

economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities”.

The Agency has determined that the finding of failure to attain finalized today would result in none of the effects identified in section 3(f). Under section 186(b)(2) of the CAA, findings of failure to attain and reclassification of nonattainment areas are based upon air quality considerations and must occur by operation of law in light of certain air quality conditions. They do not, in and of themselves, impose any new requirements on any sectors of the economy. In addition, because the statutory requirements are clearly defined with respect to the differently classified areas, and because those requirements are automatically triggered by classifications that, in turn, are triggered by air quality values, findings of failure to attain and reclassification cannot be said to impose a materially adverse impact on State, local, or tribal governments or communities.

#### V. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

As discussed in section III of this document, findings of failure to attain and reclassification of nonattainment areas under section 186(b)(2) of the CAA do not in-and-of-themselves create any new requirements. Therefore, I certify that today's action does not have a significant impact on small entities.

#### VI. Unfunded Mandates Act

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must assess whether various actions undertaken in association with proposed or final regulations include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to state, local or tribal governments in the aggregate. EPA believes, as discussed above, that the finding of failure to attain and reclassification of the Clark County nonattainment area are factual determinations based upon air quality

considerations and must occur by operation of law and, hence, do not impose any Federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act.

#### VII. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: September 18, 1997.

**Harry Seraydarian,**

*Acting Regional Administrator.*

[FR Doc. 97-26187 Filed 10-1-97; 8:45 am]

BILLING CODE 6560-50-U

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 258

[F-97-FLXF-FFFF; FRL-5900-7]

RIN 2050-AE24

##### Revisions to Criteria for Municipal Solid Waste Landfills

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule; confirmation of effective date.

**SUMMARY:** On July 29, 1997, the U.S. Environmental Protection Agency (EPA) published a direct final rule (62 FR 40708) which established regulations to implement the Land Disposal Program Flexibility Act of 1996 (LDPFA). These regulations provide additional flexibility to Approved States for any municipal solid waste landfill (MSWLF) that receives 20 tons or less of municipal solid waste per day. The additional flexibility applies to alternative frequencies of daily cover, frequencies of methane monitoring, and infiltration layers for final cover. As stated in the preamble to the direct final rule, provisions contained in the Revised Criteria for Municipal Solid Waste Landfills (56 FR 51104; October 9, 1991 and 61 FR 60327; November 27,

1996) provide the additional flexibility for demonstrating financial assurance contemplated by Congress in the LDPFA. The additional flexibility will allow the owners and operators of small MSWLFs the opportunity to reduce their costs of MSWLF operation while still protecting human health and the environment. The EPA has not received an adverse comment objecting to this rule as written. Therefore, this rule will go into effect as scheduled.

**DATES:** The effective date of the direct final rule published at 62 FR 40708 remains October 27, 1997.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at 800 424-9346 or TDD 800 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703 412-9810 or TDD 703 412-3323.

For more detailed information on specific aspects of this rulemaking, contact Mr. Allen J. Geswein, U. S. Environmental Protection Agency, Office of Solid Waste (5306W), 401 M Street, SW, Washington, D.C. 20460, 703 308-7261, [geswein.allen@epamail.epa.gov].

**Elizabeth A. Cotsworth,**

*Acting Director, Office of Solid Waste.*

[FR Doc. 97-25879 Filed 10-1-97; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 721

[OPPTS-50625B; FRL-5744-6]

RIN 2070-AB27

##### Revocation of Significant New Use Rules for Certain Acrylate Substances

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

**ACTION:** Final rule.

**SUMMARY:** EPA is revoking significant new use rules (SNURs) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 95 substances based on new toxicity data. Based on the new data the Agency no longer finds that activities not described in the TSCA section 5(e) consent order may result in significant changes in human exposure.

**DATES:** This rule is effective November 3, 1997.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543A, 401 M St., SW.,

Washington, DC 20460, telephone: (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** referenced for each substance, OPPTS-50581A, October 31, 1990 (55 FR 46001); OPPTS-50582, August 15, 1990 (55 FR 33303); OPPTS-50583, August 9, 1990 (55 FR 32414); OPPTS-50585, September 28, 1990 (55 FR 39899); OPPTS-50587A, June 5, 1991 (56 FR 25988); OPPTS-50591, April 25, 1991 (56 FR 19238); OPPTS-50592, August 13, 1991 (56 FR 40212); OPPTS-50601, September 23, 1992 (57 FR 44070); OPPTS-50603, July 20, 1992 (57 FR 31969); OPPTS-50608, June 8, 1993 (58 FR 32236); OPPTS-50612, October 4, 1993 (58 FR 51681); OPPTS-50613, October 4, 1993 (58 FR 51706); OPPTS-50615, May 27, 1994 (59 FR 27483); and OPPTS-50620, March 1, 1995 (60 FR 11042) (FRL-4868-4); EPA issued a SNUR establishing significant new uses for certain acrylate substances. Because of additional data EPA has received for this chemical class, EPA is revoking these SNURs.

### I. Background

The Agency proposed the revocation of these SNURs in the **Federal Register** of June 2, 1997 (62 FR 29688) (FRL-5595-1). The background and reasons for the revocation of the SNURs including a description of the test data results are set forth in the preamble to the proposed revocation. The comment period closed on August 14, 1997. In addition, one of the SNURs that does not pertain to an acrylate substance (40 CFR 721.7780) was inadvertently included in the proposed revocation. As the test data which is the basis for these revocations does not apply to the substance which is described in 40 CFR 721.7780 the substance will not be included in the final revocation, and EPA will take no further action until new information is received for that substance.

The Agency received four comments concerning the proposed revocation. Three comments supported revocation of the SNURs and urged final revocation as quickly as possible.

One commenter objected to revoking any SNURs for substances containing Bisphenol A; this was based on the demonstrated estrogenic properties of Bisphenol A and its potential effects at low exposure levels. EPA shares the commenter's concerns for estrogenic effects of Bisphenol A and structurally similar chemicals. The potential estrogenic effects of Bisphenol A and structurally similar chemicals is one of the toxicity concerns EPA considers

when reviewing new chemicals under section 5(a) of TSCA. EPA recently required a premanufacture notice submitter to submit an estrogen screening study for their PMN substance under section 5(e)(1)(A)(ii)(II) of TSCA. The screening study demonstrated no estrogenic activity.

EPA will continue to require testing where appropriate, for substances that may demonstrate estrogenic effects, under section 5(e) of TSCA. Given the current lack of data and the uncertainty in selecting the appropriate tests to screen for estrogenic effects, the EPA at this time cannot draw any general conclusions about the potential estrogenic effects of substances of significantly higher molecular weight than Bisphenol A.

The substances cited by the commenter are all polymeric materials that utilize Bisphenol A as one of the starting materials. However, EPA's new chemical review and regulatory findings under section 5(a) of TSCA focus on the new chemical substance itself, rather than its starting components. In addition, the types of exposures cited by the commenter, leaching of Bisphenol A from food packaging or dental sealants, are not regulated by TSCA but come instead under the jurisdiction of the Federal Food, Drug, and Cosmetic Act.

Based on the acrylate test data cited in the proposal and the comments received, EPA is still unable to conclude that the activities defined as "significant new uses" in these SNURs may result in significant changes in human exposure. Therefore, EPA is revoking these rules.

### II. Rationale for Revocation of the Rule

During review of the PMNs submitted for the chemical substances that are the subject of this revocation, EPA concluded that regulation was warranted based on the available information that indicated activities not described in the section 5(e) consent order might result in significant changes in human exposure. Based on these findings, SNURs were promulgated.

EPA will revoke the section 5(e) consent orders that are the bases for these SNURs because EPA has determined that it can no longer support a finding that activities not described in the section 5(e) consent order may result in significant changes in human exposure. The revocation of SNUR provisions for these substances designated herein is consistent with this finding.

In light of the above, EPA is revoking the SNUR provisions for these chemical substances. When this revocation becomes final, EPA will no longer

require notice of any company's intent to manufacture, import, or process these substances. In addition, export notification under section 12(b) of TSCA will no longer be required.

### III. Public Record

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket number OPPTS-50625B (including comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC.

### IV. Regulatory Assessment

This final rule revokes or eliminates an existing regulatory requirement and does not contain any new or amended requirements. As such, the Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). Since this final rule does not impose any requirements, it does not contain any information collections subject to approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or require any other action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency has determined that SNUR revocations, which eliminate requirements without imposing any new ones, have no adverse economic impacts. The Agency's generic certification for SNUR revocations appears on June 2, 1997 (62 FR 29684) (FRL-5597-1), and was provided to the Chief Counsel for

Advocacy of the Small Business Administration.

#### V. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the Agency has submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This is not a major rule as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements.

Dated: September 24, 1997.

**Charles M. Auer,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

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).

§§ 721.325, 721.370, 721.390, 721.400, 721.415, 721.460, 721.470, 721.490, 721.1175, 721.1575, 721.2050, 721.2170, 721.2650, 721.2750, 721.2930, 721.3028, 721.3120, 721.3640, 721.3870, 721.4020, 721.4220, 721.4400, 721.4780, 721.4790, 721.4800, 721.5705, 721.5910, 721.6500, 721.6580, 721.6640, 721.6700, 721.6720, 721.6740, 721.6760, 721.6780, 721.6840, 721.6880, 721.6940, 721.6960, 721.7040, 721.7080, 721.7100, 721.7140, 721.7180, 721.7240, 721.7300, 721.7320, 721.7340, 721.7370, 721.7400, 721.7420, 721.7460, 721.7540, 721.7560, 721.7580, 721.7660, 721.7680, 721.7740, 721.7760, 721.8075, 721.8265, 721.8275, 721.8290, 721.8300, 721.8325, 721.8335, 721.8375, 721.8400, 721.8425, 721.8475, 721.8525, 721.8550, 721.8575, 721.8600, 721.8650, 721.9240, 721.9320, 721.9360, 721.9420, 721.9510, 721.9525, 721.9870, 721.9940, 721.9975  
[Removed]

2. By removing §§ 721.325, 721.370, 721.390, 721.400, 721.415, 721.460, 721.470, 721.490, 721.1175, 721.1575, 721.2050, 721.2170, 721.2650, 721.2750, 721.2930, 721.3028, 721.3120, 721.3640, 721.3870, 721.4020, 721.4220, 721.4400, 721.4780, 721.4790, 721.4800, 721.5705, 721.5910, 721.6500, 721.6580, 721.6640, 721.6700, 721.6720, 721.6740, 721.6760, 721.6780, 721.6840, 721.6880, 721.6940, 721.6960, 721.7040, 721.7080, 721.7100, 721.7140, 721.7180, 721.7240, 721.7300,

721.7320, 721.7340, 721.7370, 721.7400, 721.7420, 721.7460, 721.7540, 721.7560, 721.7580, 721.7660, 721.7680, 721.7740, 721.7760, 721.8075, 721.8265, 721.8275, 721.8290, 721.8300, 721.8325, 721.8335, 721.8375, 721.8400, 721.8425, 721.8475, 721.8525, 721.8550, 721.8575, 721.8600, 721.8650, 721.9240, 721.9320, 721.9360, 721.9420, 721.9510, 721.9525, 721.9870, 721.9940, and 721.9975.

[FR Doc. 97-26189 Filed 10-1-97; 8:45 am]

BILLING CODE 6560-50-F

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 285

[I.D. 092697C]

#### Atlantic Tuna Fisheries; Adjustments

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Catch limit adjustment; inseason transfer.

**SUMMARY:** NMFS adjusts the October-December subquota for the General category Atlantic bluefin tuna (ABT) fishery by transferring 13 mt from the Reserve, 3 mt from the Incidental Longline North quota, and 54 mt from the Incidental Longline South quota, for a revised General category subquota of 141 mt for October-December. In addition, NMFS adjusts the General category effort control schedule for October. These actions are being taken to extend scientific data collection on several size classes of ABT while preventing overharvest of the adjusted subquotas for the affected fishing categories, and to ensure maximum utilization of the quota while maintaining a fair distribution of fishing opportunities. The daily catch limit for large medium and giant ABT for vessels fishing under the General category quota is reduced to zero for one day only, Wednesday October 1, effectively delaying the start of the General category October fishery, at one fish per day, until October 2, 1997.

**DATES:** Effective October 1, 1997, 00:01 a.m. until 11:59 p.m. EST for bag limit adjustment; effective October 1, 1997, until December 31, 1997, or until the effective date of the closure, which will be published in the **Federal Register**, for the inseason transfer.

**FOR FURTHER INFORMATION CONTACT:** Sarah McLaughlin, 301-713-2347, or Pat Scida, 508-281-9260.

#### SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 et seq.) governing the harvest of ABT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

Under the implementing regulations at 50 CFR 285.22(f), the Assistant Administrator for Fisheries, NOAA (AA), has the authority to make adjustments to quotas involving transfers between categories after considering certain factors. The AA is authorized to make adjustments to quotas involving transfers between categories if, during a single year quota period, it is determined, based on landing statistics, present year catch rates, effort, and other available information, that any category, is not likely to take its entire quota as previously allocated for that year.

Given that determination, the AA may transfer inseason any portion of the quota of any fishing category to any other fishing category or to the reserve after considering the following factors: (1) The usefulness of information obtained from catches of the particular category of the fishery for biological sampling and monitoring the status of the stock, (2) the catches of the particular gear segment to date and the likelihood of closure of that segment of the fishery if no allocation is made, (3) the projected ability of the particular gear segment to harvest the additional amount of Atlantic bluefin tuna before the anticipated end of the fishing season, and (4) the estimated amounts by which quotas established for other gear segments of the fishery might be exceeded.

#### General Category Quota Adjustment

Implementing regulations for the Atlantic tuna fisheries at § 285.22 provide for a quota of 633 mt of large medium and giant ABT to be harvested from the regulatory area by vessels fishing under the General category quota during calendar year 1997. The General category ABT quota is further subdivided into time period subquotas to provide for broad temporal and geographic distribution of scientific data collection and fishing opportunities. Approximately 71 metric tons remain available for the October-December General category fishery, including a 10 mt set aside for the traditional fall New York Bight fishery. After considering the previously cited factors for making