

accordance with label directions and good agricultural practices.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 770

[EPA-HQ-OPPT-2017-0245; FRL-9971-38]

RIN 2070-AK36

### Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products; Withdrawal of Direct Final Rule

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

**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** In the *Federal Register* of October 25, 2017, EPA published both a direct final rule and proposed rule to update the voluntary consensus standards that originally published in the Toxics Substances Control Act (TSCA) Title VI formaldehyde emission standards for composite wood products final rule on December 12, 2016. In addition, in the direct final rule and proposed rule the EPA amended the testing requirements for panel producers and third-party certifiers establishing correlation between approved quality control test methods and either the ASTM E1333-14 test chamber, or, upon showing equivalence, the ASTM D6007-14 test chamber. As noted in the direct final rule, if EPA received adverse comment on the proposed amendments, the Agency would publish a timely withdrawal of the direct final rule in the *Federal Register* informing the public that the direct final action will not take effect. The Agency did receive adverse comment on the proposed rule amendments, and is therefore withdrawing the direct final rule and will instead proceed with a final rule based on the proposed rule after considering all public comments.

**DATES:** Effective December 8, 2017, the direct final rule published in the *Federal Register* of October 25, 2017 (82 FR 49287) (FRL-9962-84), is withdrawn.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Erik Winchester, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-

6450; email address: [winchester.erik@epa.gov](mailto:winchester.erik@epa.gov).

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Does this action apply to me?

A list of potentially affected entities is provided in the *Federal Register* of October 25, 2017 (82 FR 49287). If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

##### II. What rule is being withdrawn?

In the October 25, 2017 *Federal Register*, EPA published both a direct final rule (see 82 FR 49287) and proposed rule (see 82 FR 49302) (FRL-9962-80) pursuant to section 601 of TSCA that would have updated several of the voluntary consensus standards incorporated by reference at § 770.99 as published on December 12, 2016 (see 81 FR 89674) (FRL-9949-90). These voluntary consensus standards have been updated, withdrawn, or superseded since publication of the original final rule in 2016. Additionally, the direct final rule would have amended testing requirements for demonstration of equivalence and correlation between approved quality control test methods and either the ASTM E1333-14 test chamber, or, upon showing equivalence in accordance with § 770.20(d), the ASTM D6007-14 test chamber under § 770.20(d)(2)(i).

Since the direct final rule and proposed rule's publication, EPA has received a comment on the proposed amendments to the voluntary consensus standard updating action that the Agency considers to be adverse. As a result of receiving an adverse comment, EPA is withdrawing the direct final rule published in the *Federal Register* on October 25, 2017. All comments are available for review in the public docket. EPA will address the public comments received on this action in a subsequent final rule.

##### III. How do I access the docket?

To access the docket, please go to <http://www.regulations.gov> and follow the online instructions using the docket ID number EPA-HQ-OPPT-2017-0245. Additional information about the Docket Facility is also provided under **ADDRESSES** in the October 25, 2017 (82 FR 49287) *Federal Register* document. If you have questions, consult the

technical person listed under **FOR FURTHER INFORMATION CONTACT**.

#### IV. Good Cause Finding

EPA finds that there is "good cause" under the Administrative Procedure Act (5 U.S.C. 553(b)(3)(B)) to withdraw the direct final rule discussed in this document without prior notice and comment. For this document, notice and comment is impracticable and unnecessary because EPA is under a time limit to publish this withdrawal. It was determined that this document is not subject to the 30-day delay of effective date generally required by 5 U.S.C. 553(d) as there is good cause for the withdrawal to be effective immediately. This withdrawal must become effective prior to the effective date of the direct final rule being withdrawn, as EPA explained in the direct final rule itself.

#### V. Statutory and Executive Order Reviews

This document withdraws regulatory requirements that have not gone into effect. As such, the Agency has determined that this withdrawal will not have any adverse impacts, economic or otherwise. The statutory and Executive Order review requirements applicable to the direct final rule being withdrawn were discussed in the October 25, 2017 (82 FR 49287) *Federal Register* document. Those review requirements do not apply to this action because it is a withdrawal and does not contain any new or amended requirements.

#### VI. Congressional Review Act (CRA)

Pursuant to the CRA (5 U.S.C. 801 *et seq.*), EPA will submit 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 United States prior to publication of the rule in the *Federal Register*. This action is not a "major rule" as defined by 5 U.S.C. 804(2). Section 808 of the CRA allows the issuing agency to make a rule effective sooner than otherwise provided by CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. As required by 5 U.S.C. 808(2), this determination is supported by a brief statement in Unit IV.

#### List of Subjects in 40 CFR Part 770

Environmental protection, Formaldehyde, Incorporation by reference, Reporting and recordkeeping requirements, Third-party certification, Toxic substances, Wood.

Dated: December 5, 2017.

**E. Scott Pruitt,**  
Administrator.

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## CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

### 40 CFR Part 1601

[Agency Docket Number CSB 17-1]

#### Freedom of Information Act Program

**AGENCY:** Chemical Safety and Hazard Investigation Board.

**ACTION:** Final rule.

**SUMMARY:** The Chemical Safety and Hazard Investigation Board (CSB) published an interim final Freedom of Information Act (FOIA) rule in the **Federal Register** on September 29, 2017. This final rule confirms that the interim final rule is adopted as final without change.

**DATES:** This rule is effective December 8, 2017.

**FOR FURTHER INFORMATION CONTACT:** Kara Wenzel, Acting General Counsel, 202-261-7600, or [kara.wenzel@csb.gov](mailto:kara.wenzel@csb.gov).

#### SUPPLEMENTARY INFORMATION:

##### Executive Summary

The CSB published an interim final FOIA rule in the **Federal Register** on September 29, 2017, 82 FR 45502. As an interim final rule, the rule became effective immediately upon publication in the **Federal Register**. Nonetheless, the CSB welcomed public comments from interested persons regarding the interim final rule. The due date for comments ended on October 30, 2017. The CSB did not receive any comments on the interim final rule. The CSB has determined that no further revisions are required to the interim final rule. Therefore, the CSB now issues this final rule to confirm that the interim final rule published previously shall be the final CSB FOIA rule. The interim final rule published September 29, 2017, 82 FR 45502, will be codified at 40 CFR part 1601 at the next regular update to the Code of Federal Regulations.

##### Regulatory Procedures

*Administrative Procedure Act (5 U.S.C. Ch. 5)*

The CSB's previous implementation of this rule as an interim final rule, with provision for post-promulgation public comment, was based on section 553(b) of the Administrative Procedure Act. 5 U.S.C. 553(b). Under section 553(b), an

agency may issue a rule without notice of proposed rulemaking and the pre-promulgation opportunity for public comment, with regard to "interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice." The CSB determined that many of the revisions were to interpretive rules issued by the CSB. Moreover, the CSB determined that the remaining revisions were rules of agency procedure or practice, as they did not change the substantive standards the agency applies in implementing the FOIA. The CSB also concluded that a pre-publication public comment period was unnecessary. The revisions in 40 CFR part 1601 merely implemented statutory changes, aligned the CSB's regulations with controlling judicial decisions, and clarified agency procedures.

*Unfunded Mandates Reform Act (2 U.S.C. Ch. 25)*

This rule is not subject to the Unfunded Mandates Reform Act because it does not contain a Federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000.00 or more in any one year. Nor will it have a significant or unique effect on small governments.

*Regulatory Flexibility Act (5 U.S.C. Ch. 6)*

This rule is not subject to the Regulatory Flexibility Act. The CSB has reviewed this regulation and by approving it certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The rule implements the procedures for processing FOIA requests within the CSB. Under the FOIA, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for the requesters. Thus, fees accessed by CSB will be nominal. Further, the "small entities" that make FOIA requests, as compared with individual and other requesters, are relatively few in number.

*Paperwork Reduction Act (44 U.S.C. Ch. 35)*

This rule does not impose reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995. The Paperwork Reduction Act imposes certain requirements on Federal agencies in connection with the conducting or sponsoring of any collection of information. This rule does not contain any new collection of

information requirement within the meaning of the Act.

*Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. Ch. 6)*

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996 (as amended), 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100,000,000.00 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

*National Environmental Policy Act of 1969 (5 U.S.C. 804)*

This rule will not have a significant effect on the human environment. Accordingly, this rule is categorically excluded from environmental analysis under 43 CFR 46.210(i).

*E-Government Act of 2002 (44 U.S.C. 3504)*

Section 206 of the E-Government Act requires agencies, to the extent practicable, to ensure that all information about that agency required to be published in the **Federal Register** is also published on a publicly accessible Web site. All information about the CSB required to be published in the **Federal Register** may be accessed at <http://www.csb.gov/>. The E-Government Act also requires, to the extent practicable, that agencies ensure that a publicly accessible Federal Government Web site contains electronic dockets for rulemakings under the Administrative Procedure Act of 1946 (5 U.S.C. 551 *et seq.*). Under this Act, an electronic docket consists of all submissions under section 553(c) of title 5, United States Code; and all other materials that by agency rule or practice are included in the rulemaking docket under section 553(c) of title 5, United States Code, whether or not submitted electronically. The Web site <http://www.csb.gov/> will contain an electronic dockets for this rulemaking.

*Plain Writing Act of 2010 (5 U.S.C. 301)*

Under this Act, the term "plain writing" means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience. To ensure that this rulemaking was written in plain and clear language so that it can be used and understood by the public, the CSB modeled the