

received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

IX. Regulatory Assessment Requirements

This final rule establishes tolerances under FFDCA section 408(d). The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045,

entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997). In addition, since these tolerances and exemptions that are established under FFDCA section 408 (l)(6), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

X. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has 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 this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 180**  
Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.  
Dated: July 24, 1997.

**James Jones,**  
*Acting Director, Registration Division, Office of Pesticide Programs.*  
Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

- 1. The authority citation for part 180 continues to read as follows:  
**Authority:** 21 U.S.C. 346a and 371.
- 2. In § 180.443, in paragraph (b), by revising the introductory text and alphabetically adding the following commodities to the table to read as follows:

**§ 180.443 Myclobutanil; tolerances for residues.**  
\* \* \* \* \*  
(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of the fungicide myclobutanil in connection with use of the pesticide under section 18 emergency exemptions granted by EPA. These tolerances will expire and are revoked on the dates specified in the following table.

Commodity	Parts per million	Expiration/Revocation Date
* * *	* *	* *
Tomato, fruit .....	0.3	July 28, 1998
Tomato, paste .....	1.2	July 28, 1998
Tomato, puree .....	0.6	July 28, 1998
* * *	* *	* *

\* \* \* \* \*  
[FR Doc. 97-20846 Filed 8-7-97; 8:45 am]  
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**ENVIRONMENTAL PROTECTION AGENCY**  
**40 CFR Part 721**  
[OPPTS-50626A; FRL-5735-4]  
RIN 2070-AB27  
**Modification of Significant New Use Rules for Certain Substances**  
**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.  
**SUMMARY:** EPA is modifying significant new use rules (SNURs) for five

substances promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for certain chemical substances based on new data. Based on the data the Agency determined that the SNURs should be modified.  
**DATES:** This rule is effective September 8, 1997.  
**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, telephone: (202)

554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL-5597-1), EPA proposed a modification to the SNURS for six chemical substances based on additional data received for those substances. The Agency is issuing the modification for five of these substances. EPA will issue a modification for the remaining substance after it reviews and responds to the comments received for its proposed modification.

## I. Background

The Agency proposed the modification of the SNURs for these substances in the **Federal Register** of June 2, 1997 (62 FR 29684) (FRL-5597-1). The background and reasons for the modification of the SNURs are set forth in the preamble to the proposed modifications. The Agency received no public comment concerning the proposed modification for these five substances. As a result, EPA is modifying these SNURs.

## II. Rationale for Modification of the Rules

During review of the PMNs submitted for the chemical substances that are the subject of these modifications, EPA concluded that regulation was warranted based on the fact that activities not described in the section 5(e) consent order or the PMN may result in significant changes in human or environmental exposure. The basis for such findings is in the rulemaking records referenced in Unit III of this preamble. Based on these findings, a section 5(e) consent order was negotiated with the PMN submitter and/or a SNUR was promulgated.

In light of the modification to a consent order, the data submitted in a PMN, or the data submitted in a SNUN, the Agency has determined that modifying these SNURs would not result in significant changes in human or environmental exposure. The modification of SNUR provisions for these substances designated herein is consistent with the provisions of the section 5(e) consent order or data submitted in the PMN/SNUN.

## III. Rulemaking Record

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket number OPPTS-50626A (including comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic

comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC.

## IV. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" subject to review by the Office of Management and Budget (OMB). In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special considerations of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency hereby certifies that any promulgation of a SNUR, including this final rule, will not have a significant adverse economic impact on a substantial number of small entities. Because this certification is applicable to all SNURs, it will also serve as the generic certification for the promulgation of any SNUR and EPA will incorporate it by reference in future individual SNUR actions. In addition, this certification and rationale will be provided to the Chief Counsel for Advocacy of the Small Business Administration.

This certification is based on the following rationale. A SNUR applies to any person (including small or large entities) who intends to engage in any activity described in the rule as a "significant new use." By definition of the word "new," and based on all information currently available to EPA, it appears that no small or large entities presently engage in such activity. Since a SNUR only requires that any person who intends to engage in such activity in the future must first notify EPA (by submitting a Significant New Use Notice (SNUN)), no economic impact will even occur until someone decides to engage in those activities. Although some small entities may decide to conduct such activities in the future, EPA cannot presently determine how many, if any, there may be. However, EPA's experience to date is that, in response to the promulgation of over 530 SNURs,

the Agency has received fewer than 15 SNUNs. Of those SNUNs submitted, none appear to be from small entities. In fact, EPA expects to receive few, if any, SNUNs from either large or small entities in response to any SNUR. Therefore, EPA believes that the economic impact of complying with a SNUR is not expected to be significant, or adversely impact a substantial number of small entities.

An agency may not conduct or sponsor, and a person is not required to respond to, an information collection request unless it displays a currently valid OMB control number. The information collection requirements related to this action have already been approved by OMB pursuant to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., under OMB control number 2070-0012 (EPA ICR No. 574). This action does not impose any burdens requiring additional OMB approval. The public reporting burden for this collection of information is estimated to average 100 hours per response. The burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information.

## V. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has 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 this rule in today's **Federal Register**. This is not a major rule as defined by 5 U.S.C. 804(2).

## List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements.

Dated: August 1, 1997.

**Ward Penberthy,**

*Acting Director, Chemical Control Division,  
Office of Pollution Prevention and Toxics.*

Therefore, 40 CFR part 721 is amended as follows:

## PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

2. Section 721.3764 is revised to read as follows:

**§ 721.3764 Fluorene substituted aromatic amine.**

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as a fluorene substituted aromatic amine (PMN P-91-43) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63 (a)(1), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(iv), (a)(5)(v), (a)(5)(vi), (a)(6)(i), (b) (concentration set at 1.0 percent), and (c). However, these requirements do not apply after the PMN substance is adhered onto film or incorporated into prepreg form (resin impregnated substrate).

(ii) *Hazard communication program.*

Requirements as specified in § 721.72 (a), (b), (c), (d), (e) (concentration set at 1.0 percent), (f), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(iii), and (g)(5) during manufacture.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(l).

(iv) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a) through (i) and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

3. Section 721.5225 is amended by revising paragraph (a)(2)(v) to read as follows:

**§ 721.5225 Naphthalene, 1,2,3,4-tetrahydro(1-phenylethyl) (specific name).**

(a) *Chemical substance and significant new uses subject to reporting.*

\* \* \*

(2) \* \* \*

(v) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (where n = 1).

\* \* \* \* \*

4. Section 721.7046 is amended by revising paragraph (a)(1) to read as follows:

**§ 721.7046 Formaldehyde, polymer with substituted phenols, glycidyl ether.**

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as formaldehyde, polymer with substituted phenols, glycidyl ether (PMN P-93-955) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply once the substance is a component of a highly densified tablet formulation of an epoxy molding compound.

\* \* \* \* \*

5. Section 721.7210 is amended by revising paragraph (a)(1) to read as follows:

**§ 721.7210 Epoxidized copolymer of phenol and substituted phenol.**

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as epoxidized copolymer of phenol and substituted phenol (PMN P-91-598) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section. The requirements of this section do not apply once the substance is a component of a highly densified tablet formulation of an epoxy molding compound.

\* \* \* \* \*

6. Section 721.8350 is amended by adding paragraph (a)(2)(iv) to read as follows:

**§ 721.8350 2-Propenoic acid, 7-oxabicyclo[4.1.0]hept-3-ylmethyl ester.**

(a) *Chemical substance and significant new uses subject to reporting.*

\* \* \*

(2) \* \* \*

(iv) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

\* \* \* \* \*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### RIN 1018-AD37

### Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Three Plants From the Channel Islands of Southern California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service) determines *Cercocarpus traskiae* (Catalina Island mountain-mahogany), *Lithophragma maximum* (San Clemente Island woodland-star), and *Sibara filifolia* (Santa Cruz Island rockcress) to be endangered throughout their respective historical ranges on the Channel Islands of southwestern California, pursuant to the Endangered Species Act of 1973, as amended (Act). *Cercocarpus traskiae* is found primarily in coastal scrub habitats on Santa Catalina Island. *Lithophragma maximum* is found in rock crevices within coastal bluff scrub on San Clemente Island. *Sibara filifolia* is found on talus slopes in coastal scrub on San Clemente Island and may still occur on Santa Catalina Island, although the last sighting of the species on that island was in 1973. These plants are threatened by a variety of factors including grazing, fire, competition from non-native plant species, erosion, and hybridization. This rule implements the Federal protection provisions afforded by the Act for these three plant species.

**DATES:** Effective September 8, 1997.

**ADDRESSES:** The file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008.

**FOR FURTHER INFORMATION CONTACT:** Gail Kobetich, Field Supervisor, at the above address (telephone 760/431-9440; facsimile 760/431-9624).

#### SUPPLEMENTARY INFORMATION:

#### Background

*Cercocarpus traskiae* (Catalina Island mountain-mahogany), *Lithophragma maximum* (San Clemente Island woodland-star), and *Sibara filifolia* (Santa Cruz Island rockcress) are endemic to the Channel Islands of southern California. These three species are restricted primarily to San Clemente and Santa Catalina Islands. *Cercocarpus traskiae* is currently known only from Santa Catalina Island, although a single plant was discovered in the Santa Monica Mountains in 1993.

*Lithophragma maximum* occurs on San Clemente Island. *Sibara filifolia* occurs on San Clemente and Santa Catalina Islands. *Sibara filifolia* was also historically found on Santa Cruz Island.

The Channel Islands are composed of igneous and sedimentary rocks that have been uplifted and folded by tectonic activity (Raven 1963, Thorne