Remedial Action (RA) work was formally initiated. U.S. EPA and Ohio Environmental Protection Agency (OEPRA) conducted a prefinal inspection on November 19, 1992. Incineration of all required material was completed on November 25, 1992. EPA approved the RA report on December 22, 1992.

The FR RD was formally approved and the RA work initiated in March 1992. The FR included construction of a slurry wall to facilitate site dewatering in addition to the diversion trenches provided for in the ROD. A letter dated September 23, 1993 from the PRP, Laskin/Poplar Site Group certified that all RA activities were performed according to design specifications, contractor plan, and EPA and OEPRA approved modifications. EPA conducted a final inspection on September 20, 1993, and approved a Preliminary Close Out Report on September 23, 1993.

Since completion of construction, the Site has been monitored and inspected in accordance with a EPA approved Inspection, Maintenance, and Monitoring Plan. In accordance with this plan, quarterly groundwater and surface water monitoring was conducted in 1994, 1995, and 1996, and semi-annual groundwater and surface water monitoring was conducted in 1997 and 1998.

A five-year review pursuant to OSWER Directive 9355.7–02 (“Structure and Components of Five-Year Reviews”) was conducted at the Site and a report of its conclusions was signed in May 1999. The five-year review report concluded that the remedial action selected for this Site remains protective of human health and the environment. The review determined that groundwater monitoring conducted over the five years since completion of construction has demonstrated that the groundwater has consistently been lowered below the unweathered shale, and that the data has not identified an impact of the Site on groundwater of surface water.

V. Action

In its review of the five year review report, Engineering Management Inc., the Laskin Remedial Trust Fund’s contractor correctly pointed out that the non-incinerable materials that were potentially dioxin-contaminated were decontaminated sampled, and found to contain less the 1 ppb of dioxin. As a result, it was not necessary to store any dioxin-contaminated material in a proposed vault below the cap, and this part of the remedy was eliminated. A small amount of asbestos-contaminated material was encased in what has been referred to as a “concrete vault” on site diagrams, but this vault is not the vault referred to in the ROD. The five year review found that the Site inspections have identified a concern about slope stability, as well as routine erosion problems. The on-going inspection and maintenance program will address these problems. The next five year review should be completed by October 15, 2000.

On June 30, 1999, EPA approved discontinuing the periodic groundwater and surface water sampling. However, periodic water level monitoring, inspections, and maintenance activities will continue, and groundwater and surface water sampling can resume if necessary.

EPA, will the State of Ohio’s concurrence, has determined that all appropriate Fund-financed responses under CERCLA at the Laskin/Poplar Oil Company Superfund Site have been completed, and no further CERCLA response is appropriate or necessary in order to provide protection of human health and the environment other than the ongoing inspection, maintenance and monitoring activities. Therefore, EPA is deleting the Site from the NPL.

This action will be effective September 5, 2000. However, if EPA receives dissenting comments by August 4, 2000, EPA will publish a document that withdraws this action.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: June 14, 2000.

Gary Gulezian,
Acting Regional Administrator, Region 5.

Part 300, Title 40 of Chapter 1 of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:


Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the entry for “Laskin-Poplar Oil Co,” Jefferson Township, Ohio.

[F.R. Doc. 00–16513 Filed 7–3–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 712

[OPPTS–82054; FRL–6589–1]

RIN–2070–AB08

Preliminary Assessment Information Reporting; Addition of Certain Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule addresses the recommendations of the 41st TSCA Interagency Testing Committee (ITC) Report by adding 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols to the Toxic Substances Control Act (TSCA) section 8(a) Preliminary Assessment Information Reporting (PAIR) rule. 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 29 substances identified in this document to report certain production, importation, use, and exposure-related information to EPA.

DATES: This rule is effective on August 4, 2000.

FOR FURTHER INFORMATION CONTACT: For general information contact: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul CampANELLA, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–8130; fax number: (202) 401–3672; e-mail address: ccd.ctib@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 § 712.30(e) of the regulatory text portion of this document. Entities potentially affected by this action may include, but are not limited to:
III. 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 or 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 August 4, 2000.

IV. What Chemicals are to be Added?

In its 41st Report to EPA, the ITC recommended 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols. These chemicals can be automatically added to the TSCA section 8(a) PAIR reporting rule.

The regulatory text (§ 712.30(e)) of this document lists the 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols that are being added.
to the PAIR rule as a result of this document.

V. Who Must Report Under this PAIR Rule?

All persons who manufactured (defined by statute to include import) the 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols 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 October 3, 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/oppintr/chemtest/.

VI. 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 July 19, 2000, detailed reasons for that belief. EPA, in its discretion, may remove the substance from this rule (see 40 CFR 712.30(c)). When withdrawing a chemical from the rule, EPA will publish a rule amendment in the Federal Register.

VII. Public Record

The following documents constitute the public record for this rule under docket control number OPPTS–82054.

1. This final rule.
2. The Economic Analysis for this rule (February 10, 2000).

VIII. 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. As discussed in Unit III, 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. EPA finds, therefore, 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.

IX. Economic Analysis

The economic analysis for the addition of the 29 alkylphenols, alkylphenol ethoxylates, and polyalkylphenols to the TSCA section 8(a) PAIR rule is entitled “Economic Analysis for the Addition of 29 Chemicals Recommended for Testing in the 41st Report of the TSCA Interagency Testing Committee to EPA’s Preliminary Assessment Information Reporting (PAIR) Rule” (February 10, 2000) (Economic Analysis).

EPA’s 1998 Chemical Update System (CUS) was searched to identify manufacturers (including importers) of the 29 CAS-numbered alkylphenols, alkylphenol ethoxylates, and polyalkylphenols recommended in the ITC’s 41st Report. Only 5 of the 29 chemicals were 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 five chemical substances found in CUS. Six firms were identified as manufacturers of the chemical, at eight sites. The costs and burden associated with this rule are estimated in the Economic Analysis to be the following:

Reporting Costs (dollars)

9 reports estimated at $1977.29 per report = $17,795.62
Total Cost = $17,795.62
Mean cost per site/firm = $17,795.62/8 sites = $22,244.45/site

Reporting Burden (hours)

Rule familiarization: 7 hours/site x 8 sites = 56 hours
Reporting: 21.6 hours/report x 9 reports = 194 hours
Total burden hours = 250 hours

Average burden per site/firm = 250 hours/8 sites = 31.3 hours/site

EPA Costs (dollars)

The annual costs to the Federal Government will be approximately 0.0227 FTEs (or 47.25 hours annually). At an estimated $75,306 per FTE, the total 0.0227 FTEs ($1709.45), plus $1,834.92 for data processing, will cost EPA $3,544.37.

X. 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 9885, 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 41st Report of the TSCA ITC.

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 six 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 $2,224, 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–82054). Any comments regarding the economic impacts that this action on the small firms, the significance of the estimated impact of this action on the small firms, 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. Executive Order 12998

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).

I. Executive Order 12630

EPA has complied with Executive Order 12630, entitled Governmental Actions and Interference with Constitutionally Protected Property Rights (53 FR 8839, 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.

XI. 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 August 4, 2000. Pursuant to 5 U.S.C. 808(2), this determination is supported by the brief statement in Unit VIII. 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).

List of Subjects in 40 CFR Part 712

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

Dated: June 20, 2000.

William Sanders III,
Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR chapter I is amended as follows:

PART 712—[AMENDED]

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


2. In § 712.30, the table in paragraph (e) is amended by revising the category heading for “Alkylphenols and Alkylphenol ethoxylated” to read
“Alkylphenols, Alkylphenol ethoxylates, and Polyalkylphenols” and adding 29 chemicals in ascending numeric CAS number order to the category to read as follows:

<table>
<thead>
<tr>
<th>CAS No.</th>
<th>Substance</th>
<th>Effective date</th>
<th>Reporting date</th>
</tr>
</thead>
<tbody>
<tr>
<td>140-66-9</td>
<td>Phenol, 4-(1,1,3,3-tetramethylobutyl)-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>1987-50-4</td>
<td>Phenol, 4-heptyl-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>2446-69-7</td>
<td>Phenol, 4-hexyl-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>2589-78-8</td>
<td>Phenol, 4-hexadecyl-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>3279-27-4</td>
<td>Phenol, 2-(1,1-dimethylpropyl)-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>9004-87-9</td>
<td>Poly(oxy-1,2-ethanediyl), (isooctylphenyl)-ω-hydroxy-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>9014-92-0</td>
<td>Poly(oxy-1,2-ethanediyl), (dodecylphenyl)-ω-hydroxy-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>9063-89-2</td>
<td>Poly(oxy-1,2-ethanediyl), α-(octylphenyl)-ω-hydroxy-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>25401-86-9</td>
<td>Phenol, 2-hexadecyl-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>25735-67-5</td>
<td>Phenol, 4-sec-pentyl-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>26401-47-8</td>
<td>Poly(oxy-1,2-ethanediyl), α-(4-dodecylphenyl)-ω-hydroxy-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>27157-66-0</td>
<td>Phenol, decyl-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>59911-95-4</td>
<td>Poly(oxy-1,2-ethanediyl), α-(4-hexadecylphenyl)-ω-hydroxy-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>61723-87-3</td>
<td>Poly(oxy-1,2-ethanediyl), α-(tridecylphenyl)-ω-hydroxy-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>70682-80-3</td>
<td>Phenol, tetracetyl-</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>71902-25-5</td>
<td>Phenol, octenylated</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>72624-02-3</td>
<td>Phenol, heptyl derivs.</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td>112375-89-0</td>
<td>Phenol, poly(2,4,4-trimethylpentene) derivs</td>
<td>August 4, 2000</td>
<td>October 3, 2000</td>
</tr>
<tr>
<td></td>
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</tbody>
</table>
FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73
[DA 00±1395; MM Docket No. 99±276; RM±9702]

Radio Broadcasting Services; Tillamook and Scappoose, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Thunderegg Wireless, L.L.C., licensee of Station KJUN, Tillamook, OR, reallocates Channel 281C3 from Tillamook to Scappoose, OR, as the community’s first local aural service, and modifies the license of Station KJUN to specify Scappoose as its community of license. See 64 FR 50266. September 16, 1999. Channel 281C3 can be allotted to Scappoose in compliance with the Commission’s minimum distance separation requirements with a site restriction of 6.5 kilometers (4.1 miles) northwest, at coordinates 45±06±11 NL; 122±57±13 WL, to accommodate petitioner’s desired transmitter site. Canadian concurrence in the allotment has been obtained since Scappoose is located within 320 kilometers (199 miles) of the U.S.-Canadian border.


FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418±2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s Report and Order, MM Docket No. 99±353, adopted June 14, 2000, and released June 23, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC’s Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857±3800.

List of Subjects in 47 CFR Part 73
Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:


§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 281C3 at Tillamook and adding Scappoose, Channel 281C3.

Federal Communications Commission.

John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.