on the structure is obtained in compliance with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.).

(3) *Lead-based paint.* The requirements, as applicable, of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), and implementing regulations at 24 CFR part 35.

(4) *Applicability of OMB Circulars.* The policies, guidelines, and requirements of OMB Circular Nos. A–110 and A–122 with respect to the acceptance and use of assistance by private nonprofit organizations.

(5) *Relocation and Real Property Acquisition.* The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition, apply to the acquisition of real property for an assisted project and the displacement of any person (family, individual, business, nonprofit organization, or farm) as a direct result of acquisition, rehabilitation, or demolition for the project.

"C. National Environmental Policy Act

(The provisions of Sections V.C–V.H of the NOFA are not repeated here, because those provisions do not include information subject to public comment.)

* * * * *"

Other Matters (Concerning this Proposed Rule)

Environmental Review

A finding of no significant impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969. (42 U.S.C. 4332). The finding of no significant impact is available for public inspection and copying Monday through Friday during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410.

Major Rule

This proposed rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. An analysis of the rule indicates that it would not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule would establish program regulations for the award of grants to neighborhood development organizations for the purpose of supporting local efforts to improve opportunities relating to employment, business, housing, and services within the participating neighborhoods.

D. Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. The program that would be implemented by this rule would provide incentive funds to encourage neighborhood organizations to become more self-sufficient in their development activities.

E. Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this rule has potential for a significant impact on family formation, maintenance, and general well-being. The purpose of the program that would be implemented by this rule is to improve neighborhood opportunities relating to employment, business, housing, and the provision of essential services, all of which could benefit families significantly. However, because the impact on families would be indirect and would be beneficial, no further review is considered necessary.

Regulatory Agenda

This rule was listed as Item No. 1497 in the Department's Semiannual Agenda of Regulations published on April 26, 1993 (58 FR 24420) in accordance with Executive Order 12291 and the Regulatory Flexibility Act.

The Federal Domestic Assistance Catalog number for this program is 14.242.

List of Subjects in 24 CFR Part 594

Community development, Grant programs—housing and community development, Reporting and recordkeeping, Urban renewal.

Accordingly, the Department proposes to amend 24 CFR chapter V, by adding a new part 594 containing the program regulations based on the procedures and requirements as set forth in the NOFA for the John Heinz Neighborhood Development Program published in today's **Federal Register**.

Authority: Sec. 123, Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 5318 note); 42 U.S.C. 3535(d).

Dated: May 18, 1993.

Don I. Patch,

Acting Deputy Assistant, Secretary for Grant Programs.

[FR Doc. 93–13385 Filed 6–7–93; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–93–3620; FR–3388–N–01]

NOFA for the John Heinz Neighborhood Development Program

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding availability for Fiscal Year 1993.

SUMMARY: This NOFA announces the availability of $2,850,000 in funding for the FY 1993 Neighborhood Development Program. Interested persons should apply for FY 1993 program funds according to the procedures and requirements set out in this NOFA.

Because this program is authorized as a permanent program for the first time by the Housing and Community Development Act of 1992, the Department is announcing by publication of a separate document in today's **Federal Register** that it will develop final regulations for the program that will be based on the process and requirements governing this NOFA. Although this NOFA and the deadline dates set out in this document will govern the FY 1993 funding round, for purposes of future funding rounds, interested persons are invited by the proposed rule published elsewhere in today's **Federal Register** to comment on the process and requirements developed in this NOFA.

In the body of this NOFA is information concerning:

(1) This year's round of funding for this program;

(2) The purposes and objectives of the program;

(3) The method of allocation and distribution of funds;

(4) Eligibility requirements for neighborhood development organizations;

(5) Eligible neighborhood development activities;

(6) Selection criteria for the award of funds;

(7) Application requirements for the funds;

(8) Grantee reporting requirements; and

(9) Other applicable administrative requirements associated with the program.

DATES: Applications may be requested beginning June 8, 1993. Completed applications must be submitted no later than August 11, 1993, by the time specified in the application kit. The application deadline will be firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

ADDRESSES: To obtain a copy of the application kit, contact: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., room 7255, Washington, DC 20410. Completed applications should be returned to this same address. Requests for application kits must be in writing, but requests may be faxed to: (202) 708–3363 (this is not a toll-free number). Requests for application kits must include the applicant's name, mailing address (including zip code), telephone number (including area code), and must refer to the Docket and FR numbers at the beginning of this notice.

FOR FURTHER INFORMATION CONTACT: Gene Hix, Office of Community Planning and Development, Department of Housing and Urban Development, room 7218, 451 Seventh Street SW., Washington, DC 20410; telephone number (202) 708–2186.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in this Notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. The control number for information collections described in this document is 2535–0084.

I. Purpose and Substantive Description

A. Authority

Section 123 of the Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 5318 note) (section 123), as amended by section 832 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992) (1992 Act), authorizes the John Heinz Neighborhood Development Program. For Fiscal Year 1993, a total of $3 million has been appropriated for this program: an initial $2 million directly under the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1993 (106 Stat. 1584; see, under the heading "Annual Contributions for Assisted Housing," the proviso applicable to special projects in accordance with H. Rept. 102–902), and an additional $1 million from funds appropriated for the Community Development Block Grant program, as authorized under section 832(a) of the 1992 Act.

[**Note:** For purposes of future funding rounds, the Department is soliciting in a separate proposed rule comments on the process and requirements established in this NOFA. The proposed rule is published elsewhere in today's **Federal Register**. However, applications for FY 1993 funds will be subject to the requirements and deadlines in this NOFA; eligible applicants should not wait for the final rule to prepare and submit their FY 1993 applications.]

Section 123(e)(6)(D) permits the Secretary of Housing and Urban Development (Secretary) to use no more than five percent of the funds appropriated for administrative or other expenses in connection with the program. The remaining funds are to be used to match monetary support raised over a one-year grant period from individuals, businesses, and nonprofit or other organizations located within established neighborhood boundaries, and from neighborhood development funding organizations. For purposes of this NOFA the term "neighborhood development funding organization" means:

(1) A depository institution, the accounts of which are insured pursuant to the Federal Credit Union Act, and any subsidiary (as such term is defined in section 3(w) of the Federal Deposit Insurance Act) thereof;

(2) A depository institution holding company and any subsidiary (as such term is defined in section 3(w) of the Federal Deposit Insurance Act) thereof; or

(3) A company at least 75 percent of the common stock of which is owned by one or more insured depository institutions or depository institution holding companies.

The purpose of the program is to determine the ability of neighborhood organizations to support eligible neighborhood development activities using cooperative efforts and monetary contributions from local sources. The Federal funds are incentive funds to promote the development of this concept and encourage neighborhood organizations to become more self-sufficient in their development activities. Not more than 50 percent of the 1993 awards may be to previous grantees in the program; the remaining awards will be made to organizations

selected from among new applicants. Applications will be selected for funding on the basis of evaluation criteria that reflect the program purposes and priorities and are contained in this notice.

The objective of the Neighborhood Development Program are:

—To help neighborhood development organizations increase their capacities to carry out larger or more complex neighborhood development activities, in cooperation with private and public institutions; and

—To assist neighborhood development organizations to achieve long-term financial support for their activities. The activities must benefit low- and moderate-income persons within the neighborhood. (Low- and moderate-income residents means families and individuals whose incomes do not exceed 80 percent of the median income of the area involved.)

B. Allocation Amounts

The Department will make grants, in the form of matching funds, to eligible neighborhood development organizations. Under Section 123(e)(3), a grantee organization may receive no more than $50,000 in Federal matching funds in a single program year ($75,000, when the appropriations for the year exceed $3 million). The amount of Federal matching funds that an applicant receives during the program year will depend in part upon the amount of monetary contributions raised in the preceding quarter of the program year from individuals, businesses, and nonprofit and other organizations located within established neighborhood boundaries, and from neighborhood development funding organizations. Contributions attributable to organizations or persons not residing in or conducting business within the grantee's neighborhood, loans, in-kind services, contributions by owners of properties to be improved, fees for services, public funds, and any in-lieu-of-cash contributions cannot be used to match Federal funds. These contributions may, however, be used to carry out project activities. The neighborhood monetary contributions for matching purposes must be raised within the one-year grant period. However, grant activities may be programmed over a one- to three-year period.

A Federal matching ratio will be established for each participating applicant in accordance with the statutory requirement that the highest ratios be established for neighborhoods having the "smallest number of households or greatest degree of economic distress." Subject to the statutory maximum of $50,000, the Federal match for this program year will range from one to six Federal dollars for each qualifying dollar raised by the grantee. Applications selected to receive Federal funds will be rank-ordered and the matching ratios will be determined in accordance with these two criteria.

Any application selected for the award of Federal funds that proposed a matching funds ratio in excess of the ratio HUD determines for it will be offered an award of funds at the HUD determined ratio. However, any application selected for award that proposed a match below the maximum ratio HUD determines for it will be funded at the level proposed by the applicant.

Federal payments to participating neighborhood organizations will be made on a quarterly basis following receipt of quarterly performance and financial reports. The maximum Federal payment to an applicant will be governed by the amount of verified, qualifying monetary contributions received from local sources in the preceding quarter, multiplied by the matching funds ratio established for the neighborhood.

C. Eligibility

1. Eligible Applicants—Definition

An eligible neighborhood development organization must be located in and serve the neighborhood for which assistance is to be provided. It cannot be a city-wide organization, a multi-neighborhood consortium, or, in general, an organization serving a large area of the city. The applicant must meet all of the following statutory requirements:

(a) The applicant must be incorporated as a private, voluntary, nonprofit corporation under the laws of the State in which it operates;

(b) The applicant must be responsible through a governing body to the residents of the neighborhood it serves. Not less than 51 percent of the members of the governing body must be residents of the neighborhood;

(c) The applicant must have conducted business for at least one year before the date of its application;

(d) The applicant must operate within an area that meets at least one of the following criteria:

(i) The area meets the requirements for Federal assistance under section 119 of the Housing and Community Development Act of 1974 (Urban Development Action Grants);

(ii) The area is designated an enterprise zone under Federal law (if enacted);

(iii) The area is designated as an enterprise zone under State law, and is recognized by the Secretary as a State enterprise zone for purposes of this section; or

(iv) The area is a qualified distressed community within the meaning of section 233(b)(1) of the Bank Enterprise Act of 1991; and

(e) The applicant must have conducted one or more eligible neighborhood development activities that primarily benefit low- and moderate-income persons, as defined in section 102(a)(20) of the Housing and Community Development Act of 1974. (Low- and moderate-income residents means families and individuals whose incomes do not exceed 80 percent of the median income of the area involved.)

2. Eligible Applicants—Other Threshold Requirements

In addition, an applicant must:

(a) Demonstrate measurable achievements in one or more of the activities listed in Section I.C(3), Eligible Activities, of this NOFA;

(b) Specify a business plan for accomplishing one or more of the activities listed in Section I.C(3), Eligible Activities, of this NOFA;

(c) Specify a strategy for achieving greater long-term private sector support, especially in cooperation with a neighborhood development funding organization. An applicant that is otherwise eligible will be deemed to have the full benefit of the cooperation of a neighborhood development funding organization if the eligible applicant:

(i) Is located in an area described in paragraph (d) of Section I.C(1) of this NOFA (Eligible Applicants—Definition) that does not contain a neighborhood development funding organization; or

(ii) Demonstrates that it has been unable to obtain the cooperation of any neighborhood development funding organization in the area despite having good faith effort to obtain such cooperation; and

(d) Specify a strategy for increasing the capacity of the applicant.

3. Eligible Activities

Eligible activities include the following, but are not limited to the examples given:

(a) Developing economic development activities that include:

(i) Creating permanent jobs in the neighborhood; and

(ii) Establishing or expanding businesses within the neighborhood (such as a business incubator);

(b) Developing new housing, rehabilitating existing housing, or managing housing stock within the neighborhood;

(c) Developing delivery mechanisms for essential services that have lasting benefits to the neighborhood. Examples include fair housing counseling services, child care centers, youth training, and health services; or

(d) Planning, promoting, or financing voluntary neighborhood improvement efforts. Examples include establishing a neighborhood credit union, demolishing abandoned buildings, removing abandoned cars, and establishing an on-going street and alley cleanup program.

D. Selection Criteria/Ranking Factors

Applications will be evaluated on the basis of the following factors:

(1) The degree of economic distress within the neighborhood. This is based on census data, including poverty level relative to population. Applicants with the highest poverty level relative to their populations will get higher points. (15 points)

(2) The record of past performance of the applicant in one or more of the activities specified under paragraph I.C(3), Eligible Activities, of this NOFA, and in promoting fair housing, equal employment opportunity, and minority-owned business and entrepreneurial opportunities. (10 points)

(3) The extent of neighborhood residents' participation in the activities of the applicant and the extent to which the households and businesses in the neighborhood are members of the applicant organization. (5 points)

(4) The extent to which the proposed activities will benefit persons of low- and moderate-income residing in the neighborhood served by the applicant. (15 points)

(5) The extent of monetary contributions that the applicant proposes as a match to the Federal funds, supported by reasonable evidence that private funding sources within the neighborhood have been realistically identified. This requirement shall be waived, and an application may be awarded the full points available under this factor, if the application is submitted by a small eligible organization, involves activities in a very low-income neighborhood, or is especially meritorious. (10 points)

(6) The extent to which the applicant has developed a strategy to increase its capacity to carry out larger or more complex project activities and to address its long-term financial and organizational development needs. (10 points)

(7) The extent of participation in the proposed activities by a neighborhood development funding organization. An eligible applicant shall be credited with the maximum score under this factor if the applicant demonstrates that it has made a good faith effort to obtain such participation, even if the applicant is not successful. (10 points)

(8) The quality of the management plan submitted for accomplishing the activities proposed by the applicant including evidence of sound financial management, the experience and capability of the applicant's director and staff, and the level of coordination efforts, including working relationships with local governments or neighborhood development funding organizations. (25 points)

E. Determination of Ratio for Federal Contribution

The Secretary will determine the ratio by which Federal funds will be used to match monetary contributions made to each eligible applicant that is selected for funding under this NOFA. The ratio will be based on:

(1) The number of households in the neighborhood. Neighborhoods having the smallest number of households will be assigned higher ratios under this factor; and

(2) The degree of economic distress. Neighborhoods indicating the greatest degree of economic distress will be assigned higher ratios under this factor than those with lesser degrees of economic distress.

F. Environmental Reviews

For all proposed actions or activities that are not considered a categorical exclusion as set forth in 24 CFR 50.20, HUD will perform the appropriate environmental reviews under the National Environmental Policy Act (NEPA). Whether the action or activity is categorically excluded from NEPA review or not, HUD will comply also with other appropriate requirements of environmental statutes, executive orders, and HUD standards listed in 24 CFR 50.4. The environmental reviews will be performed before award of a grant. Grantees will be expected to adhere to all assurances applicable to environmental concerns as contained in the RFGA and grant agreements.

II. Application Submissions Process

A. Obtaining Application

For an application kit, contact the Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., room 7255, Washington, DC 20410. Requests for application kits (RFGAs) must be in writing, but the request may be faxed to (202) 708–3363. (This is not a toll-free number). Requests for application kits must include the applicant's name, mailing address (including zip code), a telephone number (including area code), and must refer to the Docket and FR numbers at the beginning of this notice. The Request For Grant Application (RFGA) contains the application, forms and other information regarding the application process and the administration of the program, including relevant provisions from OMB Circulars A–110 and A–122. (This NOFA summarizes major provision of the RFGA).

B. Application Submission

An original and three copies of an application must be submitted to: Processing and Control Branch, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., room 7255, Washington, DC 20410. HUD will accept only one application per neighborhood organization.

C. Application Deadline

Applications may be requested beginning June 8, 1993. Applications must be submitted no later than August 11, 1993, by the hour specified in the application kit. The application deadline will be firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

III. Checklist of Application Submission Requirements

A. Preapplication Determination of Eligibility

Before preparing an application, the applicant should carefully check the eligibility requirements described in Section I.C., Eligibility, of this NOFA. Applicants that are uncertain whether the city or urban county in which they are located meets the current minimum standards of physical and economic distress (used in determining which cities and urban counties were potentially eligible applicants under the Urban Development Action Grant Program) are advised to consult the following two notices published by the Department in the **Federal Register**: (1) "Urban Development Action Grant: Revised Minimum Standards for Small Cities" (52 FR 37876, October 9, 1987); and (2) "Urban Development Action

Grant; Revised Minimum Standards for Large Cities and Urban Counties" (52 FR 38174, October 14, 1987).

Any applicant that needs additional help in determining its eligibility should contact the nearest Department of Housing and Urban Development Field Office (Community Planning and Development Division). If assistance is needed, the city or county community development office serving a neighborhood organization should be able to provide an applicant with the HUD Field Office contact number. If unable to obtain a local contact, the HUD Headquarters contact for this information is Mrs. Stella Hall, telephone number (202) 708–2186, or contact the TDD number: (202) 708–0564. (These are not toll free numbers).

B. Application Checklist

Each application must contain the following, as required by the Request for Grant Application:

(1) A signed copy of Standard Form SF–424;

(2) An abstract describing, among other things, the applicant and its achievements, the proposed project, its intended beneficiaries, its projected impact on the neighborhood, and the manner in which the proposed project will be carried out;

(3) A completed fact sheet that lists neighborhood and organizational characteristics;

(4) Evidence that the applicant meets eligibility criteria and provides the following data:

(a) A legible map, with street names, delineating the applicant's neighborhood boundaries and indicating where project activities will take place;

(b) Census tract, block, or enumeration district references and zip code references must also be delineated on the map or on other maps submitted;

(c) A copy of the applicant organization's corporate charter, along with the incorporation papers, bylaws, and a statement of purpose;

(d) Census data on the size of the neighborhood population, including the number of low- and moderate-income persons and the size of the minority population, broken down by ethnic, racial, and gender composition;

(e) A list of the names of the neighborhood governing board members and their addresses (with zip codes) to show that at least 51% reside in the neighborhood. Separately indicate those who reside and those who conduct business in the neighborhood;

(f) The percentage of the members of the neighborhood organization who are neighborhood residents, the percentage of neighborhood residents who conduct business in the neighborhood, and the percentage of neighborhood businesses conducted by nonresidents;

(g) Identification of the applicant organization's past and current neighborhood projects, including those projects that are eligible neighborhood development activities as defined in Section I.C(3), Eligible Activities, of this NOFA;

(h) A description of the means by which the governing board members account to residents of the neighborhood, including the method and frequency of selection of members of the governing board, the consultation process with residents, the frequency of meetings, and a statement showing how the board is representative of the demographics of the neighborhood (i.e., a breakdown by tenants, homeowners, race, sex, ethnic composition, etc.);

(i) Evidence of the applicant's sound financial management system, determined from its financial statements or audits;

(j) A letter from the Chief Executive Officer of the unit of general local government in which assisted activities are to be carried out, certifying that the activities are not inconsistent with the government's comprehensive housing affordability strategy (CHAS), section 104(m) of the Housing and Community Development Act of 1974, or the local government's housing and community development plans. (In lieu of this certification, evidence may be presented that the local government did not respond within 30 days of the applicant's request for such a letter.)

(k) Evidence of cooperation with a neighborhood development funding organization. In lieu of this participation, evidence may be presented that the applicant:

(i) Has no neighborhood development funding organization within the applicable boundaries; or

(ii) Has been unsuccessful, despite having made a good faith effort, in obtaining this participation.

(l) A certification that the applicant will comply with the requirements of Federal law governing the application, acceptance, and use of Federal funds;

(m) A narrative statement defining how neighborhood matching funds will be raised and their anticipated sources; what neighborhood development activities will be funded; and a strategy for achieving greater long-term private sector support;

(n) A project management plan, including a schedule of tasks for both fund raising and project implementation;

(o) A project budget and budget narrative; and

(p) A certification that a potential grantee will comply with the drug-free workplace requirements in accordance with 24 CFR part 24, subpart F; and

(5) Equal Opportunity Requirements. The neighborhood development organization must certify that it will carry out activities assisted under the program in compliance with:

(a) The requirements of title VIII of the Fair Housing Act (42 U.S.C. 3601–3619) and implementing regulations at 24 CFR parts 100, 108, 109, 110, and 115; part 200, Subpart M; and Executive Order 11063 (Equal Opportunity Housing implementing regulations at 24 CFR Part 107; and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR part 1;

(b) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and implementing regulations at 24 CFR part 146; the prohibition against discrimination against individuals with a disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8; and the requirements of Executive Order 11246 and the implementing regulations issued at 41 CFR chapter 60;

(c) The requirements of section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u and implementing regulations at 24 CFR part 135; and

(d) The requirements of Executive Orders 11625, 12432, and 12138. Consistent with HUD's responsibilities under these Orders, the grantee must make efforts to encourage the use of minority and women's business enterprises in connection with activities funded under this notice.

(e) The prohibitions against discrimination and related requirements of section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309).

IV. Corrections to Deficient Applications

After the submission deadline date, HUD will screen each application to determine whether it is complete. If an application lacks certain technical items or contains a technical error, such as an incorrect signatory, HUD will notify the applicant in writing that it has 14 calendar days from the date of HUD's written notification to cure the technical deficiency. If the applicant fails to submit the missing material within the

14-day cure period, HUD will disqualify the application.

This 14-day cure period applies only to nonsubstantive deficiencies or errors. Deficiencies capable of cure will involve only items not necessary for HUD to assess the merits of an application against the factors specified in this NOFA.

Examples of deficiencies that may be cured are:

—Omitted or improper signatures;
—Omitted certifications or assurances; and
—Omitted financial statements or audits.

V. Other Matters

A. Reporting Requirements

In addition to complying with relevant provisions of OMB Circulars A–110 and A–122, grantees will be required to submit quarterly performance and financial reports. These reports should inform HUD of any changes that may affect the outcome of the program, such as changes in any of the following: the governing board membership, staffing, working relationships with local government and private organizations, fund raising activities, volunteer efforts, the management plan, and the budget. The quarterly reports must also verify the amount of monetary contributions received from within the neighborhood, as a basis for Federal disbursement of matching funds. Grantees must certify that none of the monetary contributions originated through public funding sources.

Grantees will be required also to submit a final report at the completion of the grant period. This final report must describe fully the successes and failures associated with the project, including the reasons for the successes and failures. It should also describe possible improvements in the methods used. The quarterly and final reports will be used for evaluation purposes, reports to the Congress on the program, and a report on successful projects that will be distributed to other neighborhood organizations.

B. Other Federal Requirements

In addition to the Equal Opportunity Requirements set forth in Section III.B(4) of this NOFA, grantees must comply with the following requirements:

(1) *Ineligible contractors.* The provisions of 24 CFR part 24 relating to the employment, engagement of services, awarding of contracts, or funding of any contractors or subcontractors during any period of debarment, suspension, or placement in ineligibility status.

(2) *Flood insurance.* No building proposed for acquisition, construction, reconstruction, repair, or improvement to be assisted under this program may be located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the community in which the area is situated is participating in the National Flood Insurance Program and the regulations thereunder (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding such hazards, and the grantee ensures that flood insurance on the structure is obtained in compliance with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.).

(3) *Lead-based paint.* The requirements, as applicable, of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846), and implementing regulations at 24 CFR part 35.

(4) *Applicability of OMB Circulars.* The policies, guidelines, and requirements of OMB Circular Nos. A–110 and A–122 with respect to the acceptance and use of assistance by private nonprofit organizations.

(5) *Relocation and Real Property Acquisition.* The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition, apply to the acquisition of real property for an assisted project and the displacement of any person (family, individual, business, nonprofit organization, or farm) as a direct result of acquisition, rehabilitation, or demolition for the project.

C. National Environmental Policy Act

A finding of no significant impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969. (42 U.S.C. 4332). The finding of no significant impact is available for public inspection and copying Monday through Friday during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

D. Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this notice will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the order. The notice announces incentive funds to encourage neighborhood organizations to become more self-sufficient in their development activities.

E. Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this notice has potential for a significant impact on family formation, maintenance, and general well-being. The purpose of the notice is to provide funding to improve neighborhood opportunities relating to employment, business, housing, and the provision of essential services, all of which could benefit families significantly. However, because the impact on families would be indirect and would be beneficial, no further review is considered necessary.

F. Section 102 HUD Reform Act: Documentation and Public Access Requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

G. Section 103 of the HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) was published on May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24

CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815 (voice/TDD). (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

H. Section 112 of the Reform Act

Section 13 of the Department Housing and Urban Development Act (42 U.S.C. 3537b) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule.

Any questions about the rule should be directed to the Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410–3000. Telephone: (202) 708–3815 (voice/TDD) (This is not a toll-free number.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

Authority: Sec. 123, Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 5318 note); 42 U.S.C. 3535(d).

Dated: May 18, 1993.

Don I. Patch,

Acting Deputy Assistant Secretary for Grant Programs.

[FR Doc. 93–13386 Filed 6–7–93; 8:45 am]

BILLING CODE 4210–29–M

federal register

Tuesday
June 8, 1993

Part VI

Environmental Protection Agency

40 CFR Part 721

Pyridines; Proposed Modifications of Significant New Use Rules; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50584B; FRL–4082–6]

Pyridines; Proposed Modification of Significant New Use Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to modify the significant new use rules (SNURs) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 16 pyridine derivatives based on a modification to the 5(e) consent order regulating those substances. The original consent order and SNURs were developed in response to premanufacturing notices (PMNs) for these substances.

DATES: Written comments must be received by EPA on or before July 8, 1993.

ADDRESSES: All comments must be sent in triplicate, with additional sanitized copies if confidential business information (CBI) is involved, to: TSCA Document Receipt Office (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, room E–G99, 401 M St., SW., Washington, DC 20460. Comments should include the docket control number. The docket control number for the chemical substances in this SNUR is OPPTS–50584B. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Unit IV. of this preamble contains additional information on submitting comments containing CBI.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Assistance Office (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–543B, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 23, 1991 (56 FR 23766), EPA issued SNURs establishing significant new uses for certain pyridine substances. Because of the June 16, 1992, modification to the consent order for these substances, which was the basis for the original SNURs, EPA is proposing to modify those SNURs. The CFR cites which appeared in the final rule at 56 FR 23766 (May 23, 1991) have been redesignated. The following table lists the substances by PMN number and provides the redesignated cite as well as the cite which appeared in the final rule.

TABLE 1.—CHEMICALS SUBJECT TO THIS SIGNIFICANT NEW USE RULE

[Publication History]

Chemical	Original CFR cite	FR ref., pub. date	Redesignated
P–83–237, P–83–1162	40 CFR 721.1858	56 FR 23766, 5/23/91	40 CFR 721.8700
P–83–1163 P–85–216 P–85–535 P–85–536	40 CFR 721.1835	56 FR 23766, 5/23/91	40 CFR 721.8675
P–86–838	40 CFR 721.1840	56 FR 23766, 5/23/91	40 CFR 721.8750
P–84–1219, P–85–36, P–85–236, P–85–706, P–85–1184	40 CFR 721.1845	56 FR 23766, 5/23/91	40 CFR 721.8775
P–88–1274	40 CFR 721.1880	56 FR 23766, 5/23/91	40 CFR 721.8850
P–88–1273	40 CFR 721.1883	56 FR 23766, 5/23/91	40 CFR 721.8875
P–88–1271, P–88–1272	40 CFR 721.1886	56 FR 23766, 5/23/91	40 CFR 721.8900

I. Rulemaking Record

The record for these rules which EPA is proposing to modify was established at OPPTS–50584. This record includes information considered by the Agency in developing these rules and includes the modification to the consent order to which the Agency has responded with this proposal.

II. Background

EPA is proposing to modify the significant new use requirements for the following chemical substances under 40 CFR part 721 subpart E. The Agency is proposing to modify the significant new use designation which requires notification if the PMN substances are not disposed of by *on-site* waste water treatment where primary, secondary, and tertiary treatment occurs and surface water calculations do not exceed the concentrations of concern. The modified rule would allow such disposal to occur at any site while still designating the performance-based water concentration ceilings. The Agency believes that off-site treatment of wastes under the specified conditions would not present an unreasonable risk to the environment. Further background information for the substances is contained in the rulemaking record referenced above in Unit I.

PMN Numbers P–83–237 and P–83–1162

Chemical name: (generic) Halogenated alkyl pyridine.
CAS number: Not available.
Effective date of modification of section 5(e) consent order: June 16, 1992.
Basis for modification of section 5(e) consent order: The Company requested that the Agency modify the restriction in the 5(e) consent order which required the Company to dispose of the PMN substances by on-site waste water treatment where primary, secondary, and tertiary treatment occurs and surface water calculations do not exceed the concentrations of concern. Given that the Company would still be required to meet the performance-based water concentration ceilings, the Agency determined that granting the Company's request to permit off-site treatment of wastes would not present an unreasonable risk to the environment.
CFR citation: 40 CFR 721.8700.

PMN Numbers P–83–1163, P–85–216, P–85–535, and P–85–536

Chemical name: (generic) Halogenated pyridine.
CAS number: Not available.
Effective date of modification of section 5(e) consent order: June 16, 1992.
Basis for modification of section 5(e) consent order: The Company has requested that the Agency modify the restriction in the 5(e) consent order which required the Company to dispose of the PMN substances by on-site waste water treatment where primary, secondary, and tertiary treatment occurs and surface water calculations do not exceed the concentrations of concern. Given that the Company would still be required to meet the performance-based water concentration ceilings, the Agency determined that granting the Company's request to permit off-site treatment of wastes would not present an unreasonable risk to the environment.

CFR citation: 40 CFR 721.8675.

PMN Numbers P–84–1219, P–85–36, P–85–236, P–85–706, and P–85–1184

Chemical name: (generic) Substituted pyridine.
CAS number: Not available.
Effective date of modification of section 5(e) consent order: June 16, 1992.
Basis for modification of section 5(e) consent order: The Company has requested that the Agency modify the restriction in the 5(e) consent order which required the Company to dispose of the PMN substances by on-site waste water treatment where primary, secondary, and tertiary treatment occurs and surface water calculations do not exceed the concentrations of concern. Given that the Company would still be required to meet the performance-based water concentration ceilings, the Agency determined that granting the Company's request to permit off-site treatment of wastes would not present an unreasonable risk to the environment.
CFR citation: 40 CFR 721.8775.

PMN Number P–86–838

Chemical name: (generic) Halogenated substituted pyridine.
CAS number: Not available.
Effective date of modification of section 5(e) consent order: June 16, 1992.
Basis for modification of section 5(e) consent order: The Company has requested that the Agency modify the restriction in the 5(e) consent order which required the Company to dispose of the PMN substances by on-site waste water treatment where primary, secondary, and tertiary treatment occurs and surface water calculations do not exceed the concentrations of concern. Given that the Company would still be required to meet the performance-based water concentration ceilings, the Agency determined that granting the Company's request to permit off-site treatment of wastes would not present an unreasonable risk to the environment.
CFR citation: 40 CFR 721.8750.

PMN Numbers P–88–1271 and P–88–1272

Chemical name: (generic) Substituted halogenated pyridinol, alkali salt.
CAS number: Not available.
Effective date of modification of section 5(e) consent order: June 16, 1992.
Basis for modification of section 5(e) consent order: The Company has requested that the Agency modify the restriction in the 5(e) consent order which required the Company to dispose of the PMN substances by on-site waste water treatment where primary, secondary, and tertiary treatment occurs and surface water calculations do not exceed the concentrations of concern. Given that the Company would still be required to meet the performance-based water concentration ceilings, the Agency determined that granting the Company's request to permit off-site treatment of wastes would not present an unreasonable risk to the environment.
CFR citation: 40 CFR 721.8900.

PMN Number P–88–1273

Chemical name: (generic) Substituted halogenated pyridinol.
CAS number: Not available.
Effective date of modification of section 5(e) consent order: June 16, 1992.
Basis for modification of section 5(e) consent order: The Company has requested that the Agency modify the restriction in the 5(e) consent order which required the Company to dispose of the PMN substances by on-site waste water treatment where primary, secondary, and tertiary treatment occurs and surface water calculations do not exceed the concentrations of concern. Given that the Company would still be required to meet the performance-based water concentration ceilings, the Agency determined that granting the Company's request to permit off-site treatment of wastes would not present an unreasonable risk to the environment.
CFR citation: 40 CFR 721.8875.

PMN Number P–88–1274

Chemical name: (generic) Disubstituted halogenated pyridinol.
CAS number: Not available.
Effective date of modification of section 5(e) consent order: June 16, 1992.
Basis for modification of section 5(e) consent order: The Company has requested that the Agency modify the restriction in the 5(e) consent order which required the Company to dispose of the PMN substances by on-site waste water treatment where primary, secondary, and tertiary treatment occurs and surface water calculations do not exceed the concentrations of concern. Given that the Company would still be required to meet the performance-based water concentration ceilings, the Agency determined that granting the Company's request to permit off-site treatment of wastes would not present an unreasonable risk to the environment.
CFR citation: 40 CFR 721.8850.

III. Objectives and Rationale of Proposing Modification of the Rule

During review of the PMNs submitted for the chemical substances that are the subjects of this proposed modification, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the health or environmental effects of the substances, and EPA identified the tests considered necessary to evaluate the risks of the substances. The basis for such findings is in the rulemaking record referenced in Unit I. of this preamble. Based on these findings, a section 5(e) consent order was negotiated with the PMN submitter and SNURs were promulgated for the substances at that time. One provision of the original section 5(e) order and SNUR required disposal of the substances only at the site of manufacture or processing. In light of the exposure control requirements in the section 5(e) order and these SNURs, the PMN submitter petitioned and EPA determined that this restriction was not necessary to protect human health and the environment. The modified section 5(e) order no longer requires on-site waste water treatment. The proposed modification of SNUR provisions for these substances designated herein is consistent with the modification of the section 5(e) order.

IV. Comments Containing Confidential Business Information

Any person who submits comments claimed as confidential business information must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any party submitting comments claimed to be confidential must prepare and submit a public version of the comments that EPA can place in the public file.

V. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has determined that this rule would not have a significant impact on a substantial number of small businesses. EPA has not determined whether parties affected by this proposed rule would likely be small businesses. However, EPA expects to receive few SNUR notices for the substance. Therefore, EPA believes that the number of small businesses affected by this rule will not be substantial, even if all of the SNUR notice submitters were small firms.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: May 18, 1993.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

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. In § 721.8675 by revising paragraphs (a)(1)(i)(D) and (a)(2)(i)(D) to read as follows:

§ 721.8675 Halogenated pyridines.

(a) * * *
(1) * * *
(i) * * *

(D) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 0.2 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

(2) * * *
(i) * * *

(D) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 0.2 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

3. In § 721.8700 by revising paragraphs (a)(1)(i)(D) and (a)(2)(i)(D) to read as follows:

§ 721.8700 Halogenated alkyl pyridines.

(a) * * *
(1) * * *
(i) * * *

(D) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 10 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

(2) * * *
(i) * * *

(D) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 0.2 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

4. In § 721.8750 by revising paragraph (a)(2)(iv) to read as follows:

§ 721.8750 Halogenated substituted pyridines.

(a) * * *
(2) * * *

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 1 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

5. In § 721.8775 by revising paragraphs (a)(1)(i)(D), (a)(2)(i)(D), (a)(3)(i)(D) and (a)(4)(i)(D) to read as follows:

§ 721.8775 Substituted pyridines.

(a) * * *
(1) * * *
(i) * * *

(D) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 10 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

(2) * * *
(i) * * *

(D) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 0.2 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

(3) * * *
(i) * * *

(D) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 10 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

(4) * * *
(i) * * *

(D) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 1.3 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

6. In § 721.8850 by revising paragraph (a)(2)(iv) to read as follows:

§ 721.8850 Disubstituted halogenated pyridinol.

(a) * * *
(2) * * *

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 44 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

7. In § 721.8875 by revising paragraph (a)(2)(iv) to read as follows:

§ 721.8875 Substituted halogenated pyridinol.

(a) * * *
(2) * * *

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 44 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day

per site is calculated after wastewater treatment).

* * * * *

8. In § 721.8900 by revising paragraphs (a)(2)(iv) to read as follows:

§ 721.8900 Substituted halogenated pyridinol, alkali salt.

(a) * * *

(2) * * *

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4)(concentration set at 44 ppb), waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

* * * * *

[FR Doc. 93–13453 Filed 6–7–93; 8:45 am]

BILLING CODE 6560–50–F

federal register

Tuesday
June 8, 1993

Part VII

Environmental Protection Agency

40 CFR Part 721
Significant New Uses of Certain Chemical Substances; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS–50608; FRL–4172–3]

RIN 2070–AB27

Significant New Uses of Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating significant new use rules (SNURs) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 28 chemical substances which were the subject of premanufacture notices (PMNs) and some of which were subject to TSCA section 5(e) consent orders issued by EPA. Today's action requires certain persons who intend to manufacture, import, or process any of these substances for a significant new use to notify EPA at least 90 days before commencing the manufacturing or processing of the substance for a use designated by the SNUR as a significant new use. The required notice will provide EPA with the opportunity to evaluate the intended use, and if necessary, to prohibit or limit that activity before it occurs. EPA is promulgating these SNURs using direct final procedures.

EFFECTIVE DATES: The effective date of this rule is August 9, 1993. This rule shall be promulgated for purposes of judicial review at 1 p.m. Eastern Standard Time on June 22, 1993.

If EPA receives notice before July 8, 1993 that someone wishes to submit adverse or critical comments on EPA's action in establishing a SNUR for one or more of the chemical substances subject to this rule, EPA will withdraw the SNUR for the substance for which the notice of intent to comment is received and will issue a proposed SNUR providing a 30–day period for public comment.

ADDRESSES: Each comment or notice of intent to submit adverse or critical comment must bear the docket control number OPPTS–50608 and the name(s) of the chemical substance(s) subject to the comment. Since some comments may contain confidential business information (CBI), all comments should be sent in triplicate (with additional sanitized copies if confidential business information is involved) to: TSCA Document Receipt Office (TS–790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–201, 401 M St., SW., Washington, DC 20460.

Nonconfidential versions of comments on this rule will be placed in the rulemaking record and will be available for public inspection. Unit X. of this preamble contains additional information on submitting comments containing CBI.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E–543B, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: These SNURs will require persons to notify EPA at least 90 days before commencing manufacturing or processing of a substance for any activity designated by the corresponding SNUR as a significant new use. The supporting rationale and background to this rule are more fully set out in the preamble to EPA's first direct final SNURs at 55 FR 17376 on April 24, 1990. Consult that preamble for further information on the objectives, rationale, and procedures for the rules and on the basis for significant new use designations including provisions for developing test data.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. The mechanism for reporting under this requirement is established under 40 CFR 721.25.

II. Applicability of General Provisions

General provisions for SNURs appear under subpart A of 40 CFR part 721. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. Rules on user fees appear at 40 CFR part 700. Persons subject to this SNUR must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of section 5(b) and 5(d)(1), the exemptions authorized by section 5(h)(1), (2), (3), and (5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities for which it has received the SNUR notice. If EPA does not take action, EPA is required under section 5(g) to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707. Persons who intend to import a chemical substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. Such persons must certify that they are in compliance with the SNUR requirements. The EPA policy in support of the import certification appears at 40 CFR part 707.

III. Substances Subject to This Rule

EPA is establishing significant new use and recordkeeping requirements for the following chemical substances under 40 CFR part 721 subpart E. In this unit, EPA provides a brief description for each substance, including its PMN number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if assigned), basis for the action taken by EPA in the section 5(e) consent order or as a non-section 5(e) SNUR for the substance (including the statutory citation and specific finding), toxicity concern, and the CFR citation assigned in the regulatory text section of this rule. The specific uses which are designated as significant new uses are cited in the regulatory text section of the rule by reference to 40 CFR part 721 subpart B where the significant new uses are described in detail. Certain new uses, including production limits and other uses designated in the rule are claimed as CBI. The procedure for obtaining confidential information is set out in Unit VII.

Where the underlying section 5(e) order prohibits the PMN submitter from exceeding a specified production limit without performing specific tests to determine the health or environmental effects of a substance, the tests are described in this unit. As explained further in Unit VI., the SNUR for each such substance contains the same production limit, and exceeding the production limit is defined as a significant new use. Persons who intend to exceed the production limit must notify the Agency by submitting a

significant new use notice at least 90 days in advance. Data on potential exposures or releases of the substances, testing other than that specified in the section 5(e) order for the substance, or studies on analogous substances, which may demonstrate that the significant new uses being reported do not present an unreasonable risk, may be included with significant new use notification. In addition, this unit describes tests that are recommended by EPA to provide sufficient information to evaluate the substance, but for which no production limit has been established in the section 5(e) order. Descriptions of recommended tests are provided for informational purposes. As stated in 40 CFR 721.1(c), Persons submitting a SNUN must comply with the same notice requirements as submitters of PMNs under 40 CFR part 720, including submission of test data on health and environmental effects as described in 40 CFR 720.50.

The earlier P–86–1315 section 5(e) order contains provisions that required wording changes in order to be converted into a SNUR to be issued under the expedited process. The SNUR text may contain more detail (e.g., the provision for a written hazard communication program in § 721.72(a) is more detailed than the hazard communication provisions in the order) or the SNUR text may be worded slightly differently (e.g., the provision for dermal protection in § 721.63(a)(1) and (a)(3) is worded differently from dermal protection provisions in the order). In such cases, EPA considers the SNUR and section 5(e) provisions to be generally equivalent. Moreover, the company which entered into the hazard communication provisions of the earlier P–86–1315 section 5(e) order, as well as those companies covered by the SNUR, are generally subject to the requirements of the hazard communication standard promulgated by the Occupational Safety and Health Administration and codified at 29 CFR 1910.2100. Therefore, EPA believes it equitable and minimally burdensome to include in the SNUR those requirements of the hazard communication standard that are generally considered to be acceptable in informing workers of potential chemical hazards.

As presented in the regulatory text that follows, the P–86–1315 substance is exempt from § 721.63 and/or § 721.72 provisions if present at low levels and is not expected to be reconcentrated in mixtures. The exemptions are provided in § 732.63(b) and § 721.72(e) and their application will make the requirements for the substance consistent with SNURs based on more recent section 5(e) consent orders. If a substance was determined to pose a cancer concern by structural-activity analysis or actual data (as described in the preamble that follows), it is exempt only if the level is 0.1 percent or less. All other substances must not exceed a 1.0 percent level in a mixture to qualify for the exemption. EPA's decision to allow exemptions at these levels was based on the Occupational Safety and Health Administration's hazard communication standard exemption of MSDS requirements in § 1910.1200(g)(2)(i)(C)(1) and (2) when substances are present at or below such levels in mixtures.

The SNURs for the PMN substances P–92–156, P–92–157, P–92–159, and P–92–341 regulate the chemical substances subject to section 5(e) orders where the finding under TSCA is based solely on substantial production volume and significant or substantial human exposure or release to the environment in substantial quantities. For these cases there was limited or no toxicity data available for the PMN substance. In such cases EPA regulates new chemical substances under section 5(e) by requiring certain toxicity tests. For instance, chemical substances with potentially substantial releases to surface waters would be subject to toxicity testing of aquatic organisms and chemicals with potentially substantial human exposures would be subject to health effects testing for mutagenicity, acute effects, and subchronic effects.

PMN Number P–86–1315

Chemical name: (generic) Substituted ethyl alkenamide.
CAS number: Not available.
Effective date of section 5(e) consent order: February 5, 1988.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i), (ii)(I), and (ii)(II) of TSCA based on a finding that this substance may present an unreasonable risk of injury to health and the environment and on a finding that this substance is expected to be produced in substantial quantities and there may be significant or substantial human exposures.
Toxicity concern: Similar chemicals have been shown to cause carcinogenicity, mutagenicity, neurotoxicity, and genotoxic effects in test animals. Similar chemicals have also been shown to cause toxic effects in aquatic organisms.
Recommended testing: The EPA has determined that a 2–year, two-species rodent bioassay, a 90–day subchronic assay with functional observational battery and histopathology, and a dominant lethal assay would help characterize the health effects of the PMN substance. In addition, acute fish, acute daphnia, and algal studies would help characterize the environmental effects.
CFR citation: 40 CFR 721.445.

PMN Number P–89–963

Chemical name: (generic) Polyalkylene polyamine.
CAS number: Not available.
Effective date of section 5(e) consent order: June 27, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i), (ii)(I), and (ii)(II) of TSCA based on findings that this substance may present an unreasonable risk of injury to the environment and that this substance is expected to be produced in substantial quantities and there may be significant or substantial human exposures.
Toxicity concern: The PMN substance and similar chemicals have been shown to cause acute toxicity to aquatic organisms at low levels of exposure. Specifically, based on data submitted on the PMN substance, the fish acute LC50 value is 780 ppm, the daphnid acute LC50 value is 10 ppm, and the algal acute EC50 value is 2.9 ppm. Applying an assessment factor of 100 to the daphnid acute value, EPA predicts that chronic toxicity to aquatic life may occur at concentrations as low as 100 ppb.
Recommended testing: EPA has determined that the results of a 28–day repeated dose oral study in rats (OECD Guideline No. 407) would help characterize possible human health effects posed by the substance. The PMN submitter has agreed not to exceed the production limit without performing this test.
CFR citation: 40 CFR 721.6193.

PMN Number P–90–159

Chemical name: 1*H*-Pyrole-2, 5-dione, 1-(2,4,6-tribromophenyl)-.
CAS number: 59789–51–4.
Effective date of section 5(e) consent order: October 28, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to human health and the environment.
Toxicity concern: Laboratory animal tests of the PMN substance and similar chemicals have shown corrosion to the eyes, developmental toxicity, neurotoxicity, acute and chronic lung, liver, and gastrointestinal tract effects, sensitization, mutagenicity, and oncogenicity. Laboratory animal and human epidemiological studies of

halogenated dibenzodioxins and dibenzofurans have shown mutagenic and oncogenic effects; these substances may form during incineration of the polymer matrices that contain the PMN substance.

Based on quantitative structural activity relationships (QSAR) for the chemical class of neutral organics, the PMN substance is not expected to be acutely toxic to aquatic organisms at saturation, but may be chronically toxic to aquatic organisms at levels as low as 20 ppb. Chronic values are estimated to be 150 ppb for fish, 220 ppb for daphnia, and 610 ppb for algae. The concentration of concern of 20 ppb is based on the fish chronic value with an assessment factor of 10.

Recommended testing: (1) Incineration simulation testing (protocol guidelines are available in the March 29, 1991, Midwest Research Institute report entitled "Guidelines for the Determination of Polyhalogenated Dibenzo-*para*-Dioxins and Dibenzofurans in PMN Substances, Selected Waste Streams, and Simulated Incinerator Emissions") would help characterize the potential for dioxin and furan formation through incineration of polymer matrices containing the PMN substance.

(2) A mouse micronucleus study (IP route) (40 CFR 798.5395) and an acute inhalation study (40 CFR 798.1150) would help characterize the potential for mutagenicity and lung toxicity.

(3) Either a two-species developmental toxicity study (40 CFR 798.4900) and a 90–day subchronic (40 CFR 798.2650) by the oral route or a two-species developmental toxicity study (40 CFR 798.4350) and a 90–day subchronic (40 CFR 798.2450) by the inhalation route would help characterize the potential for developmental toxicity and acute and chronic toxicity in the lungs, liver, and gastrointestinal tract. The route of administration for the developmental and 90–day subchronic will be determined by EPA after comparing results of the acute inhalation toxicity test required in (2) above with the oral LD50 toxicity test submitted with the PMN.

(4) A 90–day inhalation neurotoxicity study with functional observational battery (40 CFR 798.6050), motor activity (40 CFR 798.6200), and neuropathology (40 CFR 798.6400) would help characterize the potential for neurotoxicity.

(5) A 2–year, two-species bioassay (40 CFR 798.3300) may be required to help characterize the potential for oncogenicity, if warranted by the results of the submitted Ames assay and the mouse micronucleus and the 90–day subchronic study. The consent order contains three import volume limits. The PMN submitter has agreed not to exceed the first import volume limit without performing the incineration simulation testing. The PMN submitter has agreed not to exceed the second higher import volume limit without performing a mouse micronucleus study and an acute inhalation study. The PMN submitter has also agreed not to exceed the third, highest import volume limit without performing either a two-species developmental toxicity study and a 90–day subchronic toxicity study by the oral route, or a two-species developmental toxicity study and a 90–day subchronic toxicity study by the inhalation route.

CFR citation: 40 CFR 721.8965.

PMN Numbers P–90–237, P–90–248, and P–90–249

Chemical name: (generic) Alkylated diphenyls.

CAS number: Not available.

Basis for action: The PMN substances will be used as solvents. Based on the results of acute toxicity studies, the PMN substances may cause toxicity to aquatic organisms. Based on these data EPA is concerned that toxicity to aquatic organisms may occur at a concentration as low as 1 ppb of the PMN substances in surface waters. EPA determined that use of the substances as described in the PMN did not present an unreasonable risk because the substances would not be released to surface waters at concentrations above 1 ppb. EPA has determined that other uses of the substances may result in releases to surface water at concentrations above 1 ppb. Based on this information the PMN substance meets the concern criteria at § 721.170(b)(4)(i).

Recommended testing: EPA has determined that a 28–day chironomid chronic toxicity test or 30–day tadpole early life stage toxicity test, and a fish bioconcentration test will characterize the environmental effects of the PMN substances.

CFR citation: 40 CFR 721.2520.

PMN Number P–91–1077

Chemical name: (generic) Acrylates of aliphatic polyol.

CAS number: Not available.

Effective date of section 5(e) consent order: June 26, 1992.

Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to health.

Toxicity concern: Similar chemicals have been shown to cause cancer in test animals.

Recommended testing: A 2–year rodent bioassay (test guidelines described in 40 CFR 798.3300) to help characterize carcinogenic effects.

CFR citation: 40 CFR 721.7370.

PMN Number P–91–1321

Chemical name: (generic) Methylpolychloro aliphatic ketone.

CAS number: Not available.

Effective date of section 5(e) consent order: August 25, 1992.

Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that these substances may present an unreasonable risk of injury to health and the environment.

Toxicity concern: The PMN substance has been shown to cause neurotoxicity in test animals. In addition, similar chemicals have been shown to cause cancer, developmental toxicity, and systemic toxicity in test animals. Furthermore, similar chemicals have been shown to cause chronic toxicity to aquatic organisms at low levels of exposure. Specifically, based on QSARs derived from test data available on structurally similar compounds, the level of concern is 5 ppb.

Recommended testing: The Agency has determined that the results of a developmental toxicity study, a 90–day subchronic toxicity study with functional observation battery and neuropathology, and a 2–year, two-species bioassay would help characterize the potential developmental, neurotoxic, carcinogenic, and internal organ effects of the PMN substance. The PMN submitter has agreed not to exceed the first production volume limit without performing a developmental toxicity study. The PMN submitter has also agreed not to exceed the second higher production volume limit without performing a 90–day subchronic toxicity study with functional observation battery and neuropathology. The Company has agreed not to exceed a third higher production volume limit without performing a 2–year, two-species bioassay. In addition, the Agency has determined that the results of the following aquatic toxicity studies would help characterize possible environmental effects posed by the substance: Fish acute toxicity (40 CFR 797.1400), daphnid acute toxicity study (40 CFR 797.1300), and green algal toxicity study (40 CFR 797.1050).

CFR citation: 40 CFR 721.4568.

PMN Number P–91–1322

Chemical name: (generic) Dimethyl-3-substituted heteromonocycle.
CAS number: Not available.
Effective date of section 5(e) consent order: August 25, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that these substances may present an unreasonable risk of injury to health and the environment.
Toxicity concern: The PMN substance, as well as structurally similar chemicals, have been shown to cause neurotoxicity in test animals. Similar chemicals have been shown to cause systemic toxicity in test animals. Furthermore, structurally similar chemicals have been shown to cause chronic toxicity to aquatic organisms at low levels of exposure. Specifically, based on QSARs derived from test data available on structurally similar compounds, the Agency predicts the following acute toxicity values (LC50/EC50)—38 ppm for fish, 42 ppm for daphnia, and 3.5 ppm for algae. Predicted chronic toxicity values are as follows—5.5 ppm for fish, 2.6 ppm for daphnia, and 3.5 ppm for algae. Applying an assessment factor of 10 to the predicted daphnia chronic value, the concern concentration is 300 ppb.
Recommended testing: The Agency has determined that the results of a 90–day subchronic toxicity study with functional observation battery and neuropathology would help characterize the potential neurotoxic effects of the PMN substance. The PMN submitter has agreed not to exceed the production volume limit without performing a 90–day subchronic toxicity study with functional observation battery and neuropathology. In addition, the Agency has determined that the results of the following aquatic toxicity studies would help characterize possible environmental effects posed by the substance: Fish acute toxicity (40 CFR 797.1400), daphnid acute toxicity study (40 CFR 797.1300), and green algal toxicity study (40 CFR 797.1050).
CFR citation: 40 CFR 721.4128.

PMN Number P–91–1323

Chemical name: (generic) Dimethyl substituted heteromonocyclic amine.
CAS number: Not available.
Effective date of section 5(e) consent order: August 25, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that these substances may present an unreasonable risk of injury to health and the environment.
Toxicity concern: The PMN substance, as well as structurally similar chemicals, have been shown to cause neurotoxicity in test animals. Similar chemicals have been shown to cause systemic toxicity in test animals. Furthermore, similar chemicals have been shown to cause chronic toxicity to aquatic organisms at low levels of exposure. Specifically, based on QSARs derived from test data available on structurally similar compounds, the Agency predicts the following acute toxicity values (LC50/EC50)—29 ppm for fish, 33 ppm for daphnia, and 21 ppm for algae. Predicted chronic toxicity values are as follows—3.8 ppm for fish, 2.3 ppm for daphnia, and 3.3 ppm for algae. Applying an assessment factor of 10 to the predicted daphnia chronic value, the concern concentration is 200 ppb.
Recommended testing: The Agency has determined that the results of a 90–day subchronic toxicity study with functional observation battery and neuropathology would help characterize the potential neurotoxic effects of the PMN substance. The PMN submitter has agreed not to exceed the production volume limit without performing a 90–day subchronic toxicity study with functional observation battery and neuropathology. In addition, the Agency has determined that the results of the following aquatic toxicity studies would help characterize possible environmental effects posed by the substance: Fish acute toxicity (40 CFR 797.1400), daphnid acute toxicity study (40 CFR 797.1300), and green algal toxicity study (40 CFR 797.1050).
CFR citation: 40 CFR 721.4133.

PMN Number P–91–1328

CAS number: Not available.
Chemical name: (generic) Polyamine dithiocarbamate.
Basis for action: The PMN substance will be used to remove suspended oil and grease in brine co-produced with crude oil. Based on the results of acute toxicity studies, the PMN substance causes toxicity to aquatic organisms. Based on these data EPA is concerned that toxicity to aquatic organisms may occur at a concentration as low as 50 ppb of the PMN substance in surface waters. EPA determined that use of the substance as described in the PMN did not present an unreasonable risk because the substance would not be released to surface waters at concentrations above 50 ppb. EPA has determined that other uses of the substance may result in releases to surface water at concentrations above 50 ppb. Based on this information the PMN substance meets the concern criteria at § 721.170 (b)(4)(i).
Recommended testing: EPA has determined that the results of a chronic 60–day fish early life stage toxicity test in rainbow trout (40 CFR 797.1600) and a 21–day chronic daphnid toxicity test (40 CFR 797.1330) would help characterize the environmental effects of the substance.
CFR citation: 40 CFR 721.6186.

PMN Number P–91–1361

Chemical name: (generic) Bis(1,2,2,6,6-pentamethyl-4-piperidin-4-ol) ester of cycloaliphatic spiroketal.
CAS number: Not available.
Effective date of section 5(e) consent order: April 16, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to health and environment.
Toxicity concern: Similar chemicals have been shown to cause adverse effects to the liver, blood, immune system, male reproductive system and the gastrointestinal tract in test animals. Similar chemicals have also been shown to cause adverse effects to aquatic organisms.
Recommended testing: In order to address the health effects of the PMN substance, a 90–day oral subchronic study (as described in 40 CFR 798.2650) administered by gavage should be conducted on the PMN substance. This study should place special emphasis on the hematology, lymphoid organ weights (spleen, thymus), and histology, as well as the cellularity of the bone marrow, thymus and spleen. In addition, the study should also include a well-conducted histopathologic examination of the testes plus staging of sperm, to allow EPA to better characterize the potential chronic effects of the PMN substance. In order to address the aquatic toxicity effects of the PMN substance, the following studies should be conducted on the PMN substance: Acute algal (40 CFR 797.1050) (static/nominal conditions), acute daphnid (40 CFR 797.1300) (flow-through/measured conditions), and acute fish (40 CFR 797.1400) (flow through/measured conditions). The PMN submitter is not required to submit the above information at any specified time or production volume.
CFR citation: 40 CFR 721.9527.

PMN Number P–91–1464

Chemical name: (generic) Substituted diacrylate.
CAS number: Not available.

Effective date of section 5(e) consent order: July 8, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to health.
Toxicity concern: Similar chemicals have been shown to cause cancer in test animals.
Recommended testing: A 2–year two-species rodent bioassay study to help characterize possible carcinogenicity of the substance. Toxicity data on representative members of the acrylate/methacrylate class of chemical substances being developed by certain acrylate and methacrylate manufacturers may also be useful in evaluating the risk posed by the PMN substance.
CFR citation: 40 CFR 721.370.

PMN Numbers P–92–34, P–92–35, and P–92–36

Chemical name: P–92–34—1*H*-Benzotriazole, 5-(pentyloxy)-; P–92–35—1*H*-benzotriazole, 5-(pentyloxy)-, sodium salt; P–92–36— 1*H*-benzotriazole, 5-(pentyloxy)-, potassium salt .
CAS number: P–92–34—133145–29–6; P–92–35 and P–92–36—not available.
Effective date of section 5(e) consent order: July 8, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to the aquatic environment.
Toxicity concern: Similar benzotriazole substances have been shown to cause toxicity to aquatic organisms.
Recommended testing: An aerobic aquatic biodegradation test (40 CFR 796.3100), a daphnid chronic test (40 CFR 797.1330), and a fish early life stage test (40 CFR 797.1600) are required to help characterize aquatic toxicity. The PMN submitter has agreed not to exceed a combined aggregate production volume for all three substances of 9,500 kg without performing these tests.
CFR citation: 40 CFR 721.1750.

PMN Numbers P–92–156, P–92–157, and P–92–159

Chemical name: (generic) Triethanolamine salts of fatty acids.
CAS number: Not available.
Effective date of section 5(e) consent order: June 20, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(II) of TSCA based on a finding that these substances are expected to be produced in substantial quantities and there may be substantial human exposures and environmental releases.
Recommended testing: EPA has determined that the results of an Ames assay (40 CFR 798.5265), a mouse micronucleus assay by the intraperitoneal route (40 CFR 798.5395), a 28–day repeated dose oral study in rats (OECD Guideline No. 407) including neurotox battery (NTIS PB 91–154617), and a developmental toxicity study by the oral route in one species (40 CFR 798.4900), would help characterize possible human health effects of the substances. In addition, a coupled units test (40 CFR 796.3300) and an aerobic aquatic biodegradation study (40 CFR 796.3100) would help characterize the environmental fate of the substances. The consent order contains two production limits. The PMN submitter has agreed not to exceed the first production limit without performing an Ames assay (40 CFR 798.5265), a mouse micronucleus assay by the intraperitoneal route (40 CFR 798.5395), a 28–day repeated dose oral study in rats (OECD Guideline No. 407), a coupled units test (40 CFR 796.3300), and an aerobic aquatic biodegradation study (40 CFR 796.3100). The PMN submitter has also agreed not to exceed the second higher production limit without performing a developmental toxicity study by the oral route in one species (40 CFR 798.4900).
CFR citation: 40 CFR 721.3629.

PMN Number P–92–329

Chemical name: (generic) Trisubstituted hydroquinone diester.
CAS number: Not available.
Effective date of section 5(e) consent order: July 31, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to the environment.
Toxicity concern: Similar substances have been shown to cause acute and chronic toxicity to aquatic organisms at low levels of exposure. Specifically, based on data available on structurally similar compounds, the Agency predicts the following acute (LC50/EC50) toxicity values: 1.6 ppm for fish, 2.1 ppm for daphnia, and 1.5 ppm for algae. Chronic toxicity values (ChV) are estimated to be as follows: 320 ppb for fish, 350 ppb for daphnia, and 740 ppb for algae. Applying an assessment factor of 10 to the predicted fish chronic value, the concern concentration is set at 30 ppb. Rationale for using SNUR reporting triggers not matched in 5(e): The section 5(e) order restricted the sites at which manufacturing and processing could occur and allowed certain process and disposal technologies as described in the PMN. Manufacturing and processing under these conditions were not expected to result in release levels at or above 30 ppb. EPA would be concerned with levels that met or exceeded 30 ppb.
Recommended testing: EPA has determined that the results of the following aquatic toxicity studies would help characterize possible environmental effects posed by the substance: Fish acute toxicity (40 CFR 797.1400), daphnid acute toxicity study (40 CFR 797.1300), and green algal toxicity study (40 CFR 797.1050).
CFR citation: 40 CFR 721.4390.

PMN Number P–92–341

Chemical name: Ethane, 1,1,1 trifluoro-.
CAS number: 420–46–2.
Effective date of section 5(e) consent order: July 2, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(II) of TSCA based on a finding that this substance is expected to be produced in substantial quantities and there may be significant or substantial human exposures.
Recommended testing: EPA has determined that the results of a cardiac sensitization study in dogs, a two species developmental inhalation toxicity study (40 CFR 798.4350), and a 90–day inhalation toxicity study in rats (40 CFR 798.2450) would help characterize possible effects of the substance. The PMN submitter has agreed not to exceed a certain production limit without performing these studies.
CFR citation: 40 CFR 721.3254.

PMN Numbers P–92–343 and P–92–344

Chemical name: (generic) 1,3,5-Triazin-2-amine, 4-dimethylamino-6-substituted-.
CAS numbers: Not available.
Effective date of section 5(e) consent order: June 3, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that these substances may present an unreasonable risk of injury to health and the environment. Although the environmental concentration of concern for aquatic toxicity was determined to be 30 ppb, human health concerns from drinking water exposure led the Agency to limit water releases to concentrations no greater than 1 ppb.
Toxicity concern: Similar substances have been shown to cause carcinogenicity, mutagenicity, neurotoxicity, eye irritation, and

maternal, developmental, reproductive, and systemic toxicities in test animals. Similar substances have also been shown to cause toxic effects in aquatic organisms.

RECOMMENDED TESTING

Information and PMN substance on which it is to be developed	Effects	Guideline
Aquatic toxicity tests		
Algae (P–92–343 and P–92–344)	Aquatic toxicity	40 CFR 797.1050
Daphnia (P–92–344)	Aquatic toxicity	40 CFR 797.1300
Fish (P–92–344)	Aquatic toxicity	40 CFR 797.1400
Human-health-related tests		
Two-generation reproductive study (rats/rabbits) (P–92–343)	Reproductive, developmental, and maternal effects..	40 CFR 798.4700
1–year chronic dog study (with emphasis on the heart) (P–92–343).	Systemic	40 CFR 798.3260
2-year, two-species rodent bioassay (P–92–343)	Cancer	40 CFR 798.3300
Biological fate		
Sorption to soils and sediments test (P–92–343 and P–92–344)	Migration to drinking water	40 CFR 796.2750
Activated sludge adsorption isotherm test (P–92–343 and P–92–344).	Percent removal from treatment	40 CFR 795.170

The consent order contains two combined aggregate production volume limits for these PMN substances. The PMN submitter has agreed not to exceed the first production volume limit without performing the fish and daphnid tests on the P–92–344 substance and the algal test on both PMN substances. The PMN submitter has also agreed not to exceed the second higher production volume limit without performing the two-generation reproductive study on the P–92–343 substance.
CFR citation: 40 CFR 721.9730.

PMN Number P–92–491

Chemical name: (generic) Polyaminopolyacid.
CAS number: Not available.
Basis for action: The PMN substance will be used as a material used to drill oil and gas wells. Based on the analogy of the PMN substance to aliphatic amines, the PMN substance may cause toxicity to aquatic organisms. Based on these data EPA is concerned that toxicity to aquatic organisms may occur at a concentration as low as 500 ppb of the PMN substance in surface waters. EPA determined that use of the substance as described in the PMN did not present an unreasonable risk because the substance would not be released to surface waters at concentrations above 500 ppb. EPA has determined that other uses of the substance may result in releases to surface water at concentrations above 500 ppb. Based on this information the PMN substance meets the concern criteria at section 721.170 (b)(4)(ii).
Recommended testing: EPA has determined that an acute algal assay (40 CFR 797.1050) will characterize the environmental effects of the PMN substance.
CFR citation: 40 CFR 721.6470.

PMN Number P–92–509

Chemical name: (generic) Bisphenol derivative.
CAS number: Not available.
Effective date of section 5(e) consent order: November 5, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to human health.
Toxicity concern: Similar chemicals have been shown to cause systemic effects (depression in body weight gain and blood effects) in test animals.
Recommended testing: Data from a 90–day subchronic study (as described in 40 CFR 798.2650) with special attention given to hematology would help characterize potential systemic toxicity of the substance. The PMN submitter has agreed not to exceed the production volume limit without performing this test.
CFR citation: 40 CFR 721.1820.

PMN Number P–92–595

Chemical name: Ethane, 1,2,2-trichloro-difluoro-.
CAS number: 354–21–2.
Basis for action: The PMN substance will be used as a chemical intermediate. Based on analogous substances, the PMN substance may cause oncogenicity, developmental toxicity, reproductive toxicity, cardiac sensitization, sedation, and liver and kidney effects. EPA determined that use of the substance as an intermediate as described in the PMN did not present an unreasonable risk because worker exposure would be low. EPA has determined that other uses of the substance may result in greater exposures. Based on this information the PMN substance meets the concern criteria at § 721.170 (b)(1)(i)(C), (b)(2), and (b)(3)(ii)
Recommended testing: EPA has determined that a 2–year two-species bioassay (40 CFR 798.3300), a 90–day two-species developmental toxicity study (40 CFR 798.4900), a 90–day subchronic toxicity test via the inhalation route (40 CFR 798.2450), and a cardiac sensitization study will help to characterize the health effects of the PMN substance.
CFR citation: 40 CFR 721.3248.

PMN Number P–92–688

Chemical name: (generic) Quaternary ammonium salt of fluorinated alkylaryl amide.
CAS number: Not available.
Basis for action: The PMN substance will be used as a component of copier toner. Based on test data on the PMN substance, the substance may cause toxicity to aquatic organisms at concentrations as low as 20 ppb as well as sensitization, eye irritation, and lung toxicity to exposed individuals. EPA determined that use of the substance as a component of imported copier toner did not present an unreasonable risk because the substance would not be released to surface waters nor would workers be exposed by inhalation. EPA has determined that other uses or domestic manufacture of the substance may result in releases to surface waters or inhalation exposures. Based on this

information the PMN substance meets the concern criteria at § 721.170(b)(4)(i) and (b)(3)(i).
Recommended testing: EPA has determined that an acute algal assay (40 CFR 797.1050) will characterize the environmental effects of the PMN substance and that a 90–day subchronic inhalation study (40 CFR 798.3260) will characterize the potential lung effects.
CFR citation: 40 CFR 721.9075.

PMN Number P–92–692

Chemical name: (generic) Oxo-substituted aminoalkanoic acid derivative.
CAS number: Not available.
Effective date of section 5(e) consent order: August 29, 1992.
Basis for section 5(e) consent order: The order was issued under section 5(e)(1)(A)(i) and (ii)(I) of TSCA based on a finding that this substance may present an unreasonable risk of injury to health and the environment.
Toxicity concern: Similar chemicals have been shown to cause neurotoxicity, liver toxicity, blood toxicity, and cancer in test animals, and toxicity to aquatic organisms.
Recommended testing: The following additional information would be required to evaluate the following effects which may be caused by the PMN substance:

Information	Effects	Guidelines
2-year rodent bioassay.	Cancer	40 CFR 798.3300
Algal acute study.	Aquatic toxicity.	40 CFR 797.1050 (static/nominal conditions)
Daphnid acute study.	Aquatic toxicity.	40 CFR 797.1300 (flow-through/measured conditions)
Fish acute study.	Aquatic toxicity.	40 CFR 797.1400 (flow-through/measured conditions)

The consent order does not require submission of the above information at any specified time or production volume. However, the order's restrictions on manufacture, import, processing, distribution in commerce, and use of the PMN substance will remain in effect until the order is modified or revoked by EPA based on submission of that or other relevant information.
CFR citation: 40 CFR 721.430.

IV. Objectives and Rationale of the Rule

During review of the PMNs submitted for the chemical substances that are subject to this SNUR, EPA concluded that for 21 of the substances, regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make reasoned evaluations of the health or environmental effects of the substances. The bases for such findings are outlined in Unit III. of this preamble. Based on these findings, section 5(e) consent orders requiring the use of appropriate controls were negotiated with the PMN submitters. The SNUR provisions for these substances designated herein are consistent with the provisions of the section 5(e) orders.

In the case for seven of the substances for which the proposed uses are not regulated under a section 5(e) order, EPA determined that one or more of the criteria of concern established at § 721.170 were met.

EPA is issuing these SNURs for specific chemical substances which have undergone premanufacture review to ensure the following objectives: That EPA will receive notice of any company's intent to manufacture, import, or process a listed chemical substance for a significant new use before that activity begins; that EPA will have an opportunity to review and evaluate data submitted in a SNUR notice before the notice submitter begins manufacturing, importing, or processing a listed chemical substance for a significant new use; that, when necessary to prevent unreasonable risks, EPA will be able to regulate prospective manufacturers, importers, or processors of a listed chemical substance before a significant new use of that substance occurs; and that all manufacturers, importers, and processors of the same chemical substance which is subject to a section 5(e) order are subject to similar requirements. Issuance of a SNUR for a chemical substance does not signify that the substance is listed on the TSCA Inventory. Manufacturers, importers, and processors are responsible for ensuring that a new chemical substance subject to a final SNUR is listed on the TSCA Inventory.

V. Direct Final Procedure

EPA is issuing these SNURs as direct final rules, as described in § § 721.160(c)(3) and 721.170(d)(4). In accordance with § 721.160(c)(3)(ii), this rule will be effective August 9, 1993, unless EPA receives a written notice by July 8, 1993 that someone wishes to make adverse or critical comments on EPA's action. If EPA receives such a notice, EPA will publish a notice to withdraw the direct final SNUR(s) for the specific substance(s) to which the adverse or critical comments apply. EPA will then propose a SNUR for the specific substance(s) providing a 30–day comment period.

This action establishes SNURs for 28 chemical substances. Any person who submits a notice of intent to submit adverse or critical comments must identify the substance and the new use to which it applies. EPA will not withdraw a SNUR for a substance not identified in a notice.

VI. Test Data and Other Information

EPA recognizes that section 5 of TSCA does not require developing any particular test data before submission of a SNUR notice. Persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them. In cases where a section 5(e) order requires or recommends certain testing, Unit III. of this preamble lists those recommended tests.

However, EPA has established production limits in the section 5(e) orders for 15 of the substances regulated under this rule, in view of the lack of data on the potential health and environmental risks that may be posed by the significant new uses or increased exposure to the substances. These production limits cannot be exceeded unless the PMN submitter first submits the results of toxicity tests that would permit a reasoned evaluation of the potential risks posed by these substances. Under recent consent orders, each PMN submitter is required to submit each study at least 14 weeks (earlier orders required submissions at least 12 weeks) before reaching the specified production limit. Listings of the tests specified in the section 5(e) orders are included in Unit III. of this preamble. The SNURs contain the same production volume limits as the consent orders. Exceeding these production limits is defined as a significant new use.

The recommended studies may not be the only means of addressing the potential risks of the substance. However, SNUR notices submitted for significant new uses without any test data may increase the likelihood that EPA will take action under section 5(e), particularly if satisfactory test results have not been obtained from a prior submitter. EPA recommends that potential SNUR notice submitters contact EPA early enough so that they will be able to conduct the appropriate tests before exceeding the production limit.

SNUR notice submitters should be aware that EPA will be better able to

evaluate SNUR notices which provide detailed information on:

(1) Human exposure and environmental release that may result from the significant new use of the chemical substances.

(2) Potential benefits of the substances.

(3) Information on risks posed by the substances compared to risks posed by potential substitutes.

VII. Procedural Determinations

EPA is establishing through this rule some significant new uses which have been claimed as CBI. EPA has decided it is appropriate to keep this information confidential to protect the interest of the original PMN submitter. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI. This procedure appears in § 721.1725(b)(1) and is similar to that in § 721.11 for situations where the chemical identity of the substance subject to a SNUR is CBI. This procedure is cross-referenced in each of these SNURs.

A manufacturer or importer may request that EPA determine whether a proposed use would be a significant new use under this rule. Under the procedure incorporated from § 721.1725(b)(1), a manufacturer or importer must show that it has a *bona fide* intent to manufacture or import the substance and must identify the specific use for which it intends to manufacture or import the substance. If EPA concludes that the person has shown a *bona fide* intent to manufacture or import the substance, EPA will tell the person whether the use identified in the *bona fide* submission would be a significant new use under the rule. Since most of the chemical identities of the substances subject to these SNURs are also CBI, manufacturers and processors can combine the *bona fide* submission under the procedure in § 721.1725(b)(1) with that under § 721.11 into a single step.

If a manufacturer or importer is told that the production volume identified in the *bona fide* submission would not be a significant new use, i.e. it is below the level that would be a significant new use, that person can manufacture or import the substance as long as the aggregate amount does not exceed that identified in the *bona fide* submission to EPA. If the person later intends to exceed that volume, a new *bona fide* submission would be necessary to determine whether that higher volume would be a significant new use. EPA is considering whether to adopt a special procedure for use when CBI production volume is designated as a significant new use. Under such a procedure, a person showing a *bona fide* intent to manufacture or import the substance, under the procedure described in § 721.11, would automatically be informed of the production volume that would be a significant new use. Thus the person would not have to make multiple *bona fide* submissions to EPA for the same substance to remain in compliance with the SNUR, as could be the case under the procedures in § 721.1725(b)(1).

VIII. Applicability of Rule to Uses Occurring Before Effective Date of the Final Rule

To establish a significant "new" use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have recently undergone premanufacture review. Section 5(e) orders have been issued in 19 cases and notice submitters are prohibited by the section 5(e) orders from undertaking activities which EPA is designating as significant new uses. In cases where EPA has not received a Notice of Commencement (NOC) and the substance has not been added to the Inventory, no other person may commence such activities without first submitting a PMN. For substances for which an NOC has not been submitted at this time, EPA has concluded that the uses are not ongoing. However, EPA recognizes in cases when chemical substances identified in this SNUR are added to the Inventory prior to the effective date of the rule, the substances may be manufactured, imported, or processed by other persons for a significant new use as defined in this rule before the effective date of the rule. However, 22 of the 28 substances contained in this rule have CBI chemical identities, and since EPA has received a limited number of post-PMN *bona fide* submissions, the Agency believes that it is highly unlikely that many, if any, of the significant new uses described in the following regulatory text are ongoing.

As discussed at 55 FR 17376 (April 24, 1990), EPA has decided that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of this date of publication rather than as of the effective date of the rule. Thus, persons who begin commercial manufacture, import, or processing of the substances regulated through these SNURs will have to cease any such activity before the effective date of this rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires. EPA has promulgated provisions to allow persons to comply with these SNURs before the effective date. If a person were to meet the conditions of advance compliance in § 721.45(h), the person will be considered to have met the requirements of the final SNUR for those activities. If persons who begin commercial manufacture, import, or processing of the substance between publication and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

IX. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for potential manufacturers, importers, and processors of the chemical substances subject to this rule. EPA's complete economic analysis is available in the public record for this rule (OPPTS–50608).

X. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPPTS–50608). The record includes information considered by EPA in developing this rule.

A public version of the record without any confidential business information is available in the TSCA Public Docket Office from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located at Rm. NE–G004, 401 M St., SW., Washington, DC. Any person who submits comments claimed as CBI must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file.

Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any person submitting comments claimed to be confidential must prepare and submit a nonconfidential public version in triplicate of the comments that EPA can place in the public file.

XI. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major"

and therefore requires a Regulatory Impact Analysis. EPA has determined that this rule will not be a "major" rule because it will not have an effect on the economy of $100 million or more, and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this rule, EPA estimates that the cost for submitting a significant new use notice would be approximately $4,552 to $12,166, including a $2,500 user fee payable to EPA to offset EPA costs in processing the notice. EPA believes that, because of the nature of the rule and the substances involved, there will be few SNUR notices submitted. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation that has high potential value.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has determined that this rule would not have a significant impact on a substantial number of small businesses. EPA has not determined whether parties affected by this rule would likely be small businesses. However, EPA expects to receive few SNUR notices for the substances. Therefore, EPA believes that the number of small businesses affected by this rule will not be substantial, even if all of the SNUR notice submitters were small firms.

C. Paperwork Reduction Act.

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and have been assigned OMB control number 2070–0012.

Public reporting burden for this collection of information is estimated to vary from 30 to 170 hours per response, with an average of 100 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to Office of Management and Budget, Paperwork Reduction Project (2070–0012), Washington, DC 20503.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Reporting and recordkeeping requirements, Significant new uses.

Dated: May 18, 1993.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

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

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

2. By adding new § 721.370 to subpart E to read as follows:

§ 721.370 Substituted diacrylate.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted diacrylate (PMN No. P–91–1464) 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)(2)(i), (a)(2)(iii), (a)(2)(iv), (a)(3), (a)(4), (a)(5)(xi), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), (b) (concentration set at 0.1 percent), and (c).

(ii) *Hazard communication program.* Requirements as specified in § 721.72(a), (b), (c), (d), (e) (concentration set at 0.1 percent), (f), (h)(1)(i)(A), (h)(1)(i)(B), (h)(1)(iii)(D), (h)(1)(vi), (h)(2)(i)(B), (h)(2)(i)(D), (h)(2)(iii)(A), (h)(2)(iii)(B), and (h)(2)(iii)(D). In addition to the statements specified, the label and MSDS shall contain the following statement: Use respiratory protection when there is a reasonable likelihood of exposure in the work area from dust, mist, smoke, fumes, vapor, or gas.

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

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

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

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

3. By adding new § 721.430 to subpart E to read as follows:

§ 721.430 Oxo-substituted aminoalkanoic acid derivative.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as oxo-substituted amino alkanoic acid derivative (PMN No. P–92–692) 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)(i), (a)(5)(ii), (a)(5)(iv), (a)(5)(v), (a)(6)(i), (a)(6)(ii), (b) (concentration set at 0.1 percent), and (c).

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a) through (d), (e) (concentration set at 0.1 percent), (f), (g)(1)(iii), (g)(1)(iv), (g)(1)(vii), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), (g)(2)(v), (g)(3)(ii), (g)(4)(iii), and (g)(5).

(iii) *Release to water.* Requirements as specified in § 721.90(a)(1), (a)(2), and (a)(3).

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

4. By adding new § 721.445 to subpart E to read as follows:

§ 721.445 Substituted ethyl alkenamide.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as a substituted ethyl alkenamide (PMN No. P–86–1315) 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), (b) (concentration set at 0.1 percent), and (c).

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (e) (concentration set at 0.1 percent), (f), (g)(1)(ii), (g)(1)(vii), (g)(2)(i), (g)(2)(iv), (g)(2)(v), and (g)(5).

(iii) *Industrial, commercial, and consumer activities.* Use other than polymerizing all residual materials from the manufacture, processing, and equipment rinsing of the PMN substance so that no monomers of the PMN substance are released to the environment.

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

5. By adding new § 721.1750 to subpart E to read as follows:

§ 721.1750 1*H*-Benzotriazole, 5-(pentyloxy)- and 1*H*-benzotriazole, 5-(pentyloxy)-, sodium and potassium salts.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances 1*H*-benzotriazole, 5-(pentyloxy)- (PMN P–92–34, CAS no. 133145–29–6), 1*H*-benzotriazole, 5-(pentyloxy)-, sodium salt (PMN P–92–35), and 1*H*-benzotriazole, 5-(pentyloxy)- , potassium salt (PMN P–92–36) are subject to reporting for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Hazard communication program.* A significant new use of these substances is any manner or method of manufacture, import, or processing associated with any use of these substances without providing risk notification as follows:

(A) If as a result of the test data required under the section 5(e) consent order for these substances, the employer becomes aware that these substances may present a risk of injury to the environment, the employer must incorporate this new information, and any information on methods for protecting against such risk, into a MSDS as described in § 721.72(c) within 90 days from the time the employer becomes aware of the new information. If these substances are not being manufactured, imported, processed, or used in the employer's workplace, the employer must add the new information to an MSDS before the substances are reintroduced into the workplace.

(B) The employer must ensure that persons who will receive, or who have received these substances from the employer within 5 years from the date the employer becomes aware of the new information described in paragraph (a)(2)(i)(A) of this section, are provided an MSDS as described in § 721.72(c) containing the information required under paragraph (a)(2)(i)(A) of this section within 90 days from the time the employer becomes aware of the new information.

(ii) *Industrial, commercial consumer activities.* Requirements as specified in § 721.80(p) (limit set at 9,500 kg).

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

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (i) are applicable to manufacturers, importers, and processors of this substance.The following recordkeeping requirements are applicable to manufacturers, importers, and processors of these substances, as specified in § 721.125(a), (c), and (i).

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

6. By adding new § 721.1820 to subpart E to read as follows:

§ 721.1820 Bisphenol derivative.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as bisphenol derivative (PMN No. P–92–509) 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)(4), (a)(5)(iv), (a)(5)(v), (a)(5)(vi), (a)(6)(i), (a)(6)(ii), (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) (systemic effects—depression in body weight gain and blood effects), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv) (when in dust or mist form), and (g)(5).

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

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

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (d), and (f) through (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

7. By adding new § 721.2520 to subpart E to read as follows:

§ 721.2520 Alkylated diphenyls.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances identified generically as alkylated diphenyls (PMN Nos. P–90–237, P–90–248, and P–90–249) are 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) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (where N = 1 ppb).

(ii) [Reserved]

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

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

8. By adding new § 721.3248 to subpart E to read as follows:

§ 721.3248 Ethane, 1,2,2-trichlorodifluoro-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as ethane, 1,2,2-trichlorodifluoro- (CAS No. 354–21–2, PMN No. P–92–595) 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) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g).

(ii) [Reserved]

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

(1) *Recordkeeping.* Recordkeeping requirements as specified in

§ 721.125(a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

9. By adding new § 721.3254 to subpart E to read as follows:

§ 721.3254 Ethane, 1,1,1 trifluoro-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as ethane, 1,1,1 trifluoro- (CAS No. 420–46–2, PMN No. P–92–341) 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) *Hazard communication program.* A significant new use of this substance is any manner or method of manufacture, import, or processing associated with any use of this substance without providing risk notification as follows:

(A) If as a result of the test data required under the section 5(e) consent order for this substance, the employer becomes aware that this substance may present a risk of injury to human health, the employer must incorporate this new information, and any information on methods for protecting against such risk, into an MSDS as described in § 721.72(c) within 90 days from the time the employer becomes aware of the new information. If this substance is not being manufactured, imported, processed, or used in the employer's workplace, the employer must add the new information to an MSDS before the substance is reintroduced into the workplace.

(B) The employer must ensure that persons who will receive, or who have received these substances from the employer within 5 years from the date the employer becomes aware of the new information described in paragraph (a)(2)(i)(A) of this section, are provided an MSDS as described in § 721.72(c) containing the information required under paragraph (a)(2)(i)(A) of this section within 90 days from the time the employer becomes aware of the new information.

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

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

10. By adding new § 721.3629 to subpart E to read as follows:

§ 721.3629 Triethanolamine salts of fatty acids.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substances identified generically as triethanolamine salts of fatty acids (PMN Nos. P–92–156, P–92–157, and P–92–159) are 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) *Hazard communication program.* A significant new use of these substances is any manner or method of manufacture, import, or processing associated with any use of these substances without providing risk notification as follows:

(A) If as a result of the test data required under the section 5(e) consent order for these substances, the employer becomes aware that these substances may present a risk of injury to human health, the employer must incorporate this new information, and any information on methods for protecting against such risk, into an MSDS as described in § 721.72(c) within 90 days from the time the employer becomes aware of the new information. If these substances are not being manufactured, imported, processed, or used in the employer's workplace, the employer must add the new information to an MSDS before the substances are reintroduced into the workplace.

(B) The employer must ensure that persons who will receive, or who have received these substances from the employer within 5 years from the date the employer becomes aware of the new information described in paragraph (a)(2)(i)(A) of this section, are provided an MSDS as described in § 721.72(c) containing the information required under paragraph (a)(2)(i)(A) of this section within 90 days from the time the employer becomes aware of the new information.

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

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

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (h), and (i) are applicable to manufacturers, importers, and processors of these substances.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

11. By adding new § 721.4128 to subpart E to read as follows:

§ 721.4128 Dimethyl-3-substituted heteromonocycle.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as dimethyl-3-substituted heteromonocycle (PMN No. P–91–1322) 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)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(6)(ii), (a)(6)(iii), (a)(6)(v), (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)(iii), (g)(1)(iv), (g)(2)(i), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(iii), and (g)(5).

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

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

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

12. By adding new § 721.4133 to subpart E to read as follows:

§ 721.4133 Dimethyl-3-substituted heteromonocyclic amine.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as dimethyl-3-substituted heteromonocycle (PMN No. P–91–1323)

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)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(2)(iv), (a)(3), (a)(6)(ii), (a)(6)(iii), (a)(6)(v), (b) (concentration set at 1.0 percent).

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (e) (concentration set at 1.0 percent), (f), (g)(1)(iii), (g)(1)(iv), (g)(2)(i), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(iii), (g)(5).

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

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

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

13. By adding new § 721.4390 to subpart E to read as follows:

§ 721.4390 Trisubstituted hydroquinone diester.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as trisubstituted hydroquinone diester (PMN No. P–92–329) 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) *Hazard communication program.* Requirements as specified in § 721.72(a), (b), (c), (d), (f), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(ii) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4) (where N = 30 ppb).

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

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a), (b), (c), (f), (g), (h), (j), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

14. By adding new § 721.4568 to subpart E to read as follows:

§ 721.4568 Methylpolychloro aliphatic ketone.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as methylpolychloro aliphatic ketone (PMN No. P–91–1321) 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)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(6)(ii), (a)(6)(iii), (a)(6)(v), (b) (concentration set at 0.1 percent), and (c). The employer is able to demonstrate that the gloves selected for handling P–91–1321 provide an impervious barrier to prevent dermal exposure during normal and expected duration and conditions of exposure within the work area by testing the material used to make the gloves and the construction of the gloves to establish that they will be impervious for the expected duration and conditions of exposure. The testing must subject the gloves to the expected conditions of exposure, including the likely combinations of chemical substances to which the gloves may be exposed in the work area. There must be no permeation of P–91–1321 greater than 0.017 mg/cm^2/min after 8 h of testing in accordance with the most recent versions of the American Society for Testing and Materials (ASTM) F739 "Standard Test Method for Resistance of Protective Clothing Materials to Permeation by Liquids or Gases" and ASTM F1194 "Guide for Documenting the Results of Chemical Permeation Testing of Protective Clothing Materials." The employer must submit all test data to the Agency and must receive written Agency approval of the test results for each type of glove tested prior to use of such gloves. Neoprene gloves with a minimum thickness of 1.50 mm have already been tested and found to satisfy the terms of this rule. Nitrile gloves with a minimum thickness of 0.61 mm also satisfy the terms of this rule, as long as the duration of exposure to P–91–1321 is less than 2 h per work shift. If the duration of exposure is longer than 2 h, nitrile gloves shall be discarded and replaced every 2 h. Unless otherwise indicated, gloves contaminated with P–91–1321 shall be disposed of after every work shift.

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (e) (concentration set at 0.1 percent), (f), (g)(1)(iii), (g)(1)(iv), (g)(1)(v), (g)(1)(vii), (g)(1)(ix), (g)(2)(i), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(iii), and (g)(5).

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

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

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

15. By adding new § 721.6186 to subpart E to read as follows:

§ 721.6186 Polyamine dithiocarbamate.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as a polyamine dithiocarbamate (PMN No. P–91–1328) 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) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (where N = 50 ppb).

(ii) [Reserved]

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

16. By adding new § 721.6193 to subpart E to read as follows:

§ 721.6193 Polyalkylene polyamine.

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

(1) The chemical substance identified generically as polyalkylene polyamine (PMN No. P–89–963) 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) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(3)(i), (g)(3)(ii), (g)(4) (users minimize releases to water), and (g)(5). In addition, a significant new use of this substance is any manner or method of manufacture, import, or processing associated with any use of this substance without providing risk notification as follows:

(A) If as a result of the test data required under the section 5(e) consent order for this substance, the employer becomes aware that this substance may present a risk of injury to human health or the environment, the employer must incorporate this new information, and any information on methods for protecting against such risk, into the MSDS as described in § 721.72(c) within 90 days from the time the employer becomes aware of the new information. If this substance is not being manufactured, imported, processed, or used in the employer's workplace, the employer must add the new information to the MSDS before the substance is reintroduced into the workplace.

(B) The employer must ensure that persons who have received, or will receive, this substance from the employer are provided the MSDS as described in § 721.72(c) containing the information required under paragraph (a)(2)(i)(A) of this section within 90 days from the time the employer becomes aware of the new information.

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

(iii) *Release to water.* Requirements as specified in § 721.90(a)(1).

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

17. By adding new § 721.6470 to subpart E to read as follows:

§ 721.6470 Polyaminopolyacid.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as a polyaminopolyacid (PMN No. P–92–491) 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) *Release to water.* Requirements as specified in § 721.90.(a)(4), (b)(4), and (c)(4) (concentration set at 500 ppb).

(ii) [Reserved]

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

18. By adding new § 721.7370 to subpart E to read as follows:

§ 721.7370 Acrylates of aliphatic polyol.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substances identified generically as acrylates of aliphatic polyol (PMN No. P–91–1077) are 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)(2)(i), (a)(2)(iii), (a)(2)(iv), (a)(3), (a)(4), (a)(5)(xi), (a)(6)(i), (a)(6)(ii), (a)(6)(iv), (b) (concentration set at 0.1 percent), and (c).

(ii) *Hazard communication program.* Requirements as specified in § 721.72(a), (b), (c), (d), (e) (concentration set at 0.1 percent), (f), (h)(1)(i)(A), (h)(1)(i)(B), (h)(1)(i)(C), (h)(1)(vi), (h)(2)(i)(B), (h)(2)(i)(C), (h)(2)(i)(D) and (h)(2)(iii)(A).

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

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

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

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

19. By adding new § 721.8965 to subpart E to read as follows:

§ 721.8965 1*H*-Pyrole-2, 5-dione, 1-(2,4,6-tribromophenyl)-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified as 1*H*-pyrole-2, 5-dione, 1-(2,4,6-tribromophenyl)-, (PMN No. P–90–159) 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)(2)(iii) for employees likely to have ocular exposure, (a)(4), (a)(5)(i), (a)(5)(ii), (a)(5)(iii), (a)(6)(i), (b) (concentration set at 0.1 percent by weight or volume), and (c).

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (e) concentration set at 0.1 percent by weight or volume, (f), (g)(1)(ii), (g)(1)(iii), (g)(1)(iv), (g)(1)(v), (g)(1)(vii), (g)(1)(ix) (corrosion to the eyes), (g)(2)(iii), (g)(2)(iv)(use chemical goggles), (g)(3)(ii), (g)(4)(i), (g)(4)(iii) (except the dewatering step during polymerization of acrylonitrile/butadiene/styrene), and (g)(5).

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (a), (c), (f), (k) (any use in a system other than as flame retardant in styrenic, polyolefin elastomer, and thermoset systems), (l), and (q).

(iv) *Disposal.* Requirements as specified in § 721.85(b)(1) (by industrial incinerator), (b)(2), (c)(1), and (c)(2). Dispose of the PMN substance by industrial incinerator or landfill.

(v) *Release to water.* Requirements as specified in § 721.90(b)(1) and (c)(1). Section 721.90 (c)(1) does not apply to releases of the PMN substance during the dewatering step of the polymerization reactions from use.

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

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (d), and (f) through (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

20. By adding new § 721.9075 to subpart E to read as follows:

§ 721.9075 Quaternary ammonium salt of fluorinated alkylaryl amide.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as quaternary ammonium salt of fluorinated alkylaryl amide (PMN No. P–92–688) 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) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(f).

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

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

21. By adding new § 721.9527 to subpart E to read as follows:

§ 721.9527 Bis(1,2,2,6,6-pentamethyl-4-piperidin-4-ol) ester of cycloaliphatic spiroketal.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substance identified generically as bis(1,2,2,6,6-pentamethyl-4-piperidin-4-ol) ester of cycloaliphatic spiroketal (PMN No. P–91–1361) 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.* For manufacturing workers only, requirements as specified in § 721.63(a)(4), (a)(5)(i), (a)(6)(i), and (b) (concentration set at 1.0 percent). For processing/use workers only, requirements as specified in § 721.63(a)(4), (a)(5)(iv), (a)(5)(v), (a)(5)(vi), (a)(5)(vii), (a)(6)(i), (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)(vi), (g)(1)(viii), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), (g)(3)(ii), (g)(4)(iii), and (g)(5). The following additional statements shall appear on each label and MSDS required by this paragraph: This substance may cause systemic effects, eye irritation.

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

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

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

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125(a) through (d), (f) through (i), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

22. By adding new § 721.9730 to subpart E to read as follows:

§ 721.9730 1,3,5-Triazin-2-amine, 4-dimethylamino-6-substituted-.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The chemical substances generically identified as 1,3,5-triazin-2-amine, 4-dimethylamino-6-substituted- (PMN Nos. P–92–343 and P–92–344) are 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)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(i), (a)(6)(i), (b) (concentration set at 0.1 percent), and (c).

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (e) (concentration set at 0.1 percent), (f), (g)(1)(iii), (g)(1)(iv), (g)(1)(vi), (g)(1)(vii), (g)(1)(ix), (g)(2)(i), (g)(2)(ii), (g)(2)(iii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

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

(iv) *Disposal.* Requirements as specified in § 721.85 as thus amended: It is a significant new use to dispose of the process or use stream associated with any use of the substance or with any manner or method of manufacturing associated with any use of the substance by landfill.

(v) *Release to water.* Requirements as specified in § 721.90(a)(4) (where N = 1).

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

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

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this significant new use rule.

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

[FR Doc. 93–13454 Filed 6–7–93; 8:45 am]
BILLING CODE 6560–50–F