

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. 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 December 15, 1997. Filing a petition for reconsideration by the Regional 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 to approve VOC RACT determinations for six individual sources in Virginia as a revisions to the Commonwealth's SIP 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 26, 1997.

**William T. Wisniewski,**

*Acting Regional Administrator, Region III.*

40 CFR part 52 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 VV—Virginia**

2. Section 52.2420 is amended by adding paragraphs (c)(120) to read as follows:

##### **§ 52.2420 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(120) Revisions to the State Implementation Plan submitted on April 9, 1996, August 8, 16, 19, 23, 1996, and March 26, 1997 by the

Virginia Department of Environmental Quality regarding non-CTG VOC RACT requirements for six sources:

(i) Incorporation by reference.

(A) Letters submitted by the Virginia Department of Environmental Quality transmitting source-specific VOC RACT determinations in the form of consent agreements on the following dates: April 9, 1996, August 8, 16, 19, 23, 1996, and March 26, 1997.

(B) Consent agreements:

(1) Philip Morris—Blended Leaf, City of Richmond, VA, Consent Agreement Registration No. 50080, effective on February 27, 1996.

(2) Philip Morris—Park 500, Chesterfield County, VA, Consent Agreement Registration No. 50722, effective on March 26, 1997.

(3) Philip Morris Tobacco Manufacturing Center, City of Richmond, VA, Consent Agreement Registration No. 50076, effective on July 12, 1996.

(4) Virginia Power—Chesterfield Station, Chesterfield County, VA, Consent Agreement Registration No. 50396, effective on May 30, 1996.

(5) Hercules Incorporated—Aqualon Division, City of Hopewell, VA, Consent Agreement Registration No. 50363, effective on July 12, 1996.

(6) Hopewell Regional Wastewater Treatment Facility, City of Hopewell, VA, Consent Agreement Registration No. 50735, effective on May 30, 1996.

(ii) Additional material.

(A) Technical Support Documents submitted as part of the RACT determinations in paragraph (c)(120) (i) of this section by the Commonwealth of Virginia on April 9, 1996, August 8, 16, 19, 23, 1996, and March 26, 1997.

[FR Doc. 97–27124 Filed 10–10–97; 8:45 am]

BILLING CODE 6560–50–P

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Parts 60 and 61**

[FRL–5904–8]

#### **Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants: Approval of Delegation of Authority to New Mexico**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Delegation of authority.

**SUMMARY:** The EPA is approving the delegation of authority to the State of New Mexico to implement and enforce the New Source Performance Standards (NSPS) and National Emission

Standards for Hazardous Air Pollutants (NESHAP). The provisions of full authority apply to all of the NSPS and NESHAP promulgated by the EPA from February 1, 1995, through April 1, 1996. Partial authority covers all new and amended standards promulgated after these dates, except as follows. The delegation of authority, under this document, does not apply to: The sources located in Bernalillo County, New Mexico; the sources located on Indian lands as specified in the delegation agreement and in this document; the standards of performance for new residential wood heaters (subpart AAA) under 40 CFR part 60; and NESHAP radionuclide standards specified under 40 CFR part 61.

**EFFECTIVE DATE:** October 14, 1997.

**ADDRESSES:** The New Mexico Environment Department's request and delegation agreement may be obtained by writing to one of the following addresses:

Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, TX 75202, telephone: (214) 665–7214.  
Air Quality Bureau, New Mexico Environment Department (NMED), Harold Runnels Building, Room So. 2100, 1190 St. Francis Drive, Santa Fe, NM 87502, telephone: (505) 827–0042.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ken Boyce, Air Planning Section (6PD–L), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202, telephone: (214) 665–7259.

**SUPPLEMENTARY INFORMATION:** Section 301, in conjunction with Sections 110, 111(c)(1) and 112 (l)(1) of the Clean Air Act (the Act) authorizes EPA to delegate authority to implement and enforce the standards set out in 40 CFR part 60, New Source Performance Standards and 40 CFR part 61, National Emission Standards for Hazardous Air Pollutants. Authority for the NSPS and NESHAP programs was delegated to the State of New Mexico (except for sources located in Bernalillo County and on Indian lands) on March 15, 1985.

The State requested the EPA to update the delegation of authority to the State for the NSPS and NESHAP programs from February 1, 1995, through April 1, 1996. The State's request includes a revision of Air Quality Control Regulations (AQCR) 20 NMAC 2.77 and 20 NMAC 2.78 as adopted by the New Mexico Environmental Improvement Board. These revisions incorporated the Federal NSPS and NESHAP by reference through April 1, 1996. The effective date

of the Federal delegation for NSPS under section 111 will continue to be, as has been the case in the past, the EPA's letter of approval of the State's request for the NSPS delegation update.

The Title V **Federal Register** notice (see 59 FR 59656-59660, (November 18, 1994)) outlined the State's plans to continue to incorporate by reference the Federal section 112 requirements regarding hazardous air pollutants into the New Mexico Air Quality Control Regulations, and stated that the NMED's request for approval of the part 70 program is also a request for approval of a program for delegation of unchanged section 112 standards. Based on approval of NMED's procedural mechanism for adopting Federal section 112 standards through incorporation by reference into the State's Part 70 Operating Permit Program, the EPA can continue to update the State's delegation of section 112 standards along with the update of section 111 NSPS. The effective date of the delegation for unchanged Federal standards under section 112 is the effective date of the State's rule after its adoption. In this case, the effective date is June 19, 1996.

Since review of the pertinent New Mexico laws, rules, and regulations showed them to be adequate for the implementation and enforcement of the aforementioned category of NSPS and NESHAP, EPA is delegating full authority to the State for NSPS and NESHAP standards promulgated from February 1, 1995, through April 1, 1996, and authority for the technical and administrative review of new or amended NSPS and NESHAP promulgated by the EPA, subject to conditions and limitations of the original delegation agreement dated March 15, 1985. It is important to note that no delegation authority is granted to the NMED for Bernalillo County and Indian lands. Also, no authority is delegated to the State for 40 CFR part 60, subpart AAA, Standards of Performance for New Residential Wood Heaters and for 40 CFR part 61 for the radionuclide NESHAP's. Specifically, the subparts for which delegation is excluded are subpart B (National Emission Standards for Radon-222 Emissions from Underground Uranium Mines), subpart H (National Emission Standards for Radionuclide Emissions from Department of Energy Facilities), subpart I (National Emission Standards for Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission and Federal Facilities not covered by subpart H), subpart K—(National Emission Standards for Radionuclide Emissions

from Elemental Phosphorus Plants), subpart R (National Emission Standards for Radon Emissions from Phosphogypsum Stacks), and subpart W (National Emission Standards for Radon-222 Emissions from Licensed Uranium Mill Tailings).

All of the information required pursuant to the Federal NSPS and NESHAP (40 CFR parts 60 and 61) should be submitted by sources located outside the boundaries of Bernalillo County and in areas outside of Indian lands, directly to the NMED, Harold Runnels Building, Room So. 2100, St. Francis Drive, Santa Fe, New Mexico 87502. Albuquerque/Bernalillo County is excluded from this action because this area is granted delegation authority under AQCR 30 NSPS and 31 NESHAP to the City of Albuquerque's Environmental Health Department. Sources located on Indian lands in the State of New Mexico should submit required information to EPA Region 6 office at the address given in this notice. All of the inquiries and requests concerning implementation and enforcement of the excluded standards under 40 CFR part 60, subpart AAA and 40 CFR part 61, subparts B, H, I, R, and W, in the State of New Mexico should be directed to the EPA Region 6 Office.

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

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 this 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**

##### **40 CFR Part 60**

Environmental protection, Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Fossil-Fuel steam generators, Glass and glass products, Grain, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper industry, Petroleum phosphate, Fertilizer, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

##### **40 CFR Part 61**

Air pollution control, Asbestos, Benzene, Beryllium, Hazardous materials, Mercury, Vinyl chloride.

**Authority:** This notice is issued under the authority of sections 101, 111, 112 and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7411, 7412 and 7601).

Dated: September 24, 1997.

**Jerry Clifford,**

*Acting Regional Administrator.*

[FR Doc. 97-27126 Filed 10-10-97; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 300**

[FRL-5908-2]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Frit Industries Superfund Site from the National Priorities List (NPL).

**SUMMARY:** The Environmental Protection Agency (EPA) announces the deletion of the Frit Industries Superfund site located in Walnut Ridge, Arkansas, 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). The EPA, in consultation with the Arkansas Department of Pollution Control and Ecology, has determined that all appropriate RCRA response activities conducted at the site to date and scheduled in the future are enforceable and have been and will remain protective of the public health, welfare, and the environment. Moreover, this deferral to RCRA corrective action authorities is appropriate.

**EFFECTIVE DATE:** October 14, 1997.

**ADDRESSES:** The comprehensive information on the site is available at the local information repositories located at: Felix Goodson Library, Williams Baptist College, Walnut Ridge, Arkansas 72446. The telephone number for the hours of operation at Felix Goodson Library is (501) 886-6741. Requests for comprehensive copies of documents should be directed formally to the Arkansas Department of Pollution Control and Ecology, Attn: Mr. Clark McWilliams, RCRA State Project Manager, 8001 National Drive, Little Rock, Arkansas 72219. Mr. McWilliams' telephone number is (501) 682-0850 for additional information.