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 chemcials 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 includes 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

number is (202) 366–4922. His facsimile number is (202) 366–4329.

SUPPLEMENTARY INFORMATION: On August 18, 1995, the National Highway Traffic Safety Administration (NHTSA) published a final rule (60 FR 43031—Docket No. 92–28; Notice 4) amending Federal Motor Vehicle Safety Standard (FMVSS) No. 201, ''Occupant Protection in Interior Impact,'' to require passenger cars, trucks, buses, and multipurpose passenger vehicles (MPVs) with a gross vehicle weight rating (GVWR) of 4,536 kilograms (10,000 pounds) or less to provide head protection during a vehicle crash when the occupant's head strikes pillars, side rails, headers, or the roof of the vehicle. The final rule specifies a 24 km/h (15 mph) in-vehicle component impact test that uses a free-motion headform (FMH). The injury criterion is the HIC limit of 1,000. The effective date is a four-year phase-in plan (10 percent, 24 percent, 40 percent, 70 percent and 100 percent) beginning on September 1, 1998. An optional implementation plan is a one-year phase-in plan (0 percent and 100 percent) beginning on September 1, 1998. A final stage manufacturer or alterer must comply with the standard's upper interior impact requirements for vehicles manufactured on or after September 1, 2002.

The agency received ten petitions for reconsideration in response to the August 1995 final rule. In response to those petitions, NHTSA published another final rule on April 8, 1997 (62 FR 16718—Docket No. 92–28; Notice 7) revising test procedures, adding an optional phase-in plan, allowing carry-forward credits, and excluding small buses from the upper interior head impact requirements. In addition, NHTSA initiated a new rulemaking concerning alternative procedures for testing dynamically deployed head protection systems.

In response to the April 1997 final rule, the American Automobile Manufacturers Association (AAMA) and ASC, Incorporated submitted new petitions for reconsideration. The ASC petition requested exclusion of the convertible top from the FMH impact requirements, while the AAMA petition addressed technical issues in general areas.

The ASC Petition for Reconsideration

On May 22, 1997, ASC submitted a petition for reconsideration arguing that the amendments to the August 1995 final rule did not address current convertible top designs that include integrated roof and frame systems (e.g., a removable hardtop). ASC also indicated its belief that the addition of padding to an integrated convertible roof and frame system would prevent the roof from folding into the available storage area below the beltline or in the rear storage area, thereby interfering with rear vision or requiring elimination of the rear seat in some models. Compliance with Standard No. 201's upper interior impact requirements would, in ASC's view, limit future design and development of convertible tops to traditional vinyl or canvas top convertibles with separate frames. As a result, production and sale of more ''advanced'' integrated convertible top designs would become impracticable. Accordingly, in its petition for reconsideration, ASC requested that the convertible roof frame definition in the amended final rule be revised to read as follows:

> Convertible roof frame means the frame of a convertible roof *and the roof and frame of a convertible with an integrated roof and frame system which is capable of folding and being stored below the beltline or in the rear storage compartment of the vehicle.*

Without this revision, ASC believes that the automobile industry will not be able to continue production and development of new convertible automobile designs with integrated roof and frame systems.

The agency notes that the exclusion of convertible roofs and linkages is an issue that was examined extensively throughout the rulemaking process leading up to the August 1995 and April 1997 final rules. In the August 1995 final rule, NHTSA agreed to exclude ''convertible roof frames and linkage mechanisms because the presence of a countermeasure such as padding would interfere with their movement'' (60 FR 43031, at 43047). The April 1997 final rule, issued in response to petitions for reconsideration filed after the issuance of the August 1995 final rule, deleted the word ''metal'' from the definition of ''convertible roof frame'' in response to objections that limiting excluded frames to those made of metal was design restrictive (62 FR 16718, 16721).

ASC's request for reconsideration raises an issue that NHTSA examined prior to the issuance of the August 1995 final rule and the April 1997 final rule. In the preamble to the April 1997 final rule, the agency observed that commenters did not provide any support for the claim that countermeasures could not be installed on areas other than convertible roof frames and linkage mechanisms. NHTSA further stated that rigid convertible tops could produce head injuries and that the agency believed that protection should be provided for all the hard areas inside a vehicle unless it is not practicable to do so. The ASC petition does not include any new data or information demonstrating either that the agency's prior decision not to exclude convertible roofs was wrong or that newer roof designs require reconsideration of the issue.

In the absence of new data, the agency considered the ASC petition based on the agency's current knowledge of vehicle roof designs. The upper roof area of a typical passenger car is relatively soft in comparison with the pillar and side rail components of the vehicle. Based on the agency's current knowledge, the upper roof structure of a typical production car does not require any padding to comply with the FMH impact requirements. The roof structure is basically a shallow, thin shell design with some rib-type reinforcement members (roof cross-member and/or roof bow member). A properly designed thin shell structure is a very effective energy absorptive design. A roof structure made of sheet metal or other flexible materials should be able to meet Standard 201's requirements without the extensive use of padding or other countermeasures. ASC has not submitted any data indicating that convertible hardtops cannot be made as flexible as a conventional roof structure. NHTSA believes that there is not a sufficient basis for treating convertible hardtops differently from regular vehicle roof structures and that convertible hardtops should be subject to Standard No. 201's upper interior impact requirements.

Agency test data indicate that the upper roof of many production cars can comply with those requirements without any modification. An integrated convertible roof, except frames and linkage mechanisms, is basically a shallow thin shell design that is soft and smooth. Since convertible roof frames and linkage mechanisms are excluded from the final rule, the design of the remainder of the convertible hardtop roof should not present additional compliance difficulties. The agency believes that integrated convertible roof designs should be able to meet Standard 201 when the roof top membrane structure is tested using the FMH impactor at a speed up to 24 km/h (15 mph). Since ASC has not demonstrated that a ''hard'' convertible top that meets Standard 201's upper interior impact requirements cannot be built or is otherwise impracticable, the agency is denying ASC's petition.

The AAMA Petition for Reconsideration

On May 23, 1997, AAMA submitted a petition for reconsideration requesting that NHTSA consider additional changes to Standard No. 201 to address concerns relating to approach angles in compliance testing, hinged and moveable glazing, multiple FMH impacts, the procedure for locating a reference point that corresponds to the head position of a front seat occupant and is known as CG–F, and the definition of the forehead impact zone of the FMH.

In defining the trajectory of the FMH when it is propelled at target points located on all pillars except the A-pillar, the April 1997 final rule specified a vertical approach angle range for the FMH of +50 to −10 degrees. AAMA believes that the minimum vertical angle of −10 degrees may not be sufficient to allow the FMH to make proper contact with certain targets. In AAMA's view, simultaneous contact of the forehead and chin may occur when the pillar surface on which the target is located is canted (from top to bottom) toward the inside of the vehicle at an angle of approximately 10 degrees. AAMA recommended that the existing target exclusion in S6.1 be expanded so that targets that cannot be tested using the approach angle limits specified in S8.13.4 would be excluded from the upper interior impact requirements.

NHTSA does not believe that the exclusion in S6.1 must be modified to address AAMA's concern. As it appears in the April 1997 final rule, S6.1 indicates that the FMH impact requirements do not apply to any target that cannot be located using the procedure of S10. S10(b) specifies that, except as specified in S10(c), if there is no combination of horizontal and/or vertical approach angles specified in S8.13.4 at which the forehead impact zone of the FMH can contact one of the targets located using the procedures in S10.1 through S10.13, the center of that target is moved to any location within a 25 mm sphere, centered on the center of the original target and measured along the vehicle interior, that the forehead impact zone can contact at one or more combination of angles. S10(c) specifies that if there is no point within the sphere specified in S10(b) which the forehead of the FMH can contact at one or more combination of horizontal and/or vertical approach angles specified in S8.13.4, the sphere is increased by 25 mm increments until it contains at least one point that can be contacted at one or more combination of angles. In addition, S8.13.4.2 specifies procedures for determining vertical approach angles that would avoid simultaneous contact of the forehead and chin. If a specific target cannot be tested using the approach angle limits specified in S8.13.4, the target should be relocated using S10(b) or S10(c). Accordingly, NHTSA concludes that an amendment to the final rule is not necessary to resolve AAMA's concern.

As noted above, the April 1997 final rule excluded convertible roof frames and linkage mechanisms from Standard No. 201's upper interior impact requirements. AAMA's petition for reconsideration requested that the hinge and latch components for sunroofs and moveable side glazing be accorded similar treatment. The organization argued that these components, like convertible roof frames and linkage mechanisms, cannot function if they must be padded to meet Standard No. 201.

NHTSA does not believe that the same considerations that apply to convertible roof frames and linkage mechanisms also apply to sunroof and side window latches and hinges. First, convertible roofs are large and complex compared to sunroofs and moveable glazing, and therefore require much stronger latches and anchorages to stabilize the whole roof during high speed travel. Second, the size and complexity of convertible roof mechanisms are such that padding those components may interfere with the operation of the convertible roof top. In contrast, the latches and hinges used in the sunroofs and moveable glazing of current production vehicles are usually small in size and made of, or enclosed with, plastic materials. Although the amended final rule does not identify the latches or hinges of moveable side glazing or sunroofs as targets for compliance testing, these components could be located in target areas. However, the agency believes that padding these fasteners, if required, would not significantly affect the operation of sunroofs and side windows. NHTSA also notes that similar components, such as safety belt anchorages and grab handles, may also have to be padded. The agency is not aware of any justification for differentiating between the latter and sunroof or side window hinges and latches.

The April 1997 final rule specified that a FMH impact may not occur within 150 mm distance of any prior FMH impact. AAMA believes that the minimum distance of 150 mm is not adequate to address complex impact conditions. The organization contends that the type of countermeasure, the target location, the size of target component, the impact approach angles, and the interaction of chin loading are factors that may lead to multiple impacts affecting test results. Since damage to trim as a result of an impact cannot be readily detected through visual observation and manufacturers cannot reliably anticipate the effects on material or component performance, AAMA contends that only one impact be allowed for each component.

The agency does not agree. In order to complete vehicle compliance tests with one vehicle, NHTSA concluded in the final rule that multiple FMH impacts on a component should be allowed, that impacts on both left and right side components should be allowed, but that an overlap of two FMH impacts should not be allowed. The agency determined that the minimum distance between two targets should be 150 mm (6 inches). In order to allow padding to recover from a FMH impact, a 30-minute waiting period is specified if the next impact is to be on the same component.

NHTSA believes that the existing minimum distance between impact points is adequate. The maximum width of the Hybrid III headform is 150 mm and the effective width of the forehead impact zone is much less than 150 mm. With two adjacent targets at 150 mm distance, overlapping of the FMH contact should not occur. The agency also believes that manufacturers may test in a fashion that minimizes multiple impacts. The amended final rule allows testing of both left and right side components; multiple impacts would generally occur during the A or B-pillar component tests. If target selection is made using both side components, the actual distance between two adjacent targets could be much larger than the specified minimum distance of 150 mm. In addition, NHTSA testing indicates that the foam damage area from an impact is smaller than the forehead impact zone.

AAMA also argued that only one FMH impact should be allowed for each component due to the uncertainty involved in choosing a design and/or material for compliance testing. NHTSA notes that AAMA has raised this issue in a previous petition for reconsideration. In that instance, AAMA did not submit any test data establishing that permitting only a single test for each component is necessary or desirable. In its current request, AAMA has not submitted any new test data supporting such a contention. NHTSA has previously declined to adopt a limitation on the number of impacts per component and declines to do so now.

The agency also wishes to make it clear that where Standard 201, or other Federal motor vehicle safety standards, do not address a specific test condition, vehicles must comply in all circumstances consistent with anticipated use of the vehicle by occupants. Multiple impacts to one component are an example of a circumstance that might be encountered in a crash. NHTSA may therefore test single components with multiple impacts when performing compliance testing under Standard 201.

The AAMA petition also requests that the agency rectify an apparent conflict involving the procedure for locating CG–F by use of the ''seating reference point (SgRP).'' The SgRP is a single point which establishes the rearmost normal design driving or riding position. In Standard No. 201, S8.12(a)(1) uses SgRP with the seat in its rearmost normal design or driving position to locate the rearmost CG–F (CG–F2). The forwardmost CG–F (CG–F1) is, according to S8.12(a)(2), located horizontally forward of CG–F2 by the distance equal to the fore and aft distance of the seat track. Because S8.12(a)(2) describes CG–F1 as the head center of gravity with the seat in its forwardmost adjustment position, AAMA believes that S8.12 implies that the reference point to be used is not SgRP, which is a single point, but rather the design H-point, which can occupy a number of points according to the seat adjustment. In its petition, AAMA suggested that a conflict existed and requested that it be resolved.

When the August 1995 final rule was published, NHTSA was requested to change the reference point from the SgRP to the H-point. The agency explained in the preamble of the April 1997 final rule that a change of the reference point is not necessary. This is because the only point used for locating CG–F1 and CG–F2 is the single SgRP. The agency notes that, prior to a recent correcting amendment published on January 2, 1998 (63 FR 27), S8.12(a)(1) incorrectly specified that C–-F2 should be located with the seat in its rearmost adjustment position rather than the rearmost normal design driving or riding position. As the SgRP only exists in the latter position and not the former, AAMA and others could have reasonably concluded that NHTSA intended that the design H-point rather than the SgRP be used to locate CG–F1 and CG–F2. The reference in S8.12(a)(2) to the seat being in its forwardmost adjustment position to assist in describing CG–F1 may have created further opportunities for misunderstanding. However, the agency believes that the correcting amendment to S8.12(a)(1) resolved this issue and that further rulemaking is not required.

AAMA also suggested that the existing definition of the forehead impact zone is in error. In its petition, AAMA recommended that in S8.10(d), the word ''vertical'' be replaced with ''horizontal'' as it refers to a plane along the contour of the outer skin of the forehead of the FMH. S8.10(d) specifies the procedure for locating the upper boundary of the forehead impact zone by directing that a line be drawn along the contour of the headform and through a point on a vertical line in the midsagittal plane of the FMH so that the line is bisected by that point. This line is described as being coincident to a vertical plane, while the procedure for locating the lower horizontal boundary, found in S8.10(c), specifies that the lower boundary line be coincident to a horizontal plane. AAMA's belief that the use of the vertical plane in S8.10(d) is in error may be premised on the use of the horizontal plane in S8.10(c) for locating a similar line. However, at the point where the upper boundary of the forehead impact zone is located, the contours of the FMH are such that the use of a horizontal plane for locating the upper boundary would result in the forehead impact zone extending along the sides of the FMH. NHTSA has determined that the use of a vertical plane in describing this procedure is more appropriate. Use of a horizontal plane to describe the forehead impact zone would include part of the side of the head in the forehead impact zone.

Based on the foregoing, NHTSA denies the AAMA and ASC petitions.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: April 10, 1998.

Ricardo Martinez,

Administrator.

[FR Doc. 98–10674 Filed 4–21–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD35

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for One Plant, *Arctostaphylos pallida* (Pallid Manzanita), From the Northern Diablo Range of California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service (Service) determines threatened status for *Arctostaphylos pallida* (pallid manzanita) pursuant to the Endangered Species Act of 1973, as amended (Act). This plant species is found only in the northern Diablo Range of California in Alameda and Contra Costa Counties. The primary threats to the species are the effects of fire suppression, and shading and competition from native and alien plants. To a lesser extent, the species is threatened by disease, herbicide spraying, hybridization, and the ongoing effects of habitat loss and fragmentation. This rule implements the Federal protection and recovery provisions afforded by the Act for this species.

DATES: Effective May 22, 1998.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Sacramento Field Office, 3310 El Camino, Suite 130, Sacramento, CA 95821–6340.

FOR FURTHER INFORMATION CONTACT: Dwight Harvey, at the above address or by telephone (916/979–2725).

SUPPLEMENTARY INFORMATION:

Background

Arctostaphylos pallida (pallid manzanita) is found only in the northern Diablo Range of California. The Diablo Range is part of the inner South Coast Range of California. The Diablo Range extends in a northwest to southeast direction as a more or less continuous mountain chain, 32 to 48 kilometers (km) (20 to 30 miles (mi)) wide, for approximately 300 km (190 mi) from San Pablo Bay in central California to Polonio Pass in northeast San Luis Obispo County. The altitude of the Diablo Range varies from 600 to 1,280 meters (m) (2,000 to 4,200 feet (ft)) and is broken by four or five east to west passes. These passes divide the Diablo