

40 CFR Part 300**[FRL-5660-4]****National Oil and Hazardous Substances Contingency Plan; National Priorities List Update****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of deletion of the Omega Hills North Landfill, Germantown, Wisconsin from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Omega Hills North Landfill, Germantown, Wisconsin from the National Priorities List (NPL). The NPL is 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 Wisconsin have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of Wisconsin have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: December 11, 1996.

ADDRESSES: The comprehensive information on the site is available at the local information repository located at: Wisconsin Department of Natural Resources, 101 S. Webster, Madison, WI 53707. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. Address for the Regional Docket Office is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT: Gladys Beard, Associate Remedial Project Manager, Office of Superfund, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604, (312) 886-7253.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL list: The Omega Hills North Landfill, Germantown, Wisconsin.

A Notice of Intent to Delete for this site was published at 61 FR 32765, June 25, 1996. The closing date for comments on the Notice of Intent to Delete was July 25, 1996. EPA received no comments and therefore has not prepared a Responsiveness Summary.

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 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. 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: November 21, 1996.
Valdas V. Adamkus,
Regional Administrator, U.S. EPA, Region 5.

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 Omega Hills North Landfill site, Germantown, Wisconsin.

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40 CFR Parts 712 and 716**[OPPTS-82049A; FRL-5577-6]****Preliminary Assessment Information and Health and Safety Data Reporting; Stay of a Final Rule****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule; stay.

SUMMARY: EPA is staying certain provisions of a final rule which was published in the Federal Register of

October 29, 1996, which added chemical substances to two model information gathering rules: the Toxic Substances Control Act (TSCA) Section 8(a) Preliminary Assessment Information Rule (PAIR) and the TSCA Section 8(d) Health and Safety Data Reporting Rule. The TSCA Interagency Testing Committee (ITC) has requested that EPA stay certain provisions in the October 29, 1996, final rule for nonylphenol ethoxylates in order to avoid ambiguities in TSCA section 8(a) and 8(d) reporting resulting from the use of alternate CAS numbers cited in the ITC's 38th report.

EFFECTIVE DATE: This rule is effective December 11, 1996.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. E-543, Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551, e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Eighteen nonylphenol ethoxylates were recommended in the ITC's 38th Report (61 FR 39832, July 30, 1996) (FRL-5379-2). Alternate CAS registry numbers were listed for some of these nonylphenol ethoxylates. The use of alternate CAS numbers produced some ambiguities in the TSCA section 8(a) and 8(d) rules that were promulgated for the nonylphenol ethoxylates (61 FR 55872, October 29, 1996) (FRL-5397-9). The ITC re-examined these alternate CAS registry numbers and determined that 5 were not associated with any of the listed nonylphenol ethoxylates chemical names. The ITC revised the list of nonylphenol ethoxylates by providing 9th Collective Index names for all CAS-numbered nonylphenol ethoxylates, including the 5 not previously associated with a unique name. This process eliminated the need for alternate CAS registry numbers.

The ITC's 39th Report was delivered to the EPA Administrator on November 27, 1996. In its report, the ITC provided more accurate information regarding the specific CAS-numbered nonylphenol ethoxylates for which there are U.S. government data needs, and requested that EPA stay the provisions for nonylphenol ethoxylates in the Agency's October 29, 1996, final rule for these chemicals (61 FR 55872). To eliminate all ambiguities in TSCA section 8(a) and 8(d) reporting resulting from the ITC's use of alternate CAS numbers for nonylphenol ethoxylates in its 38th report, EPA is issuing this stay. In the near future, EPA will publish the

39th ITC Report in the Federal Register and amend the TSCA section 8(a) and 8(d) reporting rules for the nonylphenol ethoxylates in order to eliminate any ambiguities in those rules.

List of Subjects in 40 CFR Parts 712 and 716

Environmental protection, Chemicals, Hazardous substances, Health and safety data, Reporting and recordkeeping requirements.

Dated: December 5, 1996.

Charles M. Auer,
Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR Chapter I is amended as follows:

PART 712—[AMENDED]

1. In part 712:

a. The authority citation for part 712 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

§ 712.30 [Amended]

b. In § 712.30, the table in paragraph (e) is amended by staying the entire category "Nonylphenol ethoxylates."

PART 716—[AMENDED]

2. In part 716:

a. The authority citation for part 716 continues to read as follows:

Authority: 15 U.S.C. 2607(d).

§ 716.120 [Amended]

b. In § 716.120, the table in paragraph (d) is amended by staying the entire category "Nonylphenol ethoxylates."

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74-14; Notice 106]

RIN 2127-AG14

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule, correcting amendment.

SUMMARY: On November 27, 1996, NHTSA published a final rule requiring vehicles with air bags to have new

warning labels. Two labels include language that children are safest in the back seat. Automobile manufacturers have asked whether this language is appropriate in vehicles which do not have a back seat. This notice corrects the language of the final rule to allow manufacturers of vehicles with no back seat to omit these sentences. This notice also corrects a typographic error in a December 4, 1996 correcting amendment which changed the dates in the regulatory text from 1997 to 1996.

DATES: Effective Date: The amendments made in this rule are effective December 27, 1996.

Petition Dates: Any petitions for reconsideration must be received by NHTSA no later than January 27, 1997.

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: Mary Versailles, Office of Safety Performance Standards, NPS-31, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590; telephone (202) 366-2057; facsimile (202) 366-4329; electronic mail "mversailles@nhtsa.dot.gov".

SUPPLEMENTARY INFORMATION: On November 27, 1996, NHTSA published a final rule amending 49 CFR 571.208 to require vehicles with air bags to have new warning labels. One of these labels, a sun visor label, includes the statement "The back seat is the safest place for children." Another label, a temporary label on the dash, includes the statement "The back seat is the safest place for children 12 and under." The regulatory language of the final rule does not allow manufacturers of vehicles with no back seat to omit these statements. This notice adds language allowing manufacturers of vehicles with no back seat to omit these statements.

On December 4, 1996, NHTSA published a correcting amendment to the November 27 final rule. The regulatory language in that rule inadvertently changed dates from 1997 to 1996. This notice also corrects that error.

NHTSA finds for good cause that this final rule can be made effective in less than 30 days. This rule makes minor corrections to the regulatory language of the November 27, 1996, final rule. This notice should therefore be effective on the same date as the earlier rule.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures: NHTSA has considered the impact of this rulemaking action under E.O. 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, "Regulatory Planning and Review." This document is part of an action that was determined to be "significant" under the Department of Transportation's regulatory policies and procedures. However, this notice does not impose any new requirements on manufacturers. It simply corrects a typographic error and allows some manufacturers the option of omitting two statements from warning labels.

Regulatory Flexibility Act: NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. Further, this final rule will not alter the economic impacts of the November 1996 final rule. As explained above, this rule will not have an economic impact on any manufacturers.

Paperwork Reduction Act: In accordance with the Paperwork Reduction Act of 1980 (P.L. 96-511), there are no requirements for information collection associated with this final rule.

National Environmental Policy Act: NHTSA has also analyzed this final rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

Executive Order 12612 (Federalism): NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform: This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, 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, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 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