

businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2). [605B\_\_APP.BPT]

#### 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 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 approves pre-existing requirements under State or local law, and imposes no new Federal 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 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).

#### E. 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 February 21, 1997. Filing a petition for reconsideration by the Administrator of this final rule approving the Pennsylvania lead implementation plan for a portion of northeast Philadelphia 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, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: November 7, 1996.  
Stanley L. Laskowski,  
*Acting Regional Administrator, Region III.*  
Chapter I, title 40, of the Code of Federal Regulations 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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(112) to read as follows:

##### § 52.2020 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(112) Revisions to the Pennsylvania Regulations—Philadelphia Lead Implementation Plan—submitted on September 30, 1994, by the Commonwealth of Pennsylvania:

(i) Incorporation by reference.  
(A) Letter of September 30, 1994 from the Pennsylvania Department of Environmental Resources transmitting a revision to the Philadelphia portion of the Pennsylvania State Implementation Plan for lead.

(B) Licenses to operate (permits) effective September 21, 1994, for:

(1) Franklin Smelting and Refining Corporation;  
(2) MDC Industries, Inc.; and  
(3) Anzon, Inc.

(ii) Additional information.  
Remainder of September 30, 1994 submittal.

[FR Doc. 96–32383 Filed 12–19–96; 8:45 am]

BILLING CODE 6560–50–P

#### 40 CFR Part 300

[FRL–5667–2]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Sand Creek Industrial Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Sand Creek Industrial Site (Site) in Colorado, 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), promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Colorado have determined that the Site poses no significant threat to public health or the environment as long as Operation & Maintenance (O & M) is implemented as necessary and Institutional Controls are implemented and effective. Therefore, no further remedial measures pursuant to CERCLA are appropriate. Further, EPA and the State of Colorado have determined that all appropriate response actions have been implemented at the Site and that no further cleanup by responsible parties is appropriate.

**EFFECTIVE DATE:** December 20, 1996.

**FOR FURTHER INFORMATION CONTACT:** Erna Acheson, Site Manager, U.S. Environmental Protection Agency, Region 8, 999 18th Street, Suite 500, Mail Stop 8EPR–SR, Denver, Colorado 80202–2466, (303) 312–6762.

**SUPPLEMENTARY INFORMATION:** The Site to be deleted from the NPL is: Sand Creek Industrial Site, Colorado.

A Notice of Intent to Delete for this Site was published August 28, 1996 (61 FR 44275 (1996)). The closing date for comments on the Notice of Intent to Delete was September 27, 1996. No comments have been received.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as a list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that future conditions at the site warrant such action. Section 300.425 (e)(3). 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, Hazardous waste.

Dated: November 27, 1996.

Jack W. McGraw,

*Acting Regional Administrator, U.S. Environmental Protection Agency, Region VIII.*

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 site “Sand Creek Industrial, Commerce City, Colorado”.

[FR Doc. 96–32089 Filed 12–19–96; 8:45 am]

BILLING CODE 6560–50–P

#### 40 CFR Part 300

[FRL–5667–1]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Cal West Metals Superfund Site (Site) from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA), Region 6, announces the deletion of the Cal West Metals Superfund site in Lemitar, New Mexico 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), 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 New Mexico through the New Mexico Environment Department (NMED) have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup is appropriate. Moreover, EPA and the State of New Mexico have determined that remedial actions conducted at the Site to date is Protective of public health, welfare, and the environment.

**EFFECTIVE DATE:** December 20, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mr. Donald Williams, New Mexico Team Leader, U.S. EPA, Region 6 (6SF–LN), 1445 Ross Avenue, Dallas, Texas 75202–2733, Telephone: (214) 665–2197 or 1–800–533–3508.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is Cal West Metals, Socorro County, Lemitar, New Mexico. A Notice of Intent to Delete for this site was published in the Federal Register on November 5, 1996, (61 FR 56931). The closing date for comments on the Notice of Intent to Delete was December 5, 1996. EPA received no comments.

The EPA identifies sites that appear to present a significant risk to the public health, welfare, or the environment, and maintains the NPL as the list of those sites. 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 in the future. NCP section 300.425(e)(3) of the NCP, provides that in the event of a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System. 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, Hazardous waste.

Dated: December 10, 1996.

Lynda Carroll,

*Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6.*

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(d); 42 U.S.C. 9601–9657; E.O. 11735, 38 FR 21243; E.O. 12580; 52 FR 2923; E.O. 12777, 56 FR 54757.

#### Appendix B—[Amended]

2. Table 2 of Appendix B to part 300 is amended by removing the site Cal West Metals (USSBA), Lemitar, New Mexico.

[FR Doc. 96–32088 Filed 12–19–96; 8:45 am]

BILLING CODE 6560–50–P

#### GENERAL SERVICES ADMINISTRATION

#### 41 CFR Part 105–70

[RIN NO. 3090–AG18]

#### Program Fraud Civil Remedies Act of 1986, Civil Monetary Penalties Inflation Adjustment

**AGENCY:** Office of General Counsel, General Services Administration.

**ACTION:** Final rule.

**SUMMARY:** In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134), this final rule incorporates the penalty inflation adjustments for the civil monetary penalties set forth in 31 U.S.C. 3802(a)(1) and (a)(2), as codified in 41 CFR Part 105–70.

**DATES:** This rule is effective January 21, 1997.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey H. Domber, Senior Assistant General Counsel, General Law Division (LG), General Services Administration, 18th & F Streets, NW, Washington, DC 20405. Telephone No. (202) 501–1460.

#### SUPPLEMENTARY INFORMATION:

I. The Debt Collection Improvement Act of 1996

To maintain the remedial impact of civil monetary penalties (CMPs) and to promote compliance with the law, the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410) was amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134) to require Federal agencies to regularly adjust certain CMPs for inflation. As amended, the law requires each agency to make an initial inflationary adjustment for all applicable CMPs, and to make further adjustments at least once every four years thereafter for these penalty amounts. The Debt Collection Improvement Act of 1996 further stipulates that any resulting increases in