

notification when changing the total annual sales values of this definition.

(b) *Persons who must report.* Except as provided in paragraph (c) of this section, the following persons are subject to this section:

(1) Persons who manufacture or propose to manufacture HFPO for use as an intermediate in the manufacture of fluorinated substances in an enclosed process.

(2) Persons who import or propose to import HFPO for use as an intermediate in the manufacture of fluorinated substances in an enclosed process.

(3) Persons who process or propose to process HFPO as an intermediate in the manufacture of fluorinated substances in an enclosed process.

(c) *Persons not subject to this rule.* The following persons are not subject to this rule:

(1) Small processors.
(2) Persons described in § 704.5 (a) through (d).

(3) Persons who have already submitted to EPA a completed copy of the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710-35, as described at § 712.28 of this chapter) for HFPO, as required by § 712.30(d) of this chapter are not required to report under this section with respect to activities previously reported on.

(d) *What information to report.* Persons identified in paragraph (b) of this section must submit a Premanufacture Notice form (EPA Form 7710-25) as described in Part 720, Appendix A, of this chapter.

(e) *When to report.* (1) Persons who are manufacturing, importing, or processing, or who propose to manufacture, import, or process HFPO for use as an intermediate in the manufacture of fluorinated substances in an enclosed process as of December 10, 1987, must report by February 8, 1988.

(2) Persons who propose to manufacture, import, or process HFPO for use as an intermediate in the manufacture of fluorinated substances in an enclosed process after December 10, 1987, must report within 30 days after making a firm management decision to commit financial resources for the manufacturing, importing, or processing of HFPO.

(f) *Recordkeeping.* Persons subject to the reporting requirements of this section must retain documentation of information contained in their reports for a period of 5 years from the date of submission of the reports.

(g) *Where to send reports.* Reports must be submitted by certified mail to: Document Processing Center (TS-793),

Office of Toxic Substances, Environmental Protection Agency, Room L-100, 401 M Street, SW., Washington, DC 20460. ATTN: HFPO Reporting.

(Approved by the Office of Management and Budget under control number 2070-0067)

PART 721—[AMENDED]

2. In Part 721:

a. The authority citation for Part 721 continues to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

b. By adding a new § 721.320 to read as follows:

§ 721.320 Epibromohydrin.

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

(1) The chemical substance epibromohydrin, CAS Number 3132-64-7, [Listed in TSCA Inventory as oxirane, (bromoethyl)-] is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is any use.

(b) *Special requirements.* The provisions of Subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Persons who must report.* Section 721.5 applies to this section except for § 721.5(a)(2). A person who intends to manufacture, import, or process for commercial purposes the substance identified in paragraph (a)(1) of this section and intends to distribute the substance in commerce must submit a significant new use notice.

(2) [Reserved]

(Approved by the Office of Management and Budget under control number 2070-0038)

c. By adding a new § 721.324 to read as follows:

§ 721.324 Trichlorobutylene oxide.

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

(1) The chemical substance trichlorobutylene oxide (TCBO), CAS Number 3083-25-8, [Listed in TSCA Inventory as oxirane, (2,2,2-trichloroethyl)-] is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is any use.

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

(1) *Persons who must report.* Section 721.5 applies to this section except for § 721.5(a)(2). A person who intends to manufacture, import, or process for commercial purposes the substance identified in paragraph (a)(1) of this

section and intends to distribute the substance in commerce must submit a significant new use notice.

(2) [Reserved]

(Approved by the Office of Management and Budget under control number 2070-0038)

d. By adding a new § 721.347 to read as follows:

§ 721.347 Hexafluoropropylene oxide.

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

(1) The chemical substance hexafluoropropylene oxide (HFPO), CAS Number 428-59-1 [Listed in TSCA Inventory as oxirane, trifluoro(trifluoromethyl)-] is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is any use other than as an intermediate in the manufacture of fluorinated substances in an enclosed process.

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

(1) *Definitions.* In addition to the definitions in § 721.3, the following definitions apply to this section:

(i) "Enclosed process" means a process that is designed and operated so that there is no intentional release of any substance present in the process. A process with fugitive, inadvertent, or emergency relief releases remains an enclosed process so long as measures are taken to prevent worker exposure to and environmental contamination from the releases.

(ii) [Reserved]

(2) [Reserved]

(Approved by the Office of Management and Budget under control number 2070-0038)

[FR Doc. 87-24568 Filed 10-26-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-145F; Amdt. Nos. 171-90 and 172-108]

Hazardous Substances

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Amendment to the final rule.

SUMMARY: This document amends the final rule published on November 21,

1986 (51 FR 42174, Amendment Nos. 171-90 and 172-108) and amended December 24, 1986 (51 FR 46672) and February 17, 1987 (52 FR 4824). This amendment suspends application of the requirements for certain hazardous substances which are listed in this amendment until such time as the Environmental Protection Agency (EPA) publishes a final rule under its Docket No. SW H-FRL 3122-8 for those hazardous substances. In addition, this revision provides an optional shipping name, "ORM-E, liquid or solid, n.o.s.", for hazardous substances which are presently required to be described by the generic shipping name, "Hazardous substance, liquid or solid, n.o.s." The effect of this action is to relieve shippers of some of the burden associated with complying with new requirements for hazardous substances.

EFFECTIVE DATES: Effective October 27, 1987; the effective date for Amendment No. 172-108 (51 FR 42174, 51 FR 46672, 52 FR 4824) is suspended for each hazardous substance in the Appendix to § 172.101 which EPA has proposed to increase the reportable quantity (RQ) from one pound to a higher amount under EPA Docket No. SW H-FRL 3122-8 (52 FR 8140, March 16, 1987). These substances are specified in this document. After EPA publishes final RQs for these substances under EPA Docket SW H-FRL 3122-8, RSPA will determine an appropriate effective date for these substances and this date will be published in the Federal Register. (2) Except as provided in (1) above, the effective dates of the requirements adopted under Amendment Nos. 171-90 and 172-108 remain as stated in 51 FR 46672; however, the effective date of the optional shipping name adopted herein is November 24, 1987. (3) Notwithstanding the effective dates set forth above, immediate compliance is authorized. (4) The provisions of 49 CFR 172.101(j) do not apply to Amendment No. 172-108.

FOR FURTHER INFORMATION CONTACT: Lee Jackson, (202) 366-4488 or George Cushmac (202) 366-4545, Office of Hazardous Materials Transportation, RSPA, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On November 21, 1986, RSPA published a final rule which amended the Hazardous Materials Regulations (HMR) by incorporating into the HMR, as hazardous materials, all substances designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). This action was necessary to comply with the Superfund

Amendments and Reauthorization Act of 1986.

On March 16, 1987, EPA published a proposed rule which contained reportable quantity adjustments for a number of materials which presently have statutory RQs of one pound. In that document, EPA Proposed to increase the RQ for the following substances.

List of CERCLA hazardous substances for which the EPA has proposed to increase the reportable quantity (RQ) from one pound to a higher amount under EPA Docket No. SW H-FRL 3122-8 (52 FR 8140):

Hazardous substance	Statutory RQ	Proposed RQ
2-Acetylaminofluorene	(1)	10
Amitrole	(1)	10
Auramine	(1)	100
Azaserine	(1)	10
3,4-Benzacridine	(1)	10
Benz(a)anthracene	(1)	10
Benzo(k)fluoranthene	(1)	5,000
Beryllium	(1)	10
alpha-BHC	(1)	10
2,2'-Bioxirane	(1)	10
Bis(2-chloroethyl) ether	(1)	10
Bis(chloromethyl) ether	(1)	10
Bis(2-ethylhexyl) phthalate	(1)	100
Cadmium	(1)	10
Chloral	(1)	5,000
Chlorambucil	(1)	10
Chloromethane	(1)	100
4-Chloro-o-toluidine, hydrochloride	(1)	100
Chloromethyl methyl ether	(1)	10
Chrysene	(1)	10
Cyclophosphamide	(1)	10
Daunomycin	(1)	10
Diallate	(1)	100
Dibenz(a,i)pyrene	(1)	10
1,2-Dibromo-3-chloropropane	(1)	10
Dihydrosofrole	(1)	10
3,3'-Dimethoxybenzidine	(1)	100
Dimethyl sulfate	(1)	100
3,3'-Dimethylbenzidine	(1)	100
1,1-Dimethylhydrazine	(1)	10
Dimethylnitrosamine	(1)	10
1,4-Dioxane	(1)	100
1,2-Diphenylhydrazine	(1)	10
Di-n-propylnitrosamine	(1)	10
2-Ethoxyethanol	(1)	1,000
Ethyl carbamate (Urethane)	(1)	100
Ethyl 4,4'-dichlorobenzilate	(1)	10
Ethylene oxide	(1)	10
Ethylene thiourea	(1)	10
Glycidylaldehyde	(1)	10
Guanidine, N-nitroso-N-methyl-N'-nitro	(1)	10
Hexachlorobenzene	(1)	10
Hexachlorocyclopentadiene	(1)	10
Hexachloroethane	(1)	100
Hydrazine, 1,2-diethyl	(1)	10
Ideno[1,2,3-cd]pyrene	(1)	100
Isosafrole	(1)	100
Lasiocarpine	(1)	10
Lead phosphate	(1)	10

Hazardous substance	Statutory RQ	Proposed RQ
Lead subacetate	(1)	100
Methyl chloride	(1)	100
Methyl iodide	(1)	100
2-Methylaziridine	(1)	10
3-Methylcholanthrene	(1)	10
4,4'-Methylenebis(2-chloroaniline)	(1)	10
Methylthiouracil	(1)	10
Mitomycin C	(1)	10
alpha-Naphthylamine	(1)	100
beta-Naphthylamine	(1)	10
Nickel carbonyl	(1)	10
Nickel cyanide	(1)	10
N-Nitrosodi-n-butylamine	(1)	10
N-Nitroso-N-ethylurea	(1)	10
N-Nitrosomethylvinylamine	(1)	10
N-Nitrosopiperidine	(1)	10
5-Nitro-o-toluidine	(1)	100
Parathion	1	10
Pentachloroethane	(1)	10
Pentachloronitrobenzene	(1)	100
Phenacetin	(1)	100
Propane, 2-nitro	(1)	10
1,3-Propane sulfone	(1)	10
Saccharin and salts	(1)	100
Safrole	(1)	100
Selenium disulfide	(1)	10
1,1,1,2-Tetrachloroethane	(1)	100
1,1,2,2-Tetrachloroethane	(1)	100
Tetrachloroethane	(1)	100
Thioacetamide	(1)	10
Thiourea	(1)	10
Toluenediamine	(1)	10
o-Toluidine	(1)	100
p-Toluidine	(1)	100
o-Toluidine hydrochloride	(1)	100
1,1,2-Trichloroethane	(1)	100
Tris(2,3-dibromopropyl) phosphate	(1)	10
Trypan blue	(1)	10
Uracil mustard	(1)	10
Vinyl chloride	(1)	10
F001	(1)	10
F002	(1)	100
K009: Distillation bottoms from the production of acetaldehyde from ethylene	(1)	10
K010: Distillation side cuts from the production of acetaldehyde from ethylene	(1)	10
K011: Bottom stream from the wastewater stripper in the production of acrylonitrile	(1)	10
K013: Bottom stream from the acetonitrile column in the production of acrylonitrile	(1)	10
K017: Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin	(1)	10
K019: Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production	(1)	10

Hazardous substance	Statutory RQ	Proposed RQ	Hazardous substance	Statutory RQ	Proposed RQ
K020: Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (Components of this waste are identical with those of K019, immediately preceding.)	(1)	10	K096: Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane	(1)	10
K021: Aqueous spent antimony catalyst waste from fluoromethanes production	(1)	10	K099: Untreated wastewater from the production of 2,4,-D	(1)	10
K025: Distillation bottoms from the production of nitrobenzene by the nitration of benzene	(1)	10	K104: Combined wastewater streams generated from nitrobenzene/aniline chlorobenzenes	(1)	10
K027: Centrifuge and distillation residues from toluene diisocyanate production	(1)	10	K105: Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes	(1)	10
K028: Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane	(1)	10	K111: Product washwaters from the production of dinitrotoluene via nitration of toluene	(1)	10
K029: Waste from the product steam stripper in the production of 1,1,1-trichloroethane	(1)	10	K112: Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene	(1)	10
K032: Wastewater treatment sludge from the production of chlordane	(1)	10	K113: Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(1)	10
K033: Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane	(1)	10	K114: Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(1)	10
K034: Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane	(1)	10	K115: Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene	(1)	10
K038: Wastewater from the washing and stripping of phorate production	(1)	10	K116: Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine	(1)	10
K040: Wastewater treatment sludge from the production of phorate. (Components of this waste are identical with those of K038, above.)	(1)	10			
K042: Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T	(1)	10			
K043: 2,6-Dichlorophenol waste from the production of 2,4,-D	(1)	10			
K073: Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production	(1)	10			
K085: Distillation or fractionation column bottoms from the production of chlorobenzenes	(1)	10			
K095: Distillation bottoms from the production of 1,1,1-trichloroethane	(1)	100			

that RSPA is correcting in this revision. Specifically, the new requirements for describing hazardous substances require that previously unregulated materials, such as saccharin, other food additives and consumer commodities, be described on shipping papers and on packages under the proper shipping name "Hazardous substance, liquid or solid, n.o.s.". Due to the connotations associated with the term "hazardous substance", the requirement to identify hazardous substances on shipping papers and on packages using this proper shipping name has an adverse and potentially severe impact on the use and marketability of products intended for consumer consumption. To alleviate this problem, RSPA is authorizing in this revision use of an optional shipping description, "ORM-E, liquid or solid, n.o.s.". This shipping description does not have the negative connotations which are associated with "hazardous substance" and is adequate, when used in conjunction with other description requirements in Part 172, for identifying and reporting hazardous substance discharges, especially those hazardous substances which only fall within the ORM-E hazard class. The ORM-E (i.e., Other Regulated Materials, category E) hazard class consists of hazardous substances and hazardous wastes which do not satisfy any other DOT hazard class such as flammable liquid, corrosive material, or Poison B. The shipping name "ORM-E, liquid or solid, n.o.s." will provide relief for those shippers reluctant to use "Hazardous substance, liquid or solid, n.o.s." as a shipping description. Since the shipping description "ORM-E, liquid or solid, n.o.s." is optional, rather than a replacement shipping description for "Hazardous substance, liquid or solid, n.o.s.", no additional requirements will be imposed on shippers electing to use the latter description.

Administrative Notices

This rule provides relief from a regulatory requirement, imposes no new regulatory requirements, and does not change the classification of hazardous materials. Therefore, I find, under 5 U.S.C. 553, that notice and public procedure on the rule are unnecessary and contrary to the public interest.

The RSPA has determined that this amendment (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (4) will not require an environmental impact statement under

¹ Indicates that the 1-pound statutory RQ is a CERCLA statutory RQ. RSPA believes that the RQ adjustments proposed by EPA should be finalized before Amendment No. 172-108 becomes mandatory, even though the July 1, 1987 effective date has passed. Accordingly, element (1) of the effective date statement of this preamble modifies the effective date statement in the final rule published on December 24, 1986 (51 FR 46672).

By petition dated December 22, 1986, and supplemented June 5, 1987, the Calorie Control Council petitioned RSPA for relief from the provisions of the final rule which apply to saccharin and for delay of the effective date of the rule until July 1, 1987. Although the petition was denied for reasons not germane to this discussion, it identified a problem

the National Environmental Policy Act (40 U.S.C. 4321 *et seq.*). A regulatory evaluation is not considered necessary because the anticipated impact is minimal. Based on limited information concerning the size and nature of entities likely affected, I certify that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 172

Hazardous materials transportation, Hazardous substances.

In consideration of the foregoing, 49 CFR Part 172 is amended as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. The authority citation for Part 172 continues to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805 and 1808; Pub. L. 99-499; and 49 CFR Part 1, unless otherwise noted.

§ 172.101 [Amended]

2. In § 172.101, Column 2 of the Hazardous Materials Table is amended, as follows:

a. The proper shipping name entry, "Hazardous substance, liquid *or* solid, n.o.s.", is changed to "Hazardous substance, liquid *or* solid, n.o.s. *or* ORM-E, liquid *or* solid, n.o.s."

b. The cross reference, "ORM-E, liquid *or* solid, n.o.s. *See* Hazardous substance, liquid *or* solid, n.o.s." is added in proper alphabetical sequence.

3. In the appendix to § 172.101, the effective date of the hazardous substances listed in the preamble to this document is suspended until further notice.

Issued in Washington, DC on Oct. 20, 1987 under authority delegated in 49 CFR Part 1.

M. Cynthia Douglass,

Administrator, Research and Special Programs Administration.

[FR Doc. 87-24859 Filed 10-26-87; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 61220-7033]

Foreign Fishing, Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Inseason action.

SUMMARY: This action reapportions DAP (domestic annual processing) amounts of pollock and Pacific cod to JVP (joint venture processing) based on NMFS' analysis of DAP needs for the remainder of 1987. This action is intended as a conservation and management measure that provides for full utilization of available groundfish resources off Alaska during 1987.

DATES: This notice is effective on October 22, 1987. Comments will be accepted through November 6, 1987.

ADDRESS: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802-1668.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (National Marine Fisheries Service, 907-586-7229).

SUPPLEMENTARY INFORMATION: The FMP governs the groundfish fishery in the Exclusive Economic Zone in the Gulf of Alaska under the Magnuson Fishery Conservation and Management Act. Regulations implementing the FMP are at 50 CFR Part 672. Section 672.2 of the regulations defines the Western, Central, and Eastern Regulatory areas in the Gulf of Alaska. The fishery is directed at an optimum yield range for all groundfish species of 116,000 to 800,000 metric tons (mt). Under the procedure set forth at § 672.20, 1987 Target Quotas were established for each of the groundfish species, which were then apportioned among the regulatory areas or districts.

Background

The Regional Director has conducted several analyses of DAP needs during 1987 and has determined, based on these analyses and DAP catches to date, that certain DAP amounts are excess to DAP needs. The issue of how much pollock might be taken in DAP fisheries was reevaluated by the Council at its May 20-22, 1987, meeting and its September 1, 1987, conference call. The Council voted not to reapportion any DAP pollock in the Gulf of Alaska to JVP. The Secretary of Commerce (Secretary) disagreed with the Council recommendation not to reapportion pollock to JVP in the Gulf of Alaska. The Secretary considered the NMFS surveys, the DAP pollock catches as of September 19 (11,400 mt), and the likelihood that DAP fishermen would catch and sell 83,700 mt of pollock by the end of the year and concluded that 16,500 mt of pollock was unneeded by DAP. This amount was released from

the reserve to JVP (52 FR 37463, October 7, 1987).

The Regional Director has recently concluded another complete survey of all processors, both shoreside and floating, which intend to operate in the Western and/or Central Gulf for pollock during the fourth quarter of 1987. The results of this survey indicate that the maximum likely DAP catch of pollock in the Western/Central area is 58,200 mt. The current DAP is 67,200 mt.

Reapportionment

To the Gulf of Alaska JVP (Table 1)

The Secretary reapportions 9,000 mt of Western/Central area pollock from DAP to JVP.

To provide additional Pacific cod bycatch needed by joint ventures conducting a target fishery on flounders in the Central Gulf, 800 mt of Pacific cod is reapportioned from DAP to JVP. Based on the recent survey and catches to date, the Regional Director has determined that 800 mt is surplus to DAP needs for the remainder of 1987.

Classification

This action is taken under the authority of 50 CFR 611.92, 611.93, and 675.20 and complies with Executive Order 12291.

The Assistant Administrator for Fisheries finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment. Immediate effectiveness of this notice is necessary to benefit U.S. fishermen who otherwise would have to forgo substantial amounts of groundfish species if those amounts remained indefinitely in categories in which these species could not be used, and who would suffer substantial financial loss if a hiatus occurred in their ongoing fisheries. However, interested persons are invited to submit comments in writing to the address above for 15 days after the effective date of this notice.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations.

50 CFR Part 672

Fish, Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 21, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.