of VA Loan Guaranty Service, Washington, DC 20420.

(Authority: 38 U.S.C. 501, 3720(a)(5))

[FR Doc. 01-15069 Filed 6-13-01; 8:45 am]

**BILLING CODE 8320-01-P**

### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

[DE053-1029a; FRL-6996-5]

#### **Approval and Promulgation of Air Quality Implementation Plans; Delaware; Conversion of the Conditional Approval of the NO<sub>x</sub> RACT Regulation to a Full Approval and Approval of NO<sub>x</sub> RACT Determinations for Three Sources**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Delaware State Implementation Plan (SIP) submitted by the Delaware Department of Natural Resources and Environmental Control (DNREC). These revisions were submitted to satisfy the condition imposed by EPA in its conditional limited approval of Delaware's regulation requiring reasonably available control technology (RACT) for major sources of nitrogen oxides (NO<sub>x</sub>). This action converts EPA's conditional limited approval of Delaware Regulation 12, Control of NO<sub>x</sub> Emissions, to a full approval. EPA is also taking direct final action to approve three source-specific NO<sub>x</sub> RACT determinations. These actions are being taken under the Clean Air Act (CAA).

**DATES:** This rule is effective on August 13, 2001 without further notice, unless EPA receives adverse written comment by July 16, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business

hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, Dover Delaware 19901.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 814-2182 and Melik Spain, (215) 814-2299, at the EPA Region III address above, or by e-mail at [quinto.rose@epa.gov](mailto:quinto.rose@epa.gov) and [spain.melik@epa.gov](mailto:spain.melik@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Pursuant to sections 182(b)(2) and 182(f) of CAA, Delaware is required to implement RACT for all major NO<sub>x</sub> sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Delaware portion of the Philadelphia-Wilmington-Trenton ozone nonattainment area consists of New Castle and Kent Counties and is classified as severe. Under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements, including RACT as specified in sections 182(b)(2) and 182(f), apply throughout the OTR. The entire State of Delaware is in the OTR. Therefore, RACT is applicable statewide in Delaware.

On June 16, 1999 (64 FR 32187), EPA granted conditional limited approval of Delaware's Regulation 12, Control of NO<sub>x</sub> Emissions which requires all major sources of NO<sub>x</sub> to implement RACT. Section 5 of Regulation 12 provides for DNREC to make source-specific NO<sub>x</sub> RACT determinations and to submit them to EPA as SIP revisions. To fulfill the condition imposed by EPA in its June 16, 1999 conditional limited approval of Regulation 12, DNREC was required to certify, by no later than July 17, 2000, that it had submitted all required case-by-case NO<sub>x</sub> RACT determinations for all known subject sources to EPA. The conditional nature of EPA's June 16, 1999 approval of Regulation 12 would be removed once EPA determined that DNREC had satisfied this condition. The limited nature of EPA's June 16, 1999 approval would be removed once EPA had approved all of the case-by-case RACT determinations submitted by DNREC in fulfillment of the condition described above.

**II. Summary of SIP Revision and EPA's Evaluation**

On July 13, 2000, DNREC formally submitted revisions to its SIP consisting

of four case-by-case RACT determinations made for four processes located at three separate major sources of NO<sub>x</sub> in Delaware. The July 13, 2000 submittal also included certification by the Secretary of DNREC that the four case-by-case RACT determinations submitted to EPA to establish RACT at these three major sources of NO<sub>x</sub> represent all required case-by-case NO<sub>x</sub> RACT determinations for all known subject sources. EPA has determined that DNREC has satisfied the condition imposed in the June 16, 1999 conditional limited approval (64 FR 32187).

The three major sources for which DNREC has submitted case-by-case RACT determinations are: SPI Polyols, Incorporated, New Castle; CitiSteel, Claymont; and General Chemical Corporation, Claymont. The NO<sub>x</sub> RACT determinations and requirements of each source are included in the Delaware Register of Regulations, Volume 3, Issue 12, June 1, 2000. The specific NO<sub>x</sub> RACT determinations for these three sources are summarized below.

*Case-by-Case NO<sub>x</sub> RACT Evaluations*

*SPI Polyols, Incorporated, Atlas Point Site, New Castle, Delaware:* SPI Polyols, Incorporated (SPI) operates a Polyhydrate Alcohol Catalyst Regenerative process at its Atlas Point Plant in New Castle County, Delaware. This batch process involves treatment and regeneration of the spent nickel catalyst that is recovered from process waste streams of the sugar reduction process. One step in the catalyst regeneration process involves the use of nitric acid (HNO<sub>3</sub>) digesters. SPI operates 4 batch HNO<sub>3</sub> digesters. The exothermic reaction of HNO<sub>3</sub> with spent nickel catalyst generates NO<sub>x</sub>. The NO<sub>x</sub> emissions are mainly associated with the addition of HNO<sub>3</sub> to the digester tanks. Stack testing at the site indicates that the average emissions rate from this process is approximately 0.8 pounds per hour, or 3.5 tons of NO<sub>x</sub> per year. DNREC imposes two means of controlling the NO<sub>x</sub> emissions that come from this process: (1) Process control and (2) operation of a counter flow spray scrubbing system and packed column. With respect to process control, SPI must minimize the formation of NO<sub>x</sub> by controlling the rate of HNO<sub>3</sub> added to the digesters. SPI must submerge the HNO<sub>3</sub> feed into the mixing zone of the digester tank. SPI must add HNO<sub>3</sub> to only one digester tank at any particular time under a controlled temperature range. SPI must monitor the flow rate of HNO<sub>3</sub> addition and calibrate each HNO<sub>3</sub> flow meter and temperature

monitor in accordance with the recommendations of the manufacturer, using sound engineering and air pollution control practices. With respect to the scrubber system, off-gas from the digester tanks will be collected and routed to the scrubber. There are to be no visible emissions at the scrubber outlet. There are two water spray nozzles at the bottom of the scrubber, upstream of the column, to cool the temperature of the gas before entering the column. The column is packed with plastic. The scrubbing system is equipped with an air dilution valve to promote the oxidation of any NO<sub>x</sub> to water soluble nitrogen dioxide. It should be noted that the scrubber treats NO<sub>x</sub> from a process that operates in batch mode. Therefore, NO<sub>x</sub> emissions are not continuous. Moreover, emissions of NO<sub>x</sub> from this process are inherently low. At temperatures of 70 to 120 degrees Fahrenheit, NO<sub>x</sub> concentrations of approximately 5 to 350 parts per million (ppm), and flow rates of 2000 to 9000 square cubic feet per minute (scfm); the reaction rates are slow and the removal of NO<sub>x</sub> using a water contact scrubber is minimal. Therefore, DNREC views NO<sub>x</sub> RACT as maintenance of these low NO<sub>x</sub> levels using the scrubber. SPI must inspect the components of the scrubber and calibrate the differential pressure gauge pursuant to the manufacturer's recommendation at least once per year. The scrubber will be operated using good engineering and air pollution control practices. DNREC has imposed record-keeping requirements on SPI sufficient to determine compliance with the applicable RACT determinations. EPA is approving the NO<sub>x</sub> RACT determination made by DNREC for SPI as a revision to the Delaware SIP.

*CitiSteel USA, Incorporated, Claymont, Delaware:* CitiSteel USA, Incorporated (CitiSteel) produces molten steel by melting scrap steel. CitiSteel operates an Electric Arc Furnace (EAF) rated at a 150 tons per charge. The EAF is operated in a batch mode. CitiSteel's EAF operates at temperatures above 3,000 degrees Fahrenheit, which is conducive to thermal NO<sub>x</sub> formation. The majority of the facility's NO<sub>x</sub> emissions result from conditions conducive for thermal NO<sub>x</sub> formation combined with the infiltration of ambient shop air. Nitrogen contained in the scrap steel is oxidized and released inside the EAF vessel, but contributes very little to the total NO<sub>x</sub> emissions. Stack tests conducted on April 24 and 25, 1996 established an average emission rate of 0.36 pounds per ton of steel produced or 97.2 tons of NO<sub>x</sub> per

year based 540,000 tons of steel produced per year. Typical fuel fired combustion equipment applied to NO<sub>x</sub> emitting sources are not technically feasible for an EAF. As noted above, the EAF operates in batches and thus has varying temperatures and flow rates as well as high particulate concentrations that would blind a catalyst. Therefore, DNREC will impose no additional requirements on the Citisteel's EAF operations. A well designed exhaust system constitutes RACT in compliance with Regulation No. 12 of the Delaware Regulations Governing the Control of Air Pollution. EPA is approving Delaware's submittal containing the NO<sub>x</sub> RACT determination made by DNREC for Citisteel's steel manufacturing operations.

*General Chemical Corporation, Claymont, Delaware:* General Chemical Corporation (General Chem) has two process operations subject to a NO<sub>x</sub> RACT evaluation: (1) A sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) and interstage absorption system (ISA) process and (2) a metallic nitrite process. The H<sub>2</sub>SO<sub>4</sub>/ISA process involves burning elemental sulfur, spent H<sub>2</sub>SO<sub>4</sub>, and hydrogen sulfide to generate sulfur dioxide. Sulfur dioxide is catalytically oxidized to sulfur trioxide and is absorbed into strong H<sub>2</sub>SO<sub>4</sub>. General Chem uses two boilers rated at 46 million British thermal units (MMBtu) per hour to conduct this burning process. Nitrogen oxide emissions are only generated by the burning process. The combustion of sulfur is not burned primarily for heat. The sulfur used in the burning process is highly exothermic, providing the majority of the heat to the burners and is in and of itself a low nitrogen bound fuel. The combustion gases are an integral part of the ISA process. Therefore, DNREC determined that combustion modifications are not warranted. The DNREC also confirmed that the low exhaust concentrations of NO<sub>x</sub> (26.74 ppm or 0.2 lbs. per MMBtu), combined with the high flow rates (54,737 scfm), and the low combustion temperatures disqualifies wet scrubbing as a means of pollution control. Selective catalytic reduction cannot be used due to the existence of particulate matter. Therefore, DNREC imposed no additional controls on General Chem for its H<sub>2</sub>SO<sub>4</sub>/ISA processes. EPA is approving DNREC's NO<sub>x</sub> RACT determination for General Chem's H<sub>2</sub>SO<sub>4</sub>/ISA processes.

General Chem's metallic nitrite process is a batch process that produces a 50% solution of potassium nitrite (KNO<sub>2</sub>). The process involves reacting controlled quantities of ammonia and air over a catalyst. The air-ammonia

mixture reacts to form nitric oxide and water, which combines with oxygen to form nitrogen dioxide. The mixture of nitric oxide and nitrogen dioxide is absorbed using potassium hydroxide (KOH) which yields KNO<sub>2</sub>. The rate of NO<sub>x</sub> formation is proportional to the level of free alkalinity in the absorption tower. As the batch process progresses, the absorption of NO<sub>x</sub> by KOH decreases, so there is less potassium available to form KNO<sub>2</sub>. Hence, the air to ammonia feed rate is of particular interest in controlling NO<sub>x</sub> levels from this batch process. The metallic nitrite process incorporates an off-gas single stage packed tower scrubber which uses KOH to absorb the majority of the NO<sub>x</sub> emissions that are generated. The DNREC determined that RACT is continued operation of the scrubber. The scrubber must be tested and calibrated according to the manufacturer's specification and operated using good engineering and air pollution control practices. General Chem must also monitor and keep continuous records of pressure drop, the level of free alkalinity in the scrubber liquor, and the air to ammonia feed rate to the process. EPA is approving DNREC's NO<sub>x</sub> RACT determination for General Chem's metallic nitrite process.

### III. Final Action

EPA is approving revisions to the Delaware's SIP submitted by DNREC on July 13, 2000 which include certification by the Secretary of DNREC that the four case-by-case RACT determinations submitted to EPA (as part of that same July 13, 2000 submittal) establishing RACT for four processes located at three major sources of NO<sub>x</sub> represent all required case-by-case NO<sub>x</sub> RACT determinations for all known subject sources. EPA is also approving those RACT determinations made by DNREC for three major sources of NO<sub>x</sub> in Delaware. As a result of these approvals, both the conditional and limited nature of EPA's June 16, 1999 approval of Delaware's Regulation 12 are, hereby, removed and converted to a full approval. This action is being published without prior proposal because we view this as a noncontroversial amendment and because we anticipate no adverse comments. In a separate document in the "Proposed Rules" section of this **Federal Register** publication, we are proposing to approve the Delaware SIP revision that establishes and requires RACT for three major sources of NO<sub>x</sub>. This action will be effective without further notice unless we receive relevant adverse comment by July 16, 2001. If we receive such comment, we will publish

a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. Any parties interested in commenting must do so at this time. If no such comments are received by July 16, 2001, you are advised that this action will be effective on August 13, 2001.

### IV. Administrative Requirements

#### A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority

to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings", issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**B. Submission to Congress and the Comptroller General**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides

that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

**C. 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 August 13, 2001. Filing a petition for reconsideration by the Administrator of the rule approving Delaware's NO<sub>x</sub> RACT regulation and three source-specific RACT determinations 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: May 31, 2001.

**Elaine B. Wright,**

*Acting Regional Administrator, Region III.*

40 CFR part 52 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 *et seq.*

**Subpart I—Delaware**

2. In § 52.424, paragraph (d) is removed and reserved.

3. Section 52.420 is amended:  
 a. In the table in paragraph (c) is amended by revising the existing entries for Regulation 12, Sections 1 to 7.

b. In the table in paragraph (d) by revising the title of the table and by adding the entries for "SPI Polyols, Inc.", "Citisteel", and "General Chemical Corp." at the end of the table.

The revisions and additions read as follows:

**§ 52.420 Identification of plan.**

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

**EPA-APPROVED REGULATIONS IN THE DELAWARE SIP**

State citation	Title/subject	State effective date	EPA approval date	Comments
*	*	*	*	*
<b>Regulation 12—Control of Nitrogen Oxide Emissions</b>				
Section 1 .....	Applicability .....	11/24/93	6/14/01, 66 FR 32234	
Section 2 .....	Definitions .....	11/24/93	6/14/01, 66 FR 32234	
Section 3 .....	Standards .....	11/24/93	6/14/01, 66 FR 32234	
Section 4 .....	Exemptions .....	11/24/93	6/14/01, 66 FR 32234	
Section 5 .....	Alternative and Equivalent RACT Determinations .....	11/24/93	6/14/01, 66 FR 32234	
Section 6 .....	RACT Proposals .....	11/24/93	6/14/01, 66 FR 32234	
Section 7 .....	Compliance Certification, Record Keeping, and Reporting Requirements.	11/24/93	6/14/01, 66 FR 32234	
*	*	*	*	*

(d) \* \* \*

## EPA-APPROVED DELAWARE SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State effective date	EPA approval date	Comments
SPI Polyols, Inc.	Secretary's Order No. 2000-A-0033	07/11/00	6/14/01, 66 FR 32235	Polyhydrate Alcohol's Catalyst Regenerative Process—Approved NO <sub>x</sub> RACT Determination
Citisteel	Secretary's Order No. 2000-A-0033	07/11/00	6/14/01, 66 FR 32235	Electric Arc Furnace—Approved NO <sub>x</sub> RACT Determination
General Chemical Corp.	Secretary's Order No. 2000-A-0033	07/11/00	6/14/01, 66 FR 32235	(1) Sulfuric Acid Process & Interstage Absorption System (2) Metallic Nitrite Process—Approved NO <sub>x</sub> RACT Determinations

\* \* \* \* \*

[FR Doc. 01-14898 Filed 6-13-01; 8:45 am]  
BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300 [FRL-6994-4]

#### National Priorities List for Uncontrolled Hazardous Waste Sites

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA” or “the Act”), as amended, requires that the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (“NPL”) constitutes this list, and is intended primarily to guide the Environmental Protection Agency (“EPA” or “the Agency”) in determining which sites warrant further investigation. This rule adds 10 new sites to the General Superfund Section of the NPL. These sites will be assessed to determine the nature and extent of public health and environmental risks associated with them, and to determine what CERCLA-financed remedial action(s), if any, may be appropriate.

**EFFECTIVE DATE:** The effective date for this final rule shall be July 16, 2001.

**ADDRESSES:** For addresses for the Headquarters and Regional dockets, as well as further details on what these

dockets contain, see section II, “Availability of Information to the Public” in the **SUPPLEMENTARY INFORMATION** portion of this preamble. **FOR FURTHER INFORMATION CONTACT:** Yolanda Singer, phone (703) 603-8835, State, Tribal and Site Identification Center; Office of Emergency and Remedial Response (mail code 5204G); U.S. Environmental Protection Agency; 1200 Pennsylvania Avenue NW.; Washington, DC 20460; or the Superfund Hotline, phone (800) 424-9346 or (703) 412-9810 in the Washington, DC, metropolitan area.

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#### I. Background

##### A. What Are CERCLA and SARA?

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601-9675 (“CERCLA” or “the Act”), in response to the dangers of uncontrolled releases of hazardous substances. CERCLA was amended on