

availability of chromium, nickel, and copper from stainless steel, brass, and bronze alloys as a result of corrosion under environmental conditions. EPA requests comments on the technical contents and conclusions of the Alloys Report. Depending upon the comments received, EPA may propose to delist, pursuant to EPCRA section 313(d)(2), chromium, nickel, and copper when contained in some or all physical forms of stainless steel, brass, and bronze alloys from the EPCRA section 313 list of toxic chemicals.

B. Why Has EPA Prepared the Alloys Report?

Because alloys are solid-solid mixtures, chromium, nickel, copper, and other EPCRA section 313 listed toxic metals contained in alloys are subject to EPCRA section 313 and PPA section 6607 reporting. As with all mixtures in the EPCRA section 313 program, the weight percent of any listed toxic chemical in an alloy must be factored into threshold determinations and release and other waste management calculations.

In 1992 EPA received three petitions requesting the delisting of chromium, nickel, and copper when found in stainless steel, brass, and bronze from the EPCRA section 313 list of toxic chemicals. The petitions were from Russell Harrington Cutlery, Inc. (June 12, 1992), Bath Iron Works Corporation (September 25, 1992), and Stillwater Fasteners Inc. (October 1, 1992). EPA denied these petitions on June 29, 1993 (58 FR 34738) based on the Agency's determinations that: 1) Chromium, copper, and nickel meet the listing criteria of EPCRA section 313(d)(2), and 2) corrosion of certain forms (e.g., dusts, grindings, and shavings) of stainless steel, brass, and bronze alloys can be reasonably be anticipated to occur under some processing, use, or disposal situations yielding available forms of these constituent metals. EPA concluded that the petitioners failed to provide, nor did EPA possess, any data to support the petitioners' contention that manufacturing, processing, use, or other activities involving the metal alloys subject to the petitions would not lead to availability of these metals.

In the 1993 denial notice EPA requested further comments on the reporting of chromium, nickel, and copper in stainless steel, brass, and bronze alloys. Recognizing that certain forms of alloys which have high surface to volume ratios might corrode more rapidly, EPA specifically requested comment on whether the reporting of chromium, copper, and nickel in forms of the alloys with low surface to volume

ratios (e.g., blocks) should be exempted from the reporting requirements of EPCRA section 313 (58 FR 34741). EPA stated that depending upon the nature of the information submitted, EPA would consider proposing a qualification to the EPCRA section 313 listing to exempt from reporting those forms of an alloy for which data can be provided that indicate corrosion will not occur. In the comments received EPA did not receive sufficient information to propose to delist chromium, nickel, or copper pursuant to EPCRA section 313(d)(2) when contained in an alloy, regardless of the form of the alloy (i.e., add a qualifier). In addition, on October 15, 1993, several months after the petition denial was published in the **Federal Register**, a letter was received by the EPA, from Independent Nail Company requesting that the Agency delist chromium and nickel when found in Type 304/316 stainless steel. EPA continued to review this issue, and subsequently developed the Alloys Report which is being made available today for public comment.

EPA's evaluation of whether chromium, nickel, and copper in an alloy may be delisted pursuant to EPCRA section 313(d)(2) entails an evaluation of all chemical and biological processes that may lead to the metal's availability from the alloy, as well as on the toxicity exhibited by the intact species. In this instance, the effects induced by these metals meet the toxicity criteria under section 313(d)(2). In order to delist these metals when contained in an alloy, or specific physical forms of an alloy, competent scientific evidence that demonstrates that the alloy does not corrode, or specific forms of the alloy do not corrode, and thereby generate the toxic metal at a level that can be expected to induce toxicity is required. Depending on the comments received on this report, EPA will determine whether or not there are sufficient data to propose to delist, pursuant to EPA's authority in EPCRA section 313(d)(2), chromium, copper, or nickel when contained in some or all physical forms of stainless steel, brass, and bronze alloys (i.e., "add" a qualifier to the listing of these toxic chemicals).

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: August 2, 2001.

Elaine G. Stanley,

Director, Office of Information Analysis and Access.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[I.D. 080299B]

RIN 0648-AH26

Protected Species Special Exception Permits; Extension of Comment Period

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule and extension of public comment period.

SUMMARY: NMFS is extending the public comment period on the proposed rule amending the regulations for permits to capture or import marine mammals for purposes of public display under the Marine Mammal Protection Act of 1972 (MMPA).

DATES: Comments on this proposed rule must be received or postmarked no later than November 2, 2001.

ADDRESSES: Comments on this proposed rule may be mailed to the National Marine Fisheries Service, Office of Protected Resources, Permits Division (F/PR1), 1315 East-West Highway, Rm. 13705, Silver Spring, MD 20910, or may be submitted by facsimile to (301) 713-0376. Please note that comments will not be accepted by e-mail or by other electronic media.

FOR FURTHER INFORMATION CONTACT: Ann Terbush or Eugene Nitta, National Marine Fisheries Service, Office of Protected Resources, Permits Division (301/713-2289).

SUPPLEMENTARY INFORMATION:

Background

On July 3, 2001 (66 FR 35209), NMFS published a proposed rule to revise the regulations for permits to capture or import marine mammals for public display under the Marine Mammal Protection Act of 1972, as amended (MMPA). In implementing the 1994 Amendments to the MMPA that affect marine mammals held captive for public display, the proposed regulations would clarify the public display requirements relating to permits to capture or import,

transport or transfer of marine
mammals, and export of marine
mammals.

Dated: August 15, 2001.

John Oliver,

*Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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