[FRL–5618–4]

Toxic Chemicals; PMNs; Submission of EPA ICR No. 574 to OMB; Agency Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) entitled: Pre-Manufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances [EPA ICR #574.09; OMB Control #2070–0012] has been forwarded to the Office of Management and Budget (OMB) for review and approval pursuant to the OMB procedures in 5 CFR 1320.12. The ICR, which is abstracted below, describes the nature of the information collection, its estimated cost and burden, and includes a copy of the actual data collection instrument.

The Agency is requesting that OMB renew for 3 more years the existing approval for this ICR, which is scheduled to expire on October 31, 1996. A Federal Register notice announcing the Agency's intent to seek the renewal of this ICR and the 60 day public comment opportunity, requesting comments on the request and the contents of the ICR, was issued on June 28, 1996 (61 FR 33732). EPA did not receive any comments on this ICR during the comment period. Additional comments may be submitted on or before October 30, 1996.

FOR FURTHER INFORMATION OR A COPY CONTACT: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 574.09 or OMB Control No. 2070–0012.

ADDRESSES: Send comments, referencing EPA ICR No. 574.09 and OMB Control No. 2070–0012, to the following addresses:

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Regulatory Information Division (2137), 401 M Street, S.W., Washington, DC 20460

And to:

Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

SUPPLEMENTARY INFORMATION:

Review Requested: This is a request to renew a currently approved information collection pursuant to 5 CFR 1320.12.

ICR Numbers: EPA ICR No. 574.09; OMB Control No. 2070–0012.

Current Expiration Date: Current OMB approval expires on October 31, 1996.

Title: Pre-Manufacture Review Reporting and Exemption Requirements for New Chemical Substances and Significant New Use Reporting Requirements for Chemical Substances.

Abstract: Section 5 of the Toxic Substances Control Act (TSCA) requires manufacturers and importers of new chemical substances to submit to EPA notice of intent to manufacture or import a new chemical substance 90 days before manufacture or import begins. EPA reviews the information contained in the notice to evaluate the health and environmental effects of the new chemical substance. On the basis of the review, EPA may take further regulatory action under TSCA, if warranted. If EPA takes no action within 90 days, the submitter is free to manufacture or import the new chemical substance without restriction.

TSCA section 5 also authorizes EPA to issue Significant New Use Rules (SNURs). EPA uses this authority to take follow-up action on new or existing chemicals that may present an unreasonable risk to human health or the environment if used in a manner that may result in different and/or higher exposures of a chemical to humans or the environment. Once a use is determined to be a significant new use, persons must submit a notice to EPA 90 days before beginning manufacture, processing or importation of a chemical substance for that use. Such a notice allows EPA to receive and review information on such a use and, if necessary, regulate the use before it occurs.

Finally, TSCA § 5 also permits applications for exemption from section 5 review under certain circumstances. An applicant must provide information sufficient for EPA to make a determination that the circumstances in question qualify for an exemption. In granting an exemption, EPA may impose appropriate restrictions.

Responses to the collection of information are mandatory (see 40 CFR parts 720, 721 and 723). Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA § 14 and 40 CFR part 2.

Burden Statement: The annual public reporting burden for this collection of information is estimated to average approximately 101.5 hours per response, and to require 8,100 hours of recordkeeping. This estimate includes the time needed to review instructions; develop, acquire, install and utilize technology and systems for the purposes of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. No person is required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR Part 9.

Respondents/Affected Entities: Entities potentially affected by this action are manufacturers or importers of new chemical substances, as defined by TSCA, or manufacturers, processors or importers of a chemical substance for a use that has been determined a significant new use, as defined by TSCA.

Estimated No. of Respondents: 432.

Estimated Total Annual Burden on Respondents: 241,611 hours.

Frequency of Collection: On occasion.

According to the procedures prescribed in 5 CFR 1320.12, EPA has submitted this ICR to OMB for review and approval. Any comments related to the renewal of this ICR should be submitted as described above.

Dated: September 24, 1996.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 96–24999 Filed 9–27–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5618–3]

Request for Applications for Essential Use Exemptions to the Production and Import Phaseout of Ozone Depleting Substances Under the Montreal Protocol

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Through this notice, the U.S. Environmental Protection Agency is requesting applications for consideration at the Ninth Meeting of the Parties to the Montreal Protocol to be held in September 1997 for exemptions to the production and import phaseout in 1998 and subsequent years for ozone-depleting substances (including halons 1211 and

1301, CFC–11, CFC–12, CFC–113, CFC–114, CFC–115, CFC–13, CFC–111, CFC–112, CFC–211, CFC–212, CFC–213, CFC–214, CFC–215, CFC–216, CFC–217, carbon tetrachloride, and methyl chloroform).

DATES: Applications for essential use exemptions must be submitted to EPA no later than October 30, 1996 in order for the U.S. government to complete its review and to submit nominations to the United Nations Environment Programme (UNEP) and the Protocol Parties in a timely manner.

ADDRESSES: Send eight copies of application materials to: Nina Bonnelycke, Stratospheric Protection Division (6205J), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Send one copy of application materials to: Air Docket A–93–39, 401 M Street, S.W. (6102), Room M1500, Washington, D.C. 20460.

CONFIDENTIALITY: Applications should not contain confidential or proprietary information.

FOR FURTHER INFORMATION CONTACT: Nina Bonnelycke at the above address or at (202) 233–9079 ph, (202) 233–9637 fax, or bonnelycke.nina@epamail.epa.gov. General information may be obtained from the Stratospheric Ozone Hotline at 1–800–296–1996.

SUPPLEMENTARY INFORMATION:

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I. Background—The Essential Use Nomination Process

As described in previous Federal Register notices (58 FR 29410, May 20, 1993; 59 FR 52544, October 18, 1994; and 60 FR 54349, October 23, 1995), the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer (the Parties) agreed during the Fourth Meeting in Copenhagen on November 23–25, 1992, to accelerate the phaseout schedules for Class I ozone-depleting substances. Specifically, the Parties agreed to phase out the production of halons by January 1, 1994, and the production of other Class I substances, except methyl bromide, by January 1, 1996. The Parties also reached decisions and adopted resolutions on a variety of other matters, including the criteria to be used for allowing ''essential use'' exemptions from the phaseout of production and importation of controlled substances. Language regarding essential uses was added to the Protocol provisions in Article 2 governing the control measures. Decision IV/25 of the Fourth Meeting of the Protocol details the specific criteria and review process for granting essential use exemptions.

At the Fifth Meeting of the Parties in 1993, the Parties modified the timetable for nomination of essential uses. Pursuant to Decision V/18, Parties may nominate a controlled substance for an exemption from the production phaseout by January 1 of each year. The UNEP committees then review the nominations at their spring meetings and forward their recommendations for decision at the Meeting of the Parties later that year. The Parties may choose to grant the exemption for one or more of the nominated years, but each approved or pending application may be reconsidered and modified by the Parties at their annual meetings. Since the Parties in 1997 will be considering nominations for the year 1998 and beyond, today's notice solicits requests for those years. Further detail on the essential uses process is provided later in this section.

Decision IV/25 states that ''a use of a controlled substance should qualify as essential only if: (i) It is necessary for the health, safety or is critical for the functioning of society (encompassing cultural and intellectual aspects); and (ii) there are no available technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health''. In addition, the Parties agreed ''that production and consumption, if any, of a controlled substance, for essential uses should be permitted only if: (i) all economically feasible steps have been taken to minimize the essential use and any associated emission of the controlled substance; and (ii) the controlled substance is not available in sufficient quantity and quality from the existing stocks of banked or recycled controlled substances.''

Any essential use exemptions also have to comply with the provisions of the Clean Air Act Amendments (CAAA). § 604 authorizes the granting of specific exemptions from the phaseout schedules contained in the CAAA. With respect to halons, the CAAA allows exemptions from the phaseout for aviation safety [§ 604(d)(3)], national security [§ 604(f)], and fire suppression and explosion prevention [§ 604(g)]. Other exemptions specified in § 604 include essential uses of methyl chloroform [§ 604(d)(1)]; uses of Class I substances in medical devices [§ 604(d)(2)]; and uses of CFC–114 for national security [§ 604(f)]. To the extent that an accelerated phaseout schedule has been adopted under the Montreal Protocol, EPA can legally provide exemptions for uses authorized by the Protocol but not otherwise specified in the CAAA as long as any additional production does not exceed the production reduction schedule contained in § 604(a).

The first step in the process to qualify a use as essential under the Protocol is for the user to ascertain whether the use of the controlled substance meets the Decision IV/25 criteria. The user should then notify EPA of the candidate use and provide information for U.S. government agencies and the Protocol Parties to evaluate that use according to the criteria under Decision IV/25. The United Nations Environment Programme (UNEP) Technology and Economic Assessment Panel has issued a handbook entitled ''Handbook on Essential Use Nominations,'' available from EPA, to guide applicants. Applicants should follow the guidelines in the handbook when preparing their exemption requests.

Upon receipt of the exemption request, EPA reviews the application and works with other interested federal agencies to determine whether it meets the essential use criteria and as a result warrants being nominated for an exemption. Applicants should be aware that, to date, the Parties to the Montreal Protocol have only granted the U.S. essential use exemptions for CFCs for metered dose inhalers (MDIs) for asthma and chronic obstructive pulmonary disease and for methyl chloroform for the Space Shuttle.

In the case of multiple exemption requests for a single use, such as CFCs for metered dose inhalers (MDIs), EPA aggregates exemption requests received from individual entities into a single U.S. request. An important part of the EPA review is to determine that the aggregate request for a particular out-year adequately reflects the market penetration potential and expected availability of non-CFC substitutes by that point in time. If the sum of individual requests does not incorporate such assumptions, the U.S. government may adjust the aggregate request to better reflect true market needs.

Nominations submitted to the Ozone Secretariat by the U.S. and other Parties are then forwarded to the UNEP Technical and Economic Assessment Panel (TEAP) and its Technical Options Committees (TOCs), which review the submissions and make recommendations to the Parties for exemptions. Those recommendations are then considered by the Parties at

their annual meeting for final decision. If the Parties declare a specified use of a controlled substance as essential and issue the necessary exemptions from the production phaseout, EPA may propose regulatory changes to reflect the decisions by the Parties consistent with the CAAA.

The timing of the reviews is such that in any given year the Parties review nominations for exemption from the production phaseout intended for the following year and any subsequent years. This means that, if nominated, applications submitted in response to today's notice for CFC production in 1998 and beyond will be considered by the Parties in 1997 for final action at the Meeting of the Parties in September of that year.

II. Information Required for Essential Use Applications for Production or Importation of Class I Substances in 1998 and Subsequent Years

Through this notice, EPA requests applications for essential use exemptions for all class I substances for 1998 and subsequent years. All requests for exemptions submitted to EPA must present the information relevant to the application as prescribed in the TEAP Handbook mentioned in the previous section, since the U.S. government does not forward incomplete or inadequate nominations to the Ozone Secretariat. In brief, the TEAP Handbook states that applicants must present information on:

- Role of use in society.
- Alternatives to use, including education programs on alternatives.
- Steps to minimize use, including development of CFC-free alternatives.
- Steps to minimize emissions.
- Amount of substance available through recycling and stockpiling.
- Quantity of controlled substances requested by year.

EPA anticipates that the 1997 review by the Parties of MDI essential use requests will focus extensively on research efforts underway to develop alternatives to CFC MDIs, on education programs to inform patients and providers of the phaseout and the transition to alternatives, and on steps taken to minimize CFC use and emissions including efforts to recapture or reprocess the controlled substance. Accordingly, applicants are strongly advised to present detailed information on these points including the scope and cost of such efforts and the medical and patient organizations involved in the work. Applicants can strengthen their exemption requests by submitting a complete set of education materials and including copies of printed, electronic or audio-visual tools. Applicants are given notice that exemption requests without adequate information on research and education will not be considered complete.

Applicants should submit their exemption requests to EPA as noted in the Addresses section at the beginning of today's notice.

Dated: September 23, 1996.

Mary D. Nichols,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 96–25001 Filed 9–27–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5618–9]

Proposed General NPDES Permit for Log Transfer Facilities in Alaska: General NPDES Permit No. AK–G70–0000

AGENCY: Region 10, Environmental Protection Agency (EPA).

ACTION: Notice of Proposed General NPDES Permit.

SUMMARY: The Director, Office of Water, EPA Region 10, proposes to issue General National Pollutant Discharge Elimination System (NPDES) Permit No. AK–G70–0000 for marine discharges associated with log transfer facilities in Alaska. The EPA is soliciting comments on the draft general permit described in this public notice. At the end of this public comment period, the EPA will make a final determination on permit issuance.

Administrative Record. The draft general NPDES permit, fact sheet, and the draft technical report for the ''Ocean Discharge Criteria Evaluation of the NPDES General Permit for Alaskan Log Transfer Facilities'' are available for inspection and copying at the EPA office in Anchorage (Room 537) any time between 8:00 am and 4:30 pm., Monday through Friday. Copies and other information may also be requested by mail or by calling Susan Cantor at (907) 271–3413.

Public Comments. Interested persons may submit written comments on the draft general NPDES permit on or before October 30, 1996, to the attention of Susan Cantor at the address below. All comments should include the name, address, and telephone number of the commenter, a concise statement of comment and the relevant facts upon which it is based.

State Certification. Persons wishing to comment on State Certification of the proposed general NPDES permit should submit written comments within this public comment period to the State of Alaska, Alaska Department of Environmental Conservation, 410 Willoughby Avenue, Suite 105, Juneau, Alaska 99801–1795. Comments should be addressed to the attention of Dave Sturdevant.

State Consistency Determination. The State of Alaska, Division of Governmental Coordination requests your comments on the proposed action's consistency with the Alaska Coastal Management Program. Under Alaska Statute 46.40.100, your comments must be received within the public comment period in order to preserve your right to petition the Coastal Policy Council for a review of the proposed consistency determination. The right to petition the Coastal Policy Council is limited to the applicant, an affected coastal resource district, a State agency, or a citizen of the affected coastal resource district. The comments must address whether the proposed action is consistent with the enforceable policies of the affected coastal district's management program. For more information on the consistency review process and the comment deadline, or to submit comments, please contact the Division of Governmental Coordination, P.O. Box 110030, Juneau, Alaska 99811–0030. Comments should be addressed to the attention of Rex Blazer.

Final Determination. After the public notice period expires, the Director of the Office of Water, EPA Region 10, will make a final determination on permit issuance in accordance with 40 CFR Part 124.15. The tentative requirements contained in this draft general NPDES permit will become final conditions if no substantive comments are received during the public comment period.

Appeal. Within 120 days following service of notice of EPA's final permit decision, any interested person may appeal that decision in the appropriate Circuit Court of Appeals of the United States, in accordance with Section 509 of the Clean Water Act and 40 CFR Part 124.71. After 120 days, persons affected by a general permit may not challenge the conditions of the permit as a right of further EPA proceedings. Instead, they may either challenge the permit in court or apply for an individual NPDES permit and then request a formal hearing on the issuance or denial of an individual permit.

DATES: The public notice issuance date is September 30, 1996. The expiration date of this public notice is October 30, 1996. All comments must be submitted to EPA on or before October 30, 1996. Additional time may be granted where a commenter demonstrates the need for such time.