

SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the state is already imposing. Moreover, this action does not involve generally applicable requirements, but specific requirements for each facility which both the source owner and the State have determined to be economically and technologically reasonable. This action only affects the sources which have requested the SIP revision and which are not small entities. Therefore, EPA certifies that this approval action does not have a significant impact on small entities.

Unfunded Mandates Act

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 annual 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 annual 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 annual costs to state, local, or tribal governments, or to the private sector, result from this action.

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).

Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 24, 1997. 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 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 2, 1997.

William J. Muszynski,
Acting Regional Administrator.

Part 52, 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 HH—New York

2. Section 52.1670 is amended by adding new paragraph (c)(91) to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) * * *

(91) Revisions to the State Implementation Plan submitted by the New York State Department of Environmental Conservation on February 22, 1996, June 21, 1996 and June 25, 1996.

(i) *Incorporation by reference.*

(A) Permits to Construct and/or Certificates to Operate: The following facilities have been issued permits to construct and/or certificates to operate by New York State and such permits and/or certificates are incorporated for the purpose of establishing NO_x emission limits consistent with Subpart 227-2:

(1) Morton International Inc.'s mid-size gas-fired boiler, emission point 00027, Wyoming County; New York permit approval dated September 1, 1995 and Special Conditions letter dated August 23, 1995.

(2) University of Rochester's two oil fired boilers, emission points 00003 and

00005, Monroe County; New York permit approval dated April 25, 1996 and Special Permit Conditions issued March 19, 1996.

(3) Algonquin Gas Transmission Company's four gas-fired reciprocating internal combustion engines, emission points R0100, R0200, R0300, and R0400, Rockland County; New York permit and Special Conditions approval dated September 23, 1991; New York Special Conditions documents dated March 18, 1996 for emission points R0100, R0200, and R0300; and March 29, 1996 for emission point R0400; and Permit Correction dated August 8, 1996.

(ii) *Additional information.*

Documentation and information to support NO_x RACT alternative emission limits in three letters addressed to EPA from New York State Department of Environmental Conservation and dated as follows:

(A) February 22, 1996 letter to Regional Administrator Jeanne Fox from Commissioner Michael D. Zagata for a SIP revision for Morton International, Inc.

(B) June 21, 1996 letter to Mr. Conrad Simon, Director of the Air and Waste Management Division from Deputy Commissioner David Sterman for a SIP revision for the Algonquin Gas Transmission Company.

(C) June 25, 1996 letter to Mr. Conrad Simon, Director of the Air and Waste Management Division from Deputy Commissioner David Sterman for a SIP revision for the University of Rochester. [FR Doc. 97-25232 Filed 9-22-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 167

[FRL-5897-3]

Change of Address for Submission of Certain Reports; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This document announces a technical amendment revising the address to be used by foreign pesticide producing establishments when submitting applications for registration and annual reports to EPA.

DATES: This document is effective September 23, 1997.

FOR FURTHER INFORMATION CONTACT: Foreign pesticide producing establishments should contact: Carol

Buckingham, FIFRA, Section 7 Registration Contact, Agriculture and Ecosystems Division (2225A), Office of Compliance, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 564-5008; Fax: (202) 564-0085.

SUPPLEMENTARY INFORMATION: Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) requires that pesticides subject to the Act be produced only in establishments registered with EPA, and requires that registered establishments file annual reports with the Agency. The Agency has established regulations at 40 CFR part 167 to implement the requirements of section 7 of FIFRA. Section 167.90 of those regulations directs that applications for registration of establishments and annual reports be sent to the appropriate EPA regional office (if a registered establishment is located in the United States) or to a specified address at EPA headquarters (if a registered establishment is located in any other country). The Agency is, by this document, amending 40 CFR 167.90(b) by revising the address to be used by foreign establishments when submitting applications or annual reports to the Agency. This technical amendment to the regulations will become effective upon publication of this document in the **Federal Register**.

List of Subjects in 40 CFR Part 167

Environmental protection, Pesticides and pests, Pesticide company, Pesticide producing establishment, Reporting and recordkeeping requirements.

Dated: September 17, 1997.

Elaine G. Stanley,

Director, Office of Compliance, Office of Enforcement and Compliance Assurance.

Therefore, 40 CFR part 167 is amended as follows:

PART 167—[AMENDED]

1. The authority citation for part 167 continues to read as follows:

Authority: 7 U.S.C. 136 (e) and (w).

2. In § 167.90(b), by revising the address at the end of the paragraph to read as follows:

§ 167.90 Where to obtain and submit forms.

* * * * *

(b) * * *

U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Office of Compliance, Agriculture and Ecosystems Division (2225A), 401 M

Street, SW, Washington, DC 20460, ATTN: Foreign Registration Clerk.

[FR Doc. 97-25223 Filed 9-22-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL-5896-7]

West Virginia; Final Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final determination on West Virginia's application for program approval.

SUMMARY: The State of West Virginia has applied for approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the State of West Virginia's application and has made a final determination that the State of West Virginia's underground storage tank program satisfies all of the requirements necessary to qualify for approval. Thus, EPA is granting final approval to the State of West Virginia to operate its program.

EFFECTIVE DATES: Program approval for West Virginia shall be effective on October 23, 1997.

FOR FURTHER INFORMATION CONTACT: Joanne Cassidy, State Programs Branch (3HW60), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 566-3381.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. To qualify for approval, a State's program must be "no less stringent" than the Federal program in all seven elements set forth at section 9004(a) (1) through (7) of RCRA, 42 U.S.C. 6991c(a) (1) through (7), as well as the notification requirements of section 9004(a)(8) of RCRA, 42 U.S.C. 6991c(a)(8) and must provide for adequate enforcement of compliance with UST standards (section 9004(a) of RCRA, 42 U.S.C. 6991c(a)).

On July 7, 1997, the State of West Virginia submitted an official application for approval to administer

its underground storage tank program. On August 1, 1997, EPA published a tentative determination announcing its intent to approve the District's program. Further background on the tentative decision to grant approval appears at 62 FR 41326, (August 1, 1997).

Along with the tentative determination, EPA announced the availability of the application for public review and comment, and the date of a tentative public hearing on the application and EPA's tentative determination. EPA requested advance notice for testimony and reserved the right to cancel the public hearing in the event of insufficient public interest. Since there were no requests to hold a public hearing, it was cancelled.

B. Final Decision

I conclude that the State of West Virginia's application for program approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA and 40 CFR part 281. Accordingly, the State of West Virginia is granted approval to operate its underground storage tank program in lieu of the Federal program.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this action from the requirements of section 6 of Executive Order 12866.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. The section 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the West Virginia program are already imposed