

to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective November 29, 2002, unless EPA receives adverse written comments by October 30, 2002.

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 November 29, 2002. 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 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: September 18, 2002.

**Steve Rothblatt,**

*Acting Regional Administrator, Region 5.*

For the reasons stated in the preamble, part 62, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart KK—Ohio

2. A new center heading and § 62.8855 are added to read as follows:

#### **Emissions From Small Municipal Waste Combustion Units With the Capacity To Combust at Least 35 Tons Per Day of Municipal Solid Waste But No More Than 250 Tons Per Day of Municipal Solid Waste and Commenced Construction on or Before August 30, 1999**

##### **§ 62.8855 Identification of plan—negative declaration.**

On July 25, 2002, the State of Ohio certified to the satisfaction of the United States Environmental Protection Agency that no sources categorized as small Municipal Waste Combustors are located in the State of Ohio.

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**BILLING CODE 6560-50-P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 300**

[FRL-7384-3]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Standard Steel and Metals Salvage Yard Site from the National Priorities List.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA), Region 10, announces the deletion of the Standard Steel and Metals Salvage Yard Site which is located in Anchorage, Alaska, 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 (CERCLA), as amended. EPA and the State of Alaska have determined that the Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

**EFFECTIVE DATE:** September 30, 2002.

#### **FOR FURTHER INFORMATION CONTACT:**

Beverly Gaines, EPA Point of Contact, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Mail Stop ECL-110, Seattle, WA 98101, (206) 553-1066.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Standard Steel and Metals Salvage Yard Site, Anchorage, Alaska.

A Notice of Intent to Delete for this site was published in the **Federal Register** on August 14, 2002 (67 FR 52918). The closing date for comments on the Notice of Intent to Delete was September 15, 2002. A comment letter was received after the comment period closed. The commenter opposes EPA's remedy and proposes an alternative remedy using peroxidative treatment. EPA selected its remedy after holding a public comment period between March 18 and April 17, 1996. Pursuant to the National Contingency Plan, EPA selected a stabilization/solidification and containment remedy which is protective of human health and the environment. Because hazardous substances will remain at the site above levels that allow unlimited use and unrestricted exposure, the site will undergo five-year reviews.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. 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(e)(3) 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 20, 2002.

**L. John Iani,**

*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:** 42 U.S.C 9601–9657; 33 U.S.C. 1321(c)(2); 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 2 of appendix B to part 300 is amended by removing the entry for “Standard Steel & Metals Salvage Yard (USDOT), Anchorage, AK.”

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### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 300**

[FRL–7387–6]

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

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of deletion of the Gould Site from the National Priorities List.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA), Region 10, announces the deletion of the Gould Site which is located in Portland, Oregon, 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 (CERCLA), as amended. EPA and the State of Oregon have determined that the Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

**EFFECTIVE DATE:** September 30, 2002.

**FOR FURTHER INFORMATION CONTACT:** Beverly Gaines, EPA Point of Contact, U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Mail Stop ECL–110, Seattle, WA 98101, (206) 553–1066.

**SUPPLEMENTARY INFORMATION:** The site to be deleted from the NPL is: Gould Site, Portland, Oregon.

A Notice of Intent to Delete for this site was published in the **Federal Register** on August 23, 2002 (67 FR 54602). The closing date for comments on the Notice of Intent to Delete was September 23, 2002. EPA received one comment letter. The comment letter received by EPA asked about dioxin contaminants that were injected into the dry wells at the Chipman site adjacent to the Gould Site. The Oregon Department of Environmental Quality (DEQ) is currently conducting an Remedial Investigation/Feasibility Study (RI/FS) at the Rhone Poulenc (formerly Chipman Chemical) site. Contaminant sources, such as dry wells, sumps and drainage pathways were characterized during two large soil sampling events completed in December 2000 and December 2001. DEQ is currently working with Rhone Poulenc to evaluate the risks to human health and the environment from contaminants (including 2,3,7,8-tetrachloro-dibenzo-p-dioxin (dioxin)) released to soil and groundwater. This information will be used to evaluate, design, and implement cleanup activities at the site.

For more information on the status of the Rhone Poulenc investigation, consult the DEQ Web site (<http://www.deq.state.or.us/wmc/psrasp/ActiveSites.htm>) and query Rhone Poulenc or contact the DEQ project manager, Eric Blischke at (503) 229–5648.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. 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(e)(3) 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, and Water supply.

Dated: September 24, 2002.

**Randall F. Smith,**

*Acting Regional Administrator, Region 10.*

1. 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:** 42 U.S.C 9601–9657; 33 U.S.C. 1321(c)(2); 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 the entry for the “Gould, Inc., Portland, OR.”

[FR Doc. 02–24765 Filed 9–27–02; 8:45 am]

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### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 300**

[FRL–7385–1]

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

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

**ACTION:** Notice of Deletion of the Pinette’s Salvage Yard Superfund Site from the National Priorities List.

**SUMMARY:** EPA—New England announces the deletion of the Pinette’s Salvage Yard Superfund Site located in Washburn, Aroostook County, Maine from the National Priorities List (NPL). The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), is found at Appendix B of 40 CFR part 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA and the State of Maine, through the Department of Environmental Protection, have determined that all appropriate response actions under CERCLA have been completed and the site poses no significant threat to human health or the environment. However, this deletion does not preclude future actions under Superfund.

**EFFECTIVE DATE:** September 30, 2002.

**FOR FURTHER INFORMATION CONTACT:** Almerinda Silva, Remedial Project Manager, U.S. EPA, One Congress Street, Suite 1100, (HBT), Boston, Massachusetts 02114–2023, (617) 918–