

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

J. 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 October 5, 2001. Filing a petition for reconsideration by the Administrator of this final rule 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 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401 *et seq.*

CALIFORNIA—OZONE
[1-Hour Standard]

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
San Diego Area:				
San Diego County	11/15/90	Nonattainment	2/21/95	Serious ²

¹ This date is November 15, 1990, unless otherwise noted.
² Attainment date is extended to November 15, 2001.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-7025-1]

Wyoming: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: On February 25, 1999, EPA Region VIII published an Immediate Final Rule at 64 FR 09278 authorizing changes to Wyoming's hazardous waste program under the Resource Conservation and Recovery Act (RCRA). At that time, we determined that the changes to Wyoming's hazardous waste program satisfied all requirements for final authorization and authorized the changes through an Immediate Final Rule. The Immediate Final Rule was to

be effective on April 26, 1999 unless significant written comments opposing the authorization were received during the comment period. At the same time, in the event we received written comments, we also published a Proposed Rule at 64 FR 09295 to authorize these same changes to the Wyoming hazardous waste program.

As a result of comments received on the Immediate Final Rule and the passage of Wyoming Senate File 147 (SF 147), we withdrew the Immediate Final Rule on April 23, 1999 at 64 FR 19925, reopened the Public Comment Period until July 22, 1999 at 64 FR 19968, and went forward with the Proposed Rule. In addition, we held Public Hearings on June 29 and 30, 1999. By today's action, we are issuing a Final Rule authorizing the changes to the Wyoming hazardous waste program as listed in the Immediate Final Rule at 64 FR 09278 and responding below to all of the comments received.

DATES: This authorization will be effective on August 6, 2001.

ADDRESSES: You can view and copy Wyoming's application at the following addresses: EPA Region VIII, from 8:00

Dated: July 25, 2001.
Jane Diamond,
Acting Regional Administrator, Region IX.

Part 81 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

2. In § 81.305 the "California-ozone" table is amended by revising the entry for San Diego area to read as follows:

§ 81.305 California.
* * * * *

AM to 4:00 PM, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, contact: Kris Shurr, phone number: (303) 312-6139; or Wyoming Department of Environmental Quality (WDEQ), from 8:00 AM to 5:00 PM, 122 W. 25th Street, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Kris Shurr, EPA Region VIII, 999 18th Street, Suite 300, Denver, CO 80202-2466, Phone (303) 312-6139.

SUPPLEMENTARY INFORMATION: The reader should also refer to the Proposed Rule at 64 FR 09295 and the Immediate Final Rule at 64 FR 09278, both published on February 25, 1999.

We received written comments from twenty-eight parties during the comment period; six recommended we grant authorization; ten requested that we withhold approval of Wyoming's authorization revision until SF 147 could be revised; and four requested that we withdraw the State's RCRA primacy.

The majority of commenters expressed concerns over a potential loss of environmental protections due to the passage of SF 147. We agreed with the concerns regarding the ability of

Wyoming's Department of Environmental Quality (WDEQ) to manage an adequate and equivalent RCRA authorized program in light of SF 147 and decided to withhold approval of Wyoming's program revisions until SF 147 could be revised.

As noted above, we withdrew the Immediate Final Rule on April 23, 1999. On March 10, 2000, Wyoming passed Senate File 15 (SF 15) which repealed and substituted SF 147 with a significantly modified voluntary remediation program. More recently, Wyoming passed Senate File 130 (SF 130) which amended and clarified SF 15. Many of the concerns raised by commenters on the Proposed Rule and Immediate Final Rule have been addressed through these legislative changes.

Conclusion

As a result of the changes to Wyoming's law since the passage of SF 147, EPA Region VIII has determined that approval of the revisions to Wyoming's authorized RCRA program should proceed. Therefore, we are granting final approval of Wyoming's RCRA program revisions as listed in the Immediate Final Rule found at 64 FR 09278 on February 25, 1999.

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and, therefore, this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action 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 action authorizes 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). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This action will not 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 authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. 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 Taking" 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.*).

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian country, Intergovernmental relations, Incorporation-by-reference, Penalties, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 12, 2001.

Patricia D. Hull,

Acting Regional Administrator, Region 8.
[FR Doc. 01-19564 Filed 8-3-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-7023-5]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final notice of deletion of the Kem-Pest Laboratories Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region 7 is publishing a direct final notice of deletion of the Kem-Pest Laboratories Superfund Site, located in Cape Girardeau County, Missouri, from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final notice of deletion is being published by EPA with the concurrence of the state of Missouri, through the Missouri Department of Natural Resources (MDNR), because EPA has determined that all appropriate response actions under CERCLA have been completed and, therefore, further remedial action pursuant to CERCLA is not appropriate.

DATES: This direct final deletion will be effective October 5, 2001, unless EPA receives adverse comments by September 5, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Comments may be mailed to: Victor A. Lyke, Remedial Project Manager at U.S. EPA, Region 7, Superfund Division, 901 N. 5th Street, Kansas City, Kansas, 66101. Information Repositories: Comprehensive information about the Site is available for viewing and copying at the Site information repositories located at: U.S. EPA, Region 7 Superfund Records Center, 901 N. 5th Street, Kansas City, Kansas, 66101 and Cape Girardeau Public Library, 711 N. Clark Street, Cape Girardeau, Missouri, 63701

FOR FURTHER INFORMATION CONTACT: If additional information is needed, please contact Victor A. Lyke at (913) 551-7256 or email at Lyke.Victor@epa.gov.