Branch, Risk Assessment Division. Subject: Ecological Hazard of MIBK. (June 26, 1997).

15. USEPA, ORD. 1997. Exposure Factors Handbook, Office of Research and Development, National Center for Environmental Assessment, U.S. Environmental Protection Agency, Washington, DC, (1997): EPA/600/P-95/002(Fa-Fc).

List of Subjects in 40 CFR Part 372

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

Dated: February 12, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99–4320 Filed 2–22–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS–400134; FRL–6030–6]

RIN 2070–AC00

Chromite Ore from the Transvaal Region of South Africa; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is granting a petition by proposing to exempt both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the chromite ore processing residue (COPR) from reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). These chemicals are currently reported as part of the category ''chromium compounds'' on the list of toxic chemicals in section 313(c) of EPCRA. The proposal is based on EPA's preliminary conclusion that this particular chromite ore from the Transvaal Region and the unreacted ore component of the COPR (in the case of this delisting decision, chromite ore processing residue, or COPR, includes the solid waste remaining after the aqueous extraction of oxidized chromite ore that has been combined with soda ash and kiln roasted at approximately 2,000 °F) meet the deletion criterion under EPCRA section 313(d)(3).

DATES: Written comments, identified by the docket control number OPPTS–400134, must be received by EPA on or before April 26, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I of the ''SUPPLEMENTARY INFORMATION'' section of this proposal.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Petitions Coordinator, 202–260–3882 or e-mail: bushman.daniel@epamail.epa.gov, for specific information regarding this document or for further information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Code 7408, 401 M St., SW., Washington, DC 20460, Toll free: 1–800–535–0202, in Virginia and Alaska: 703–412–9877, or Toll free TDD: 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Proposal Apply to Me?

You may be potentially affected by this proposal if you kiln roast chromite ore in the production of chromium chemicals or if you process chromite ore (e.g., metal finishers, leather tanning, etc.). Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Chemical Manufacturers	Chemical manufacturers that kiln roast chromite ore in the production of chromium chemicals (e.g., sodium dichromate, sodium chromate, etc.)
Metal Manufacturers	Metal manufacturers that kiln roast chromite ore in the production of chromium chemicals (e.g., chromic acid, chromic oxide, potassium dichromate, chromic sulfate, calcium chromate, etc.)
Smelting Refractories	Smelting refractories that kiln roast chromite ore in the production of chromium chemicals (e.g., sodium dichromate, sodium chromate, etc.)

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in part 372, subpart B of Title 40 of the Code of Federal Regulations (CFR). If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the ''FOR FURTHER INFORMATION CONTACT'' section.

B. How Can I Get Additional Information or Copies of this Document or Other Support Documents?

1. *Electronically*. You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''Federal Register - Environmental Documents.'' You can also go directly to the ''Federal Register'' listings at http://www.epa.gov/homepage/fedrgstr/.

2. *In person or by phone*. If you have any questions or need additional information about this action, please contact the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section. In addition, the official rulemaking record for this proposal, including the public version, has been established under docket control number OPPTS–400134, (including the references in Unit VII. of

this preamble as well as comments and data submitted electronically as described below). This record includes not only the documents physically contained in the docket, but all of the documents included as references in those documents. A public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460. The TSCA Nonconfidential Information Center telephone number is 202–260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. Be sure to identify the appropriate docket control number (i.e., ''OPPTS–400134'') in your correspondence.

1. *By mail.* Submit written comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver written comments to: Document Control Office in Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC, telephone: 202–260–7093.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: ''oppt.ncic@epamail.epa.gov''. Please note that you should not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS–400134. Electronic comments on this proposal may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information That I Want to Submit to the Agency?

You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult with the technical person identified in the ''FOR FURTHER INFORMATION CONTACT'' section.

II. Introduction

A. Statutory Authority

This action is being taken under sections 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99–499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals in amounts above reporting threshold levels, to report their environmental releases of such chemicals annually. These facilities also must report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act of 1990 (PPA), 42 U.S.C. 13106. Section 313 of EPCRA established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Chromium compounds (which include chromite ore) were included on the initial list. Section 313(d) authorizes EPA to add or delete chemicals from the list, and sets forth criteria for these actions. EPA has added and deleted chemicals from the original statutory list. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. Pursuant to EPCRA section 313(e)(1), EPA must respond to petitions within 180 days, either by initiating a rulemaking or by publishing an explanation of why the petition is denied.

EPCRA section 313(d)(2) states that a chemical may be listed if any of the listing criteria are met. Therefore, in order to add a chemical, EPA must demonstrate that at least one criterion is met, but does not need to examine whether all other criteria are also met. Conversely, in order to remove a chemical from the list, EPA must demonstrate that none of the criteria are met.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for submitting petitions. On May 23, 1991 (56 FR 23703), EPA issued guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compounds categories. EPA has also published a statement clarifying its interpretation of the section 313(d)(2) and (3) criteria for modifying the section 313 list of toxic chemicals (59 FR 61432, November 30, 1994) (FRL–4922–2).

III. Description of Chromium Compounds Petition

A. Chromite Ore--Current Petition

On January 26, 1998, EPA received a petition from Elementis Chromium LP (ECLP) (formerly American Chrome Chemicals, Inc.) requesting the delisting of both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the chromite ore processing residue (COPR). COPR is the solid waste remaining after aqueous extraction of oxidized chromite ore that has been combined with soda ash and kiln roasted at approximately 2,000 °F. ECLP believes that the chemical and toxicological properties of chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR do not meet the statutory listing criteria of EPCRA 313(d)(2) and therefore should be removed from the reporting requirements of EPCRA section 313 and PPA section 6607. The EPCRA section 313 list of toxic chemicals includes a category listing for chromium compounds, thus, all chromium compounds are subject to the annual reporting requirements of EPCRA section 313 and PPA section 6607. This petition decision is specific to chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR from this particular process.

B. Past Petitions for Chromium Compounds

EPA has received two other petitions requesting the deletion of certain chromium compounds. On January 8, 1990, a petition to delist chromium antimony titanium buff rutile (CATBR) from the EPCRA section 313 list of toxic chemicals was denied based on EPA's determination that CATBR is a potential carcinogen via inhalation (55 FR 650). Based on test data on chromium (III) oxide, EPA determined that CATBR, an insoluble crystalline chromium (III) compound, could be retained in the lung and taken up by cells. EPA denied this petition due to the determination that CATBR was a potential carcinogen,

and that it could reasonably be anticipated to cause cancer in humans.

Since then, EPA published its petition policy and guidance concerning petitions to delist individual members of the metal compound categories (56 FR 27303, May 23, 1991). In response to concerns with respect to individual members of categories that do not meet the toxicity criteria of section 313, EPA has stated that it will ''grant petitions on individual members providing that the petitioner establishes and EPA concludes that the intact species does not meet the criteria of section 313(d)(2), and that the metal ion will not become available at a level that can be expected to induce toxicity.''

On November 22, 1991, a petition to delist chromium (III) oxide from the EPCRA section 313 list of chemicals was denied based on the evidence that chromium (III) oxide may be oxidized to carcinogenic chromium (VI) compounds in soil (56 FR 58859). The petition response also discussed the possibility that chromium (III) oxide is a potential carcinogen via inhalation.

IV. Technical Review of the Petition

EPCRA section 313 requires reporting for all chromium compounds. This petition requests the delisting of both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR (Refs. 1, 2, and 3). The technical review of chromite ore and COPR concentrated on the available chemistry data (Ref. 4), toxicology data (Refs. 5 and 6), and the environmental fate of the chromium portion of the chromite ore and the COPR (Ref. 7). A summary of the review of the available data is provided below. A more detailed discussion can be found in EPA technical reports (Refs. 2, 3, 4, 5, 6, and 7) and other references contained or cited in the docket.

A. Chemistry and Use

Chromite ore deposits are found throughout the world. While the United States has chromite ore deposits, no domestic mining or ore processing has occurred since the 1960s (Ref. 8). The largest deposits of chromite ore are found in the Transvaal Region of South Africa. This source for the raw material provides more than 96% of the chromite ore used domestically, nearly 242,000 metric tons (mt.) containing 76,900 mt. of chromium, worth an estimated $22.5 million (Ref. 2).

In general, chromite ore, Chemical Abstract Service (CAS) Registry Number 1308-31-2, is represented by the simplified molecular formula $FeOCr_2O_3$. The chromium:iron ratio is approximately 2:1, and the chromium oxide (Cr_2O_3) content is approximately 46% for the particular chromite ore from the Transvaal Region (Ref. 9). Other elements present may include magnesium and aluminum with minor components including vanadium, titanium, nickel, manganese and/or calcium. These elemental differences are consistent with the variation found in other mineral sources and are geographically dependant (Ref. 4).

Chromite ore is used for chemical manufacturing with a minor amount used for smelting refractories or metal manufacturing. The process used by ECLP follows the standard process described in a variety of references (Refs. 4 and 9). The ore is roasted with sodium carbonate where the chromium oxide is oxidized, and trivalent chromium, Cr(III), is converted to hexavalent chromium, Cr(VI). The desired Cr(VI) is leached out of the chemically reacted mixture and the processing residue, containing 15 to 20% Cr(III) as Cr_2O_3 in the unreacted ore and a small amount of Cr(VI), is treated with a sulfide reducing agent. The treated COPR is the material being released from this process. The chromium compounds contained in the COPR, of which the unreacted ore is the principal component (approximately 97%), are currently reportable under EPCRA section 313. Based on the 1995 Toxic Release Inventory (TRI) reporting data, ECLP reported 11.3 million pounds of on-site releases and 6,900 pounds of off-site releases. ECLP's total on-and off-site releases of 11.3 million pounds represents 30.4% of the total 37.3 million pounds of on-and off-site releases of chromium compounds reported to TRI in 1995 (Refs. 1, 2, and 3).

B. Toxicological Evaluation

With one exception relating to possible concerns for carcinogenicity, there are no direct toxicological concerns relating to chromite ore. However, concerns for the toxicity of chromium itself do exist based on the assumption that the chromium in the ore will be available as either Cr(III) ions or Cr(VI) ions derived from the available solubilized Cr(III). Most of the data presented reflects the concerns associated with soluble chromium if it were available from the ore or the unreacted ore component of the COPR.

1. *Carcinogenicity*. Most of the studies involving Cr(III) used mixtures of Cr(III) and Cr(VI), with the Cr(VI) being cited as the cause of the cancer hazard. Limited studies of ferrochrome workers exposed to chromium metal and Cr(III) were inconclusive. As late as 1997, EPA had no position on the direct carcinogenicity of Cr(III). It has been hypothesized that the lack of effects is due to the poor permeability of Cr(III) across the cell membranes. Phagocytosis, the uptake of particulate material by a cell (endocytosis), was an issue considered by EPA. Although there has been some concern over the possible cellular uptake of insoluble crystalline Cr(III) compounds by phagocytosis with resulting genotoxic effects, experimental evidence has thus far been limited to several *in vitro* studies which used special treatment conditions which may impact their physiological significance. In 1989, the Mining Safety and Health Administration (MSHA) listed chromite ore as a Class D carcinogen (mechanism of carcinogenicity was unknown) (Ref. 10). The inclusion of chromite ore as a carcinogen by MSHA was based on the assumed conversion of Cr(III) in the ore to Cr(VI), a known carcinogen (Ref. 8). In 1990, the International Agency for Research on Cancer (IARC) of the World Health Organization (WHO) classified Cr(III) compounds as ''not classifiable as to their carcinogenicity to humans.'' The Food and Drug Administration (FDA) set a Reference Daily Intake for Cr(III) in 1995. While consensus does not exist in the scientific community, the Agency recognizes that there is a trend to downgrade the carcinogenic hazard concerns and no clear-cut, position on the carcinogenicity of Cr(III) exists (Ref. 5).

EPA recently updated its file for chromium (III), insoluble salts in the Agency's Integrated Risk Information System (IRIS) (Ref. 11). The updated IRIS file includes the Agency's position on the potential for insoluble chromium (III) salts to cause cancer. The updated file states that, under EPA's 1986 Guidelines for Carcinogen Risk Assessment (51 FR 33992, September 24, 1986), Cr(III) is most appropriately designated as Group D--Not classified as to its human carcinogenicity. The IRIS file also states that, under EPA's 1996 Proposed Guidelines for Carcinogen Risk Assessment (61 FR 17960, April 23, 1996), there are inadequate data to determine the potential carcinogenicity of Cr(III). The IRIS file does however state that the classification of Cr(VI) as a known human carcinogen raises a concern for the carcinogenic potential of Cr(III).

2. *Non-cancer health effects.* A variety of studies have been performed to determine the health effects (hematological, hepatic, immunological, renal, and reproductive) from exposure to Cr(III). However, few studies have reported any adverse effect. There were no compound-related effects found in

rats fed high doses of chromic oxide (i.e., no compound-related effects found in rats fed Cr_2O_3 at a dose of 1,400 milligrams per kilogram per day (mg/kg/day)). Rabbits exposed to an aerosol containing chromic nitrate (0.6 to 0.9 milligrams per cubic meter (mg/m^3) for 30 hours per week (hr/wk) during a 4 to 6 week test) had morphological changes to lung macrophages. Lung macrophages are large ameboid mononuclear phagocytic cells whose main function is to remove unwanted particulate materials from the alveolar spaces of the lung. It was not clear whether the morphological changes observed had any significant effects on the normal function of the lung macrophages. No data on acute or other chronic health effects were identified.

3. *Ecotoxicity*. As was the case for human toxicity, no environmental toxicity studies directly involving chromite ore were available for review. The ecological hazards of soluble Cr(III) and Cr(VI) were assessed. Data provided by the petitioner were examined during the consideration of the petition to delist this particular chromite ore. However, EPA found and used other data from a variety of sensitive test species in this review. In contrast to EPA's review, the petitioner only submitted data on selected acute toxicity studies (e.g., the highest value in a range) in the petition. Also, additional chronic toxicity test data were used by the Agency in this review.

Soluble chromium ions, Cr(III) and Cr(VI) oxidation state, are toxic to a variety of aquatic and terrestrial organisms. The Cr(VI) ions are significantly more toxic than the trivalent ions; it is relatively easy to convert (oxidize) from the reduced, less toxic Cr(III) state to the more toxic Cr(VI) ion. Four insect species and daphnids had calculated acute toxicities for Cr(III) ion of 2,000 parts per billion (ppb) (96 hour EC_{50} (i.e., the concentration that is effective in producing a sublethal response in 50% of test organisms), at 48 parts per million (ppm) hardness as calcium carbonate) with acute values of 445 ppb for Cr(VI). The maximum acceptable toxicant concentration (MATC) determined for Cr(III) in chronic tests was 30 ppb for freshwater aquatic organisms (rainbow trout). The MATC values determined for the Cr(VI) ion were 10 and 17 ppb. Thus, based on the available data, if the chromium in the chromite ore was shown to be available, the chromite ore would be considered highly toxic to aquatic organisms (Ref. 6).

C. Environmental Fate

1. *Soil reactions*. Naturally occurring chromium exists in the soil as insoluble hydrated metal oxides of Cr(III). Minor amounts of soluble Cr(III) and both insoluble and soluble Cr(VI) make up the rest of the total amount of chromium present. Reactions of soil with chromium vary for a number of reasons including: chemical composition, pH, organic content, temperature, moisture, aeration, and drying. The environmental effects of rain cycles, vegetation growth and bacterial decomposition of organic matter, and manganese oxide content are critical to the understanding of fate of chromium present in soil.

Chromium salts readily bind with a number of complexing agents including, but not limited to, water, ammonia, organic decomposition products, soil particles, humic substances, and ethylenediaminetetraacetic acid (EDTA). In many instances, these complexed ions are isolable and remain intact under conditions that thermodynamically favor dissolution via decomplexation (Ref. 12). Soluble Cr(III) added to mixtures of complexed ions (lead, cadmium, mercury, other heavy metal ions) in soils can displace these ions due to preferential, irreversible complexation formation with the organic ligands, like fulvic acid. The displaced ions (Pb^{+2}, Cd^{+2}, Hg^{+2}, etc.) are often left in solution where they would be available for consumption or absorption by different organisms (Ref. 13).

High concentrations of chromium from release of chromium containing material into the environment have been remediated by using EDTA flushing (Ref. 14), by adding organic matter or chemical reducing agents (Ref. 15), and via microbial reduction (Ref. 16).

2. *Leaching experiment design and results*. Testing interactions of strongly oxidizing soil (high manganese oxide content) in mixtures with chromite ore or two different samples of COPR were performed by the petitioner in support of the delisting petition. These data provided the Agency with an understanding of the fate of the chromium present in the original ore and in the COPR released to land. These leaching tests were performed according to acceptable scientific guidelines and were carried out by a published authority in this field (Refs. 1, 2, and 7). Acidity (pH), reduction potential, Cr(VI) content, and total chromium endpoints were measured. Additionally, citrate solutions were used to enhance the potential complexation of chromium ions, mimicking what could occur in nature by the complexation and solubilization of chromium ions by degradation products. The goal of the tests was to evaluate the potential availability of Cr(III) from the chromite ore and the unreacted chromite ore component of the COPR. The presence of either Cr(III) or Cr(VI) ions in the leachate from a controlled experiment would indicate that chromium might be available.

No Cr(VI) was found to be present in, or released from, the chromite ore alone or when mixed with the soil. The leaching experiment test results did not change when citrate was added to the leaching solutions. Total chromium measurements were at the baseline for the soil:chromite ore mixture, indicating that the Cr(III) was not soluble or available from the chromite ore. The amount of Cr(VI) leached from the COPR samples did not change when combined with the oxidizing soil or the citrate solutions. Therefore, no conversion of the Cr(III) content of the COPR into either soluble Cr(III) ions or Cr(VI) occurred and the amount of Cr(VI) that did leach is residual chromium from the processing that would remain reportable under this proposal (Refs. 1 and 7).

The results of these leaching studies, as well as the additional information provided by the petitioner on the stability of this chromite ore to both biotic and abiotic processes, indicates that chromium is not expected to be available in the environment (Ref. 1).

V. Summary of Technical Review

Many concerns for the hazards associated with soluble Cr(III) and all forms of Cr(VI) exist. These concerns are not pertinent to the chromite ore from the Transvaal Region of South Africa or the insoluble Cr(III) unreacted ore component of the COPR, since this particular chromite ore does not leach ionic chromium of any oxidation state nor does it oxidize to produce Cr(VI) in any form. The test results indicate that the unreacted ore in COPR acts in a similar fashion. At the present time, no human health or environmental hazard effects have been identified for this particular chromite ore and the unreacted ore component of the COPR that would support their continued inclusion on the EPCRA section 313 list of toxic chemicals.

VI. Petition Response and Rationale

A. Response to Petition

EPA is granting the ECLP petition by proposing to delist both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR from the reporting

requirements under the EPCRA section 313 chromium compounds category.

B. Rationale for Proposed Response

Many concerns for the hazards associated with soluble Cr(III) and all forms of Cr(VI) exist. However, these concerns do not appear to be pertinent to the chromite ore from the Transvaal Region of South Africa or the insoluble Cr(III) unreacted ore component of the COPR. The available data indicate that this particular chromite ore does not leach ionic chromium of any oxidation state nor does it oxidize to produce Cr(VI) in any form. At this time, EPA has preliminarily determined that there are no human health or environmental hazard concerns for this particular chromite ore that meet the toxicity criterion of EPCRA section 313(d)(2)(A), (B), or (C). EPA is therefore proposing to modify the current chromium compounds listing to exclude both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR. However, EPA is not proposing to remove soluble Cr(III) or any forms of Cr(VI) from the chromium compounds category. As EPA has previously determined, if Cr(III) is available, it can be converted to Cr(VI) in the environment (56 FR 58859, November 22, 1991). While EPA is proposing to exclude this chromite ore and the unreacted ore component of COPR from reporting under EPCRA section 313, all soluble chromium processing residue that remains in the COPR will continue to be reportable. EPA believes that the proposed deletion of this particular chromite ore and the unreacted ore component of the COPR is consistent with the Agency's published guidance on how it will review petitions to delete members of EPCRA section 313 metal compound categories (56 FR 23703, May 23, 1991).

C. Request for Public Comment

EPA requests both general and specific comments on this proposal to delist both chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the COPR from the list of toxic chemicals subject to the reporting requirements under EPCRA section 313 and PPA section 6607. EPA requests specific comments on three issues relating to chromium compounds, including: (1) Possible carcinogenicity of insoluble crystalline chromium (III) compounds via inhalation and uptake in the lung cell by phagocytosis; (2) possible indirect effects of chromium (III) competing with other cations in ligant sites in siderophore complexes; and (3) the availability of toxicity and fate information that would support excluding all chromite ores from reporting under EPCRA section 313. Comments should be submitted following the detailed instructions provided in Unit I.C. of this preamble. All comments must be received by EPA on or before April 26, 1999.

VII. References

1. Elementis Chromium LP. Petition to Delist Chromite Ore from SARA 313. Elementis Chromium LP. (January 5, 1998).

2. USEPA. Economic Analysis of the Proposed Deletion of Chromite Ore from the EPCRA Section 313 List of Toxic Chemicals. OPPT/EETD/EPAB. (February 1998).

3. USEPA. Preliminary Release Report Proposed Deletion of Chromite Ore from the EPCRA Section 313 Toxic Release Inventory. OPPT/EETD/CEB. (March 1998).

4. USEPA. Chemistry Analysis of the Proposed Deletion of Chromite Ore from the EPCRA Section 313 Toxic Release Inventory. OPPT/EETD/ICB. (February 1998).

5. USEPA. Chromite Ore Delisting Assessment of Health Hazard Concern. OPPT/RAD/SSB. (May 1998).

6. USEPA. Petition to Delist Chromite Ore (Chromium Compounds Category): Ecological Hazard Assessment. OPPT/RAD/ECAB. (April 1998).

7. USEPA. Environmental Fate Summary of Chromium (Cr) in Soils. OPPT/EETD/EAB. (March 1998).

8. Zalesek. Telephone conversation with Ms. M. Zalesek, Mining Safety and Health Administration (MSHA), U.S. Department of Labor. (March 1998).

9. Elementis Chromium LP. Chromium Accounting in the Sodium Dichromate Production Process. (May 1998).

10. USDOL. Air Quality, Chemical Substances, and Respiratory Protection Standards; Proposed Rule (MSHA, 54 FR 35760, August 29, 1989).

11. IRIS. U.S. Environmental Protection Agency's Integrated Risk Information System file pertaining to chromium (III), insoluble salts.

12. Cotton and Wilkinson. Advanced Inorganic Chemistry, Section 29-C-4 Complexes of Chromium (III), pp. 825 - 828. (1996).

13. Jin, X., Bailey, G.W., Yu, Y.S., and Lynch, A.T. ''Kinetics of Single and Multiple Metal Ion Sorption Processes on Humic Substances.'' Soil Science v. 161, pp. 509-519. (1996).

14. O'Shaughnessy et al. ''Evaluation for In Situ Soil Flushing Techniques for Heavy Metal Removal from Contaminated Soils.'' 48th Perdue Industrial Waste Conference Proceedings: Section 3B #15, pp. 123-139. (1993).

15. James, B. ''Hexavalent Chromium Solubility and Reduction in Alkaline Soils Enriched with Chromite Ore Processing Residue.'' Journal of Environmental Quality v. 23, pp. 227-233. (1994).

16. Ohtake et al. ''Bacterial Reduction of Toxic Hexavalent Chromium.'' Biological Degradation and Bioremediation of Toxic Chemicals, pp. 403-415, (1994).

VIII. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This action proposes to delete a chemical from the list of chemicals subject to reporting under EPCRA section 313 and PPA section 6607, and it does not contain any new or modified requirements. As such, this action 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), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, 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 action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), 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, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency hereby certifies that this proposed rule will not have a significant impact on a substantial number of small entities. As indicated, this proposal involves the elimination of an existing requirement under EPCRA section 313, and does not impose any new mandates. This proposed action will, therefore, not have an adverse impact on reporting facilities, regardless of size.

The deletion of this chemical from the TRI list would reduce the overall reporting and recordkeeping burden estimate provided for TRI, 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 proposed action from the TRI overall burden approved by OMB. At some point in the future, EPA will determine

the total TRI burden associated with the chemical being proposed for deletion, and will complete the required Information Collection Worksheet to adjust the total TRI estimate. The reporting and recordkeeping burdens associated with TRI are approved by OMB under OMB No. 2070–0093 (Form R, EPA ICR No. 1363) and under OMB No. 2070–0145 (Form A, EPA ICR No. 1704). The current public reporting burden for TRI is estimated to average 52.1 hours for a Form R submitter and 34.6 hours for a Form A submitter. These estimates include the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless its displays a currently valid OMB control number. The OMB control number for this information collection appears above. In addition, the OMB control number for EPA's regulations, after initial display in the final rule, are displayed on the collection instruments and are also listed in 40 CFR part 9.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency, Mail Code 2137, 401 M St., SW., Washington, DC 20460. Include the OMB control number in any correspondence.

B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and Tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's proposed rule does not create an unfunded Federal mandate on State, local or Tribal governments. The proposed rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this proposed rule.

C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

List of Subjects in 40 CFR Part 372

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

Dated: February 5, 1999.

Susan H. Wayland,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 372 be amended as follows:

PART 372—[AMENDED]

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

§ 372.65 [Amended]

2. Section 372.65(c) is amended by adding the following parenthetical to the chromium compounds listing ''(except for chromite ore mined in the Transvaal Region of South Africa and the unreacted ore component of the chromite ore processing residue (COPR). COPR is the solid waste remaining after aqueous extraction of oxidized chromite ore that has been combined with soda ash and kiln roasted at approximately 2,000 °F.).''

[FR Doc. 99–4318 Filed 2–22–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PARTS 0, 73, and 76

[MM Docket Nos. 98–204 and 96–16, DA 99–326]

Revision of Broadcast and Cable EEO Rules and Policies

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: In *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies,* the Commission partially grants a motion for extension of time. The Minority Media and Telecommunications Council (MMTC) requests the extension of time due to problems encountered in preparing its comments, including difficulties encountered in securing witness testimony and the illness of the MMTC's Executive Director. The Commission believes that the public interest favors a partial grant of this extension of time request, in order to grant the MMTC additional time in which to prepare its comments, while not unnecessarily delaying the expeditious resolution of the important issues raised in this proceeding.

DATES: Comments due March 1, 1999; reply comments due March 31, 1999.

ADDRESSES: Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hope G. Cooper, Mass Media Bureau, Enforcement Division. (202) 418–1450.