

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 300**

[FRL-5608-4]

National Oil and Hazardous Substances Pollution Contingency Plan: National Priorities List Update**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of Deletion of the Liquid Gold Oil Corporation Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region 9, announces the deletion of the Liquid Gold Oil Corporation site 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 of 1980, as amended (CERCLA). EPA and the State of California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) 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 11, 1996.**FOR FURTHER INFORMATION CONTACT:**

Andrew Lincoff, U.S. EPA Region 9, 75 Hawthorne Street, Mail Code H-6-3, San Francisco, California 94105 (510) 412-2330, OR Ben Hargrove, Cal/EPA DTSC Region 2, 700 Heinz Avenue, Suite 200, Berkeley, California 94710, (510) 540-3845.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is:

Liquid Gold Oil Corporation site, Richmond, California.

A Notice of Intent to Delete for this site was published on April 12, 1996 (XX FR 16234). The closing date for comments on the Notice of Intent to Delete was May 12, 1996. EPA received no comments.

EPA identifies sites which appear to present a significant risk to human health, welfare or the environment, and it maintains the NPL as the list of those sites. Sites on the NPL may be subject of Hazardous Substances 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 record keeping, requirements, Superfund, Water pollution control, Water supply.

Dated: September 3, 1996.

John Wise,

Acting Regional Administrator, Region 9.

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 the Liquid Gold Oil Corporation Site, Richmond, California.

[FR Doc. 96-23222 Filed 9-10-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****49 CFR Part 575**

[Docket No. 96-88; Notice 1]

RIN 2127-AG54**Consumer Information Regulations; Fees for Course Monitoring Tires****AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.**ACTION:** Final rule.

SUMMARY: This rule amends NHTSA's consumer information regulations on uniform tire quality grading by reducing the fee for the purchase of treadwear course monitoring tires that are sold by the agency at its Uniform Tire Quality Grading Test Facility in San Angelo, Texas. The purchase fee has been reduced to eliminate charges for testing the tires to establish their base course wear rate. This testing will no longer be

performed by NHTSA in view of the agency's decision to fix the base course wear rate at its current value for all course monitoring tires that are sold in the future.

DATES: The amendment established by this final rule will become effective on October 11, 1996.

Any petitions for reconsideration must be received by NHTSA not later than October 28, 1996.

ADDRESSES: Any petitions for reconsideration should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Clive Van Orden, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, (202-366-2830).

SUPPLEMENTARY INFORMATION: In a final rule published on August 2, 1995 at 60 FR 39269, NHTSA established fees for the purchase of treadwear course monitoring tires and for the use of the traction skid pads at the agency's Uniform Tire Quality Grading Test Facility in San Angelo, Texas. The rule noted that under uniform tire quality grading (UTQG) standards at 49 CFR 575.104, tires must be labeled with information indicating their relative performance in the areas of treadwear, traction, and temperature resistance. For the purpose of evaluating treadwear performance, NHTSA established a 400 mile roadway course near San Angelo, Texas, which is designed to produce treadwear rates that are generally representative of those encountered by tires in public use. Under the UTQG standards, the projected mileage obtained for tested tires must be corrected to account for environmental and other variations that occur during testing on the course. This is done by comparing the performance of the tested tires to that of course monitoring tires run in the same convoy. The course monitoring tires are specially manufactured under controlled conditions so that they can be used as a grading standard, and are made available by NHTSA for purchase at the San Angelo test facility.

The rule further noted that an audit conducted by the Department of Transportation's Office of Inspector General (OIG) concluded that NHTSA was not recovering the full cost of the course monitoring tires that it sells at San Angelo, contrary to the

requirements of Office of Management and Budget (OMB) Circular A-25, which establishes Federal policy regarding fees assessed for Government services and for the sale or use of Government goods or resources. To address these deficiencies, the rule established \$379.00 as the fee for each course monitoring tire that NHTSA sells at San Angelo. This amount was the minimum necessary for NHTSA to recover the direct and indirect costs that it incurs in furnishing these tires. It was derived by performing the following calculation for the 700 course monitoring tires that are purchased annually by NHTSA:

Purchase price of course monitoring tires	\$175,000
General facility costs relating to tires	3,400
Warehouse storage fees	24,000
Salaries relating to tires	29,825
Testing fees to establish base course wear rate for tires	32,800
Total	\$265,025
Number of tires purchased annually=700	
$\$265,025 \div 700 = \378.61 cost per tire.	

Through a final rule published elsewhere in this issue of the Federal Register, NHTSA has amended the UTQG Standards to revise treadwear test procedures so that the base course wear rate of course monitoring tires is fixed at its current value of 1.34 mils per thousand miles. As a result of this amendment, NHTSA will no longer perform testing to establish a base course wear rate for newly procured batches of course monitoring tires.

So that the government recovers no more than the costs that it actually incurs in providing these tires, testing expenses are being eliminated from the formula used to calculate the tires' purchase price. As shown in the above calculation, testing expenses to establish a base course wear rate amount to \$32,800 for the 700 tires that are purchased annually by NHTSA. By eliminating these expenses, the price that is charged for each tire may be reduced by \$47.00 ($\$32,800 \div 700 = \46.85). NHTSA is adding one dollar to the purchase price of each tire to cover shipping expenses it incurs for the delivery of these tires to the San Angelo test facility. These expenses amount to \$880.00 for each lot of 700 tires that the agency receives ($\$880.00 \div 700 = \1.26). With these adjustments, the purchase price for each course monitoring tire that NHTSA sells at San Angelo has now been set at \$333.00 ($\$379.00 - \$47.00 + \$1.00 = \333.00).

Rulemaking Analyses and Notices

1. Executive Order 12866 (Federal Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This rulemaking action was not reviewed under E.O. 12866. NHTSA has analyzed this rulemaking action and determined that it is not "significant" within the meaning of the Department of Transportation's regulatory policies and procedures.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the amendment resulting from this rulemaking will not have a significant economic impact on a substantial number of small entities. Accordingly, the agency has not prepared a regulatory flexibility analysis.

The agency believes that motor vehicle and tire manufacturers and tire brand owners typically do not qualify as small entities. This amendment may affect small businesses, small organizations, and small governmental units to the extent that these entities purchase vehicles and tires.

However, because this amendment is reducing the fee that NHTSA charges for course monitoring tires, it can only have a beneficial effect on these entities.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule does not have sufficient Federalism implications to warrant preparation of a Federalism Assessment. No State laws will be affected.

4. National Environmental Policy Act

The agency has considered the environmental implications of this rule in accordance with the National Environmental Policy Act of 1969 and determined that it will not significantly affect the human environment.

5. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, P.L. 96-511, the agency notes that there are no information collection requirements associated with this rulemaking action.

6. Civil Justice Reform

This rule does not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30111), whenever a Federal motor vehicle safety

standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (49 U.S.C. 30161) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

7. Notice and Comment

NHTSA finds that prior notice and opportunity for comment are unnecessary under 5 U.S.C. 553(b)(3)(B) because affected members of the public can only benefit from the fee reduction that is accomplished by this amendment.

List of Subjects in 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, § 575.104, *Uniform tire quality grading standards*, in Title 49 of the Code of Federal Regulations at Part 575, is amended as follows:

PART 575—[AMENDED]

1. The authority citation for Part 575 will continue to read as follows:

Authority: 49 U.S.C. 322, 30111, and 30123; delegation of authority at 49 CFR 1.50

2. Appendix D to § 575.104 is amended by revising paragraph 1 to read as follows:

§ 575.104 Uniform tire quality grading standards.

* * * * *

Appendix D—User Fees

1. *Course Monitoring Tires:* A fee of \$333.00 will be assessed for each course monitoring tire purchased from NHTSA at Goodfellow Air Force Base, San Angelo, Texas. This fee is based upon the direct and indirect costs attributable to: (a) the purchase of course monitoring tires by NHTSA, (b) a pro rata allocation of salaries and general facility costs associated with maintenance of the tires, and (c) warehouse storage fees for the tires.

* * * * *

Issued on: August 6, 1996.

Ricardo Martinez,
Administrator.

[FR Doc. 96-22949 Filed 9-10-96; 8:45 am]

BILLING CODE 4910-59-P