

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential cost and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under Figure 2-1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation.

Publication History

A Notice of Proposed Rulemaking regarding this Temporary Final Rule was published at 63 FR 31681, June 10, 1998. The Notice of Proposed Rulemaking provided a thirty (30) day comment period rather than the usual ninety (90) day comment period. The justification for the shortened comment period can be found at 63 FR 31681, June 10, 1998.

Since the publication of the Notice of Proposed Rulemaking at 63 FR 31681, June 10, 1998, the safety zone dates for the rocket launch at Kodiak Island has changed from 6 a.m. September 1, 1998, through 10 p.m. September 10, 1998, to 6 a.m. September 26, 1998, through 10 p.m. October 8, 1998. The change has occurred as a result of logistical delays in obtaining hardware for the launch payload.

One comment was received during the comment period. The comment concerned the time length of the safety zone indicated in the Notice of

Proposed Rulemaking. The concern was that the safety zone, as scheduled, would interfere with a commercial fishing groundfish opening in the Gulf of Alaska. However, since the safety zone has been rescheduled for October, the groundfish opening will not be affected.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and record keeping requirements, Security measures, Vessels, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.401-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Add temporary § 165.T17-003 to read as follows:

§ 165.T17-003 Alaska Aerospace Development Corporation, Narrow Cape, Kodiak Island safety zone.

(a) *Regulated Area.* A safety zone is established in the waters of the Gulf of Alaska that are within the area bounded by a line drawn from a point located 57°29.7' North, 152° 18.9' West, thence southeast to a point located at 57°22.3' North, 152°07.7' West, thence southwest to a point located at 57°18.5' North, 152°16.3' West, and thence northwest to a point located at 57°26.0' North, 152°27.7' West, and thence northeast to the point located at 57°29.7' North, 152°18.9' West. All coordinates reference Datum: NAD 1983.

(b) *Effective Dates.* This Section becomes effective at 6 a.m. October 6, 1998, and terminates at 10 p.m. October 20, 1998.

(c) *Regulations.* (1) The Captain of the Port and the Duty Officer at Marine Safety Office, Anchorage, Alaska can be contacted at telephone number (907) 271-6700 or on VHF marine channel 16.

(2) The Captain of the Port may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing the safety zone.

(3) The general regulations governing safety zones contained in Title 33 Code of Federal Regulations, § 165.23 apply. No person or vessel may enter or remain in this safety zone, without first obtaining permission from the Captain of the Port, or his on scene representative. The Captain of the Port, Western Alaska, or his on scene representative may be contacted

onboard the U.S. Coast Guard cutter in the vicinity of Narrow Cape via marine VHF channel 16.

Dated: July 28, 1998.

W.J. Hutmacher,

Captain, U.S. Coast Guard Captain of the Port, Western Alaska.

[FR Doc. 98-23221 Filed 8-27-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 710

[OPPTS-82051; FRL-6028-3]

1998 Reporting Notice and Technical Amendment; Partial Updating of TSCA Inventory Data Base; Production and Site Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This document announces the 1998 reporting period for the Toxic Substances Control Act (TSCA) Inventory Update Rule (IUR) and contains technical amendments to the rule to update the reporting instructions. The IUR requires manufacturers and importers of certain chemical substances included on the TSCA Chemical Substance Inventory to report current data on the production volume, plant site, and site-limited status of the substances. The 1998 reporting period is from August 25, 1998 to December 23, 1998.

DATES: This document is effective August 28, 1998. The 1998 reporting period is from August 25, 1998 to December 23, 1998.

FOR FURTHER INFORMATION CONTACT: For general information contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 554-1404; TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov. For technical information contact: Scott M. Sherlock, Information Management Division (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone: (202) 260-1536, fax: (202) 260-9555, e-mail: sherlock.scott@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Notice Apply to Me?

You may be potentially affected by this action if you manufactured or imported organic chemicals or other chemicals subject to proposed or final rules or orders during your company's latest fiscal year prior to August 25, 1998. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of Potentially Affected Entities
Chemical manufacturers	Manufacturers of chemical substances subject to the rule
Chemical importers	Importers of chemical substances. Under the regulations, importers include such persons as brokers, agents, importers of record, consignees, and owners.

This table is not intended to be exhaustive, but rather provides a summary guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions beginning at 40 CFR 710.2. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed in the "FOR FURTHER INFORMATION CONTACT" section.

II. How Can I Get Additional Information or Copies of this Document or Other Support Documents?**A. Electronically**

You may obtain electronic copies of this document and various support documents from the EPA Internet Home Page at <http://www.epa.gov/opptintr/iur98>. On the Home Page select "Laws and Regulations" and then look up the entry for this document under "Federal Register - Environmental Documents." You can also go directly to the "Federal Register" listings at <http://www.epa.gov/homepage/fedrgstr/>.

B. Fax-on-Demand

You may request to receive a faxed copy of the Form U, by using a faxphone to call (202) 401-0527 and selecting item 5119.

C. In Person or By Phone

If you have any questions or need additional information about this action,

please contact the technical person identified in the "FOR FURTHER INFORMATION CONTACT" section, or the staff at the TSCA Hotline. In addition, the official record for the IUR has been established under docket control number OPPTS-82015A. The public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as CBI, is available for inspection in Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC, from noon to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Office telephone number is (202) 260-0660.

III. What is the Agency's Authority for Taking the Action in this Document?

Under the authority of section 8(a) of TSCA, 15 U.S.C. 2607(a), EPA promulgated a reporting rule at 40 CFR part 710, subpart B, referred to as the Inventory Update Rule or IUR (51 FR 21438, June 12, 1986). The IUR requires manufacturers and importers of certain chemical substances included on the TSCA Chemical Substance Inventory to report current data on the production volume, plant site, and site-limited status of the substances. After the initial reporting during 1986, recurring reporting was required every 4 years. A second reporting cycle took place in 1990 and a third in 1994. The fourth reporting period is from August 25, 1998 to December 23, 1998. Persons subject to the IUR must submit the required information during this period.

IV. How Do I Know What Information is Currently in the TSCA Chemical Substance Inventory?

In support of the 1998 reporting, EPA is publishing an up-to-date TSCA Chemical Substances Inventory in a variety of magnetic media products (CD-ROM, diskette, and magnetic tape). These products contain information for all nonconfidential chemical substances added to the TSCA Inventory data base before January 1998. The types of information contained in the products are similar to that found in the computer tape form of the TSCA Inventory that EPA has been disseminating to the public biannually through the National Technical Information Service (NTIS). Specifically, each of the chemical substances included in the products is identified by a Chemical Abstracts (CA) Index or Preferred Name, the corresponding Chemical Abstracts Service (CAS) Registry Number, molecular formula, and if applicable, the chemical definition and appropriate EPA special flags as found in the printed Inventory. The substances are

sequenced in ascending order of the corresponding CAS Registry Numbers. The products do not include chemical synonyms that are copyrighted by the Chemical Abstracts Service. Furthermore, generic names or EPA Accession Numbers for substances with confidential chemical identities are not included.

The magnetic media products include over 62,000 records and require 12 megabytes of disk space for installation. The products are available for sale from: National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161; telephone: (703) 605-6000, toll free: 1-800-553-NTIS; Internet address: www.ntis.gov/fcpc. The NTIS Order Number for the CD-ROM is SUB-5423INQ. The NTIS Order Number for the diskettes is SUB-5435INQ. The NTIS Order Number for the tapes is PB98-500556INQ.

V. How Do I Know If I Have to Report?

You have to report if you manufacture or import IUR reportable chemical substances included on the TSCA Chemical Substance Inventory in excess of 10,000 pounds at a single facility during your company's last fiscal year ending August 25, 1998. For further and more specific information, please review the IUR reporting regulations beginning at 40 CFR 710.2.

VI. How Do I Get a 1998 Reporting Package?

EPA will automatically mail out a reporting package to the company headquarters of those companies that reported in 1994. This package will include a document entitled "Instructions for Reporting for the Partial Updating of the TSCA Chemical Inventory Data Base," a diskette with the new electronic Form U, and a copy of this **Federal Register** document. Failure to receive a reporting package from EPA does not obviate or otherwise affect the requirement to submit a timely report.

If you did not report in 1994, but need to report in 1998, you may obtain the reporting package from the TSCA Hotline. Additional reporting forms, electronic or printed, will also be available from the TSCA Hotline, Fax-on-Demand, or the Internet.

VII. How Do I Submit My Report?

The regulation at 40 CFR 710.39 requires submitters to report using EPA's Form U. For the 1998 reporting cycle, the Agency affords the submitter the option of completing the electronic version of the form or the printed paper version.

A. Electronic Reporting

As stated above, the electronic forms are included in the reporting package that will be distributed to the 1994 IUR submitters. In addition, electronic forms are available through the TSCA Hotline. EPA is encouraging submitters to use the electronic Form U for 1998 reporting. The form on the Internet can be completed electronically and printed off line for mailing to EPA. Please note that this form cannot be saved to magnetic media.

Section 710.32(b) provides that magnetic media submitted in response to the IUR must meet EPA specifications, as described in the "Instructions for Reporting for the Partial Updating of the TSCA Chemical Inventory Data Base" available from the TSCA Hotline. Pursuant to the requests of the regulated community, EPA has created a formatted disk to facilitate IUR reporting. This disk has been tested by a number of persons, including representatives from industry. EPA believes use of this preformatted disk by IUR reporters will substantively ease reporting burden. Directions for use of the preformatted disk are provided in the "Instructions for Reporting for the Partial Updating of the TSCA Chemical Inventory Data Base" available from the TSCA Hotline at the address listed above or via Fax-on-Demand at (202) 401-0527, Item 5119 or via the Internet at <http://www.epa.gov/opptintr/iur98>.

B. Paper Reporting

Printed copies of the Form U are available upon request from the TSCA Hotline, and will not be distributed as a part of the reporting package. The printed form can be requested from the TSCA Hotline at the address listed above, or via Fax-on-Demand at (202) 401-0527, Item 5119 or via the Internet at <http://www.epa.gov/opptintr/iur98>.

VIII. Where Do I Send My 1998 Report?

Please mail your completed form or magnetic media to the Document Control Officer, Mail Code 7407, ATTN: Inventory Update Rule, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. At this time, the Agency is not able to accept these reports electronically, except through the submission of a disk. All submissions should be mailed to this address.

IX. What Happens If I Fail to Report During the 1998 Reporting Period?

If you fail to report as required, the Agency can take enforcement action against you. The Act at section 16 provides that any person who violates a

provision of TSCA shall be liable to the United States for a civil penalty not to exceed \$25,000 for each such violation.

X. Does this Action Involve Any New Information Collection Activities, Such as Reporting, Recordkeeping, or Notification?

No. The information collection requirements contained in 40 CFR part 710, subpart B, have already been approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, under OMB control number 2070-0070 (EPA ICR No. 1011). The annual public burden for this collection of information is estimated at 11.5 hours per response. Under the PRA, "burden" means the total time, effort or financial resources expended by persons to generate, maintain, retain, or disclose information to or for a Federal agency. For this collection, it includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor and a person is not required to respond to, a collection of information unless it displays a currently valid OMB number. The OMB control number for this information collection appears above. In addition, the OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9 and appear on any form that is required to be used.

Send any comments on the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Regulatory Information Division, Office of Policy, U.S. Environmental Protection Agency, Mail Code 2137, 401 M St., SW., Washington, DC 20460. Include the OMB control number in any correspondence, but do not submit the requested information to this address. The requested information should be submitted in accordance with the instructions accompanying the form, or as specified in the corresponding regulation.

XI. Do Executive Orders 12875 and 13084 Require EPA to Consult With States and Indian Tribal Governments Prior to Taking the Action in This Notice?

A. Executive Order 12875

Under Executive Order 12875, entitled "Enhancing Intergovernmental Partnerships" (58 FR 58093, October 28,

1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or Tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and Tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and Tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create an unfunded Federal mandate on State, local or Tribal governments. This rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

B. Executive Order 13084

Under Executive Order 13084, entitled "Consultation and Coordination with Indian Tribal Governments" (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the Tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected Tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any

requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

XII. Do Any Other Regulatory Assessment Related Requirements Apply to This Action?

No. This action is classified as a final rule because it makes a technical amendment to the Code of Federal Regulations (CFR). The amendment to the CFR is necessary in order to update the reporting instructions for the 1998 reporting period. This action does not impose any new requirements or amend the existing requirements in any way. As a result, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled "Regulatory Planning and Review" (58 FR 51735, October 4, 1993), Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629, February 16, 1994), Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), or Executive Order 13084, entitled "Consultation and Coordination With Indian Tribal Governments" (63 FR 27655, May 19, 1998). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), or section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note). In addition, since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

XIII. Does EPA Have to Submit This Action to Congress and the Comptroller General of the United States?

Yes, because technical corrections to the CFR are classified as "final rules."

The Congressional Review Act (5 U.S.C. 801 *et seq.*), generally provides that before a final rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. Although classified as a "final rule," this is a technical amendment to the CFR and is not a "major" rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 710

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: August 20, 1998.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore 40 CFR part 710 is amended as follows:

PART 710—[AMENDED]

1. The citation for part 710 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

2. Section 710.39 is revised to read as follows:

§ 710.39 How do I submit the required information for the 1998 reporting cycle?

(a) *Use the proper EPA form.* You must use the EPA form identified as "Form U" to submit written information in response to the requirements of this subpart. Copies of the Form U are available from EPA at the address set forth in paragraph (c) of this section, from the EPA Internet Home Page at <http://www.epa.gov/opptintr/iur98>, or via Fax-on-Demand by using a faxphone

to call (202) 401-0527 and selecting item 5119.

(b) *Follow the reporting instructions.* You should follow the detailed instructions for completing the reporting form and preparing a magnetic media report, which are given in the EPA publication entitled "Instructions for Reporting for Partial Updating of the TSCA Chemical Inventory Data Base," via the Internet or the TSCA Hotline.

(c) *Obtain the reporting package and copies of the form.* EPA is mailing the reporting package to those companies that reported in 1994. Failure to receive a reporting package does not obviate or otherwise affect the requirement to submit a timely report. If you did not receive a reporting package, but are required to report, you may obtain a copy of the reporting package and the reporting form from EPA by submitting a request for this information as follows:

(1) *By phone.* Call the EPA TSCA Hotline at (202) 554-1404, or TDD 202-554-0551.

(2) *By e-mail.* Send an e-mail request for this information to the EPA TSCA Hotline at TSCA-Hotline@epamail.epa.gov.

(3) *By mail.* Send a written request for this information to the following address: TSCA Hotline, Mail Code 7408, ATTN: Inventory Update Rule, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

(d) *Submit the completed reports.* You must submit your completed reporting form(s) and/or magnetic media to EPA at the following address: Document Control Officer, Mail Code 7407, ATTN: Inventory Update Rule, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

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