3. Section 175.125 is amended by adding paragraph (a)(8) and by revising paragraph (b)(1) to read as follows:

§ 175.125 Pressure-sensitive adhesives.

* * * * *

(a) * * *

(8) 2-Hydroxy-1-[4-(2-hydroxyethoxy)phenyl]-2-methyl-1-propanone (CAS Reg. No. 106797–53–9) as a photoinitiator at a level not to exceed 5 percent by weight of the pressure-sensitive adhesive.

(b) * * *

(1) Substances listed in paragraphs (a)(1), (a)(2), (a)(3), (a)(5), (a)(6), (a)(7), and (a)(8) of this section, and those substances prescribed by paragraph (a)(4) of this section that are not identified in paragraph (b)(2) of this section.

* * * * *

Dated: September 15, 1998.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–25795 Filed 9–25–98; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL–6167–7]

Virginia; Final Approval of Underground Storage Tank Program

AGENCY: Environmental Protection Agency (EPA).

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

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

EFFECTIVE DATES: Program approval for Virginia shall be effective on October 28, 1998.

FOR FURTHER INFORMATION CONTACT: Rosemarie Nino, State Programs Branch, Waste & Chemicals Management Division (3WC21), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029, (215) 814–3377.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve a State's underground storage tank program 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 15, 1998, the State submitted an official application for EPA approval to administer its underground storage tank program. On July 30, 1998, EPA published a tentative determination announcing its intent to approve the State's program. Further background on the tentative decision to grant approval appears at 63 FR 40683–40685, (July 30, 1998).

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. EPA did not receive any public comments and since there were no requests to hold a public hearing, it was cancelled.

B. Final Decision

I conclude that the State'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 is granted approval to operate its underground storage tank program in lieu of the Federal program.

C. 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.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. 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 State program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a ''Federal mandate'' duties that arise from participation in a voluntary Federal program. A State'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 State 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.

E. 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 pursuant to this Final Rule. EPA's authorization does not impose any additional burdens on these small entities; rather EPA's authorization of Virginia's UST program today simply results 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.

F. Compliance With Executive Order 13045

Executive Order 13045 applies to any rule that the Office of Management and Budget determines is ''economically significant'' as defined under Executive Order 12866, and that EPA determines that the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

The Agency has determined that the final rule is not a covered regulatory action as defined in the Executive Order because it is not economically significant and does not address environmental health and safety risks. As such, the final rule is not subject to the requirements of Executive Order 13045.

G. 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, Underground storage tanks.

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

Dated: September 17, 1998.

Stanley L. Laskowski,

Acting Regional Administrator, Region 3.

[FR Doc. 98–25888 Filed 9–25–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6168–2]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of partial deletion of portions of the Sangamo Weston/Twelve Mile Creek/Lake Hartwell (Sangamo) Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the partial deletion of the Sangamo site in Pickens, South Carolina from the National Priorities List (NPL). The portion to be deleted is described below. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of South Carolina have determined that all appropriate Fund-financed responses under CERCLA have been implemented on the portions of the property targeted for this partial deletion and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of South Carolina Department of Health and Environmental Control have determined that remedial actions conducted on these portions of the property at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: September 28, 1998.

FOR FURTHER INFORMATION CONTACT: Sheri Panabaker, Remedial Project Manager, U.S. EPA, Region 4, 61 Forsyth Street, WD–NSMB, Atlanta, GA 30303, 404/562–8810.

SUPPLEMENTARY INFORMATION: The area to be deleted from the NPL is a portion of the Sangamo Superfund Site, Pickens, South Carolina. The portions to be deleted include: three of the off-site remote properties (Trotter, Nix, and Welborn), as well as unused property across Sangamo Road from the plant site. Contaminated soils were removed from the three remote sites and taken to the plant site where they were treated with all the other contaminated soils by thermal desorption. Confirmational sampling from the unused property across the street from the plant site, did not show any contamination. This partial deletion does not include all site soil actions nor the groundwater remedial action which will remain on the NPL. A Notice of Intent to Delete for this site was published in the **Federal Register** on August 17, 1998 (63 FR 43900). The closing date for comments on the Notice of Intent to Delete was September 16, 1998. EPA received no comments during this period.

The 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 (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 300.66(c)(8) of the NCP states that fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site or a portion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover cost 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.