anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective March 27, 1995 unless, by February 27, 1995, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective March 27, 1995.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 27, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607 (b)(2).)

The OMB has exempted these actions from review under Executive Order 12866.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: January 3, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42.U.S.C. 7401–7671q.

Subpart II—[Amended]

2. Section 52.1770 is amended by adding paragraph (c)(77) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(77) Revisions to the VOC RACT regulations, and other miscellaneous revisions to the North Carolina State Implementation Plan which were submitted on January 7, 1994.

(i) Incorporation by reference.

(A) Amendments to North Carolina regulations 15A NCAC 2D .0518, 2D.0531, 2D.0532, 2D.0901, and 2D.0936, effective on December 1, 1993.

(B) Amendments to North Carolina regulations 15A NCAC 2D.0902, 2D.0907, 2D.0910, 2D.0911, 2D.0947, 2D.0948, 2D.0949, 2D.0950, 2D.0951, and 2D.0952 effective on July 1, 1994.

(ii) Other material. None.

[FR Doc. 95–1934 Filed 1–25–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 799

[OPPTS–42178; FRL–4925–9]

RIN 2070–AB94

Testing Consent Order for Glycidyl Methacrylate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Consent Agreement and Order; Final Rule.

SUMMARY: EPA has issued a Testing Consent Order (Order) that incorporates an Enforceable Consent Agreement (ECA) pursuant to the Toxic Substances Control Act (TSCA) with Air Products and Chemicals, Inc., The Dow Chemical Company, Mitsubishi Gas Chemical America, Inc., NOF America Corporation, and San Esters Corporation (the Companies). The Companies have agreed to perform certain health effects tests on glycidyl methacrylate (GMA; CAS No. 106–91–2). This document summarizes the ECA, adds GMA to the list of chemical substances and mixtures subject to testing consent orders, and announces that export notification requirements apply to GMA.

EFFECTIVE DATE: January 26, 1995.

FOR FURTHER INFORMATION CONTACT: Jim Willis, Acting Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551.

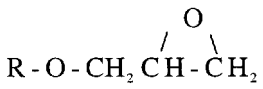
SUPPLEMENTARY INFORMATION: This document amends 40 CFR 799.5000 by adding GMA to the list of chemical substances and mixtures subject to testing consent orders and export notification requirements.

I. Background

GMA, a glycidol derivative, is an epoxy resin additive used in paint coating formulations and adhesive applications. Its annual production volume is less than 5 million pounds. Approximately 42,000 workers may be exposed to GMA.

In its third report to the EPA Administrator, published in the **Federal Register** on October 30, 1978 (43 FR 50630), the Interagency Testing Committee (ITC) designated the category of glycidol and its derivatives

(collectively referred to as ''glycidyls'') for priority consideration for health effects testing with regard to the following endpoints: carcinogenicity, mutagenicity, teratogenicity, and other adverse health effects, with particular emphasis on the reproductive system. Epidemiological studies were also recommended. The rationale for the original designation is discussed in the same **Federal Register** notice. This chemical category was defined by the ITC as all substances with the general formula:



where R is a hydrogen atom or any alkyl, aryl, or acyl group. R is unrestricted as to the number and type of substituents it may carry.

On December 30, 1983, EPA published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** (48 FR 57562) to require testing glycidyls under section 4(a) of TSCA.

In the November 7, 1991 **Federal Register** (56 FR 57144), EPA published the Notice of Proposed Rulemaking for Glycidol and its Derivatives. EPA evaluated the testing needs for glycidyls as described in Unit I.D. of the Notice of Proposed Rulemaking for Glycidol and its Derivatives. In this notice, EPA proposed that GMA manufacturers test GMA for subchronic toxicity, developmental toxicity, and subchronic neurotoxicity (functional observation battery, motor activity, and neuropathology). Mutagenicity testing (a sex-linked recessive lethal assay and a rodent dominant lethal assay) was proposed for glycidyl acrylate as a representative test substance for Subgroup VII–B of the glycidyls, of which GMA was the other member.

II. Enforceable Consent Agreement Negotiations

On July 17, 1992, EPA published a **Federal Register** notice (57 FR 31714) announcing an ''open season.'' The ''open season'' was a time during which manufacturers could submit to EPA proposals for testing chemical substances which had been proposed for testing by EPA but had not been subject to a final test rule. In that notice, EPA indicated that it would review the submissions and select candidates for negotiation of ECAs pursuant to 40 CFR part 790. EPA also indicated that it would later publish a **Federal Register** notice soliciting persons interested in participating in or monitoring negotiations for the development of ECAs on the chemical substances selected.

On September 15, 1992, the Companies submitted a proposal for testing GMA under an ECA (Ref. 1). The Companies proposed subchronic toxicity testing (including an evaluation of male reproductive function), subchronic neurotoxicity testing (functional observational battery, motor activity, neuropathology, and electrophysiology), and reproductive toxicity testing.

On March 30, 1993, EPA published a **Federal Register** notice (58 FR 16669) establishing EPA's priority for initiating ECA negotiations on certain chemical substances. The notice identified GMA as a Tier II chemical substance for which some factors were considered favorable to proceed towards negotiating an ECA. This notice and another **Federal Register** notice (58 FR 19253, April 13, 1993) gave manufacturers the opportunity to supplement their test proposals for Tier II chemical substances, including GMA.

In response to the April 13, 1993 **Federal Register** notice, on April 26, 1993, the Companies submitted a supplement to their September 15, 1992 proposal (Ref. 2).

On August 18, 1993, EPA published a **Federal Register** notice (58 FR 43893) that solicited interested parties to participate in or monitor ECA negotiations on GMA.

On November 18, 1993, the Companies submitted a draft proposed ECA package for GMA (Ref. 3) that offered subchronic toxicity testing (including an evaluation of male reproductive function), subchronic neurotoxicity testing (functional observational battery, motor activity, neuropathology, and electrophysiology), and developmental toxicity testing.

EPA held a public meeting attended by representatives of the Companies and other interested parties on July 27, 1994. During the public meeting and following the meeting (Refs. 4, 5, and 6), consensus was reached on the tests to be included in the ECA (See Table 1, ''Required Testing, Test Standards and Reporting Requirements for GMA'', below.).

On October 18, 1994, EPA received the ECA signed by the Companies. On January 13, 1995, EPA's Assistant Administrator for Prevention, Pesticides and Toxic Substances signed the ECA and accompanying Order.

III. Proposed Test Rule

EPA has decided not to finalize the proposed test rule for GMA contained in the proposed test rule for the category glycidol and its derivatives (56 FR 57144, November 7, 1991). EPA has instead reached agreement with the companies that the GMA testing requirements in the proposed rule will be met by implementing the ECA and Order, and that the issuance of the ECA and Order constitutes final EPA action for purposes of 5 U.S.C. 704. Should EPA in the future decide that it requires additional data on GMA, the Agency will initiate a separate action.

IV. Testing Program

Table 1 describes the required testing, test standards, and reporting requirements for GMA under the ECA. This testing program will allow EPA to further characterize the potential health hazards resulting from exposure to GMA.

TABLE 1.—REQUIRED TESTING, TEST STANDARDS AND REPORTING REQUIREMENTS FOR GMA

Description of Tests	Test Standard (40 CFR citation)	Deadline for Final Report[1] Months	Interim Reports[2] Required Number
90 Day Subchronic Toxicity Study (Inhalation in rats)	(Appendix I.)	24	3
Functional Observation Battery: Subchronic (Inhalation in rats)	(Appendix II.)	24	3
Motor Activity Test: Subchronic (Inhalation in rats)	(Appendix II.)	24	3
Neuropathology: Subchronic (Inhalation in rats)	(Appendix II)	24	3
Functional Observation Battery: Acute (Inhalation in rats)[3]	798.6050	12[4]	1
Motor Activity Test: Acute (Inhalation in rats)[3]	798.6200	12[4]	1
Neuropathology: Acute (Inhalation in rats)[3]	798.6400	12[4]	1
Developmental Toxicity (Inhalation in New Zealand White Rabbits)	(Appendix III.)	15	2
Mutagenicity:.			

TABLE 1.—REQUIRED TESTING, TEST STANDARDS AND REPORTING REQUIREMENTS FOR GMA—Continued

Description of Tests	Test Standard (40 CFR citation)	Deadline for Final Report[1] Months	Interim Reports[2] Required Number
In vivo Mammalian Bone Marrow Cytogenetics Analysis—IP OR In vivo Mammalian Bone Marrow Cytogenetics Test: Micronucleus Assay—IP.	798.5385 OR 798.5395	24	3
Gene Mutations in Somatic Cells in Culture	798.5300	10	1

[1] Number of months after the effective date of the consent order.
[2] Interim reports are required every 6 months from the effective date until the final report is submitted. This column shows the number of interim reports required for each test.
[3] If EPA determines that the results of the subchronic neurotoxicity studies are not negative, then the acute neurotoxicity studies must be performed.
[4] Figure indicates the reporting deadline, in months, calculated from the date of notification to the test sponsor by certified letter or FEDERAL REGISTER notice that the Agency has determined this required testing must be performed.

V. Export Notification

The issuance of the ECA and Order subjects any persons who export or intend to export the chemical substance GMA (CAS No. 106–91–2), of any purity, to the export notification requirements of section 12(b) of TSCA. The listing of a chemical substance or mixture at 40 CFR 799.5000 serves as notification to persons who export or intend to export such chemical substance or mixture that the substance or mixture is the subject of an ECA and Order and that 40 CFR part 707 applies.

VI. Public Record

EPA has established a record for this ECA and Order under docket number OPPTS–42178, which is available for inspection Monday through Friday, excluding legal holidays, in Rm. NE B607, 401 M St., SW., Washington, DC, 20460 from Noon to 4 p.m. Information claimed as Confidential Business Information (CBI), while part of the record, is not available for public review. This record contains the basic information considered in developing this ECA and Order, and consists of the following information:

A. Supporting Documentation

(1) Testing Consent Order for GMA, with incorporated Enforceable Consent Agreement and associated testing protocols attached as appendices.

(2) **Federal Register** notices pertaining to this notice, the Testing Consent Order and the Enforceable Consent Agreement, consisting of:

(a) ''Third Report of the Interagency Testing Committee; Receipt of the Report and Request for Comments'' (43 FR 50630, October 30, 1978).

(b) Advance Notice of Proposed Rulemaking for Glycidol and its Derivatives (48 FR 57562, December 30, 1983).

(c) Notice of Proposed Rulemaking for Glycidol and its Derivatives (56 FR 57144, November 7, 1991).

(d) Notice of Opportunity to Initiate Negotiations for TSCA Section 4 Testing Consent Agreements (57 FR 31714, July 17, 1992).

(e) Notice of Testing Consent Agreement Development for Tier I Chemical Substances; Solicitation for Interested Parties (58 FR 16669, March 30, 1993).

(f) Notice of Testing Consent Agreement Development for Tiers II and III Chemical Substances; Reopening of Comment Period (58 FR 19253, April 13, 1993).

(g) Notice of Testing Consent Agreement Development for Listed Chemical Substances; Solicitation for Interested Parties (58 FR 43893, August 18, 1993).

(3) Communications consisting of:

(a) Written Letters.

(b) Telephone contact reports.

(c) Meeting summaries.

(4) Reports - published and unpublished factual materials.

B. References

1. Glycidyl Methacrylate Manufacturers Group. Letter from Patrick J. Hurd to Gary E. Timm. Proposed Testing Program for Glycidyl Methacrylate. Washington, DC. (September 15, 1992).

2. Glycidyl Methacrylate Industry Group. Letter from Patrick J. Hurd to TSCA Public Docket Office. Supplement to Glycidyl Methacrylate Testing Proposal. Washington, DC. (April 26, 1993).

3. Glycidyl Methacrylate Industry Group. Letter from Patrick J. Hurd to Charles M. Auer. Draft Enforceable Consent Agreement Proposal for Glycidyl Methacrylate. Washington, DC. (November 18, 1993).

4. EPA. Memorandum from Deborah O. Norris to Charles M. Auer. Use of Subchronic Neurotoxicity Testing as a Trigger for Acute Testing as Suggested by Industry Panel on GMA. Washington, DC. (August 4, 1994).

5. Glycidyl Methacrylate Industry Group. Letter from Patrick J. Hurd to Charles M. Auer. Use of Acute Tests and Subchronic Neurotoxicity Testing as Triggers for Acute Neurotoxicity Testing. Washington, DC. (September 1, 1994).

6. EPA. Letter from Charles M. Auer to Patrick J. Hurd. Glycidyl Methacrylate Enforceable Consent Agreement; Final Draft for Test Sponsors' Signatures. Washington, DC. (September 28, 1994).

VII. Regulatory Assessment Requirements

The Office of Management and Budget (OMB) has approved the information collection requirements contained in the ECA under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and has assigned OMB control 2070–0033.

Public reporting burden for this collection of information is estimated to average 586 hours per response. The estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Health effects, Laboratories, Reporting and recordkeeping requirements, Testing.

Dated: January 13, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, subchapter R, part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5000 is amended by adding glycidyl methacrylate to the table in CAS Number order, to read as follows:

§799.5000 Testing Consent Orders for Substances and Mixtures with Chemical Abstract Service Registry Numbers.

* * * * * *

CAS Number	Substance or mixture name	Testing	FR Publication Date
*	* * * * * *		
106–91–2	Glycidyl Methacrylate	Health effects	January 26, 1995
*	* * * * * *		

[FR Doc. 95–1856 Filed 1–25–95; 8:45 am]

BILLING CODE 6560–50–F