Dated: September 12, 1997.

Michelle D. Jordan,

Acting Regional Administrator.

Part 52, 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 X—Michigan

§ 52.1174 [Amended]

2. Section 52.1174 is amended by adding paragraph (p) to read as follows:

* * * * *

(p) Approval—On November 22, 1995 the Michigan Department of Natural Resources submitted a petition for exemption from transportation conformity requirements for the Muskegon ozone nonattainment area. This approval exempts the Muskegon ozone nonattainment area from transportation conformity requirements under section 182(b)(1) of the Clean Air Act. If a violation of the ozone standard occurs in the Muskegon County ozone nonattainment area, the exemption shall no longer apply.

[FR Doc. 97–25501 Filed 9–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NM–31–1–7310a; FRL–5893–6]

Approval and Promulgation of Air Quality Implementation Plans, New Mexico; Recodification of, and Revisions to, the Air Quality Control Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this action, the EPA is approving the recodification of, and revisions to, the New Mexico State Implementation Plan (SIP). The existing Air Quality Control Regulations (AQCRs) have been renumbered and reformatted into the New Mexico Administrative Code (NMAC) as required by the New Mexico State Records Center. In addition to having renumbered and reformatted the regulations, standard administrative changes have been made throughout all AQCRs, and revisions made to seven particular AQCRs. The intended effects of these revisions are to delete obsolete, nonessential, redundant, and technically inadequate regulations; make certain rules and definitions more explicit and; make one particular regulation more closely reflect current New Mexico Environment Department (NMED) policy.

DATES: This action is effective on November 25, 1997, unless adverse or critical comments are received by October 27, 1997. If the effective date is delayed, a timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

New Mexico Environment Department, Air Quality Bureau, 1190 St. Francis Drive, room So. 2100, Santa Fe, New Mexico 87503.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Eaton R. Weiler, of the EPA Region 6 Air Planning Section at the above address, telephone (214) 665–2174.

SUPPLEMENTARY INFORMATION:

I. Background

On January 8, 1996, the Governor of New Mexico formally submitted a recodification of, and revision to, the State Implementation Plan. On July 18, 1996, the Governor formally submitted a revision to the recodified regulation 20 NMAC 2.72. The January submittal recodification and revisions were adopted by the New Mexico Environmental Improvement Board (NMEIB) at hearings in July, September, October and December 1995. The August submittal revision to 20 NMAC 2.72 was adopted by the NMEIB at a hearing on June 14, 1996. The recodification was prompted by the New Mexico State Records Center requirement that all AQCRs be recodified into the new numbering system and format of the NMAC. As well as renumbering and reformatting regulations, standard administrative changes have been made throughout all AQCRs, and revisions made to seven particular AQCRs. The intended effects of these revisions are to comply with the requirements of the New Mexico State Records Center as well as to: delete obsolete, non-essential, redundant, and technically inadequate regulations; make certain rules and definitions more explicit and; make one particular regulation more closely reflect current NMED policy.

The revisions fall into three groups as outlined below. The first group consists of renumbering and format revisions consistent with the NMAC requirements. The second group consists of standard administrative wording changes that have been made throughout all regulations in which they appear. The third group consists of other minor revisions, each of which are discussed separately below.

II. NMAC Format Revisions

The NMAC system is divided into Titles, Chapters, Parts and Sections. Title 20, *Environmental Protection*, includes all rules and regulations providing for the protection of the environment. Chapter Two of Title 20, *Air Quality*, contains the revised and recodified AQCRs of the NMED. Chapter Two is divided into Parts, which are further divided into Sections. The resulting NMAC for air quality is of the format: 20 NMAC 2.xxx.yyy, where xxx is the Part number and yyy is the Section number.

The following administrative sections have been added to each Part as required by the State Records Center:

100 ISSUING AGENCY
101 SCOPE
102 STATUTORY AUTHORITY
103 DURATION
104 EFFECTIVE DATE
105 OBJECTIVE
106 AMENDMENTS AND SUPERSESSION OF PRIOR REGULATIONS
107 DEFINITIONS

Section 108, DOCUMENTS, has been added to all Parts citing documents other than the NMAC, such as 40 *Code of Federal Regulations* (CFR). Also, RESERVED has been added to all nonexistent sections between subparts.

III. Standard Administrative Revisions

In addition, the following administrative changes have been made to all rules and regulations in which they appear:

1. ''division'' to ''Division''
2. ''director'' to ''Secretary''

3. ''department'' to ''Department''
4. ''secretary'' to ''Secretary''
5. ''federal Clean Air Act'' to ''Federal Act''
6. ''federal Act'' to ''Federal Act''
7. ''Federal environmental protection agency'' to ''US EPA''
8. ''EPA'' to ''US EPA''
9. ''this regulation'' to ''this Part''
10. ''section n'' to ''Section n''
11. ''Part'' added to definitions section of all Parts
12. ''Air Quality Control Unit of the Department'' to ''Air Pollution Control Bureau of the Department''
13. Internal references have been changed to reflect the NMAC numbering system.
14. Effective date added to all subsections.
15. Regulations have been rewritten so as to be positive: ''no person owning or operating * * * shall'', has been changed to ''the owner or operator * * * shall not.''
16. Obsolete language, outdated compliance schedules and outdated effective dates have been deleted.

IV. Other Revisions

A. Non-Methane Hydrocarbon

The non-methane hydrocarbon (NMHC) ambient air quality standard, AQCR 201(C)(7), has been deleted. The rule has been found to be technically inadequate, 48 FR 628. The intended effect of this revocation is to eliminate unnecessary regulations pertaining to ambient air quality.

A NMHC National Ambient Air Quality Standard (NAAQS) was promulgated on April 30, 1971. The standard is unique among the primary NAAQS because it was expressly developed as a guide and not as a health-based standard. When this standard was promulgated in 36 FR 8186, EPA stated that ''The sole purpose of prescribing a hydrocarbon standard is to control oxidants.'' The standard was promulgated because it represented EPA's best judgement at the time of the maximum level of NMHCs which would ensure the attainment of the NAAQS for photochemical oxidants. The EPA has since determined that there is no single, universally applicable relationship between NMHCs and photochemical oxidants and that NMHCs, as a class, apparently do not produce any health or welfare effects at or near ambient levels. On January 5, 1983, the NAAQS was revoked in 48 FR 628.

Considering that NMHCs do generate photochemical oxidants, they have continued to be regulated. Precursors to photochemical oxidants today are commonly called Volatile Organic Compounds (VOC). This is a much broader term than NMHCs. The VOCs are regulated under the Federal ozone regulations. Major sources must limit or control VOC output, especially in ozone nonattainment areas. Also, automobiles located in nonattainment areas undergo inspection and maintenance programs. Such programs are part of the SIP to control ozone pollution. So, despite the deletion of the Federal and state NMHC standards, many programs exist to regulate the emissions of this type of compound to meet the NAAQS for ozone.

B. Beryllium, Asbestos and Heavy Metals

The ambient air quality standards for beryllium, asbestos and heavy metals, 20 NMAC 2.3.109(B), formerly AQCR 201(B), have been deleted. These pollutants have been superseded by other state and Federal regulations. The intended effect of these revocations is to eliminate unnecessary and redundant regulations pertaining to ambient air quality.

1. Federal National Emission Standards for beryllium are included in 40 CFR part 61, subparts C and D. Through 20 NMAC 2.78, *Emission Standards for Hazardous Air Pollutants*, New Mexico has the authority to implement and enforce Federal standards for beryllium. Subpart C is general, and subpart D is specific for beryllium rocket motor firing. Sources subject to subpart C are: extraction plants, ceramic plants, foundries, incinerators, and propellant plants and machine shops which process beryllium.

Beryllium emission is also regulated by 20 NMAC 2.74, *Prevention of Significant Deterioration*. Major sources which have emission rates which are greater than a certain threshold or any emission rate which would result in an air concentration greater than a certain threshold shall apply Best Available Control Technology (BACT), provide for air quality monitoring of beryllium, and perform ambient air quality impact analyses.

2. Asbestos emissions are regulated under 40 CFR part 61 subpart M, *National Emission Standards for Asbestos*, in which strict requirements are laid out for the emissions, processing and handling of asbestos for many sources. Through 20 NMAC 2.78, *Emission Standards for Hazardous Air Pollutants*, New Mexico has the authority to implement and enforce Federal standards for asbestos.

Asbestos emissions are also controlled under the state regulation 20 NMAC 2.74, *Prevention of Significant Deterioration*. Major sources which have emission rates which are greater than a certain threshold shall apply BACT, provide for air quality monitoring of asbestos, and perform ambient air quality impact analyses.

3. Heavy Metals. Heavy metal emissions are regulated under permitting rules. The air toxics portion of 20 NMAC 2.72, *Permits*, includes emission rate thresholds and Occupational Exposure Limit (OEL) thresholds on a number of heavy metals. These metals are barium, cadmium, chromium, cobalt, copper, hafnium, indium, manganese, molybdenum, nickel, platinum, rhodium, silver, tantalum, tellurium, thallium, tin, tungsten, uranium, vanadium, yttrium, and zirconium. If emission rates are greater than the emission rate threshold, or modeling shows that the eight-hour average ambient concentration of the toxic air pollutant exceeds one-one hundredth of the OEL, the permit application shall include a health assessment for the toxic air pollutant under consideration.

Lead and mercury are also controlled under the state regulation 20 NMAC 2.74, *Prevention of Significant Deterioration*, which establishes emission rate and air quality concentration thresholds. If these thresholds are exceeded, the major source shall apply BACT, provide for air quality monitoring, and perform ambient air quality impact analyses.

C. Photochemical Oxidants

The ambient air quality standard for photochemical oxidants, 20 NMAC 2.3.111.C, formerly AQCR 201.B, has been deleted. This deletion takes into account the revision of the national standard.

The EPA promulgated ambient air quality standards for photochemical oxidants in 1971 (36 FR 8186). In accordance with the provisions of sections 108 and 109 of the Clean Air Act (the Act) as amended, EPA reviewed and revised the standard on February 8, 1978 (44 FR 8202). The revisions include: (1) raising the primary and secondary standard from 0.08 to 0.12 parts per million and (2) changing the chemical designation of the standard from photochemical oxidants to ozone.

Oxidants are strongly oxidizing compounds, which are the primary constituents of photochemical smog. The oxidant found in largest amounts is ozone, a very reactive form of oxygen. Oxidants also include the group of compounds referred to collectively as peroxyacylnitrates and other compounds, all produced in much smaller quantities than ozone.

Most of these materials are not emitted directly into the atmosphere but result primarily from a series of chemical reactions between oxidant precursors (nitrogen oxides and organic compounds) in the presence of sunlight. The principal sources of organic compounds are the hydrocarbon emissions from automobile and truck exhausts, gasoline vapors, paint solvent evaporation, open burning, dry cleaning fluids, chemical plants and other industrial operations. Nitrogen oxides are emitted primarily from combustion sources such as electric power generation units, gas and oil-fired space heaters, and automobile, diesel and jet engines.

The reduction in emissions of nitrogen oxides and organic compounds are achieved through Federal and State programs that have been formalized in regulations promulgated under the Act.

The deletion does not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act.

D. Soiling Index

Soiling Index of Ambient Air Quality Standards, 20 NMAC 2.3.112, has been deleted. This revision takes into account the availability of improved methods. The State is revising the plan consistent with the applicable requirements.

E. Smoke and Visible Emissions

Smoke and Visible Emissions, 20 NMAC 2.61, establishes controls on smoke and visible emissions for certain sources. The Part is revised by the addition of Section 111(D) which provides an exclusion ''for sources subject to the provisions of 20 NMAC 2.70, emissions which result from insignificant activities as defined 20 NMAC 2.70.'' The proposed change intends to allow sources covered by Part 70 to use the definition of insignificant activities in Part 70 to determine compliance. This addition will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirements of the Act.

F. Schedules of Compliance

Schedules of Compliance, AQCR 705, has been repealed. Regulation 705 was incorporated into the SIP, and codified at 40 CFR 52.1620(c)(9). The regulation created provisions for sources to come into compliance with subsequent State or Federal air control laws under extended schedules. Since most current statutes have their own compliance schedules, this would only be used in cases where a source required a variance to come into compliance. Repeal of this provision would oblige sources seeking a schedule of compliance to adhere to 40 CFR 51.262. This revision does not weaken the New Mexico SIP in any discernable way.

G. Air Quality Maintenance Areas

Air Quality Maintenance Areas, AQCR 706, has been repealed. Regulation 706 is the state implementation of 40 CFR 51.40 subpart D, which was repealed in the regulatory reform action taken by the EPA. The regulation 40 CFR 51.40 was determined to have become legally obsolete upon passage of the 1990 Act Amendments. Similarly, Regulation 706, implementing a Federal requirement, is obsolete.

H. Confidential Information Protection

Confidential Information Protection, 20 NMAC 1.115, (formerly AQCR 110) has been rewritten to more closely reflect NMED policy and the New Mexico Air Quality Control Act. The revision is consistent with the requirements applicable to implementation plans under 40 CFR 51.116, *Data Availability.*

Section 115 lays out procedures for handling requests for confidentiality and the conditions which must be satisfied to keep information concerning air contaminant sources confidential.

Concerning availability of data, Section 115 paragraph (B) states that Section 115 shall not be construed to prohibit disclosure of records and information: to representatives of the NMED, to representatives of the EPA, in any proceeding under the Air Quality Control Act or the Act, of data concerning nature and amount of emissions from any source, or limit the use of such records or information in any civil or criminal action.

Furthermore, 20 NMAC 72, *Permits,* Section 210 states that the NMED shall make available for public inspection the permit application and the NMED's preliminary determination.

I. Procedures for Requesting a Variance Hearing

Procedures for Requesting a Variance Hearing, AQCR 701, paragraph (C), has been rewritten and paragraphs (D) through (I) have been deleted. This revision is consistent with the requirements applicable to implementation plans under 40 CFR part 51. Paragraph (C) now states that any further action and proceeding shall be in accordance with general adjudicatory procedures of the Environmental Improvement Board. All other language that has been deleted concerns actions and hearings of the EIB. Since the Board hears and grants variances and it has standard adjudicatory procedures for hearings, paragraphs (D) through (I) of AQCR 701 are nonessential and redundant.

J. Construction Permits

The 20 NMAC 2.72.103 has been revised to provide a stay of enforcement on the asphalt fumes portion of the air toxics list until September 1, 1997. The air toxics list is part of Subpart IV, *Permits for Toxic Air Pollutant Emissions,* which is not a part the New Mexico SIP. The actual revision wording, however, occurs in Section 103, *Duration,* which is part of the SIP.

V. Final Action

By this action, the EPA is approving the recodification and revisions of the New Mexico SIP. The existing AQCRs have been renumbered and reformatted into the NMAC as required by the New Mexico State Records Center. As well as renumbering and reformatting regulations, standard administrative changes have been made throughout all AQCRs, and revisions made to seven particular AQCRs. The following table lists the submitted SIP AQCRs and the corresponding NMAC part number.

The EPA has reviewed these recodification and revisions to the New Mexico SIP and is approving them as submitted.

AQCR No.	NMAC part No.	NMAC title
100	2	Definitions.
110*	1	General Provisions.
200	3	Ambient Air Quality Standards.
201*	3	Ambient Air Quality Standards.
301	60	Open Burning.
401*	61	Smoke and Visibility Emissions.
402	10	Contingency-Use Woodwaste Burners.
501	11	Asphalt Processing Equipment.
502	12	Cement Kilns.
503	13	Gypsum Processing Plants.
504	14	Particulate Emissions From Coal Burning.
505	15	Pumice Mica and Perlite Process Equipment.
506	16	Nonferrous Smelters—Particulate Matter.
506.1	17	Existing Nonferrous Smelters—Particulate Matter—Additional Requirements.
507	18	Oil Burning Equipment—Particulate Matter.

AQCR No.	NMAC part No.	NMAC title
508	19	Potash, Salt or Sodium Sulfate Processing Equipment—Particulate Matter.
509	20	Lime Manufacturing Plants—Particulate Matter.
510	21	Fugitive Particulate Matter Emissions From Nonferrous Smelters.
511	22	Fugitive Particulate Matter Emissions From the Roads Within the Town of Hurley.
601	30	Kraft Mills.
602	31	Coal Burning Equipment—Sulfur Dioxide.
603	32	Coal Burning Equipment—Nitrogen Dioxide.
604	33	Gas Burning Equipment—Nitrogen Dioxide.
606	34	Oil Burning Equipment—Nitrogen Dioxide.
651	40	Sulfuric Acid Production Units—Sulfur Dioxide, Acid Mist and Visible Emissions.
652	41	Nonferrous Smelters—Sulfur.
700	75	Permit Fees.
701*	1	General Provisions.
702*	72	Permits.
Part I	.....	Subpart I—General Provisions.
Part II	.....	Subpart II—Permit Processing and Requirements.
Part IV ...	.....	Subpart III—Source Class Permit Steamlining.
703.1	73	Notice Of Intent and Emissions Inventory Requirements.
704	5	Source Surveillance.
705*	5	(Repealed).
706*	5	(Repealed).
709	79	Permits—Nonattainment Areas.
710	80	Stack Heights.
801	7	Excess Emissions During Malfunction, Start-up, or Scheduled Maintenance.
901	8	To Control Emissions Leaving New Mexico.
1001	1	General Provisions.
1101	1	General Provisions.
1201	1	General Provisions.
1301	1	General Provisions.

*Indicates the revised AQCRs.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective on November 25, 1997 unless, by October 27, 1997 adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent action that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based the proposed rule for this action published elsewhere in this **Federal Register**. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective November 25, 1997.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

VI. Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. *See* 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The 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. Therefore, because the Federal SIP approval does not impose any new requirements, I certify 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 Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *See Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, 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.

The 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 preexisting 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. 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 this 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 25, 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 8, 1997.

Lynda F. Carroll,

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 of part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart GG—New Mexico

2. Section 52.1620 is amended by adding paragraph (c)(66) to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(66) Recodified and revised regulations of the New Mexico Administrative Code submitted by the Governor on January 8, and July 18, 1996.

(i) Incorporation by reference.

(A) New Mexico Administrative Code, Title 20, Chapter 2, Parts 1 and 2, adopted by the New Mexico Environmental Improvement Board September 22, 1995, and filed with the State Records and Archives Center on September 27, 1995.

(B) New Mexico Administrative Code, Title 20, Chapter 2, Parts 3, 5, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 30, 31, 32, 33, 34, 40, 41, 60, 61, 70, 71, 72 (Subparts I, II and, III; Subpart V, Sections 501 and 502), 73, 75, 79, and 80; adopted by the New Mexico Environmental Improvement Board on October 20, 1995, and filed with the State Records and Archives Center on October 30, 1995.

(C) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 3, Sections 109 and 111 and; Part 61, Section 111 and; repeal of Part 3, Section 112, adopted by the New Mexico Environmental Improvement Board December 8, 1995, and filed with the State Records and Archives Center on December 11, 1995.

(D) New Mexico State Records Center transmittals repealing Air Quality Control Regulations 705 and 706; adopted by the New Mexico Environmental Improvement Board December 8, 1995; and filed with the State Records and Archives Center on December 11, 1995.

(E) Revised New Mexico Administrative Code, Title 20, Chapter 2, Part 72, Section 103; adopted by the New Mexico Environmental Improvement Board on June, 18, 1996, and filed with the State Records and Archives Center on June 19, 1996.

(ii) Additional material. None.

[FR Doc. 97–25502 Filed 9–25–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECITON AGENCY

40 CFR Part 300

[FRL–5897–7]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Northwest Transformer South Harkness Street site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region 10, announces the deletion of the Northwest Transformer South Harkness Street Site, located in Everson, Whatcom County, Washington from the National Priorities List (NPL). The NPL constitutes 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 (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology have determined that no further cleanup under CERCLA is appropriate and that the selected remedy has been protective of human health and the environment.

EFFECTIVE DATE: September 26, 1997.

FOR FURTHER INFORMATION CONTACT: Timothy H. Brincefield, U.S. EPA Region 10, 1200 Sixth Avenue, Mail Stop ECL–111, Seattle, Washington 98101, (206) 553–2100.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Northwest Transformer (South Harkness Street), Everson, Washington.

A notice of intent to delete for this site was published on August 15, 1997 (62 FR 43684). The closing date for comments was September 14, 1997. EPA received no comments.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund-financed remedial actions. 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. Section 300.425 of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. 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, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 17, 1997.

Randall F. Smith,

Acting Regional Administrator, Region 10.

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 site for ''Northwest Transformer (South Harkness St), Everson, Washington.''

[FR Doc. 97–25339 Filed 9–25–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–120; FCC 97–276]

Grandfathered Short-Spaced FM Stations

AGENCY: Federal Communications Commission.

ACTION: Final rule.