

EPA-APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Explanations
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control				
Nonattainment Area Requirements				
K.A.R. 28-19-16a	Definitions	10/10/97	1/11/00, 65 FR 1548.	
Processing Operation Emissions				
K.A.R. 28-19-20	Calculation of Actual Emissions	9/28/93	1/11/00, 65 FR 1548.	
Volatile Organic Compound Emissions				
K.A.R. 28-19-70	Leaks from Gasoline Delivery Vessels and Vapor Collection Systems.	5/15/98	1/11/00, 65 FR 1548.	
General Provisions				
K.A.R. 28-19-200	General Provisions; definitions	10/10/97	1/11/00, 65 FR 1548	New rule. Replaces K.A.R. 28-19-7 definitions.
K.A.R. 28-19-201	General Provisions; Regulated Compounds List.	10/10/97	1/11/00, 65 FR 1548	New rule. Replaces Regulated Compounds in K.A.R. 28-19-7.
Open Burning Restrictions				
K.A.R. 28-19-650	Emissions Opacity Limits	3/1/96	1/11/00, 65 FR 1548	New rule. Replaces K.A.R. 28-19-50 and 28-19-52.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 712 and 716

[
 OPPTS-82050; FRL-5777-2]
 RIN-2070-AB08 and 2070-AB11

Preliminary Assessment Information and Health and Safety Data Reporting; Addition and Removal of Certain Chemicals and Removal of Stay

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: This final rule addresses the recommendations of the 39th TSCA Interagency Testing Committee (ITC)

Report by adding 19 of 23 recommended nonylphenol ethoxylates to the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information Reporting (PAIR) rule. The TSCA ITC in its 39th Report to EPA revised the TSCA section 4(e) *Priority Testing List* by recommending testing for 23 nonylphenol ethoxylates, 19 of which are associated with unique Chemical Abstract Service (CAS) Registry numbers. The ITC recommendations are given priority consideration by EPA in promulgating TSCA section 4 test rules. This PAIR rule will require manufacturers (including importers) of the 19 CAS-numbered substances identified in this document to report certain production, use, and exposure-related information to EPA. This action also removes a stay for TSCA section 8(a) PAIR and section 8(d) Health and Safety Data Reporting rules issued previously for 18 nonylphenol

ethoxylates recommended by the TSCA ITC in its 38th Report to EPA and removes those 18 chemicals from these reporting rules.

DATES: This rule is effective on February 10, 2000.

FOR FURTHER INFORMATION CONTACT: For general information contact: Joseph S. Carra, Deputy Director, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone numbers: (202) 554-1404 and TDD: (202) 554-0551; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: David R. Williams, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone numbers: (202) 260-8130; e-mail address: ccd.citb@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information:**A. Does This Action Apply to Me?**

You may be affected by this action if you manufacture (defined by statute to

include import) any of the chemical substances that are listed in section 712.30(e) of the regulatory text portion of this document. Entities potentially

affected by this action may include, but are not limited to:

Type of Entity	SIC	NAICS	Examples of Potentially Affected Entities
Chemical manufacturers (including importers)	28, 2911	325, 32411	Persons who manufacture (defined by statute to include import) one or more of the subject chemical substances.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. The Standard Industrial Classification (SIC) codes and the North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. 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.

B. How Can I Get Additional Information or Copies of This Document or Other Documents?

1. *Electronically.* You may obtain electronic copies of this document and other documents from the EPA Internet EPA Home Page at <http://www.epa.gov/>. On the Home Page select "Law 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/fedrgstr/>.

2. *In person.* The official record for this proposed rule, which includes the public version, has been established under docket control number OPPTS-82050. The official record consists of the documents referenced in this preamble, as well as any public comments, and other information related to this rulemaking, including information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as all documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments that may be submitted as described in Units I.C. and D. of this preamble, is available for inspection in the TSCA Nonconfidential

Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260-7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, your comments must identify docket control number OPPTS-82050 in the subject line on the first page of your response.

1. *By mail.* Submit comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., East Tower, Rm. G-099, Washington, DC 20460.

2. *In person or by courier.* Deliver comments to: Document Control Office, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., East Tower, Rm. G-099, Washington, DC. The telephone number for the OPPT Document Control Office is (202) 260-7093.

3. *Electronically.* Submit your comments electronically by e-mail to: oppt.ncic@epa.gov, or you may mail or deliver your computer disk to the addresses identified in Units I.C.1. or 2. of this preamble. Do not submit any information electronically that you consider to be CBI. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All copies of electronic comments must be identified by docket control number OPPTS-82050. Electronic comments may be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI Information That I Want To Submit To The Agency?

Do not submit any information electronically that you consider to be

CBI. You may claim information that you submit in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comments that include any information claimed as CBI, a copy of the comments that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record by EPA without prior notice. If you have any questions about CBI or the procedures for claiming CBI, consult the technical person identified in "FOR FURTHER INFORMATION CONTACT" at the beginning of this preamble.

II. What is the Purpose of Today's Action?

In today's action, EPA is issuing a final TSCA section 8(a) "Preliminary Assessment Information Reporting" (PAIR) rule for 19 of 23 nonylphenol ethoxylates recommended for testing in the 39th TSCA ITC Report to the EPA Administrator (62 FR 8578, February 25, 1997) (FRL-5580-9). Specifically at the request of the ITC in a letter to EPA dated September 15, 1997, EPA is not issuing a final TSCA section 8(d) "Unpublished Health and Safety Data" reporting rule at this time for the 23 nonylphenol ethoxylates recommended for testing in the 39th ITC Report so as to give the ITC an opportunity to implement the voluntary information submission policy that was proposed in the ITC's 40th Report (62 FR 30580, June 4, 1997) (FRL-5718-3). Also in today's action, EPA is removing the "stay" (61 FR 65186, December 11, 1996) (FRL-5577-6) that was issued for the TSCA section 8(a) and TSCA section 8(d) rules (61 FR 55871, October 29, 1996) (FRL-5397-9) promulgated by the Agency for the 18 nonylphenol ethoxylates recommended for testing in

the ITC's 38th Report (61 FR 39832, July 30, 1996) (FRL-5379-2). Further, EPA is revoking those TSCA section 8(a) and TSCA section 8(d) rules issued on October 29, 1996.

III. What is the Basis for Today's Action?

On May 31, 1996, EPA received the 38th Report of the TSCA Section 4 ITC. In the 38th Report, the ITC recommended 18 nonylphenol ethoxylates for testing under section 4 of TSCA (61 FR 39832, July 30, 1996). In response to the ITC's 38th Report, EPA promulgated final TSCA section 8(a) "Preliminary Assessment Information Reporting" (PAIR) and TSCA section 8(d) "Unpublished Health and Safety Data" reporting rules (61 FR 55871, October 29, 1996) (FRL-5397-9) for the 18 nonylphenol ethoxylates listed in the ITC's 38th Report.

Shortly after the effective date for these TSCA rules, EPA became aware of the fact that the ITC's use of some alternate CAS numbers and several unclear chemical names in the 38th Report had resulted in confusion among U.S. producers, importers, and processors about the exact identities of the chemical substances for which TSCA section 8(a) and 8(d) reporting was being required. In order to eliminate further confusion within the regulated community about the actual identities of the subject chemicals, EPA formally "stayed" the TSCA section 8(a) and 8(d) rules for the 18 nonylphenol ethoxylates recommended in the ITC's 38th Report. EPA issued this stay on December 11, 1996 (61 FR 65186) and also requested the ITC to clarify the identities of the nonylphenol ethoxylates recommended in its 38th Report.

In an attempt to eliminate the ambiguities resulting from the ITC's use of alternate CAS numbers and unclear chemical names for the 18 nonylphenol ethoxylates recommended in its 38th Report, the ITC, in its 39th Report to the EPA Administrator, recommended for

testing a revised list comprised of 23 nonylphenol ethoxylates (62 FR 8578, February 25, 1997). According to the 39th Report, the ITC had re-examined its use of alternate CAS numbers for several of the 18 nonylphenol ethoxylates recommended in the 38th Report and determined that 5 of those CAS numbers were not associated with any of the 18 chemical substances.

For the 23 nonylphenol ethoxylates recommended in the 39th Report, the ITC provided where possible more accurate CAS numbers and more up-to-date chemical names (using 9th Collective Index chemical nomenclature where possible). In a letter addressed to the EPA Administrator dated September 15, 1997, the ITC formally requested that EPA:

1. Revoke the TSCA section 8(a) PAIR and TSCA section 8(d) rules issued by EPA on October 29, 1996 (61 FR 55871) for the 18 nonylphenol ethoxylates that were recommended in the ITC's 38th Report and "stayed" by EPA on December 11, 1996 (61 FR 65186).

2. Issue a final TSCA section 8(a) PAIR rule for the 19 nonylphenol ethoxylates with CAS numbers of the 23 total nonylphenol ethoxylates recommended in the ITC's 39th Report.

3. Not issue a TSCA section 8(d) rule for the 23 recommended nonylphenol ethoxylates in order to allow the ITC the opportunity to implement its voluntary information submission policy proposed in the ITC's 40th Report (62 FR 30580, June 4, 1997).

EPA reserves the right to issue a TSCA section 8(d) rule for some or all of these 23 nonylphenol ethoxylates if:

1. EPA believes that such a rulemaking is necessary to gather data to determine if testing is needed for, or otherwise support the assessment of, the subject chemical(s); or

2. The ITC notifies EPA in writing that the ITC did not receive adequate information via its voluntary information submission activity. (The ITC's voluntary submission policy can be found on the ITC's Internet

Homepage under Voluntary Information Submission Innovative Online Network or "VISION" (<http://www.epa.gov/opptintr/itc/vision>). Hard copies of the ITC's voluntary information submission policy are available from the TSCA Environmental Assistance Division at the address listed under "FOR FURTHER INFORMATION CONTACT.")

IV. What is the Preliminary Assessment Information Reporting (PAIR) Rule?

EPA promulgated the PAIR rule in 40 CFR part 712 under section 8(a) of TSCA (15 U.S.C. 2607(a)). This model section 8(a) rule establishes standard reporting requirements for manufacturers (including importers) of the chemicals listed in the rule at 40 CFR 712.30. These entities are required to submit a one-time report on general production/importation volume, end use, and exposure-related information using the Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710-35). EPA uses this model section 8(a) rule to quickly gather current information on chemicals.

This model rule provides for the automatic addition of ITC *Priority Testing List* chemicals. Whenever EPA announces the receipt of an ITC report, EPA may, at the same time and without providing notice and opportunity for public comment, amend the model information-gathering rule by adding the recommended (or designated) chemicals. The amendment adding these chemicals to the PAIR rule is effective February 10, 2000.

V. Chemicals To Be Deleted

The following 18 nonylphenol ethoxylates that were recommended in the ITC's 38th Report are being deleted as a result of today's revocation of the TSCA section 8(a) PAIR and TSCA section 8(d) rules that were issued by EPA on October 29, 1996 (61 FR 55871) and stayed by the Agency on December 11, 1996 (61 FR 65186).

Chemical Name	CAS Number
<i>Nonylphenol ethoxylates</i>	
alpha-(p-Nonylphenol)-omega-hydroxypoly(oxyethylene)	NA
Decaethylene glycol, isononylphenyl ether	65455-72-3
Ethanol, 2-[2-(p-nonylphenoxy)ethoxy]-	20427-84-3
Ethanol, 2-[2-[2-(p-nonylphenoxy)ethoxy]ethoxy]ethoxy]-	7311-27-5
Nonoxynol-2	NA
Nonoxynol-3	NA
Nonoxynol-7	NA
Nonylphenol hepta(oxyethylene)ethanol	27177-05-5
Nonylphenol octa(oxyethylene)ethanol	26571-11-9
Nonylphenol polyethylene glycol ether	9016-45-9, 20636-48-0, 26027-38-3, 26064-02-8, 27177-01-1, 37205-87-1, 127087-87-0

Chemical Name	CAS Number
Nonylphenol polyethylene glycol ether	27177-08-8
Nonylphenolnona(oxyethylene) ethanol	27986-36-3
Nonylphenoxy ethanol	27176-93-8
Nonylphenoxydiglycol	68412-54-4
Nonylphenoxy polyoxyethanol	152143-22-1, 26027-38-3
p-Nonylphenol polyethylene glycol ether	27986-36-3, 37205-87-1, 98113-10-1
Poly(oxy-1,2-ethanediyl), alpha-(isononylphenyl)-omega-hydroxy-	37205-87-1
Poly(oxy-1,2-ethanediyl), alpha-(2-nonylphenyl)-omega-hydroxy-	51938-25-1

VI. Chemicals To Be Added

In its 39th Report to EPA, the ITC recommended a group of 23 nonylphenol ethoxylates. These chemicals can be automatically added to the PAIR and TSCA section 8(d) Health and Safety Data Reporting rules unless requested otherwise by the ITC to implement its voluntary information submission policy. In a letter dated September 15, 1997, the ITC requested that a TSCA section 8(d) Health and Safety Data Reporting rule not be promulgated for these 23 nonylphenol ethoxylates. Therefore, these substances will not be added to § 716.120.

The regulatory text (§ 712.30(e)) of this document lists the 19 nonylphenol ethoxylates that are being added to the PAIR rule as a result of today's action. The other 4 nonylphenol ethoxylates recommended in the ITC's 39th report are not being added to the PAIR rule because they are not associated with unique CAS numbers.

VII. Reporting Requirements

A. Who Must Report Under this PAIR Rule?

All persons who manufactured (defined by statute to include import) the 19 nonylphenol ethoxylates identified in the regulatory text (§ 712.30(e)) of this rule during their latest complete corporate fiscal year must submit a Preliminary Assessment Information Manufacturer's Report (EPA Form No. 7710-35) for each site at which they manufactured or imported a named substance. A separate form must be completed for each substance and submitted to the Agency as specified in 40 CFR 712.28 no later than April 10, 2000. Persons who have previously and voluntarily submitted a Manufacturer's Report to the ITC or EPA may be able to submit a copy of the original Report to EPA or to notify EPA by letter of their desire to have this voluntary submission accepted in lieu of a current data submission. See § 712.30(a)(3).

Details of the PAIR reporting requirements, including the basis for exemptions, are provided in 40 CFR part

712. Copies of the form are available from the TSCA Environmental Assistance Division at the address listed under "FOR FURTHER INFORMATION CONTACT." Copies of the PAIR form are also available electronically from the Chemical Testing and Information Gathering Home Page on the Internet at <http://www.epa.gov/opptintr/chemtest/>.

B. Removal of Chemical Substances from the PAIR Rule

Any person who believes that section 8(a) reporting required by this rule is not warranted, should promptly submit to EPA on or before January 25, 2000, detailed reasons for that belief. EPA, in its discretion, may remove the substance from this rule (40 CFR 712.30(c)). When withdrawing a chemical from the rule, EPA will publish a rule amendment in the **Federal Register**.

VIII. Public Record

The following documents constitute the public record for this rule (docket control number OPPTS-82050). All of these documents are available to the public in the TSCA Nonconfidential Information Center (NCIC), from noon to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA NCIC is located at EPA Headquarters, Rm. NE-B607, 401 M St., SW., Washington, DC.

1. This final rule.
2. The Economic Analysis for this rule, December 15, 1999.
3. The 39th Report of the ITC, (62 FR 8578, February 25, 1997).
4. The 38th Report of the ITC, (61 FR 39832, July 30, 1996).
5. Stay of the TSCA section 8(a) and 8(d) rules issued in response to the 38th Report of the ITC, (61 FR 65186).
6. Letter from the ITC to EPA, September 15, 1997.

IX. Why is this Action Being Issued as a Final Rule?

EPA is publishing this action as a final rule without prior notice and an opportunity to comment because the Agency believes that providing notice and an opportunity to comment is unnecessary. This final rule makes

modifications needed to clarify the identities of certain chemicals subject to the TSCA section 8(a) PAIR regulations and removes certain chemicals from the TSCA section 8(d) regulations. EPA therefore finds that there is "good cause" under section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 553 (b)(3)(B)) to make these amendments without prior notice and comment.

X. Economic Analysis

The economic analysis for the addition of the 19 CAS-numbered nonylphenol ethoxylates to the TSCA section 8(a) PAIR rule is entitled *Economic Analysis for the Addition of 19 CAS-Numbered Chemicals Recommended for Testing in the 39th Report of the TSCA Interagency Testing Committee to EPA's Preliminary Assessment Information Reporting (PAIR) Rule* December 15, 1999 (Economic Analysis).

EPA's 1998 Chemical Update System (CUS) was searched to identify manufacturers (including importers) of the 19 CAS-numbered nonylphenol ethoxylates recommended in the ITC's 39th report. Only 1 of the 19 chemicals was located in CUS indicating, for example, that the other chemicals are not being produced or imported in quantities large enough to be reported to EPA for 1998 under the TSCA Inventory Update Rule (IUR) (40 CFR part 710) or are not subject to reporting under the IUR. The Economic Analysis estimates governmental and industry burden and costs associated with this final rule based upon the data regarding the one chemical substance found in CUS. Five firms were identified as manufacturers of the chemical, at five sites. The costs and burden associated with this rule are estimated in the Economic Analysis to be the following:

Reporting Costs (dollars)
 5 sites/reports estimated at \$2,057.28 per report = \$10,286.38
 Total Cost = \$10,286.38
 Mean cost per site/firm = \$10,286.38/5 = \$2,057.28

Reporting Burden (hours)

Rule familiarization: 7 hours/site x 5 sites = 35
 Reporting: 21.88 hours/report x 5 reports = 109.4
 Total burden hours = 144.4
 Average burden per site/firm = 144.4/5 = 28.88

EPA Costs (dollars)

The annual costs to the Federal Government will be approximately 0.013 FTEs (or 26.25 hours annually). At an estimated \$75,306 per FTE, the total 0.013 FTEs, plus \$1,020 for data processing, will cost EPA \$1,999.

XI. Regulatory Assessment Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted actions under TSCA section 8(a) related to the PAIR rule from the requirements of Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993).

B. Executive Order 12898

This action does not involve special considerations of environmental justice-related issues pursuant to Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

C. Executive Order 13045

Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), does not apply to this final rule, because it is not "economically significant" as defined under Executive Order 12866, and does not concern an environmental health or safety risk that may have a disproportionate effect on children. This rule requires the reporting of production, importation, use, and exposure-related information to EPA by manufacturers (including importers) of certain chemicals recommended in the 39th Report of the TSCA Interagency Testing Committee.

D. Regulatory Flexibility Act

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 impact on a substantial number of small entities. The factual basis for the Agency's determination is presented in the small entity analysis prepared as a part of the Economic Analysis for this rule, and is briefly summarized here. Three of the five firms identified as manufacturers of chemicals affected by this rule met the

Small Business Administration definition of a small business, (i.e., having less than 1,000 employees when combined with any corporate parents). Based on the Agency's analysis, the maximum potential impact of this action on an individual firm is estimated to be less than \$2,260, regardless of the firm's size. To determine the potential significance of the estimated impact of this action on the small firms, the Agency compared the estimated maximum potential cost with the estimated annual sales revenue for these firms. Based on currently available financial information for these firms, EPA has determined that this action will not result in a significant impact on any of these firms. Information relating to this EPA determination is included in the docket for this rulemaking (OPPTS-82050). Any comments regarding the economic impacts that this action imposes on small entities should be submitted to the Agency at the address listed under "FOR FURTHER INFORMATION CONTACT."

E. Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information that is subject to approval under the PRA unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after appearing in the preamble of the final rule, are listed in 40 CFR part 9, and included on the related collection instrument. The information collection activities related to this action have already been approved by OMB, under OMB control number 2070-0054 (EPA ICR No. 586) for PAIR reporting. This action does not impose any burdens requiring additional OMB approval. The public reporting burden for this collection of information is estimated to be 144.4 hours. Of that total, an estimated 35 hours are spent in an initial review of the rule, and the remaining 109.4 hours are associated with actual reporting activities. Because this rule does not contain any new information collection activities, additional review and approval of these activities by OMB under the PRA is not necessary (1999 Economic Analysis).

F. Unfunded Mandates Reform Act and Executive Orders 13084 and 13132

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures

of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any 1 year. In addition, EPA has determined that this rule will not significantly or uniquely affect small governments. Accordingly, the rule is not subject to the requirements of UMRA sections 202, 203, 204, or 205.

Based on EPA's experience with past section 8(a) rulemakings, State, local, and tribal governments have not been impacted by these rulemakings, and EPA does not have any reasons to believe that any State, local, or tribal government will be impacted by this rulemaking. As a result, this action is not subject to the requirement for prior consultation with Indian tribal governments as specified in Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998). Nor will this action have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999).

G. National Technology Transfer and Advancement Act

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Section 12(d) of NTTAA directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. EPA invites public comment on the Agency's determination that this regulatory action does not require the consideration of voluntary consensus standards.

H. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides

that before a 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. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). EPA has made such a good cause finding for this final rule, and established an effective date of February 10, 2000. Pursuant to 5 U.S.C. 808(2), this determination is supported by the brief statement in Unit IX. of this preamble. EPA will submit a report containing this final 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**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

I. Executive Order 12988

In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, entitled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

J. Executive Order 12630

EPA has complied with Executive Order 12630, entitled *Governmental Actions and Interference with Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988), by examining the takings implications of this rule in accordance with the *Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings* issued under the Executive Order.

List of Subjects in 40 CFR Parts 712 and 716

Environmental protection, Chemicals, Hazardous substances, Health and

safety, Reporting and recordkeeping requirements.

Dated: December 21, 1999.

Joseph S. Carra,

Acting Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR chapter I is amended as follows:

PART 712—[AMENDED]

1. In part 712:

a. The authority citation for part 712 continues to read as follows:

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

b. In § 712.30, the table in paragraph (e) is amended by removing the stay and revising the entire category for "Nonylphenol ethoxylates" to read as follows:

§ 712.30 Chemical lists and reporting periods.

*	*	*	*	*
(e)	*	*	*	

CAS No.	Substance	Effective date	Reporting date
	* * * * *		
Nonylphenol ethoxylates			
7311-27-5	Ethanol, 2-[2-[2-(p-nonylphenoxy)ethoxy]ethoxy]ethoxy]-	2/10/00	4/10/00
9016-45-9	Poly(oxy-1,2-ethanediyl), alpha-(nonylphenyl)-omega-hydroxy-	2/10/00	4/10/00
20427-84-3	Ethanol, 2-[2-(p-nonylphenoxy)ethoxy]-	2/10/00	4/10/00
20636-48-0	3,6,9,12-Tetraoxatetradecan-1-ol, 14-(4-nonylphenoxy)-	2/10/00	4/10/00
26027-38-3	Poly(oxy-1,2-ethanediyl), alpha-(4-nonylphenyl)-omega-hydroxy-	2/10/00	4/10/00
26264-02-8	3,6,9,12-Tetraoxatetradecan-1-ol, 14-(nonylphenoxy)-	2/10/00	4/10/00
26571-11-9	3,6,9,12,15,18,21,24-Octaoxaheacosan-1-ol, 26-(nonylphenoxy)-	2/10/00	4/10/00
27176-93-8	Ethanol, 2-[2-(nonylphenoxy)ethoxy]-	2/10/00	4/10/00
27177-01-1	3,6,9,12,15-Pentaoxaheptadecan-1-ol, 17-(nonylphenoxy)-	2/10/00	4/10/00
27177-05-5	3,6,9,12,15,18,21-Heptaoxatricosan-1-ol, 23-(nonylphenoxy)-	2/10/00	4/10/00
27177-08-8	3,6,9,12,15,18,21,24,27-Nonaoxanonacosan-1-ol, 29-(nonylphenoxy)-	2/10/00	4/10/00
27986-36-3	Ethanol, 2-(nonylphenoxy)-	2/10/00	4/10/00
37205-87-1	Poly(oxy-1,2-ethanediyl), alpha-(isononylphenyl)-omega-hydroxy-	2/10/00	4/10/00
51938-25-1	Poly(oxy-1,2-ethanediyl), alpha-(2-nonylphenyl)-omega-hydroxy-	2/10/00	4/10/00
65455-72-3	3,6,9,12,15,18,21,24,27-Nonaoxanonacosan-1-ol, 29-(isononylphenoxy)-	2/10/00	4/10/00
68412-54-4	Poly(oxy-1,2-ethanediyl), alpha-(nonylphenyl)-omega-hydroxy-, branched	2/10/00	4/10/00
98113-10-1	NP9	2/10/00	4/10/00
127087-87-0	Poly(oxy-1,2-ethanediyl), alpha-(4-nonylphenyl)-omega-hydroxy-, branched.	2/10/00	4/10/00
152143-22-1	Poly(oxy-1,2-ethanediyl), alpha-(4-nonylphenyl)-omega-hydroxy-, branched, phosphates.	2/10/00	4/10/00
	* * * * *		

PART 716—[AMENDED]

2. In part 716:
 a. The authority citation for part 716 continues to read as follows:

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

§ 716.120 [Amended]

b. In § 716.120, the table in paragraph (d) is amended by removing the stay, and by removing the “Nonylphenol ethoxylates” category name and the 18 nonylphenol ethoxylates listed thereunder.

[FR Doc. 00-491 Filed 1-10-00; 8:45 am]
BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA-7724]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities’ participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Support Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Associate Director finds that the delayed effective dates would be contrary to the public interest. The Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director certifies that this rule will not have a significant

economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U. S. C. 601 *et seq.*, because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.
 Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/Location	Community Number	Effective date of eligibility	Current effective map date
New Eligibles—Emergency Program			
North Carolina:			
Selma, town of, Johnston County	370499	October 14, 1999	
Alaska:			
Kwethluk, city of, Kwethluk County	020130	October 26, 1999	
Arkansas:			
Sharp County, unincorporated areas	050464do	
North Carolina:			
Elm City, town of, Wilson County	370521	October 29, 1999	
New Eligibles—Regular Program			
Tennessee:			