

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 721**

[OPPTS-50631, etc; FRL-5767-2]

RIN 2070-AB27

Proposed Modification of Significant New Use Rules for Certain Substances**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: EPA is proposing to modify significant new use rules (SNURs) for five substances promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) based on new data. Based on the new data the Agency finds that activities not described in the corresponding TSCA section 5(e) consent order or the significant new use notice (SNUN) for these chemical substances may result in significant changes in human or environmental exposure.

DATES: Written comments must be received by EPA by March 26, 1998.

ADDRESSES: Each comment must bear the docket control number OPPTS-50631 and the name(s) of the chemical substance(s) subject to the comment. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G-099, East Tower, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epamail.epa.gov. Follow the instructions under Unit III. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543A, 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/>).

In the **Federal Register** referenced for each substance, EPA issued a SNUR establishing significant new uses for the substances listed in Unit I. of this preamble, OPPTS-50591, April 25, 1991 (56 FR 19235 and 19241); OPPTS-50537A, January 26, 1987 (52 FR 2703); OPPTS-50583, August 9, 1990 (55 FR 32419); and OPPTS-50582, August 15, 1990 (55 FR 33296). Because of additional data EPA has received for these substances, EPA is hereby proposing to modify the SNURs.

I. Proposed Modifications

EPA is proposing to modify the significant new use and recordkeeping requirements under 40 CFR part 721, subpart E for several chemical substances. In this unit, EPA provides a description for each substance, including its premanufacture notice (PMN) number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if available), the proposed modification and basis, **Federal Register** reference, docket number, and the CFR citation. Further background information for the substances is contained in the rulemaking record referenced in Unit III. of this preamble.

PMN Number P-88-436

Chemical name: (generic) Poly(substituted triazinyl) piperazine.
CAS number: Not available.
Federal Register publication date and reference: August 9, 1990 (55 FR 32419).
Docket number: OPPTS-50583.
Basis for modification: The original TSCA section 5(e) consent order and SNUR contained hazard communication requirements for a label and Material Safety Data Sheet (MSDS) accompanying the substance in commerce. The original requirements were intended only for manufacturers, as processors incorporated the substance within a polymer (polyolefin) matrix prior to shipping from their

processing site and thus not in a form likely to result in significant exposures. Based on this lack of significant exposures, the TSCA section 5(e) consent order was modified so that hazard communication requirements were not applicable once the substance is encapsulated in a polymeric matrix. The proposed SNUR modification will extend this exemption to all manufacturers, importers, and processors.

CFR citation: 40 CFR 721.9800 (Formerly 40 CFR 721.2196).

PMN Numbers P-88-864, P-90-211, and P-94-921

Chemical name: Phenol, 4,4'-methylenebis (2,6-dimethyl-).

CAS number: 5384-21-4.
Federal Register publication date and reference: August 15, 1990 (55 FR 33306).

Docket number: OPPTS-50582.

Basis for modification: EPA received an additional PMN, P-94-921, for this substance. Based on the most recent toxicity data and potential exposures, a TSCA section 5(e) consent order was issued for P-94-921. This TSCA section 5(e) consent order contained additional hazard communication warnings and water release restrictions not found in previous consent orders and the SNUR for this substance. The proposed SNUR modification will extend these requirements to all manufacturers, importers, and processors.

CFR citation: 40 CFR 721.5740 (Formerly 40 CFR 721.1537).

PMN Number P-90-333

Chemical name: 2-Propenoic acid, 2-methyl-, 2-[3-(2H-benzotriazol-2-yl)-4-hydroxyphenyl]ethyl ester.

CAS number: 96478-09-0.
Federal Register publication date and reference: April 25, 1991 (56 FR 19241) amended June 9, 1995 (60 FR 30468).

Docket number: OPPTS-50591.

Basis for modification: Based on test data submitted pursuant to the TSCA section 5(e) consent orders for similar substances EPA no longer has concerns for potential carcinogenicity of this substance. In addition, the original SNUR included requirements for statements on the label and MSDS warning of potential birth defects, when instead it should have included statements warning of potential immune system effects. The SNUR modification will remove all references to potential carcinogenicity (40 CFR 721.72(h)) and will also change the warning statements by eliminating references to birth defects while including warnings about immune system effects.

CFR citation: 40 CFR 721.8450 (Formerly 40 CFR 721.1817).

PMN Number P-90-335

Chemical name: 2-Substituted benzotriazole.

CAS number: Not available.

Federal Register publication date and reference: April 25, 1991 (56 FR 19235) amended June 9, 1995 (60 FR 30468).

Docket number: OPPTS-50591.

Basis for modification: The original SNUR included requirements for statements on the label and MSDS warning of potential cancer. As EPA did not make a finding of potential cancer for this substance, the SNUR modification will remove all references to potential carcinogenicity (40 CFR 721.72(h)).

CFR citation: 40 CFR 721.1765 (Formerly 40 CFR 721.586).

PMN Number (not available)

Chemical name: Polybrominated biphenyls.

CAS number: 92-66-0.

Federal Register publication date and reference: January 26, 1987 (52 FR 2703).

Docket number: OPPTS-50537A.

Basis for modification: EPA received a SNUN for this substance for a limited specific use. EPA was unable to make an unreasonable risk finding based on limited human and environmental exposures. Based on test data demonstrating carcinogenicity of chlorinated and brominated biphenyls, EPA has concerns for cancer. Based on structural analogy to monochloro biphenyl and neutral organic substances, EPA also has a concern for potential toxicity to aquatic organisms at concentrations as low as 7 parts per billion (ppb). In addition, based on the potential high toxicity of the substance, its expected high bioaccumulation (log fish bioconcentration factor of 3.5) and its expected persistence in the environment, EPA considers this substance to be a persistent bioaccumulator. Based on these health and environmental concerns, EPA will issue a SNUR modification requiring additional 90-day notification before the SNUN substance, 1,1'-Biphenyl, 4-bromo, is used for any other uses other than the specific use described in the SNUN already received by EPA, is manufactured domestically, is predictably or purposefully released to surface waters, or exceeds a maximum yearly production volume of 10,000 kilograms (kg). All other brominated biphenyl compounds subject to this section will still require a SNUN for any use.

CFR citation: 40 CFR 721.1790 (Formerly 40 CFR 721.230).

II. Rationale for Modification of the Rules

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

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

III. Public Record and Electronic Submissions

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number OPPTS-50631 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as 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.

Electronic comments can be sent directly to EPA at:
oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS-50631. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

IV. Regulatory Assessment Requirements

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

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.

List of Subjects in 40 CFR Part 721

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

Dated: February 13, 1998.

Ward Penberthy,

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

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

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

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

2. Section 721.1765 is amended by revising paragraphs (a)(2)(i) and (a)(2)(ii) to read as follows:

§ 721.1765 2-Substituted benzotriazole.

(a) * * *

(2) * * *

(i) *Protection in the workplace.*

Requirements as specified in § 721.63

(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(ii), (a)(5)(iv), (a)(5)(v), (a)(6)(i), (a)(6)(ii), (a)(6)(iv), (b) (concentration set at 1.0 percent), and (c).

(ii) *Hazard communication program.*

Requirements as specified in § 721.72

(a), (b), (c), (d), (e) (concentration set at 1.0 percent), (f), (g)(1)(i), (g)(1)(ii), (g)(1)(iv), (g)(1)(vi), (g)(1)(viii), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), and (g)(5).

* * * * *

3. Section 721.1790 is revised to read as follows:

§ 721.1790 Polybrominated biphenyls.

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

(1) The chemical substances identified as 1,1'-(Biphenyl, 4,4'-dibromo- (CAS No. 92-86-4); 1,1'-(Biphenyl, 2-bromo- (CAS No. 2052-07-5); 1,1'-(Biphenyl, 3-bromo- (CAS No. 2113-57-7); 1,1'-(Biphenyl, 2,2', 3,3', 4,4', 5,5', 6,6'-decabromo- (CAS No. 13654-09-6); Nonabromobiphenyl (CAS No. 27753-52-2); Octabromobiphenyl (CAS No. 27858-07-7); and Hexabromobiphenyl (CAS No. 36355-01-8) are subject to reporting under this section for the significant new uses described in paragraph (a)(1)(i) of this section.

(i) The significant new use is: Any use.

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

(A) *Persons who must report.* Section 721.5 applies to this section except for § 721.5(a)(2). A person who intends to manufacture, import, or process for commercial purposes a substance identified in paragraph (a)(1) of this section and intends to distribute the substance in commerce must submit a significant new use notice.

(B) [Reserved]

(2) The chemical substance identified as 1,1'-(Biphenyl, 4-bromo- (CAS No. 92-66-0) is subject to reporting under this section for the significant new uses described in paragraph (a)(2)(i) of this section.

(i) The significant new uses are:

(A) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (f), (j), and (p) (10,000 kg).

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

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

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

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

(C) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to this section.

(b) [Reserved]

4. Section 721.5740 is amended by revising paragraphs (a) and (b)(1) as follows:

§ 721.5740 Phenol, 4,4'-methylenebis(2,6-dimethyl-.

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

(1) The chemical substance identified as phenol, 4,4'-methylenebis(2,6-dimethyl- (PMNs P-88-864, P-90-211, and P-94-921; CAS No. 5384-21-4) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*

Requirements as specified in § 721.63

(a)(1), (a)(3), (a)(4), (a)(5)(ii), (a)(5)(iv), (a)(5)(v), (a)(6)(i), (b) (concentration set at 1 percent), and (c).

(ii) *Hazard communication program.*

Requirements as specified in § 721.72

(a), (b), (c), (d), (e) (concentration set at 1 percent), (f), (g)(1)(iv), (g)(2)(iv), (g)(2)(v), (g)(3)(ii), (g)(4)(iii), and (g)(5). The label and MSDS as required by this paragraph shall also include the following statements: This substance may cause blood effects. This substance may cause chronic effects.

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

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

(b) * * *

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (d), (e), (f), (g), (h), (i), and (k) are applicable to manufacturers,

importers, and processors of this substance.

* * * * *

5. Section 721.8450 is amended by revising paragraphs (a)(2)(i) and (a)(2)(ii) to read as follows:

§ 721.8450 2-Propenoic acid, 2-methyl-, 2-[3-(2H-benzotriazol-2-yl)-4-hydroxyphenyl]ethyl ester.

(a) * * *

(2) * * *

(i) *Protection in the workplace.*

Requirements as specified in § 721.63

(a)(1), (a)(2)(i), (a)(2)(iv), (a)(3), (a)(4), (a)(5)(ii), (a)(5)(iv), (a)(5)(v), (a)(6)(i), (a)(6)(ii), (a)(6)(iv), (b) (concentration set at 1.0 percent), and (c).

(ii) *Hazard communication program.*

Requirements as specified in § 721.72

(a), (b), (c), (d), (e) (concentration set at 1.0 percent), (f), (g)(1)(i), (g)(1)(ii), (g)(1)(iv), (g)(1)(vi), (g)(1)(viii), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), and (g)(5).

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6. Section 721.9800 is amended by revising paragraph (a)(2)(i) to read as follows:

§ 721.9800 Poly(substituted triazinyl) piperazine (generic name).

(a) * * *

(2) * * *

(i) *Hazard communication program.*

Requirements as specified in § 721.72

(b)(2), (c), (e) (concentration set at 1.0 percent), (f), (g)(1) (statement-health effects not fully determined), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), and (g)(5). The requirements of this paragraph shall not apply when the PMN substance is encapsulated in a polymeric matrix.

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[FR Doc. 98-4657 Filed 2-23-98; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Parts 3100, 3106, 3130 and 3160**

[AA-610-08-4111-2410]

RIN 1004-AC54

Oil and Gas Leasing; Onshore Oil and Gas Operations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; notice of extension of public comment period.

SUMMARY: The Bureau of Land Management (BLM) hereby gives notice that it is extending the public comment period on a Notice of Proposed Rule,