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Margaret P. Crenshaw,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-5838-7]

Approval and Promulgation of Air Quality Implementation Plans; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference for Mississippi and South Carolina

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Final rule; notice of
administrative change.

SUMMARY: EPA is revising the format of 40 CFR part 52 for materials submitted by Mississippi and South Carolina that are incorporated by reference (IBR) into their respective State implementation plans (SIPs). The regulations affected by this format change have all been previously submitted by the respective State agency and approved by EPA. This format revision will primarily affect the "Identification of plan" sections of CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, D.C., and the Regional Office. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or State-submitted materials not subject to IBR review remain unchanged.

DATES: This action is effective July 1, 1997.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency,
Region 4, 61 Forsyth Street, SW,
Atlanta, GA 30303;
Office of Air and Radiation, Docket and
Information Center (Air Docket), EPA,
401 M Street, SW, Room M1500,
Washington, DC 20460; and
Office of the Federal Register, 800 North
Capitol Street, NW, Suite 700,
Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr.
Richard Schutt, Regional SIP
Coordinator at the above Region 4
address or at (404) 562-9033.

SUPPLEMENTARY INFORMATION:

Background

Each State is required to have a SIP which contains the control measures and strategies which will be used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each State after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

Once these control measures are approved by EPA after notice and comment, they are incorporated into the SIP and are identified in Part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The actual State regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference," which means that the citation of a given State regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and insures that the State is enforcing the regulations. It also allows EPA and the public to take enforcement action, should a State not enforce its SIP-approved regulations.

The SIP is a living document which can be revised by the State as necessary to address the unique air pollution problems in the State. Therefore, EPA from time to time must take action on SIP revisions which may contain new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and OFR. EPA began the process of developing (1) a revised SIP document for each State that would be incorporated by reference under the provisions of 1 CFR part 51; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR, and (3) a revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

Content of Revised IBR Document

The new SIP compilations contain the Federally-approved portion of permits regulations and source specific permits submitted by each State agency. These regulations and source specific permits have all been approved by EPA through previous rule making actions in the **Federal Register**. The compilations are stored in 3-ring binders and will be updated, primarily on an annual basis.

Each compilation contains two parts. Part 1 contains the regulations and Part 2 contains the source specific permits that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for these States. The Regional EPA Offices have the primary responsibility for ensuring accuracy and updating the compilations. The Region 4 EPA Office developed and will maintain the compilations for Mississippi and South Carolina. A copy of the full text of each State's current compilation will also be maintained at the Office of the Federal Register and EPA's Air Docket and Information Center.

EPA is beginning, with this document, the phasing in of SIP compilations for individual States, and expects to complete the conversion of the revised "Identification of plan" format and IBR documentation for all States by May 1999. This revised format is consistent with the SIP compilation requirements of section 110(h)(1) of the Clean Air Act.

Revised Format of the "Identification of Plan" Sections in Each Subpart

In order to better serve the public, EPA is revising the organization of the "Identification of plan" section and including additional information which will make it clearer as to what provisions constitute the enforceable elements of the SIP.

The revised Identification of plan section will contain five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA approved regulations, (d) EPA approved source specific permits, and (e) EPA approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

Enforceability and Legal Effect

All revisions to the applicable SIP become federally enforceable as of the effective date of the revisions to paragraph (c), (d) or (e) of the applicable

identification of plan found in each subpart of 40 CFR part 52. To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA is retaining the original Identification of Plan section, previously appearing in the CFR as the first or second section of part 52 for each State subpart. After an initial two year period, EPA will review its experience with the new system and enforceability of previously approved SIP measures, and will decide whether or not to retain the Identification of plan appendices for some further period.

Notice of Administrative Change

Today's rule constitutes a "housekeeping" exercise to ensure that all revisions to State programs that have occurred are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations.

Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this

regulatory action from E.O. 12866 review.

B. 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.

The regulations affected by this format change to 40 CFR part 52 have all been previously submitted by the respective State agency and approved by EPA. Therefore, the Regional Administrator certifies that there is no significant impact on any small entities affected.

C. 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 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 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.

D. 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).

E. Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Mississippi and South Carolina SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 30, 1997.

A. Stanley Meiburg,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

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

Subpart Z—Mississippi

2. Section 52.1270 is redesignated as § 52.1281 and the heading and paragraph (a) are revised to read as follows:

§ 52.1281 Original identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the State of Mississippi" and all revisions submitted by Mississippi that were federally approved prior to July 1, 1997.

* * * * *

3. A new § 52.1270 is added to read as follows:

§ 52.1270 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State implementation plan for Mississippi

under section 110 of the Clean Air Act, 42 U.S.C. 7401-7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1997 was approved for incorporation by reference by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and

notice of any change in the material will be published in the **Federal Register**.

Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 1997, will be incorporated by reference in the next update to the SIP compilation. (2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved

as part of the State implementation plan as of July 1, 1997.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) EPA approved regulations.

EPA Approved Mississippi Regulations

State citation	Title/subject	State effective date	EPA approval date	Comments
APC–S–1	Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants			
Section 1	General	01/09/94	02/12/96 61 FR 5295	Subsection 2 Other Limitations and Subsection 3 NSPS have not been Federally approved.
Section 2	Definitions	01/09/94	02/12/96 61 FR 5295	
Section 3	Specific Criteria for Sources of Particulate Matter.	01/09/94	02/12/96 61 FR 5295	
Section 4	Specific Criteria for Sources of Sulfur Compounds.	01/09/94	02/12/96 61 FR 5295	
Section 5	Specific Criteria for Sources of Chemical Emissions.	01/09/94	02/12/96 61 FR 5295	
Section 6	New Sources	01/09/94	02/12/96 61 FR 5295	
Section 7	Exceptions	02/04/72	05/31/72 37 FR 10875	
Section 9	Stack Height Considerations	05/01/86	09/23/87 51 FR 35704	
Section 10	Provisions for Upsets, Startups, and Shutdowns.	01/09/94	02/12/96 61 FR 5295	
Section 11	Severability	01/09/94	02/12/96 61 FR 5295	
APC–S–2	Mississippi commission On Environmental Quality Permit Regulations for the Construction and/or Operation of Air Equipment			
Section I	General Requirements	01/09/94	05/02/95 60 FR 21442	
Section II	General Standards Applicable to All Permits.	01/09/94	05/02/95 60 FR 21442	
Section III	Standards for Granting a State Permit to Operate An Existing Source.	01/09/94	05/02/95 60 FR 21442	
Section IV	Application for Permit to Construct and State Permit to Operate New Facility.	01/09/94	05/02/95 60 FR 21442	
Section V	Public Participation and Public Availability of Information.	01/09/94	05/02/95 60 FR 21442	
Section VI	Application Review	01/09/94	05/02/95 60 FR 21442	
Section VII	Compliance Testing	01/09/94	05/02/95 60 FR 21442	
Section VIII	Emissions Evaluation Report	01/09/94	05/02/95 60 FR 21442	
Section IX	Procedures for Renewal of State Permit to Operate.	01/09/94	05/02/95 60 FR 21442	
Section X	Standards for Renewal of State Permit to Operate.	01/09/94	05/02/95 60 FR 21442	
Section XI	Reporting and Record Keeping	01/09/94	05/02/95 60 FR 21442	
Section XII	Emission Reduction Schedule	01/09/94	05/02/95 60 FR 21442	
Section XIII	Exclusions, Variances, and General Permits.	01/09/94	05/02/95 60 FR 21442	
Section XIV	Permit Transfer	01/09/94	05/02/95 60 FR 21442	
Section XV	Severability	01/09/94	05/02/95 60 FR 21442	
APC–S–3	Regulations for Prevention of Air Pollution Emergency Episodes			

EPA Approved Mississippi Regulations—Continued

State citation	Title/subject	State effective date	EPA approval date	Comments
Section 1	General	02/04/72	05/31/72 37 FR 10875	
Section 2	Definitions	02/04/72	05/31/72 37 FR 10875	
Section 3	Episode Criteria	06/03/88	11/13/89 54 FR 47211	
Section 4	Emission Control Action Programs	02/04/72	05/31/72 37 FR 10875	
Section 5	Emergency Orders	06/03/88	11/13/89 54 FR 47211	
APC—S—5	Regulations for the Prevention of Significant Deterioration of Air Quality			
All	01/09/94	05/05/95 60 FR 22287	

(d) EPA-approved State Source specific requirements.

EPA-APPROVED MISSISSIPPI SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State effective date	EPA approval date	Comments
None.				

(e) (reserved).

Subpart PP—South Carolina

4. Section 52.2120 is redesignated as § 52.2134 and the heading and paragraph (a) are revised to read as follows

§ 52.2134 Original identification of plan section.

(a) This section identifies the original “South Carolina Air Quality Implementation Plan” and all revisions submitted by South Carolina that were federally approved prior to July 1, 1997.

* * * * *

5. A new § 52.2120 is added to read as follows:

§ 52.2120 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State

implementation plan (SIP) for South Carolina under section 110 of the Clean Air Act, 42 U.S.C. 7401–7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.*

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1997 was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after July 1, 1997, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of July 1, 1997.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) EPA approved regulations.

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	Federal register notice
Regulation No. 62.1	Definitions, Permits Requirements, and Emissions Inventory			
Section I	Definitions	04/29/88	10/03/89	54 FR 40662.
Section II	Permit Requirements	09/18/90	02/04/92	57 FR 4158.
Section III	Emissions Inventory	03/16/89	07/02/90	55 FR 27226.
Regulation No. 62.2	Prohibition of Open Burning			
		06/05/85	10/03/89	54 FR 40660.
Regulation No. 62.3	Air Pollution Episodes			
Section I	Episode Criteria	04/29/88	10/03/89	54 FR 40662.
Section II	Emissions Reduction Requirements	04/29/88	10/03/89	54 FR 40662.
Regulation No. 62.4	Hazardous Air Pollution Conditions			
		12/20/78	01/29/80	45 FR 6572.
Regulation No. 62.5	Air Pollution Control Standards			

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA—Continued

State citation	Title/subject	State effective date	EPA approval date	Federal register notice
Standard No. 1 Emissions from Fuel Burning Operations				
Section I	Visible Emissions	03/16/89	07/02/90	55 FR 27226.
Section II	Particulate Emissions	04/29/88	10/03/89	54 FR 40662.
Section III	Sulfur Dioxide Emissions	03/03/83	10/29/84	49 FR 43469.
Section IV	Opacity Monitoring Requirements	03/16/89	07/02/90	55 FR 27226.
Section V	Exemptions	06/05/85	10/03/89	54 FR 40660.
Section VI	Periodic Testing	04/29/88	10/03/89	54 FR 40662.
Section VII	Source Test Requirements	06/05/85	10/03/89	54 FR 40660.
Standard No. 2 Ambient Air Quality Standards				
		03/16/89	07/02/90	55 FR 27227.
Standard No. 3 Emissions from Incinerators				
		01/07/81	09/03/82	47 FR 38885.
Standard No. 4 Emissions from Process Industries				
Section I	General	03/24/86	02/17/87	52 FR 4772.
Section II	Sulfuric Acid Manufacturing	03/24/86	02/17/87	52 FR 4772.
Section III	Kraft Pulp and Paper Manufacturing	04/29/88	10/03/89	54 FR 40662.
Section IV	Portland Cement Manufacturing	03/24/86	02/17/87	52 FR 4772.
Section V	Cotton Gins	03/24/86	02/17/87	52 FR 4772.
Section VI	Hot Mix Asphalt Plants	06/05/85	10/03/89	54 FR 40660.
Section VII	Metal Refining	03/24/86	02/17/87	52 FR 4772.
Section VIII	Other Manufacturing	04/29/88	10/03/89	54 FR 40662.
Section IX	Visible Emissions	03/16/89	07/02/90	55 FR 27226.
Section X	Non-Enclosed Operations	06/05/85	10/03/89	54 FR 40660.
Section XI	Total Reduced Sulfur Emissions of Kraft Pulp Mills.	03/16/89	07/02/90	55 FR 27226.
Section XII	Periodic Testing	03/16/89	07/02/90	55 FR 27226.
Section XIII	Source Test Requirements	06/05/85	10/03/89	54 FR 40660.
Standard No. 5 Volatile Organic Compounds				
Section I	General Provisions	08/22/79	12/16/81	46 FR 61268.
Section II Provisions for Specific Sources				
Part A	Surface Coating of Cans	08/22/79	12/16/81	46 FR 61268.
Part B	Surface Coating of Coils	08/22/79	12/16/81	46 FR 61268.
Part C	Surface Coating of Paper, Vinyl, & Fabric	08/22/79	12/16/81	46 FR 61268.
Part D	Surface Coating of Metal Furniture & Large Appliances.	08/22/79	12/16/81	46 FR 61268.
Part E	Surface Coating of Magnet Wire	08/22/79	12/16/81	46 FR 61268.
Part F	Surface Coating of Miscellaneous Metal Parts & Products.	09/10/80	11/24/81	46 FR 57486.
Part G	Surface Coating of Flat Wood Paneling	09/10/80	11/24/81	46 FR 57486.
Part H	Graphic Arts-Rotogravure & Flexography	09/10/80	11/24/81	46 FR 57486.
Part I—M Reserved				
Part N	Solvent Metal Cleaning	09/10/80	11/24/81	46 FR 57486.
Part O	Petroleum Liquid Storage in Fixed Roof Tanks	09/10/80	11/24/81	46 FR 57486.
Part P	Petroleum Liquid Storage in External Floating Roof Tanks.	09/10/80	11/24/81	46 FR 57486.
Part Q	Manufacture of Synthesized Pharmaceutical Products.	09/10/81	11/24/81	46 FR 57486.
Part R	Manufacture of Pneumatic Rubber Tires	09/10/81	11/24/81	46 FR 57486.
Part S	Cutback Asphalt	06/13/79	12/16/81	46 FR 61268.
Part T	Bulk Gasoline Terminals and Vapor Collection Systems.	06/13/79	12/16/81	46 FR 61268.
Standard No. 6 Alternative Emissions Limitation Options				
		06/07/82	09/03/82	47 FR 38887.
Section I General				
Section II Conditions for Approval				
Part A	Emissions of Total Suspended Particulate or Sulfur Dioxide			
Part B	Emissions of Volatile Organic Compounds			
Part C	Emissions of Nitrogen Dioxide, Carbon Monoxide, or Lead			
Part D	Designated Pollutants			

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA—Continued

State citation	Title/subject	State effective date	EPA approval date	Federal register notice
Part E	De Minimis Cases			
Section III Enforceability				
Standard No. 7 Prevention of Significant Deterioration				
		03/16/89	07/02/90	55 FR 27226.
Section I	Definitions			
Section II	Ambient Air Limits			
Section III	Review of Major Plants and Major Modifications-Applicability and Exemptions			
Section IV	Review Requirements			
Regulation No. 62.6	Control of Fugitive Particulate Matter			
		06/05/85	10/03/89	54 FR 40660.
Section I	Control of Fugitive Particulate Matter in Non-Attainment Areas			
Section II	Control of Fugitive Particulate Matter			
Section III	Control of Fugitive Particulate Matter Statewide			
Section IV	Effective Date			
Regulation No. 62.7	Good Engineering Practice Stack Height			
		06/11/86	05/28/87	52 FR 19859
Section I	General			
Section II	Applicability			
Section III	Definitions and Conditions			
Section IV	Public Participation			

(d) EPA-approved State Source specific requirements.

EPA-APPROVED SOUTH CAROLINA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State effective date	EPA approval date	Comments
None.				

(e) (reserved).

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 300**

[FRL-5851-4]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deletion of Sealand Limited Site from the National Priorities List.

SUMMARY: EPA, Region 3, announces the deletion of the Sealand Limited Site, Mount Pleasant, Delaware, from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive

Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Delaware Department of Natural Resources and Environmental Control (DNREC) have determined that all appropriate CERCLA actions have been implemented, that the Site poses no significant threat to public health or the environment pursuant to CERCLA, and that no further cleanup by the responsible parties is necessary under CERCLA.

DATES: Effective July 1, 1997.

ADDRESSES: Comprehensive information on 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 3, 841 Chestnut Building, Philadelphia, PA, 19107, (215) 566-5363

Appoquinimink Public Library, 118 Silver Lake Road, Middletown, DE, 19709, (302) 378-5290.

FOR FURTHER INFORMATION CONTACT: Lesley Brunker (3HW23), U.S. EPA Region 3, 841 Chestnut Building, Philadelphia, PA, 19107, (215) 566-3239.

SUPPLEMENTARY INFORMATION: EPA announces the deletion of the Sealand Limited Site located in Mount Pleasant, Delaware, from the National Priorities List (NPL). The NPL is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to CERCLA, 40 U.S.C. 9605 (40 CFR 300.425(e)(3) of the NCP), any site deleted from the NPL remains eligible for Fund-financed remedial actions in the event that conditions at the site warrant such action in the future. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

A Notice of Intent to Delete the Sealand Limited Site from the NPL was published on February 10, 1997 in the **Federal Register** (62 FR 5949). The closing date for comments on the Notice of Intent to Delete was March 13, 1997. EPA received no comments on the proposed deletion.