

requirements, Superfund, Water pollution control, Water supply.

Dated: December 14, 1998.

William Muszynski,

Acting Regional Administrator, Region II.

For reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR 1991 Comp., p 351; E.O. 12580, 52 FR 02923; 3 CFR, 1987 Comp., p 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site, “Denzer & Schafer X-Ray Co., Bayville, New Jersey.”

[FR Doc. 98–34305 Filed 12–28–98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 710

[OPPTS–82052; FRL–6052–7]

1998 Reporting Notice and Amendment; Partial Updating of TSCA Inventory Data Base, Production and Site Reports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Amendment; Notice of Reporting Period Extension.

SUMMARY: This document announces an amendment to the Toxic Substances Control Act (TSCA) Inventory Update Rule (IUR) that extends the reporting deadline for 1998. The time for reporting has been extended so that IUR reports are now due by January 31, 1999. This is a one-time extension for the 1998 reporting period only. The IUR requires manufacturers and importers of certain chemical substances included on the TSCA Chemical Substance Inventory to report current data on the production volume, plant site, and site-limited status of the substances.

DATES: This amendment is effective December 29, 1998. The 1998 IUR reporting period is extended to run from August 25, 1998 to January 31, 1999.

FOR FURTHER INFORMATION CONTACT: For general information contact: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 554–1404; TDD: (202)

554–0551; e-mail: TSCA-Hotline@epamail.epa.gov. For technical information contact: Scott M. Sherlock, Information Management Division (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone: (202) 260–1536, fax: (202) 260–9555, e-mail: sherlock.scott@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Notice Apply to Me?

You may be potentially affected by this action if you manufactured or imported organic chemicals or other chemicals subject to proposed or final rules or orders during your company's latest fiscal year prior to August 25, 1998. This notice announces a rule amendment which provides for an extension of the 1998 IUR reporting deadline. The Agency must receive the reports by January 31, 1999. The original **Federal Register** notice for the 1998 IUR collection was published on August 28, 1998 (63 FR 45950) (FRL–6028–3). Potentially affected categories and entities may include, but are not limited to:

Category	Examples of potentially Affected Entities
Chemical manufacturers (SIC codes 28 and 2911).	Manufacturers of chemical substances subject to the rule.
Chemical importers (SIC Codes 28 and 2911).	Importers of chemical substances. Under the regulations importers include such persons as brokers, agents, importers of record, consignees, and owners.

This table is not intended to be exhaustive, but rather provides a summary guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions beginning at 40 CFR part 710. 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.

II. How Can I Get Additional Information or Copies of this Document or Other Support Documents?

A. Electronically

You may obtain electronic copies of this document and other IUR related documents from the EPA Internet Home

Page at <http://www.epa.gov/opptintr/iur98>. On the Home Page select “Laws and Regulations” and then look up the entry for this document under “Federal Register - Environmental Documents.” An alternative internet address is the “Federal Register” listings at <http://www.epa.gov/homepage/fedrgstr/>.

B. Fax-on-Demand

You may request a faxed copy of the Form U, the form used for IUR reporting, by using a faxphone to call (202) 401–0527 and selecting item 5119.

C. In Person or By Phone

If you have any questions or need additional information about this action, please contact the technical person identified in the “FOR FURTHER INFORMATION CONTACT” section, or the staff at the TSCA Hotline. In addition, the official record for the IUR has been established under docket control number OPPTS–82015A. The public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as CBI, is available for inspection in Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC, from noon to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Office telephone number is (202) 260–0660.

III. Why is the Agency taking this Action?

EPA is issuing this amendment to extend the 1998 reporting period for IUR reporting until January 31, 1999. The August 28, 1998 Notice designated the IUR reporting period as August 25, 1998 to December 23, 1998. The Agency is taking this action in response to concerns raised by the regulated community about their ability to submit the required information in a timely basis. There are two separate process issues that are the bases to these concerns. First, the Agency did not make reporting materials available to the regulated community until August 28, 1998, three days after the beginning of the reporting period. Second, the Agency introduced reporting software on disks for this reporting period, and a significant portion of the regulated community is having some difficulty working with the new reporting media. EPA believes it is appropriate to extend the reporting period to allow the regulated community to adjust to the new software and submit their reports.

IV. What is the Agency's Authority for Taking the Action in this Document?

The Inventory Update Rule or IUR is issued pursuant to the authority of

section 8(a) of TSCA, 15 U.S.C. 2607(a). The regulations for this rule are located at 40 CFR part 710, (51 FR 21438, June 12, 1986).

Under section 553(b)(3)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3)(B), the Agency may make a rule immediately final if it finds that notice and public participatory procedures are impracticable, unnecessary or contrary to the public interest. In this case, for the extension sought, the Agency does find that normal notice and public process rulemaking is impracticable, unnecessary and contrary to the public interest.

The Agency believes that this one time extension is consistent with the public interest because it is designed to facilitate compliance with the IUR and to ensure that the 1998 collection includes accurate data on chemical manufacturing in the United States. The Agency further believes that the one time extension will not adversely affect potential users of the IUR data since the extension will not delay the processing of the IUR collected information.

Notice and public comment are impracticable because the existing reporting deadlines would expire by the time the notice and comment period was completed. As indicated above, EPA intends to process the IUR information on an expedited schedule, making the information available to users in the same time frame as originally planned.

Similarly, under section 553(d) of the APA, 5 U.S.C. 553(d), the Agency may make a rule immediately effective "for good cause found and published with the rule." In addition to the reasons discussed above, EPA believes that there is "good cause" because today's action does not impose any additional burdens on the regulated community, and in fact provides a more relaxed reporting schedule. Accordingly, EPA is making this amendment effective upon publication in the **Federal Register**.

V. Do Any Regulatory Assessment Related Requirements Apply to this Action?

No. This action is classified as a final rule because it makes an amendment to the Code of Federal Regulations (CFR). The amendment to the CFR is necessary to allow for a one time extension to the 1998 reporting IUR period. This action does not impose any new requirements or amend the existing requirements. This action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993),

the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq., or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), and does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993) or Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). 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), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note). In addition, since this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the preamble to the final IUR rule (63 FR 45950, August 28, 1998)(6028-3).

VI. Does EPA Have to Submit this Action to Congress and the Comptroller General of the United States?

Yes, this one time extension to the 1998 IUR reporting period is classified as a "final rule." The Congressional Review Act, 5 U.S.C. 801 et seq., 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. However, section 808 provides that for any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency

promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of December 29, 1998. 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 rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 710

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

Dated: December 17, 1998.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore 40 CFR part 710 is amended as follows:

PART 710—[AMENDED]

1. The authority citation for part 710 continues to read as follows:

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

2. Section 710.33 is amended by revising paragraph (b) and by adding paragraph (c) to read as follows:

§ 710.33 When to report.

* * * * *

(b) *Recurring reporting periods.* The first recurring reporting period is from August 25, 1990 to December 23, 1990. Subsequent reporting periods, except as provided in paragraph (c) of this section, are from August 25 to December 23 at 4-year intervals thereafter. Any person described in § 710.28(b) must report during the appropriate reporting period for each chemical substance described in § 710.25 that the person manufactured during the applicable corporate fiscal year described in § 710.28(b).

(c) *Reporting in 1998.* The 1998 reporting period is from August 25, 1998 until January 31, 1999. Any person described in § 710.28(b) must report during this reporting period for each chemical substance described in § 710.25 that the person manufactured during the applicable corporate fiscal year described in § 710.28(b). This reporting period is applicable to 1998 reporting only.

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