

health and the environment in a way that is consistent with safety concerns.

As mentioned above, EPA has been investigating and will continue to investigate the cause of these incidents. During the one year suspension period, the Agency will provide the public with the results of the investigation. At the conclusion of the one year period, EPA expects to have addressed any safety concerns with the EO NESHAP requirements. If the Agency finds that changes to the EO NESHAP are necessary to address safety concerns, EPA will conduct a rulemaking to promulgate a revised standard and sources will be given adequate opportunity to comply with the revised rule. If, however, EPA concludes that no changes are necessary, EO facilities will be expected to be in compliance with the EO NESHAP by December 6, 1998.

III. Administrative Requirements

A. Paperwork Reduction Act

The information collection requirements of the EO NESHAP were submitted to and approved by the Office of Management and Budget (OMB). A copy of this Information Collection Request (ICR) document (OMB control number 2060-0283) may be obtained from Ms. Sandy Farmer, Information Policy Branch (2136); U.S. EPA; 401 M Street, SW, Washington, DC 20460, or by calling (202) 260-2740.

Today's action has no impact on the information collection burden estimates made previously. Today's action merely suspends the EO NESHAP for one year. This change does not impose new requirements. Consequently, the ICR has not been revised.

B. Executive Order 12866, Unfunded Mandates Reform Act, and Regulatory Flexibility Act

Today's action serves to reduce the burden on certain sources by temporarily suspending the EO NESHAP. Consequently, under Executive Order 12866, this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. Since this action is not subject to notice-and-comment rulemaking requirements under the APA or any other law, it is also not subject to sections 202, 204 or 205 of the Unfunded Mandates Reform Act (UMRA). In addition, since this action does not impose annual costs of \$100 million or more and will not significantly or uniquely affect small governments, the Agency has no obligations under section 203 of UMRA. Moreover, since this action is not subject to notice-and-comment

requirements under the APA or any other statute as discussed above, it is not subject to section 603 or 604 of the Regulatory Flexibility Act.

C. Submission to Congress and the Comptroller General

EPA submitted a report containing this action and other information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in today's **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule is effective immediately pursuant to 5 U.S.C. 808(2) because the EPA for good cause finds that notice and comment is impracticable, unnecessary, or contrary to the public interest, for the reasons stated previously.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Ethylene oxide sterilization, Hazardous substances, Reporting and recordkeeping requirements.

Dated: December 4, 1997.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, Title 40, Part 63, Subpart O of the Code of Federal Regulations, is hereby suspended until December 6, 1998.

[FR Doc. 97-32328 Filed 12-5-97; 1:16 pm]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS-50608E; FRL-5746-2]

RIN 2070-AB27

Polyalkylene Polyamine; Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substance described as polyalkylene polyamine which is the subject of premanufacture notice (PMN) P-89-963. This rule would require certain persons who intend to manufacture, or import this substance for a significant new use to notify EPA at least 90 days before commencing any manufacturing or importing activities for a use designated by this SNUR as a significant new use.

The required notice would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it can occur.

DATES: This rule is effective January 8, 1998.

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:

Electronic Availability: Electronic copies of this document are available from the EPA Home Page at the **Federal Register**-Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgrstr/>).

This final SNUR would require persons to notify EPA at least 90 days before commencing the manufacture or import of P-89-963 for the significant new uses designated herein. The required notice would provide EPA with information with which to evaluate an intended use and associated activities.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use. Section 26(c) of TSCA authorizes EPA to take action under section 5(a)(2) with respect to a category of chemical substances.

Persons subject to this SNUR would comply with the same notice requirements and EPA regulatory procedures as submitters of premanufacture notices under section 5(a)(1) of TSCA. In particular, these requirements include the information submission requirements of section 5(b) and (d)(1), the exemptions authorized by section 5(h)(1), (h)(2), (h)(3), and (h)(5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities for which it has received a SNUR notice. If EPA does not take

action, section 5(g) of TSCA requires EPA to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707.

II. Applicability of General Provisions

General regulatory provisions applicable to SNURs are codified at 40 CFR part 721, subpart A. On July 27, 1988 (53 FR 28354) and July 27, 1989 (54 FR 31298), EPA promulgated amendments to the general provisions which apply to this SNUR. In the **Federal Register** of August 17, 1988 (53 FR 31252), EPA promulgated a "User Fee Rule" (40 CFR part 700) under the authority of TSCA section 26(b). Provisions requiring persons submitting SNUR notices to submit certain fees to EPA are discussed in detail in that **Federal Register** document. Interested persons should refer to these documents for further information.

III. Background and Response to Comments

EPA published a direct final SNUR for the chemical substance, which was the subject of (PMN) P-89-963 and a TSCA 5(e) consent order issued by EPA, in the **Federal Register** of June 8, 1993 (58 FR 32227). EPA received a notice of intent to submit adverse comments for this chemical substance following publication. Therefore, as required by § 721.160, the final SNUR for P-89-963 was withdrawn on December 19, 1994 (59 FR 65248) (FRL-4758-2), and a proposed rule on the substance was issued on December 19, 1994 (59 FR 65289) (FRL-4758-3).

The background and reasons for the SNUR were set forth in the preamble to the proposed rule. EPA received comments from the current manufacturer of the PMN substance. EPA's response to the comments and changes to the proposed rule are discussed in this document.

All but one of the comments can be summarized as follows: Since the 5(e) consent order requires only that manufacturers and importers be subject to hazard communication requirements concerning environmental effects, water release restrictions, and recordkeeping requirements, the SNUR should reflect similar regulation, and processors should not be subject to these SNUR requirements. EPA agrees with this clarification. The proposed SNUR would have required that only manufacturers notify the Agency if the substance was released to water. In

addition, EPA is revising both the hazard communication and recordkeeping sections to make it clear that only manufacturers and importers are subject to the requirements of the SNUR.

The other comment was that since the toxicity testing (a 28-day oral study in rats) required by the 5(e) consent order at a designated production volume limit had already been completed and submitted to EPA, the corresponding production volume limit in the proposed SNUR should not be included in the final SNUR. EPA agrees and accordingly has eliminated this notification requirement from the final SNUR. In addition, the hazard communication requirements designated in the proposed SNUR at § 721.72 (a)(2)(i)(A) and (B) have been eliminated. These requirements would have compelled manufacturers, importers, or processors to incorporate into a Material Safety Data Sheet (MSDS) any risks to human health and methods for protecting against such risk, if such risks were demonstrated by the results of toxicity testing required under the section 5(e) consent order. EPA eliminated these requirements, since the order and the SNUR no longer require toxicity testing and the test data already submitted did not warrant additional hazard communication notification.

IV. Applicability of SNUR to Uses Occurring Before Effective Date of the Final SNUR

EPA has decided that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of proposal rather than as of the effective date of the rule. Because this SNUR was first published on June 8, 1993, as a direct final rule, that date will serve as the date after which uses would be considered to be new uses. If uses which had commenced between that date and the effective date of this rulemaking were considered ongoing, rather than new, any person could defeat the SNUR by initiating a significant new use before the effective date. This would make it difficult for EPA to establish SNUR notice requirements. Thus, persons who begin commercial manufacture, import, or processing of the substance for uses that would be regulated through this SNUR after June 8, 1993, would have to cease any such activity before the effective date of this rule. To resume their activities, such persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires. EPA, not wishing to unnecessarily disrupt the

activities of persons who begin commercial manufacture, import, or processing for a proposed significant new use before the effective date of the SNUR, has promulgated provisions to allow such persons to comply with this SNUR before it is promulgated. If a person were to meet the conditions of advance compliance as codified at § 721.45(h) (53 FR 28354, July 17, 1988), the person would be considered to have met the requirements of the SNUR for those activities. If persons who begin commercial manufacture, import, or processing of the substance between proposal and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

V. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for potential manufacturers, and importers of the chemical substance at the time of the direct final rule. The analysis is unchanged for the substance in the final rule. The Agency's complete economic analysis is available in the public record for this final rule (OPPTS-50608E).

VI. Public Record

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number OPPTS-50608E (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.

VII. 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).

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.

In addition, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency has determined that the promulgation of a SNUR does not have a significant adverse economic impact on a substantial number of small entities. The Agency's generic certification for promulgation of new SNURs appears on June 2, 1997 (62 FR 29684) (FRL-5597-1), and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. 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 substances, Reporting and recordkeeping requirements.

Dated: November 24, 1997.

Charles M. Auer,

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. By adding new § 721.6193 to subpart E to read as follows:

§ 721.6193 Polyalkylene polyamine.

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

(1) The chemical substance generically identified as a polyalkylene polyamine (PMN P-89-963) 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) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(3)(i), (g)(4) (users minimize release to water), and (g)(5) are applicable to manufacturers and importers.

(ii) *Release to water.* Requirements as specified in § 721.90(a)(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), (b), (c), (f), (g), (h), (i), and (k) are applicable to manufacturers and importers of this substance.

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

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-60

RIN 3090-AG65

Public Availability of Agency Records and Informational Materials

AGENCY: Office of Management and Workplace Programs, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is revising its regulations that implement the Freedom

of Information Act (FOIA), to incorporate the time limit provisions of the Electronic Freedom of Information Act Amendments of 1996.

DATES: This rule is effective December 9, 1997.

FOR FURTHER INFORMATION CONTACT:

Mary Cunningham, GSA Freedom of Information Act (FOIA) Officer (202-501-3415); or Helen C. Maus, Office of General Counsel (202-501-1460).

SUPPLEMENTARY INFORMATION: This rule was not submitted to the Office of Management and Budget pursuant to Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, because it is not a significant regulatory action as defined in Executive Order 12866.

The Paperwork Reduction Act does not apply because the rule does not impose information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Administrator certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b) this rule is therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

Comprehensive Summary

The regulations of which this interim rule is a part implement the FOIA, that codified Pub. L. 89-487 and amended section 3 of the Administrative Procedure Act, formerly 5 U.S.C. 1002 (1964 ed.). The revision incorporates the time limit provisions of the Electronic Freedom of Information Act Amendments of 1996 (Pub. L. 104-231, 110 Stat. 3048), changing response time for initial requests from 10 working days to 20 working days. The remaining provisions of the 1996 amendments will be incorporated in a forthcoming edition of the regulations.

Waiver of Proposed Rulemaking

In developing this final rule, we are waiving the usual notice of proposed rulemaking and public comment procedures set forth in the Administrative Procedure Act, 5 U.S.C. 553 (APA). The APA provides an exception to the notice and comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary, or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for