

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 79

[FRL-5890-4]

Proposed Alternative Tier 2 Requirements for Baseline Gasoline and the Oxygenated Gasoline Categories of Methyl Tertiary Butyl Ether, Ethyl Tertiary Butyl Ether, Ethyl Alcohol, Tertiary Amyl Methyl Ether, Diisopropyl Ether, and Tertiary Butyl Alcohol

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed requirements.

SUMMARY: The purpose of this notice is to announce that the Environmental Protection Agency (EPA) has notified the American Petroleum Institute (API) test group consortium (hereinafter API Test Group Consortium) for baseline gasoline and gasolines containing methyl tertiary butyl ether (MTBE) and other oxygenates, of the proposed Alternative Tier 2 testing requirements under the fuel and fuel additive (F/FAs) registration testing requirements of 40 CFR part 79, subpart F, and to request public comment on these proposed requirements.

The Agency notified the API Test Group Consortium, by certified letter dated August 20, 1997, of the specific tests which the Agency is proposing to require under the Alternative Tier 2 provisions for baseline gasoline and gasolines containing MTBE, and other oxygenates, and the proposed schedule for completion and submission of such tests. A copy of the letter as well as the proposed tests and schedule under the Alternative Tier 2 provisions have been placed in the public record.

DATES: Comments on these proposed Alternative Tier 2 provisions must be received from the public by November 10, 1997. Comments on the proposed Alternative Tier 2 provisions must be received from the API Test Group Consortium within 60 days of their receipt of the notification letter.

ADDRESSES: Written comments on this proposed action should be addressed to Public Docket No. A-96-16, Waterside Mall (Room M-1500), Environmental Protection Agency, Air Docket Section, 401 M Street, S.W., Washington, D.C. 20460. Materials relevant to this rulemaking have been placed in Docket A-96-16. Documents may be inspected during the hours of 8:00 a.m. to 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: John Brophy, Environmental Scientist, U.S. Environmental Protection Agency, Office of Air and Radiation, (202) 233-9068.

SUPPLEMENTARY INFORMATION: *Regulated Entities.* Entities potentially regulated by this action are those that manufacture gasoline with or without the fuel additives MTBE, ethyl tertiary butyl ether (ETBE), ethyl alcohol (EtOH), tertiary amyl methyl ether (TAME), diisopropyl ether (DIPE), and tertiary butyl alcohol (TBA) and manufacturers of these oxygenates and other gasoline additives. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Oil refiners, gasoline importers, oxygenate blenders, oxygenate and fuel additive manufacturers.

This table is not intended to be exhaustive, but, rather illustrates the types of entities that EPA is currently aware of that are likely to be regulated by this action. Other types of entities not listed in this table could also be regulated. To determine whether an entity not described by the examples listed in the table is subject to these requirements, refer to the applicability criteria in § 79 of title 40 of the Code of Federal Regulations. If questions remain regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

In accordance with 40 CFR 79.56(a), manufacturers of F/FAs may satisfy the subpart F testing requirements on a group basis, e.g. the API Test Group Consortium. Each individual manufacturer that is a member of such a group, however, continues to be individually subject to the testing and data submission requirements.

This notice serves as a notice to all manufacturers of the subject F/FAs, that are not exempted from these requirements under the small business provisions of 40 CFR 79.58(d), that they are subject to these requirements.

I. Introduction

The Clean Air Act (CAA) required the Administrator of EPA to promulgate requirements providing for industry testing of the health effects of emissions of F/FAs. The final rule, promulgated on May 27, 1994, established new health effects testing requirements for the registration of designated F/FAs as authorized by sections 211(b)(2) and 211(e) of the CAA.

The registration requirements are organized within a three-tier structure. Tier 1 requires F/FAs manufacturers to supply to EPA (1) the identity and concentration of certain emission products of designated F/FAs and an analysis of potential emission exposures, and (2) any available information regarding the health and welfare effects of the whole and speciated emissions. 40 CFR 79.52. Tier 2 requires that combustion emissions of each F/FAs subject to the testing requirements be tested for subchronic systemic and organ toxicity, as well as the assessment of specific health effects endpoints. 40 CFR 79.53. Tier 3 testing may be required, at EPA's discretion, when remaining uncertainties as to the significance of observed health or welfare effects, or emissions exposures interfere with EPA's ability to reasonably assess the potential risks posed by emissions from a F/FAs. 40 CFR 79.54. EPA's regulations permit submission of adequate existing test data in lieu of conducting new duplicative tests. 40 CFR 79.53(b). The regulations also include provisions for small businesses and certain types of products, and a grouping system which permits manufacturers of similar F/FAs products to share the costs of compliance. 40 CFR 79.58.

The regulations also permit EPA to modify the standard Tier 2 health effects testing requirements for a F/FAs (or group thereof). EPA may modify the standard Tier 2 requirements by substituting, adding, or deleting testing requirements; or changing the underlying vehicle/engine specifications. EPA will not, however, delete a testing requirement for a specific endpoint in the absence of existing adequate information, or an alternative testing requirement for that endpoint. 40 CFR 79.58(c). When EPA exercises its authority under this special provision, it will allow an appropriate time for completion of the prescribed alternative tests.

II. Proposed Alternative Tier 2 Requirements for Baseline Gasoline and Oxygenated Gasolines

The purpose of this notice is to announce that the Environmental Protection Agency (EPA) has notified the API Test Group Consortium of the proposed Alternative Tier 2 testing requirements under 40 CFR 79.58(c) and to request public comment on the proposed requirements.

The Agency notified the API Test Group Consortium, by certified letter dated September 20, 1997, of the specific tests which the Agency is proposing to require under the

Alternative Tier 2 provisions for baseline gasoline and oxygenated gasolines, and the proposed schedule for completion and submission of such tests. A copy of the letter as well as the proposed tests and schedule under the Alternative Tier 2 provisions have been placed in the Public Docket No. A-96-16, Waterside Mall (Room M-1500), Environmental Protection Agency, Air Docket Section, 401 M Street, S.W., Washington, D.C. 20460. The notification letter is also available on the internet via the EPA's Mobile Sources home page at <http://www.epa.gov/OMSWWW/>. The Agency is requesting public comment on these proposed requirements.

III. Environmental Impact

This proposal will result in no immediate environmental impact, but may provide a basis for further regulatory action, should the collected data indicate that health risks exist.

IV. Economic Impact

This proposed Alternative Tier 2 notification for baseline gasoline and gasolines containing the specified oxygenates will have a significant impact on oil refiners and manufacturers whose total annual sales are more than \$50 million. The F/FAs regulations at 40 CFR 79.58(d) contain provisions for those fuel or fuel additive manufacturers whose total annual sales are less than \$50 million, and therefore these parties are not subject to the requirements in this notice.

List of Subjects in 40 CFR Part 79

Environmental Protection, Air Pollution Control, Gasoline, Conventional Gasoline, Oxygenates, Methyl Tertiary Butyl Ether, and Motor Vehicle Pollution.

Dated: September 2, 1997.

Richard D. Wilson,

Acting Assistant Administrator, Office of Air and Radiation.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, and 273

[SWH-FRL-5889-2]

Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury-Containing Lamps; Notice of Data Availability; Notice of Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of data availability; notice of extension of comment period.

SUMMARY: The comment period for the Mercury Emissions study relating to the management of spent mercury-containing lamps under the Resource Conservation and Recovery Act Subtitle C hazardous waste management system which was announced in the **Federal Register** on July 11, 1997 (62 FR 37183) is extended from August 25, 1997 to October 9, 1997.

DATES: EPA will accept public comments on this Notice of Data Availability until close of business on October 9, 1997.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F-97-FLEA-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, D.C. 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically by sending electronic mail through the Internet to: rcradocket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F-97-FLEA-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. If comments are not submitted electronically, EPA is asking prospective commenters to voluntarily submit one additional copy of their comments on labeled personal computer diskettes in ASCII (TEXT) format or a word processing format that can be converted to ASCII (TEXT). It is essential to specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow EPA to convert the comments into one of the word processing formats utilized by the

Agency. Please use mailing envelopes designed to physically protect the submitted diskettes. EPA emphasizes that submission of comments on diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, D.C. 20460.

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. For information on accessing paper and/or electronic copies of the document, see the "Supplementary Information" section.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, D.C., metropolitan area, call (703) 412-9810 or TDD (703) 412-3323. For information on specific aspects of the report, contact Mr. Lyn Luben, Office of Solid Waste (5307W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, phone (703) 308-0508.

SUPPLEMENTARY INFORMATION: On July 11, 1997 EPA published a Notice of Data Availability (NODA) (62 FR 37183) announcing the availability of its mercury emissions study. The Mercury Emissions study contains information relating to the July 1994 proposed rule addressing the management of spent mercury-containing lamps. The Agency established a 45-day comment period in the NODA and indicated that comments on the study would be accepted until August 25, 1997. EPA has received several written requests to extend the comment period. The additional time requested ranged from 45 to 90 days. As justification for the time extension, stakeholders noted the large amount of information contained in the report and the complexity of the study. The Agency has decided to grant an additional 45 days beyond the initial 45-day comment period to allow stakeholders additional