

Commodity	Parts per million	Expiration/Revocation Date
Dried citrus pulp .....	5.0	December 31, 1998

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[FR Doc. 97-17930 Filed 7-8-97; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 281**

[FRL-5854-8]

**District of Columbia; Final Approval of State Underground Storage Tank Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final determination on the District of Columbia's application for program approval.

**SUMMARY:** The District of Columbia 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 District of Columbia's application and has made a final determination that the District of Columbia's underground storage tank program satisfies all of the requirements necessary to qualify for approval. Thus, EPA is granting final approval to the District of Columbia to operate its program.

**EFFECTIVE DATES:** Program approval for the District of Columbia shall be effective on August 8, 1997.

**FOR FURTHER INFORMATION CONTACT:** Karen L. Bowen, State Programs Branch (3HW60), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 566-3382.

**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 October 3, 1996, the District of Columbia submitted an official application for approval to administer its underground storage tank program. On April 28, 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 22898 (April 28, 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. One person provided written comments relating to the District of Columbia's regulations pertaining to heating oil tanks. The commenter felt the District's regulations are excessive for underground heating oil tanks and are not in conformance with Federal law, or that of the surrounding states and suggested that since the District of Columbia is predominantly a Federal city, it should follow the Federal UST regulations.

The District of Columbia has identified in their application that the regulation of heating oil tanks is an area where its program is broader in scope than the Federal program. The Federal underground storage tank program does not cover tanks used for storing heating oil for consumptive use on the premises where stored, and, therefore, the District of Columbia is free to regulate such tanks as it deems appropriate. Since state programs which are broader in scope than the Federal program may be approved, EPA is granting final approval to the District of Columbia's Underground Storage Tank Program.

**B. Final Decision**

I conclude that the District of Columbia'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 District of Columbia 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 District of Columbia program are already imposed by the District of Columbia and subject to the District of Columbia law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. The District of Columbia's participation in an authorized UST program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the District of Columbia program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state

programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may own and/or operate USTs, they are already subject to the regulatory requirements under existing state law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

#### *Certification Under the Regulatory Flexibility Act*

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which own and/or operate USTs are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

#### *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).

#### **List of Subjects in 40 CFR Part 281**

Environmental protection, Administrative Practice and Procedure, Hazardous Materials, State Program Approval, and Underground Storage Tanks.

**Authority:** This notice is issued under the authority of Section 9004 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6991c.

Dated: June 27, 1997.

**Rene A. Henry,**

*Acting Regional Administrator.*

[FR Doc. 97-17956 Filed 7-8-97; 8:45 am]

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### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[MM Docket No. 97-48; RM-8994]

#### **Radio Broadcasting Services; Earlville, IL**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Second Congregational Services, allots Channel 275A at Earlville, Illinois, as the community's first local aural transmission service. See 62 FR 6928, February 14, 1997. Channel 275A can be allotted at Earlville in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.4 kilometers (8.3 miles) northwest to accommodate petitioner's requested site. The coordinates for Channel 275A at Earlville are North Latitude 41-38-55 and West Longitude 89-03-51. With this action, this proceeding is terminated.

**DATES:** Effective August 11, 1997. The window period for filing applications for Channel 275A at Earlville, Illinois, will open on August 11, 1997, and close on September 11, 1997.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 97-48, adopted June 18, 1997 and released June 27, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW.,

Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### **List of Subjects in 47 CFR Part 73**

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 73—[AMENDED]**

1. The authority citation for Part 73 continues to read as follows:

**Authority:** Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### **§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by adding Earlville, Channel 275A.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

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### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[MM Docket No. 97-24; RM-8973]

#### **Radio Broadcasting Services; Midwest, WY**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Windy Valley Broadcasting, allots Channel 300A at Midwest, Wyoming, as the community's first local aural transmission service. See 62 FR 4515, January 30, 1997. Channel 300A can be allotted at Midwest in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 300A at Lexington are North Latitude 43-26-36 and West Longitude 106-16-24. With this action, this proceeding is terminated.

**DATES:** Effective August 11, 1997. The window period for filing applications for Channel 300A at Midwest, Wyoming, will open on August 11, 1997, and close on September 11, 1997.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.