

designed to provide greater flexibility only to the OSi Specialties, Inc., Sistersville Plant, and did not impose or remove additional regulatory requirements on other regulated entities.

List of Subjects in 40 CFR Parts 264 and 265

Environmental protection, Air pollution control, Control device, Hazardous waste, Monitoring, Reporting and recordkeeping requirements, Surface impoundment, Treatment storage and disposal facility, Waste determination.

Dated: April 16, 1998.

Carol M. Browner,
Administrator.

Accordingly, 40 CFR Chapter I is amended as follows:

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

§ 264.1080 [Amended]

2. Section 264.1080 is amended by removing paragraphs (f) and (g).

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

§ 265.1080 [Amended]

4. Section 265.1080 is amended by removing paragraphs (f) and (g).

[FR Doc. 98-10861 Filed 4-21-98; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS-400082D; FRL-5785-5]

Deletion of Certain Chemicals; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is today amending its regulations to delete several chemicals and chemical categories from the list of chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). This action is being taken to comply with a January 12, 1998 order from the United States District Court for the District of Columbia. Because this action is being taken to conform the regulations to the court's order, notice and comment are not required, and this rule is effective immediately.

EFFECTIVE DATE: This rule is effective April 22, 1998.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Petitions Coordinator, 202-260-3882 or e-mail: bushman.daniel@epamail.epa.gov. For specific information regarding this document or for further information on EPCRA section 313, contact the Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877, or Toll free TDD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 30, 1994 (59 FR 61432) (FRL-4922-2), EPA issued a final rule entitled "Addition of Certain Chemicals; Toxic Chemical Release Reporting; Community Right-to-Know" under section 313(d) of EPCRA, 42 U.S.C. 11023(d). That rule added 286 chemicals and chemical categories (hereinafter collectively "chemicals") to the list of toxic chemicals subject to reporting under section 313 of EPCRA, 42 U.S.C. 11023, and section 6607 of the PPA, 42 U.S.C. 13106(a).

The Chemical Manufacturers Association (CMA) and several other plaintiffs filed suits challenging various aspects of the rule in the United States District Court for the District of Columbia. During the pendency of those cases, EPA and CMA entered into an agreement whereby EPA consented to

the remand and vacatur of dimethyldichlorosilane, methyltrichlorosilane, and trimethylchlorosilane (hereinafter collectively "chlorosilanes") which had been added by the rule. An order to that effect was issued by the District Court. Subsequently, the court granted summary judgment in favor of EPA on all remaining issues raised in the cases. See *National Oilseed Processors Ass'n, et al. v. Browner*, 924 F. Supp. 1193 (D.D.C. 1996).

On appeal, the Court of Appeals for the District of Columbia Circuit upheld the lower court's decision on all issues except EPA's listing of 2,6-dimethylphenol (DMP) and 2-bromo-2-nitropropane-1,3-diol (Bronopol). See *Troy Corp., et al. v. Browner*, 120 F.3d 277 (D.C. Cir. 1997). As to those chemicals, by order dated December 16, 1997 the court remanded the District Court's decision with instructions to remand EPA's action to the Agency for further proceedings consistent with the Court of Appeals' ruling. On CMA's motion, the District Court then issued a January 12, 1998 order (*Chemical Manufacturers Association v. Browner, et al.*, No. 1:95CV01673) vacating the listing of DMP and Bronopol, and directing EPA to publish a notice removing chlorosilanes, DMP, and Bronopol from the EPCRA section 313 list of reportable toxic chemicals.

Accordingly, EPA is issuing this final rule revising the EPCRA section 313 list of reportable chemicals in 40 CFR 372.65 to delete chlorosilanes, DMP, and Bronopol. Under 5 U.S.C. 553(b)(3)(A), the notice-and-comment requirements of the Federal Administrative Procedure Act (5 U.S.C. 551-706) do not apply where the Agency "for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." Because the District Court's orders vacate the listing of chlorosilanes, DMP, and Bronopol thus rendering those listings without effect, and because this action is being taken merely to comply with the court's direction and to amend the regulations so that they reflect the present legal status of those chemicals, EPA hereby finds that notice and comment on this action are unnecessary.

This action is effective immediately upon publication in the **Federal Register**. Under 5 U.S.C. 553(d)(3), 30-day advance notice of a rule is not required where the Agency provides otherwise for good cause. EPA finds that good cause for an immediate effective date exists in this case, because as explained above this rule merely amends the EPCRA section 313 list of

reportable toxic chemicals to reflect the present legal status of the chemicals addressed in this final rule.

Since this action does not contain any requirements, it does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). For the same reason, it does not require any review under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). In addition, since this action does not require a proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

The deletion of these chemicals from the EPCRA section 313 list will reduce the overall reporting and recordkeeping burden estimate provided for EPCRA section 313, but this action does not require any review or approval by OMB under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* until EPA decides to subtract the total burden eliminated by today's action from the EPCRA section 313 overall burden approved by OMB. At some point in the future, EPA will determine the total EPCRA section 313 burden associated with the chemicals being deleted today, and will complete the required Information Collection Worksheet to adjust the total EPCRA section 313 estimate. The reporting and recordkeeping burdens associated with EPCRA section 313 are approved by OMB under OMB No. 2070-0093 (EPCRA section 313 base program and Form R, EPA ICR No. 1363) and under OMB No. 2070-0145 (Form A, EPA ICR No. 1704). The current public reporting burden for EPCRA section 313 is estimated to average 61.3 hours for a Form R submitter and 34.5 hours for a Form A submitter. These estimates include the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, including suggestions for reducing this burden, to Chief, Information Policy Branch, Mail Code 2137, U.S. Environmental Protection Agency, 401 M St., SW., Washington,

DC 20460. Please do not send your completed forms to this address.

Pursuant to the Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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**. However, section 808 of that Act provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines (5 U.S.C. 808(2)). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of April 22, 1998. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: April 13, 1998.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 372 is amended to read as follows:

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

§ 372.65 [Amended]

2. Section 372.65 is amended by deleting the entries for 2-bromo-2-nitropropane-1,3-diol, dimethyldichlorosilane, 2,6-dimethylphenol, methyltrichlorosilane, and trimethylchlorosilane under paragraph (a), and deleting the entire CAS No. entries for 52-51-7, 75-77-4, 75-78-5, 75-79-6, and 576-26-1 under paragraph (b).

[FR Doc. 98-10712 Filed 4-21-98; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 571 and 589

[Docket No. NHTSA-98-3421]

RIN 2127-AB85

Federal Motor Vehicle Safety Standards; Head Impact Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petitions for reconsideration.

SUMMARY: This document denies petitions for reconsideration submitted by the American Automobile Manufacturers Association (AAMA) and ASC, Incorporated (ASC). On April 8, 1997, NHTSA published a final rule amending provisions in Standard No. 201, Head Impact Protection, relating to upper interior head impact protection. The amendments revised and clarified test procedures, added an optional compliance phase-in plan, allowed carry-forward credits to facilitate compliance, and excluded small buses from the Standard's upper interior impact protection requirements. ASC's petition stated the company's concerns about the impact of the final rule on the integrated convertible roof and frame designs and requested a further amendment to the definition of "convertible roof frame system." AAMA's petition requested that NHTSA reconsider and modify the final rule in reference to approach angles, moveable side glazing, multiple impacts, the procedure for locating CG-F (a reference point corresponding to the location of a front seat occupant's head), and the definition of "forehead impact zone."

DATES: *Petition Date:* Any petitions for reconsideration of this denial must be received by NHTSA no later than June 8, 1998.

ADDRESSES: Any petitions for reconsideration should refer to the docket and notice number of this notice and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For legal issues: Mr. Otto Matheke, Office of the Chief Counsel, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Matheke's telephone number is (202) 366-5253. His facsimile number is (202) 366-3820. For non-legal issues: Dr. William Fan, Office of Crashworthiness Standards, NPS-11, Dr. Fan's telephone