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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5448-1]

Proposed Settlements; Accidental Release Prevention List of Substances Litigation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlements; request for public comment.

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SUMMARY: In accordance with section 113(g) of the Clean Air Act ('`Act''), notice is hereby given of proposed settlements in the following cases: American Petroleum Institute v. U.S. Environmental Protection Agency, No. 94-1273 (D.C. Cir.), and Institute of Makers of Explosives v. U.S. Environmental Protection Agency, No. 94-1276 (D.C. Cir.).

These cases involve challenges to the final rule, entitled 'List of Regulated Substances and Thresholds for Accidental Release Prevention; Requirements for Petitions Under Section 112(r) of the Clean Air Act as Amended,' which, inter alia, established a list of substances to be subject to regulation under the accidental prevention provisions of the Act and threshold quantities for such substances. 59 Fed. Reg. 4478 (Jan. 31, 1994). Under the terms of the proposed settlements, the Environmental Protection Agency (EPA) would conduct a rulemaking concerning amendment of the above-mentioned final rule to delist certain chemicals and to modify certain other provisions.

For a period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlements from persons who were not named as parties to the litigation in question. The Agency or the Department of Justice may withhold or withdraw consent to the proposed settlements if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Copies of the settlements are available from Samantha Hooks, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-7606. Written comments should be sent to Jon Averback at the above address and must be submitted on or before April 29, 1996.

Dated: March 21, 1996.

Scott C. Fulton,  
Acting, General Counsel.

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