

safety of participants, spectators, and transiting vessels. In the past, these regulations were implemented at various times for various events throughout the year by publishing a notice in the **Federal Register**. The Coast Guard is concerned that the lengthy process cycle time required to implement the regulated area in this manner may unnecessarily burden event sponsors. Incorporating a table that identifies the specific events during which the regulated area will be in effect will streamline the marine event process and significantly reduce process cycle time.

The majority of marine events for which the regulations will be in effect involve a parade of boats, consisting of approximately 40 to 50 vessels ranging in length from 20' to 200'. The Coast Guard is concerned that the current size of the regulated area may not be adequate to ensure the safety of these events, because the size and number of participating vessels continues to expand. The Coast Guard is also concerned that vessel operators have had difficulty in determining the position of the existing southern boundary of the regulated area due to the lack of easily identifiable landmarks. The Walt Whitman Bridge is easily identifiable and in close proximity to the current southern boundary.

The Coast Guard is amending the special local regulations previously established for this event area by increasing the size of the regulated area to include those waters of the Delaware River between the Benjamin Franklin Bridge and the Walt Whitman Bridge, and by incorporating a table that identifies specific events during which the regulated area will be in effect. Since the Coast Guard Patrol Commander may stop any event to assist transit of vessels through the regulated area, normal marine traffic should not be severely disrupted.

Discussion of Comments and Changes

The Coast Guard received no comments on the proposed rulemaking.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this

final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–602), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601–602) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirement under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(h) of COMDTINST M16475.1C, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade are excluded under that authority.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.509 is amended by revising paragraphs (a)(1), (b)(2)

introductory text, and (c) and adding Table 1 to read as follows:

§ 100.509 Delaware River, Philadelphia, Pennsylvania.

(a) * * *

(1) *Regulated Area:* The waters of the Delaware River from shore to shore, bounded to the south by the Walt Whitman Bridge and bounded to the north by the Benjamin Franklin Bridge.

* * * * *

(b) * * *

(2) The operator of any vessel in this area shall:

* * * * *

(c) *Effective Period:* This section is effective annually for the duration of each marine event listed in Table 1, or as otherwise specified in the Coast Guard Local Notice to Mariners and a **Federal Register** notice. The Coast Guard Patrol Commander will announce by Broadcast Notice to Mariners the specific time periods during which the regulations will be enforced.

Table 1 of § 100.509

Welcome America Celebration

Sponsor: Welcome America!

Date: On or about July 4

Columbus Day Celebration

Sponsor: Roberts Event Group

Date: On or about Columbus Day

New Year's Eve Celebration

Sponsor: City of Philadelphia

Date: December 31

Dated: July 14, 1998.

Robert T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 98–21339 Filed 8–7–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 148, 268, and 271

[FRL–6139–6]

RIN 2050–AD79

Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction of effective date and technical amendments.

SUMMARY: This rulemaking corrects errors found in three previous regulations which have imposed land disposal treatment standard deadlines for wastes generated by the organobromine industry. These corrections are being made to assure that the land disposal restrictions treatment standards for two organobromine production wastes (designated by EPA Hazardous Waste Codes K140 and U408) and one Universal Treatment Standard Table entry (2,4,6-Tribromophenol), become effective on November 4, 1998. These corrections are being made so that the treatment standards for the above wastes and waste constituent become effective when the rule listing them as hazardous waste becomes effective. Corrections are being made to the following three regulations: the May 4, 1998, regulations listing two organobromine production wastes as hazardous (63 FR 24596); the May 26, 1998 Phase IV final rule (63 FR 28556); and, the technical amendment to the May 4, 1998 rule that was published on June 29, 1998 (63 FR 35147).

EFFECTIVE DATES:

1. *The May 4, 1998 rule.* Effective August 10, 1998, the amendments to the table of treatment standards for hazardous wastes in § 268.40 on pages 24625 and 24626 in amendment 10, and the amendment to the universal treatment standards table in § 268.48 on page 24626 in amendment 11, are withdrawn.

2. *The May 26 rule.* The first sentence following the **EFFECTIVE DATES** caption is corrected to read as follows: "This final rule is effective August 24, 1998, except for the entries for EPA Hazardous waste numbers K140 and U408 in the table of treatment standards for hazardous wastes in § 268.40, and the entry for 2,4,6-Tribromophenol in the universal treatment standards table in § 268.48, which are effective November 4, 1998."

3. *The June 29, 1998 rule.* The sentence following the **EFFECTIVE DATE** caption on page 35147 is corrected to read: "This rule is effective November 4, 1998."

Effective August 10, 1998, the amendments to the table of treatment standards for hazardous wastes in § 268.40 on page 35149 in amendment 5 are withdrawn.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at (800) 424-9346 (toll free) or (703) 920-9810 in the Washington, DC metropolitan area. For information on this notice contact Rhonda Minnick (5302W), Office of Solid Waste, 401 M

Street, SW, Washington, DC 20460, (703) 308-8771.

SUPPLEMENTARY INFORMATION: The May 4, 1998 final rule amended the § 268.40 Table of Treatment Standards (page 24625, amendment 10) to add EPA Hazardous Waste numbers K140 and U408, and the § 268.48 Universal Treatment Standards table (page 24626, amendment 11). The Table of Treatment Standards entry for K140 contained an error, which was corrected in the June 29, 1998 technical amendment (page 35149, amendment 5) (however, the effective date for this amendment was incorrect). Both the amendments made in the May 4 rule and the June 29 rule are being withdrawn in this document. This is necessary because the Treatment Standard Table entries for K140 and U408 and the Universal Treatment Standards table entry for 2,4,6-Tribromophenol also appeared in the May 26, 1998 final rule in comprehensive tables that includes all the LDR treatment standards. This document, however, clarifies that the treatment standards and universal treatment standard constituent for these two organobromine production wastes as they appear in the May 26 final rule are effective November 4, 1998. This corresponds to the date that the rule listing them as hazardous wastes becomes effective.

In the June 29, 1998, technical amendment, an inadvertent error was made in the effective date. The incorrect effective date set out in the technical amendment was June 29, 1998, while the effective date for the final rule that it amended was November 4, 1998. The effective date for the technical amendment should be the same as that for the final rule, November 4, 1998. This document corrects this error.

I. Rationale for Immediate Effective Date

Today's rule does not create any new regulatory requirements; rather it clarifies requirements by correcting a number of errors in the May 4, 1998, May 26, 1998, and the June 29, 1998 rules. For these reasons, EPA finds that good cause exists under section 3010(b)(3) of RCRA, 42 U.S.C. 9903(b)(3), to provide for an immediate effective date for some of this rule. See generally 61 FR at 15662. For the same reasons, EPA finds that there is good cause under 5 U.S.C. 553(b)(3) to promulgate today's corrections in final form and that there is good cause under 5 U.S.C. 553(b)(3) to waive the requirement that regulations be published at least 30 days before they become effective.

II. Analysis Under Executive Order 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, the Paperwork Reduction Act, National Technology Transfer and Advancement Act of 1995, and Executive Order 13045

Under Executive Order 12866, this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose annual costs of \$100 million or more, will not significantly or uniquely affect small governments, and is not a significant federal intergovernmental mandate. The Agency thus has no obligations under sections 202, 203, 204 and 205 of the Unfunded Mandates Reform Act. Moreover, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to sections 603 or 604 of the Regulatory Flexibility Act, and it does not affect requirements under the Paperwork Reduction Act. Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. No. 104-113, § 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. Neither this technical correction action nor the final rules involve technical standards. Therefore, EPA did not consider the use of any voluntary standards in this rulemaking. This final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because this action is not an economically significant rule, and it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

III. Submission to Congress and the General Accounting Office

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. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of August 10, 1998 for parts of this action. 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**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 148

Environmental Protection, Administrative practice and procedure, Hazardous waste, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: August 3, 1998.

Timothy Fields, Jr.,

Acting Assistant Administrator.

For the reasons set forth in the preamble:

1. The effective dates for the rules published on May 26, 1998 and June 29, 1998 are corrected as set forth in the **EFFECTIVE DATES** section of this correction.

2. Amendment 10 to § 268.40 and amendment 11 to § 268.48 on pages 24625 and 24626 in the rule published May 4, 1998, and amendment 5 on page 35149 in the rule published June 29, 1998 are withdrawn.

[FR Doc. 98-21207 Filed 8-7-98; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-98-4268]

RIN 2127-AG84

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

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

SUMMARY: This document amends the Federal motor vehicle safety standard on lighting to permit asymmetrical headlamp beams on motorcycle headlighting systems. This amendment will allow upper and lower beams to be emitted by separate dedicated headlamps on either side of a motorcycle's vertical centerline or by separate off center light sources within a single headlamp that is located on the vertical centerline. This action completes action upon the grant of a rulemaking petition from Kawasaki Motors Corp. U.S.A. and represents a further step towards harmonization of Standard No. 108 with the lighting standards of other nations.

DATES: The amendment is effective September 24, 1998. Any petition for reconsideration of the amendment must be filed on or before this effective date.

ADDRESSES: Petitions for reconsideration should refer to the docket number and notice number, and must be submitted to: Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. (Docket hours are from 10:00 a.m. to 5:00 p.m.).

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Safety Performance Standards, NHTSA (Phone: 202-366-5276).

SUPPLEMENTARY INFORMATION: Table IV of Motor Vehicle Safety Standard No. 108 specifies the location of headlighting systems on motorcycles. If a motorcycle has a single headlamp, the headlamp must be located on the vehicle's vertical centerline. If two headlamps are provided, they must be symmetrically located around the vertical centerline. Under Standard No. 108, a center-mounted headlamp must provide upper and lower beams with a single light source, and each headlamp in a two-headlamp motorcycle headlighting system must provide both an upper and a lower beam with a single light source. In interpretation letters in 1994 and 1995, NHTSA advised

Kawasaki Motors Corp. U.S.A. (Kawasaki) that a single-lamp headlighting system in which an upper beam or lower beam is provided by a single light source that is not on the vertical centerline is not permitted by Standard No. 108.

Kawasaki has developed a projector beam headlighting system which it wishes to offer on motorcycles that it sells in the United States. The system incorporates light sources that are not on the vertical centerline and that will typically be illuminated singly. The consequence is that the motorcycle will have a single-off center light source. Under the Kawasaki system, separate headlamps provide the upper and lower beam respectively, or separate light sources in a single headlamp, which lie on either side of the vertical centerline even if the headlamp itself is centered on it. Accordingly, Kawasaki petitioned the agency for rulemaking to amend Standard No. 108 in a manner that would allow its asymmetrical headlighting system.

The agency granted the petition and published a notice of proposed rulemaking (NPRM) on this subject on September 9, 1997 (Docket No. 97-45; 62 FR 47414).

As NHTSA explained in the NPRM, at the time that the motorcycle headlight requirements in Standard No. 108 were originally issued, the predominant concern was that the headlighting system clearly identify a motorcycle as such when the vehicle was being operated at night. Thus, the location of a single headlamp on the vertical centerline was required to aid motorists in distinguishing an approaching motorcycle from an approaching passenger car whose left headlamp was inoperative. To assist oncoming drivers in detecting the nature of an approaching vehicle, Standard No. 108 also requires passenger cars and light trucks to have parking lamps, and requires the parking lamps to be illuminated when the headlamps are on. Motorcycles are not required to have parking lamps. Thus, their appearance at night will differ in this respect from that of a four-wheeled motor vehicle. Kawasaki assured the agency that, in markets where projector beam headlamps are common, there has been no increase in crashes because of misjudgment of a motorcycle's presence.

This assurance allowed the agency to contemplate the advisability of allowing a single beam to be projected somewhere other than on the vertical centerline. Kawasaki brought the agency's attention to the Official Journal of the European Communities, Council Directive 93/92/EEC, dated 29 October