

US EPA ARCHIVE DOCUMENT

model year vehicles are projected to exhibit) and which the record indicates there is no reasonable method of correcting while still meeting the statutory standard.

Once I have decided to grant the waiver application for these vehicle models, the Act requires that I simultaneously promulgate regulations adopting emission standards not permitting CO emissions from vehicles of these engine families to exceed 7.0 g/mi. Moreover, the Act further requires that I promulgate regulations establishing these standards no later than 60 days after I receive the waiver applications in question. The public has been afforded an opportunity to comment on the waiver applications at issue, and I have considered those comments in making the decision which requires the promulgation of this amended rule.

For these reasons, I find that providing notice and an opportunity to comment before final promulgation of the amendment contained in this rulemaking is impracticable and unnecessary.

I find that good cause exists to make this rule become effective immediately since it would avoid delaying further Subaru's planned changes in its 1981 model year vehicles and it would avoid the possibility of forcing Subaru to delay introducing its 1982 model year vehicles into commerce because it must wait to receive certificates of conformity for these models until this rule becomes effective. Moreover, this rule only relieves restrictions, and imposes no new requirements on Subaru.

Note.—Because the decision accompanying this rulemaking already is based on a detailed analysis indicating that this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it is not likely to result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Subaru has submitted information indicating that it is willing to absorb the costs of making the necessary calibration changes, and the total costs it projects for these changes are substantially below \$100 million.

Also, granting this waiver request will not result in an increase in cost or prices to consumers, individual industries (other than Subaru, the applicant), or governmental bodies. Finally, this action could help make Subaru vehicles more competitive and thus reduce any adverse effects on U.S. Subaru dealerships, in particular, and the economy, in general, which could have resulted from a reduction in consumer demand for Subaru vehicles.

This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Public Docket EN-81-6 located in EPA's Central Docket Section (A-130), 401 M Street, S.W., Washington, D.C. 20460.

Finally, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim CO emission standard amended by this notice directly affects only Subaru, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

These amendments are issued pursuant to sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a).

Dated: June 9, 1981.

Anne M. Gorsuch,
Administrator.

For the reasons set forth above, 40 CFR 86.081-8(a)(1)(ii) is revised to read as follows:

§ 86.081-8 Emissions standards for 1981 light-duty vehicles.

- (a)(1) * * *
(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1981 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp	151 CID. 258 CID.
BL Cars, Ltd	215 CID. 326 CID.
Chrysler Corp	1.7 liter. 2.2 liter. 2.6 liter. 3.7 liter. 5.2 liter/2-V. 5.2 liter/4-V.
Excaltur Motors, Ltd., Ford Motor Co	305 CID. 1.3 liter. 1.6L liter/2V overhead camshaft.
General Motors Corp	2.3 liter/turbocharged. 1.6 liter.

Manufacturer	Engine family
	2.8 liter/173 CID-2V. 3.8 liter/231 CID-2V. 3.8 liter/231 CID-4V turbocharged.
Lotus Cars, Ltd., Subaru of America, Inc.	2.0 liter. 1.6 liter. 1.8 liter.
Toyota Keigo Co., Ltd	81 CID. 120 CID.
Toyota Motor Co., Ltd	88.6 CID.

* * * * *
40 CFR 86.082-8(a)(1)(ii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 light-duty vehicles.

- (a)(1) * * *
(i) * * *

(ii) Carbon monoxide—3.4 grams per vehicle mile (2.11 grams per vehicle kilometer), except that carbon monoxide emissions from light-duty vehicles of the following 1982 model year engine families shall not exceed 7.0 grams per vehicle mile (4.35 grams per vehicle kilometer):

Manufacturer	Engine family
American Motors Corp	151 CID. 258 CID.
BL Cars, Ltd	215 CID. 316 CID.
Chrysler Corp	1.6 liter. 1.7 liter. 2.2 liter. 2.6 liter. 3.7 liter. 5.2 liter/2-V. 5.2 liter/4-V.
Excaltur Motors, Ltd., Ford Motor Co	305 CID. 1.6 liter. 2.3L/turbocharged. 3.8 liter/V-6.
General Motors Corp	1.6 liter. 1.8/2.0 liter. 2.8 liter/173 CID-2V. 3.9 liter/231 CID-2V.
Subaru of America, Inc	1.6 liter. 1.8 liter.
Toyota Motor Co., Ltd., Volkswagen of America	88.6 CID. 1.7 liter/FBC.

* * * * *
(Sections 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521 and 7501(a))

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40 CFR Part 228

[WH-FRL 1853-4]

Ocean Dumping—Final Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates five ocean disposal sites off Hawaii for continuing use for the disposal of dredged material. This action is

necessary to provide ocean dumping sites for the disposal of dredged material from Hawaiian harbors. Dredging of these harbors is necessary to maintain adequate navigational depths. This action will change the interim designation of some sites to a permanent designation based upon environmental and other considerations and will also change the location of some sites to more environmentally acceptable locations.

DATE: These site designations will become effective on June 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, D.C. 20460, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq., (hereafter "the Act") gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management. These proposed site designations are being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and extended on December 9, 1980 (45 FR 81042 et seq.). That list established these sites as interim sites, pending completion of an Environmental Impact Statement (EIS) evaluating environmental effects of dumping dredged material at those locations.

On November 14, 1980, EPA proposed designation of five sites off Hawaii for the disposal of dredged material resulting from maintenance dredging of six harbors in Hawaii. (45 FR 75241). The proposed rulemaking contained detailed information regarding these five sites. The public comment period expired on January 13, 1981. No comments were received.

The EPA has prepared a Final EIS entitled "Final Environmental Impact Statement for Hawaii Dredged Material Disposal Site Designation," which was prepared in accordance with EPA policy which provides for voluntary preparation of EIS's for certain specific regulatory actions. The Final EIS was filed with the EPA Office of Environmental Review on October 1, 1980, and a notice of availability for

public review and comment was published in the **Federal Register** on October 10, 1980. The public comment period on this Final EIS closed November 10, 1980.

Based on the information reported in the Final EIS, EPA is designating these five sites for continuing disposal of dredged materials. These materials result from the maintenance dredging of six harbors in Hawaii, which generally becomes necessary in each harbor every five to ten years. For additional information regarding these sites and the anticipated environmental consequences of dumping dredged material at the sites, interested parties should examine the EIS.

The designation of the five Hawaii dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as final rulemaking. Management authority on these sites will be delegated to the Regional Administrator of EPA Region IX.

The Office of Management and Budget has exempted this regulation from the OMB review requirements of Executive Order 12291 pursuant to Section 8(b) of that Order.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Since this rule only establishes an option for disposal of dredged material from six harbors in Hawaii, EPA has determined that it will not have a significant impact on small entities. Consequently, this rule does not trigger the requirements for preparation of a Regulatory Flexibility Analysis.

The proposed site designation is hereby promulgated without change, as set forth below.

Authority: 33 U.S.C. Sections 1412 and 1416.

Dated: May 31, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended by adding to Section 228.12(h) (8) through (12) five ocean dumping sites for Region IX as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

(b) * * *

(8) South Oahu Site—Region IX.

Location (center point): Latitude—21°15'10" N. Longitude—157°56'50" W.
Size: 2 kilometers wide and 2.6 kilometers long.
Depth: Ranges from 400 to 475 meters.
Primary Use: Dredged material.

Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(9) Nawiliwili Site—Region IX.

Location (center point): Latitude—21°55'00" N. Longitude—159°17'00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 840 to 1,120 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(10) Port Allen Site—Region IX.

Location (center point): Latitude—21°50'00" N. Longitude—159°35'00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 1,460 to 1,610 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(11) Kahului Site—Region IX.

Location (center point): Latitude—21°04'42" N. Longitude—156°29'00" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 345 to 365 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

(12) Hilo Site—Region IX.

Location (center point): Latitude—19°48'30" N. Longitude—154°58'30" W.
Size: Circular with a radius of approximately 920 meters.
Depth: Ranges from 330 to 340 meters.
Primary Use: Dredged material.
Period of Use: Continuing use.
Restriction: Disposal shall be limited to dredged material.

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40 CFR Part 228

[WH-FRL 1853-3]

Ocean Dumping; Final Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates the existing acid wastes dumpsite located in the New York Bight as an EPA approved Ocean Dumping Site for the dumping of aqueous acid wastes. The current designation of this site as an "interim" dumpsite expires on December 31, 1982. This action is necessary to provide an