EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under Section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no federal mandates for state, local or tribal governments or the private sector. The Act excludes from the definition of a ''federal mandate'' duties that arise from participation in a voluntary federal program, except in certain cases where a ''federal intergovernmental mandate'' affects an annual federal entitlement program of $500 million or more that are not applicable here. The Kansas request for approval of revisions to its authorized hazardous waste program is voluntary and imposes no federal mandate within the meaning of the Act. Rather, by having its hazardous waste program approved, the state will gain the authority to implement the program within its jurisdiction, in lieu of the EPA thereby eliminating duplicative state and federal requirements. If a state chooses not to seek authorization for administration of a hazardous waste program under RCRA Subtitle C, RCRA regulation is left to the EPA.

In any event, the EPA has determined that this rule does not contain a federal mandate that may result in expenditures of $100 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any one year. The EPA does not anticipate that the approval of the Kansas hazardous waste program referenced in today's notice will result in annual costs of $100 million or more. The EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector since the state, by virtue of the approval, may now administer the program in lieu of the EPA and exercise primary enforcement. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) generally no longer face dual federal and state compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

The EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265, and 270 and are not subject to any additional significant or unique requirements by virtue of this program approval. Once the EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs under the approved state program, in lieu of the federal program.

Certification Under the Regulatory Flexibility Act

The EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. The EPA recognizes that small entities may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, since such small entities which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265 and 270, this authorization does not impose any additional burdens on these small entities. This is because the EPA's authorization would result in an administrative change (i.e., whether the EPA or the state administers the RCRA Subtitle C program in that state), rather than result in a change in the substantive requirements imposed on small entities. Once the EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small entities will be able to own and operate their TSDFs under the approved state program, in lieu of the federal program. Moreover, this authorization, in approving a state program to operate in lieu of the federal program, eliminates duplicative requirements for owners and operators of TSDFs in that particular state.

Therefore, the EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively approves the Kansas program to operate in lieu of the federal program, thereby eliminating duplicative requirements for handlers of hazardous waste in the state. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office

Under Section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted 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 General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by Section 804(2) of the APA as amended.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This rulemaking is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended [42 U.S.C. 6912(a), 6926, 6974(b)].

Dated: July 17, 1996.

Dennis Grams,

Regional Administrator.

[FR Doc. 96–19086 Filed 7–26–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 372

[OPPTS-400096A; FRL-5372-6]

Diethyl Phthalate; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is deleting diethyl phthalate (DEP) from the list of chemicals subject to the 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). Specifically, EPA is deleting DEP because the Agency has concluded that DEP meets the deletion criterion of EPCRA section 313(d)(3). By promulgating this rule, EPA is relieving facilities of their obligation to report releases of and other waste management information on DEP that occurred during the 1995 reporting year, and for activities in the future.

DATES: This rule is effective July 29, 1996.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Acting Petitions Coordinator, 202-260-3882, e-mail: bushman.daniel@epamail.epa.gov, for specific information on this final rule, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 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. Introduction

A. Affected Entities

Entities potentially affected by this action are those which manufacture, process, or otherwise use diethyl phthalate (DEP) and which are subject to the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023 and section 6607 of the Pollution Prevention Act of 1990 (PPA), 42 U.S.C. 13106. Some of the affected categories and entities include:

Category	Examples of affected entities
Industry	Facilities that produce soaps, detergents, cleaners, perfumes, cosmetics, other toilet preparations, unsupported film and sheet plastics, other plastic products, and miscellaneous industrial organic chemicals.
Federal Government	Federal Agencies that manufacture, process, or otherwise use DEP.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility is affected by this action, you should carefully examine the applicability criteria in part 372 subpart B of Title 40 of the Code of Federal Regulations.

B. Statutory Authority

This action is taken under sections 313(d) and (e)(1) of EPCRA. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99–9499).

C. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of PPA. Section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. DEP was included in the initial list of chemicals and chemical categories. Section 313(d) authorizes EPA to add chemicals to or delete chemicals from the list, and sets forth criteria for these actions. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA has added and deleted chemicals from the original statutory 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 has been denied.

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 petitions. On May 23, 1991 (56 FR 23703), EPA issued a statement of policy and guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compound categories. EPA has published a statement clarifying its interpretation of the section 313(d)(2) and (3) criteria for adding and deleting chemicals from the section 313 toxic chemical list (59 FR 61432, November 30, 1994) (FRL-4922-2).

II. Description of Petition and Proposed Action

On February 7, 1995, the Fragrance Materials Association petitioned the Agency to delete DEP (Chemical Abstract Service (CAS) Registry No. 84-66-2) from the EPCRA section 313 list of toxic chemicals. The petitioner contends that DEP, which is mainly used as a plasticizer, should be deleted from the EPCRA section 313 list because it does not meet any of the EPCRA section 313(d)(2) criteria.

Following a review of the petition, EPA granted the petition and issued a proposed rule in the Federal Register of September 5, 1995 (60 FR 46076) (FRL-4970-5) proposing to delete DEP from the list of chemicals subject to the reporting requirements under EPCRA section 313. EPA's proposal was based on its preliminary conclusion that DEP meets the deletion criteria of EPCRA section 313(d)(3). With respect to deletions, EPCRA provides at section 313(d)(3) that ''[a] chemical may be deleted if the Administrator determines there is not sufficient evidence to establish any of the criteria described in paragraph [(d)(2)(A)-(C)].'' In the proposed rule, EPA preliminarily concluded that the available toxicological data indicates that DEP does not cause adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility cite boundaries, and causes systemic, developmental, and reproductive toxicities only at relatively high doses and thus has low chronic toxicity. Furthermore, EPA preliminarily concluded that DEP exhibits low toxicity to aquatic organisms, and is not likely to bioconcentrate. EPA also preliminarily concluded that releases of DEP will not result in exposures of concern. Therefore, EPA preliminarily concluded that based on the total weight of available data, DEP cannot reasonably be anticipated to cause a significant adverse effect on human health or the environment.

III. Final Rule and Rationale for Delisting

In response to the petition from the Fragrance Materials Association, EPA is deleting DEP from the list of chemicals for which reporting is required under EPCRA section 313 and PPA section 6607. EPA is delisting this chemical because the Agency has determined that DEP satisfies the delisting criterion of EPCRA section 313(d)(3).

A. Response to Comments

EPA received four comments in response to the proposed rule, all in support of the proposed deletion. EPA agrees with the commenters that DEP satisfies the criterion for delisting. One commenter requests that EPA make this action effective as of the date of the proposal, September 5, 1995, in order for the deletion to apply for the 1995 reporting year. While this action is effective as of the date of publication of this final rule, not the date of the proposal, EPA agrees that DEP should not be reported for the 1995 calendar year. As discussed in Unit IV. of this preamble, reporting for DEP is not required for the 1995 reporting year, covering activities and releases which occurred in 1995.

B. Rationale for Delisting and Conclusions

EPA has concluded that the assessment set out in the proposed rule should be affirmed. Further, because of questions raised recently about the ability of phthalates to produce hormone disruption, EPA has looked at this issue as it relates to DEP. While EPA is aware of limited and preliminary *in vitro* data indicating that some phthalates bind/activate estrogen receptors at high concentrations, EPA has not located any such information on DEP. Further, for those few phthalates tested *in vitro*, there is no indication that any common structural feature of these compounds is responsible for the observed activity. In addition, EPA is not aware of any data that demonstrate that DEP produces estrogenic effects *in vivo*. Accordingly, EPA has determined that there is insufficient evidence, at this time, to demonstrate that DEP causes hormone disruption. In summary, based on the total weight of available data, EPA has concluded that DEP cannot reasonably be anticipated to cause a significant adverse effect on human health or the environment, and therefore DEP meets the delisting criterion of 313(d)(3). A more detailed discussion of the rationale for delisting is given in the proposed rule (60 FR 46076, September 5, 1995) (FRL–4970–5).

Based on current data, EPA concludes that DEP does not meet the toxicity criterion of EPCRA section 313(d)(2)(A) because DEP exhibits acute oral toxicity only at levels that greatly exceed estimated exposures outside the facility. Specifically, DEP cannot reasonably be anticipated to cause ''. . . significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.''

EPA has concluded that there is not sufficient evidence to establish that DEP meets the criterion of EPCRA section 313(d)(2)(B). The lowest-observed-adverse-effect-level (LOAEL) for systemic toxicity is 3,160 milligrams/kilogram/day (mg/kg/day) and the no-observed-adverse-effect-level (NOAEL) is 750 mg/kg/day. The LOAEL for developmental toxicity is 3,210 mg/kg/day and the NOAEL is 1,910 mg/kg/day. The NOAEL for reproductive toxicity is approximately 3,750 mg/kg/day, which was the highest dose tested. EPA has no information indicating that DEP causes any other section 313(d)(2)(B) effects. EPA considers the above doses where DEP caused adverse effects to be relatively high and concludes that DEP has low chronic toxicity. Therefore, EPA conducted an exposure assessment for chronic human exposure and found that exposure to DEP at the estimated levels is not likely to result in adverse health risks in humans. EPA has estimated that releases of DEP will not result in exposures of concern. Therefore, EPA has concluded that DEP does not meet the EPCRA section 313(d)(2)(B) listing criterion.

EPA has also concluded that DEP does not meet the toxicity criterion of EPCRA section 313(d)(2)(C) because it cannot reasonably be anticipated to cause adverse effects on the environment of sufficient seriousness to warrant continued reporting. DEP exhibits low toxicity to aquatic organisms (fish 96 hr median lethal concentration (LC_{50}), 12 to 100 milligrams/liter (mg/l); daphnid 48 hr LC_{50}, 50 to 90 mg/l; and algae 96 hr median effective concentration (EC_{50}), 30 to 86 mg/l, and is not likely to bioconcentrate.

Thus, in accordance with EPCRA section 313(d)(3), EPA is deleting DEP from the section 313 list of toxic chemicals. Today's action is not intended, and should not be inferred, to affect the status of DEP under any other statute or program other than the reporting requirements under EPCRA section 313.

IV. Effective Date

This action becomes effective July 29, 1996. Thus, the last year in which facilities had to file a Toxic Release Inventory (TRI) report for DEP was 1995, covering releases and other activities that occurred in 1994.

Section 313(d)(4) provides that ''[a]ny revision'' to the section 313 list of toxic chemicals shall take effect on a delayed basis. EPA interprets this delayed effective date provision to apply only to actions that add chemicals to the section 313 list. For deletions, EPA may, in its discretion, make such actions immediately effective. An immediate effective date is authorized, in these circumstances, under 5 U.S.C. section 553(d)(1) because a deletion from the section 313 list relieves a regulatory restriction.

EPA believes that where the Agency has determined, as it has with DEP, that a chemical does not satisfy any of the criteria of section 313(d)(2)(A)-(C), no purpose is served by requiring facilities to collect data or file TRI reports for that chemical, or, therefore, by leaving that chemical on the section 313 list for any additional period of time. This construction of section 313(d)(4) is consistent with previous rules deleting chemicals from the section 313 list. For further discussion of the rationale for immediate effective dates for EPCRA section 313 delistings, see 59 FR 33205 (June 28, 1994).

V. Rulemaking Record

The record supporting this decision is contained in docket control number OPPTS–400096A. All documents, including an index of the docket, are available in the TSCA Nonconfidential Information Center (NCIC), also known as, TSCA Public Docket Office from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. TSCA NCIC is located at EPA Headquarters, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

VI. Regulatory Assessment Requirements

It has been determined that this action is not a ''significant regulatory action'' within the meaning of Executive Order 12866 (58 FR 51735, October 4, 1993), because this action eliminates an existing regulatory requirement. The Agency estimates the total cost savings to industry from this action to be $124,000 per year. The cost savings to EPA is estimated at $3,000 per year.

This action does not impose any Federal mandate on State, local or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). And, given its deregulatory nature, I hereby certify pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this action does not have a significant economic impact on a substantial number of small entities. As required, information to this effect has been forwarded to the Small Business Administration.

This action does not have any information collection requirements subject to the provisions of the

Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The elimination of the information collection components for this action is expected to result in the elimination of 2,305 paperwork burden hours.

In addition, pursuant to Executive Order 12898 (59 FR 7629, February 16, 1994), entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' the Agency has determined that there are no environmental justice related issues with regard to this action since this final rule simply eliminates reporting requirements for a chemical that, under the criteria of EPCRA section 313, does not pose a concern for human health or the environment.

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104-121, 110 Stat. 847), EPA submitted 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 General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 372

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

Dated: July 19, 1996.

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]

Sections 372.65(a) and (b) are amended by removing the entire entry for diethyl phthalate under paragraph (a) and removing the entire CAS No. entry for 84-66-2 under paragraph (b).

[FR Doc. 96–19075 Filed 7–26–96; 8:45 am]

BILLING CODE 6560–50–F

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 201

[FIRMR Amendment 9]

RIN 3090–AG04

Removal of Chapter 201, Federal Information Resources Management Regulation, From Title 41—Public Contracts and Property Management

AGENCY: Office of Policy, Planning and Evaluation, GSA.

ACTION: Final rule.

SUMMARY: This amendment removes Chapter 201, Federal Information Resources Management Regulation (FIRMR), from Title 41—Public Contracts and Property Management. This action is necessary because the Information Technology Management Reform Act of 1996, (Pub. L. 104–106) effectively removes most of the statutory basis for the FIRMR after August 7, 1996.

EFFECTIVE DATE: August 8, 1996.

FOR FURTHER INFORMATION CONTACT: R. Stewart Randall, GSA, Office of Policy, Planning and Evaluation, Strategic IT Analysis Division (MKS), 18th and F Streets, NW., Room 3224, Washington, DC 20405, telephone FTS/Commercial (202) 501–4469 (v) or (202) 501–0657 (tdd), or Internet (steward.randall@gsa.gov).

SUPPLEMENTARY INFORMATION: (1) The President signed S. 1124, the National Defense Authorization Act (NDAA) For Fiscal Year 1996, (Pub. L. 104–106) on February 10, 1996. Included in the NDAA was Division E, the Information Technology (IT) Management Reform Act of 1996. Section 5105 of the said Act repeals section 111 of the Federal Property and Administrative Services Act of 1949, as amended (the Brooks Act) (40 U.S.C. 759). The Brooks Act was the authority for most of the provisions in the GSA's Federal Information Resources Management Regulation so that the Brooks Act repeal effectively removes most of the statutory basis for the FIRMR. Any FIRMR provisions that are still needed, such as those regarding records management, are being removed from the FIRMR and are being reestablished as appropriate.

(2) GSA has determined that this rule is not a significant rule for the purposes of Executive Order 12866 of September 30, 1993, because it is not likely to result in any of the impacts noted in Executive Order 12866, affect the rights of specified individuals, or raise issues arising from the policies of the Administration. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Parts 201–1 Through 201–39

Archives and records, Computer technology, Federal information processing resources activities, Government procurement, Government property management, Records management, Telecommunications.

CHAPTER 201—FEDERAL INFORMATION RESOURCES MANAGEMENT REGULATION—[REMOVED AND RESERVED]

Accordingly, under the authority of 40 U.S.C. 486(c) and 751(f), Chapter 201 is removed and reserved.

Dated: July 17, 1996.

David J. Barram,

Acting Administrator of General Services.

[FR Doc. 96–19184 Filed 7–26–96; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[CC Docket No. 96–21, FCC 96–313]

Bell Operating Company Provision of Out-of-Region Interstate, Interexchange Services

AGENCY: Federal Communications Commission.

ACTION: Final Rule; change of effective date.

SUMMARY: In this Order on Reconsideration, the Commission advances the effective date of its recently released Report and Order concerning Bell operating company provision of domestic, out-of-region, interstate, interexchange services. In the Matter of Out-of-Region Interstate, Interexchange Services, CC Docket No. 96–21, FCC 96–288 (rel. July 1, 1996) (*Interim BOC Out-of-Region Order*). The effective date as specified in that *Interim BOC Out-of-Region Order* was thirty days after its publication in the Federal Register, which is August 8, 1996. To further facilitate the efficient and rapid provision of such services by the BOC as contemplated by the Telecommunications Act of 1996, the Order on Reconsideration advances the