

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 document finalizes an exemption from the tolerance requirement under section 408 of the FFDCA and therefore does not impose any other regulatory requirements. As such, 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). Since this final rule does not impose any requirements, it does not contain any information collections subject to approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or require any other action 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, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 et seq.), the Agency hereby certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. This determination is based on the fact that this action does not impose any requirements and therefore does not have any adverse economic impacts. In accordance with Small Business Administration (SBA) policy, this determination will be provided to the Chief Counsel for Advocacy of the SBA upon request.

### 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: May 6, 1997.

**Daniel M. Barolo,**

*Director, 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. Section 180.1159 is revised to read as follows:

#### § 180.1159 Pelargonic acid; exemption from the requirement of tolerances.

(a) Pelargonic acid is exempt from the requirement of a tolerance on tree fruits provided it is used as a blossom thinner only and is in a dilution of 100 gallons of water applied to blooms at a rate not to exceed 4.2 lbs/acre with the maximum number of applications not exceeding two per year.

(b) Pelargonic acid when used as an herbicide is exempt from the requirement of a tolerance on all plant food commodities provided that:

(1) Applications are not made directly to the food commodity except when used as a harvest aid or desiccant to any root and tuber vegetable, bulb vegetable or cotton.

(2) When pelargonic acid is used as a harvest aid or desiccant, applications must be made no later than 24 hours prior to harvest.

[FR Doc. 97-13644 Filed 5-22-97; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 282

[FRL-5827-1]

### Underground Storage Tank Program: Approved State Program for Mississippi

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes the Environmental

Protection Agency (EPA) to grant approval to states to operate their underground storage tank programs in lieu of the federal program. 40 CFR part 282 codifies EPA's decision to approve state programs and incorporates by reference those provisions of the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions. This rule codifies in part 282 the prior approval of Mississippi's underground storage tank program and incorporates by reference appropriate provisions of state statutes and regulations.

**DATES:** This regulation is effective July 22, 1997, unless EPA publishes a prior Federal Register document withdrawing this immediate final rule. All comments on the codification of Mississippi's underground storage tank program must be received by the close of business June 23, 1997. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of July 22, 1997, in accordance with 5 U.S.C. 552(a).

**ADDRESSES:** Comments may be mailed to the Docket Clerk, U.S. EPA Region 4, Atlanta Federal Center, UST Section, 61 Forsyth Street, SW., Atlanta, GA 30303-3104. Comments received by EPA may be inspected in the public docket, located in the EPA Region 4 Library from 8 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays.

**FOR FURTHER INFORMATION CONTACT:** John Mason, U.S. EPA Region 4, Atlanta Federal Center, UST Section, 61 Forsyth Street, SW., Atlanta, GA 30303-3104. Phone: John Mason (404) 562-9441.

### SUPPLEMENTARY INFORMATION:

#### Background

Section 9004 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6991c, allows the U.S. Environmental Protection Agency to approve state underground storage tank programs to operate in the state in lieu of the federal underground storage tank program. EPA published a **Federal Register** document announcing its decision to grant approval to Mississippi on June 11, 1990 (55 FR 23549). Approval was effective on July 11, 1990.

EPA codifies its approval of State programs in 40 CFR part 282 and incorporates by reference therein the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under sections

9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions. Today's rulemaking codifies EPA's approval of Mississippi's underground storage tank program. This codification reflects the state program in effect at the time EPA granted Mississippi approval under section 9004(a), 42 U.S.C. 6991c(a) for its underground storage tank program. Notice and opportunity for comment were provided earlier on the Agency's decision to approve the Mississippi program, and EPA is not now reopening that decision nor requesting comment on it.

This effort provides clear notice to the public of the scope of the approved program in each state. By codifying the approved Mississippi program and by amending the Code of Federal Regulations whenever a new or different set of requirements is approved in Mississippi, the status of federally approved requirements of the Mississippi program will be readily discernible. Only those provisions of the Mississippi underground storage tank program for which approval has been granted by EPA will be incorporated by reference for enforcement purposes.

To codify EPA's approval of Mississippi's underground storage tank program, EPA has added § 282.74 to title 40 of the CFR. Section 282.74 incorporates by reference for enforcement purposes the State's statutes and regulations. Section 282.74 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the underground storage tank program under subtitle I of RCRA.

The Agency retains the authority under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, the Agency will rely on federal sanctions, federal inspection authorities, and federal procedures rather than the state authorized analogues to these provisions. Therefore, the approved Mississippi enforcement authorities will not be incorporated by reference. Section 282.74 lists those approved Mississippi authorities that would fall into this category.

The public also needs to be aware that some provisions of the State's underground storage tank program are not part of the federally approved state program. These non-approved

provisions are not part of the RCRA subtitle I program because they are "broader in scope" than subtitle I of RCRA. See 40 CFR 281.12(a)(3)(ii). As a result, state provisions which are "broader in scope" than the federal program are not incorporated by reference for purposes of enforcement in part 282. Section 282.74 of the codification simply lists for reference and clarity the Mississippi statutory and regulatory provisions which are "broader in scope" than the federal program and which are not, therefore, part of the approved program being codified today. "Broader in scope" provisions cannot be enforced by EPA; the State, however, will continue to enforce such provisions.

#### **Certification Under the Regulatory Flexibility Act**

EPA has determined that this codification will not have a significant economic impact on a substantial number of small entities. Such small entities which own and/or operate USTs are already subject to the state requirements authorized by EPA under 40 CFR part 281. EPA's codification does not impose any additional burdens on these small entities. This is because EPA's codification would simply result in an administrative change, rather than a change in the substantive requirements imposed on small entities.

Therefore, 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 codification will not have a significant economic impact on a substantial number of small entities. This codification incorporates Mississippi's requirements which have been authorized by EPA under 40 CFR part 281 into the Code of Federal Regulations. 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 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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).

#### **Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. The section 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because it merely makes federally enforceable existing requirements with which regulated entities must already comply under State law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. The requirements being codified today are the result of Mississippi's voluntary participation in accordance with RCRA Subtitle I.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector because today's action merely codifies an existing State program that EPA previously authorized. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, section 203 of UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may own and/or operate USTs, this codification incorporates into the Code of Federal Regulations Mississippi's requirements which have

already been authorized by EPA under 40 CFR Part 281 and, thus, small governments are not subject to any additional significant or unique requirements by virtue of this codification.

#### Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

#### 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 or final rule. This rule will not impose any information requirements upon the regulated community.

#### List of Subjects In 40 CFR Part 282

Environmental protection, Hazardous substances, Incorporation by reference, Intergovernmental relations, State program approval, Underground storage tanks, Water pollution control.

Dated: May 8, 1997.

#### A. Stanley Meiburg,

Acting Regional Administrator, U.S. EPA Region 4.

For the reasons set forth in the preamble, 40 CFR part 282 is amended as follows:

#### PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

1. The authority citation for part 282 is revised to read as follows:

**Authority:** 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

#### Subpart B—Approved State Programs

2. Subpart B is amended by adding § 282.74 to read as follows:

#### § 282.74 Mississippi State-Administered Program.

(a) The State of Mississippi is approved to administer and enforce an underground storage tank program in lieu of the federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Mississippi Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this chapter. EPA approved the Mississippi program on June 11, 1990 and it was effective on July 11, 1990.

(b) Mississippi has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Mississippi must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Mississippi obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the **Federal Register**.

(d) Mississippi has final approval for the following elements submitted to EPA in the State's program application for final approval and approved by EPA on June 11, 1990. Copies may be obtained from the Underground Storage Tank Program, Mississippi Department of Environmental Quality, 2380 Highway 80 West, Jackson, MS 39289-0385.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Mississippi Statutory Requirements Applicable to the Underground Storage Tank Program, 1996.

(B) Mississippi Regulatory Requirements Applicable to the Underground Storage Tank Program, 1996.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) Mississippi Code of 1972, Title 49, Sections 49-17-401 through 49-17-435, Underground Storage Tank Act of 1988, as amended.

49-17-415 Obligations of owners and operators of tanks; powers of commission or representatives

49-17-427 Proceedings before commission; penalties for violations of Sections 49-17-401 through 49-17-433

49-17-431 Appeal rights

(2) Mississippi Code of 1972, Title 49, Chapter 17, Pollution of Waters, Streams, and Air.

49-17-17 Powers and duties

49-17-27 Emergency orders; public notice of emergency situations

49-17-31 Proceedings before commission

49-17-33 Hearings

49-17-35 Request for hearing

49-17-41 Administrative appeals; appeals to chancery court; appeals to supreme court

49-17-43 Penalties

(3) Mississippi Code of 1972, Title 49, Chapter 2, Department of Environmental Quality.

49-2-9 Commission on Environmental Quality; powers and duties

49-2-13 Powers and duties of executive director

(4) Mississippi Code of 1972, Title 17, Chapter 17, Solid Wastes Disposal.

17-17-29 Penalties; injunction; recovery of cost of remedial action; disposition of fines

(B) The regulatory provisions include:  
(1) Mississippi Groundwater Protection Trust Fund Regulations.

Section XX Enforcement Actions

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) Mississippi Code of 1972, Title 49, Sections 49-17-401 through 49-17-433, Underground Storage Tank Act of 1988.

49-17-429 Certification to install, alter or remove underground storage tanks

(B) The regulatory provisions include:  
(1) Underground Storage Tank Regulations for the Certification of Persons who Install, Alter, and Remove Underground Storage Tanks.

Section I General Intent

Section II Legal Authority

Section III Definitions

Section IV Applicability

Section V General Requirements

Section VI Certification Requirements

Section VII Testing

Section VIII Certification

Section IX Certification Renewals

Section X Continuing Education

Section XI Lapsed Certification

Section XII Revocation, Denial, and Non-Renewal of Certificates

Section XIII Enforcement and Appeals

Section XIV Property Rights

(2) Mississippi Groundwater Protection Trust Fund Regulations.

Section IV Immediate Response Action

Contractor (IRAC) Application Process

Section V IRAC Application Review

Section VI IRAC Performance Standards

Section VII Denial of IRAC Applications  
 Section VIII Removal from the Approved List of IRAC's  
 Section IX Engineering Response Action Contractor (ERAC) Application Process  
 Section X ERAC Submittal of Documentation Requested By the Department  
 Section XI ERAC Performance Standards  
 Section XII Removal from the Approved List of ERAC's  
 Section XIII Denial of ERAC Applications  
 (2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the State Attorney General on August 15, 1989, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*  
 (ii) Letter from the Attorney General of Mississippi to EPA, August 15, 1989, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*  
 (3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application on August 14, 1989, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*  
 (4) *Program Description.* The program description and any other material submitted as part of the original application on August 14, 1989, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*  
 (5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 4 and the Mississippi Department of Environmental Quality, approved by the EPA Regional Administrator, as part of the delegation package which received final program approval on June 11, 1990, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

3. Appendix A to Part 282 is amended by adding in alphabetical order "Mississippi" and its listings to read as follows:

**Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations**

\* \* \* \* \*

*Mississippi*

(a) The statutory provisions include:

1. Mississippi Code of 1972, Title 49, Sections 49-17-401 through 49-17-435, Underground Storage Tank Act of 1988, as amended.  
 49-17-401 Short title  
 49-17-403 Definitions  
 49-17-405 Groundwater protection fund; duties of executive director; liability of tank owners; limitation on provisions of chapter and section  
 49-17-407 Environmental protection fee on motor fuels; deposit of fees; limits on use of fund; third party claims  
 49-17-409 Reports of contamination incidents; no recourse against tank owner; exceptions  
 49-17-411 Compliance with regulations  
 49-17-413 Rules and Regulations  
 49-17-417 Groundwater protection advisory committee  
 49-17-419 Authority of commission to take timely and effective corrective action; use of funds from pollution emergency fund  
 49-17-421 Tank regulatory fee  
 49-17-423 Commission to administer funds from Leaking Underground Storage Tank Trust Fund  
 49-17-425 Disclosure of records, reports, and information  
 49-17-433 Savings clause  
 49-17-435 Annual report on status of underground storage tank program  
 (b) The regulatory provisions include:  
 1. Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks.

**Subpart A—Program Scope and Interim Prohibition**

280.10 Applicability  
 280.11 Interim Prohibition for deferred UST systems  
 280.12 Definitions

**Subpart B—UST Systems: Design, Construction, Installation, and Notification**

280.20 Performance standards for new UST systems  
 280.21 Upgrading of existing UST systems  
 280.22 Notification requirements

**Subpart C—General Operating Requirements**

280.30 Spill and overflow control  
 280.31 Operation and maintenance of corrosion protection  
 280.32 Compatibility  
 280.33 Repairs allowed  
 280.34 Reporting and recordkeeping

**Subpart D—Release Detection**

280.40 General requirements for all UST systems  
 280.41 Requirements for petroleum UST systems  
 280.42 Requirements for hazardous substance UST systems  
 280.43 Methods of release detection for tanks  
 280.43 Methods of release detection for piping  
 280.44 Release detection recordkeeping

**Subpart E—Release Reporting, Investigation, and Confirmation**

280.50 Reporting of suspected releases  
 280.51 Investigation due to off-site impacts  
 280.52 Release investigation and confirmation steps  
 280.53 Reporting and cleanup of spills and overfills

**Subpart F—Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances**

280.60 General  
 280.61 Initial response  
 280.62 Initial abatement measures and site check  
 280.63 Initial site characterization  
 280.64 Free product removal  
 280.65 Investigations for soil and groundwater cleanup  
 280.66 Corrective action plan  
 280.67 Public participation

**Subpart G—Out-of-Service UST Systems and Closure**

280.70 Temporary closure  
 280.71 Permanent closure and changes-in-service  
 280.72 Assessing the site at closure or change-in-service  
 280.73 Applicability to previously closed UST systems  
 280.74 Closure records

**2. Financial Responsibility Requirements for Underground Storage Tanks Containing Petroleum.**

280.90 Applicability  
 280.91 Compliance dates  
 280.92 Definition of terms  
 280.93 Amount and scope of required financial responsibility  
 280.94 Allowable mechanisms and combinations of mechanisms  
 280.95 Financial test of self-insurance  
 280.96 Guarantee  
 280.97 Insurance and risk retention group coverage  
 280.98 Surety bond  
 280.99 Letter of credit  
 280.100 Use of state-required mechanism  
 280.101 State fund or other state assurance  
 280.102 Trust fund  
 280.103 Standby trust fund  
 280.104 Substitution of financial assurance mechanisms by owner or operator  
 280.105 Cancellation or nonrenewal by a provider of financial assurance  
 280.106 Reporting by owner or operator  
 280.107 Recordkeeping  
 280.108 Drawing on financial assurance mechanisms  
 280.109 Release from the requirements  
 280.110 Bankruptcy or other incapacity of owner or operator or provider of financial assurance  
 280.111 Replenishment of guarantees, letters of credit, or surety bonds

**3. Mississippi Groundwater Protection Trust Fund Regulations.**

Section I General Intent  
 Section II Legal Authority  
 Section III Definitions

Section XIV Eligibility for Reimbursement from the Mississippi Groundwater Protection Trust Fund  
 Section XV Reimbursable Costs  
 Section XVI Funds Disbursement  
 Section XVII Third Party Claims  
 Section XVIII Denial of Claims  
 Section XIX Tank Regulatory Fees  
 Section XXI Property Rights

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[FR Doc. 97-13215 Filed 5-22-97; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 799**

[OPPTS-42150C; FRL-5712-3]

RIN 2070-AB94

**Testing Consent Order For Phenol**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Removal of direct final rule.

**SUMMARY:** On January 17, 1997, EPA published a document (62 FR 2607) which, among other things, announced a testing consent order (Order) that incorporated an enforceable consent agreement (ECA) concluded between EPA and 14 specified companies. In the ECA, the companies agreed to perform certain health effects tests on phenol (CAS No. 108-95-2). In addition, the January 17 document included a direct final rule which added phenol to the list of chemicals subject to testing consent orders and hence subject to export notification requirements. This action was published without prior proposal. EPA has received adverse comment with respect to making entities that are not signatory to the ECA subject to export notification requirements for phenol. Accordingly, EPA is removing the export notification rule (but not the Order or the ECA) and intends to issue a proposed rule addressing the export notification issue.

**EFFECTIVE DATE:** May 23, 1997.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (7408), Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov. For specific information regarding this removal, contact: Keith J. Cronin, Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260-8157; fax: (202) 260-1096; email: cronin.keith@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** On January 17, 1997 (62 FR 2607), EPA published a document which, among other things, announced a testing consent order (Order) that incorporated an enforceable consent agreement (ECA) that was concluded, pursuant to section 4 of the Toxic Substances Control Act, between EPA and AlliedSignal Inc., Aristech Chemical Corporation, The Dow Chemical Company, Dakota Gasification Company, Georgia Gulf Corporation, General Electric Company, GIRSA, Inc., JLM Chemicals, Inc., Kalama Chemical, Inc., Merichem Company, Mitsubishi International Corporation, Mitsui Co. (U.S.A.), Inc., Shell Chemical Company, and Texaco Refining Marketing Inc. (collectively the Companies). In the ECA, the Companies agreed to perform certain health effects tests on phenol (CAS No. 108-95-2). In addition, the January 17 document included a direct final rule which would have added phenol to the list of chemical substances and mixtures in 40 CFR 799.5000 that are subject to testing consent orders and for which export notification is required under 40 CFR 799.19. This action, which would have made export notification requirements applicable to all exporters of phenol, was published without prior proposal in the **Federal Register**. However, EPA indicated that if the Agency received any adverse comments on the addition of phenol to the list of chemicals contained in 40 CFR 799.5000, EPA would withdraw the rule. Instead, EPA would issue a proposed rule addressing this issue and would provide a 30-day period for public comment.

EPA has received adverse comment with respect to the imposition of export notification requirements for phenol on exporters of phenol that are not signatory to the ECA. By this document, EPA is removing the export notification rule. EPA intends to issue a proposed rule addressing the export notification issue and provide a 30-day period for public comment. The removal of the rule does not affect the validity of either the Order or the ECA. The ECA includes testing requirements and export notification requirements which apply to the Companies.

**List of Subjects in 40 CFR Part 799**

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

For the reasons set forth in the preamble, 40 CFR part 799 is amended as follows:

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

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

**§ 799.5000 [Amended]**

2. The table in § 799.5000 is amended by removing the entry for CAS Number 108-95-2, phenol.

Dated: May 5, 1997.

**Lynn R. Goldman,**

*Assistant Administrator for Prevention, Pesticides, and Toxic Substances.*

[FR Doc. 97-13646 Filed 5-22-97; 8:45 am]

BILLING CODE 6560-50-F

**GENERAL SERVICES ADMINISTRATION**

**41 CFR Part 101-49**

[FPMR Amendment H-194]

RIN 3090-AG45

**Reporting Requirements for Foreign Gifts and Decorations**

**AGENCY:** Office of Governmentwide Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** This regulation revises criteria for reporting foreign gifts and decorations to the General Services Administration (GSA) for disposal and provides for gifts below the minimal value set by GSA to be handled in accordance with employing agency regulations. This regulation also changes the period of time foreign gifts are made available for Federal agency transfer to 21 days. The revised regulation provides for more efficient control and administration of the foreign gifts and decorations program.

**EFFECTIVE DATE:** May 23, 1997.

**FOR FURTHER INFORMATION CONTACT:** Martha S. Caswell, Director, Personal Property Management Policy Division (MTP), 202-501-3828.

**SUPPLEMENTARY INFORMATION:** The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

**Regulatory Flexibility Act:** This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

**Paperwork Reduction Act:** The reporting forms required by this regulation are not subject to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). Therefore, the Paperwork Reduction Act does not apply. This rule also is exempt