

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS-50591G; FRL-4951-7]

RIN 2070-AB27

2-Propenoic Acid, 2-Methyl-, 2[3-(2H-Benzotriazole-2-yl)-4-hydroxyphenyl]ethyl Ester and 2-Substituted Benzotriazole; Modification of Significant New Use Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is modifying the significant new use rules (SNURs) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 2-propenoic acid, 2-methyl-, 2[3-(2H-benzotriazole-2-yl)-4-hydroxyphenyl]ethyl ester and 2-substituted benzotriazole based on a modification to the TSCA 5(e) consent order regulating the substances.

DATES: The effective date of this rule is July 10, 1995.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Assistance Office (7408), 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 April 25, 1991 (56 FR 19228), EPA issued SNURs establishing significant new uses for 2-propenoic acid, 2-methyl-, 2[3-(2H-benzotriazole-2-yl)-4-hydroxyphenyl]ethyl ester and 2-substituted benzotriazole based on the section 5(e) consent order for the substances. Because of additional data EPA has received for these substances, EPA is modifying the SNURs.

I. Background

The Agency proposed the modification of the SNURs for these substances in the **Federal Register** of December 14, 1994 (59 FR 64365). The background and reasons for the modification of the SNURs are set forth in the preamble to the proposed modification. The Agency received one public comment concerning the proposed modification urging EPA to finalize the SNUR modification as soon as possible. As a result EPA is modifying these SNURs.

II. Objectives and Rationale of Modification of the Rule

During review of the PMNs submitted for the chemical substances that are the subject of this 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 effects of the substances. EPA identified the tests considered necessary to evaluate the risks of the substances and identified the protective equipment necessary to protect any workers who may be exposed to the substances. The basis for such findings is in the rulemaking record referenced in Unit III. of this preamble. Based on these findings, a section 5(e) consent order was negotiated with the PMN submitter and SNURs were promulgated. In light of the petition to modify the consent order and SNUR provisions and the recalculation of the risk assessment of the PMN substances based on information provided by the petitioner, the Agency determined air-purifying respirators equipped with high efficiency particulate air filter cartridges would adequately protect the workers who may be exposed to the PMN substances via inhalation. The Agency has determined, therefore, that modifying the consent order and SNUR provisions would not pose an unreasonable risk to human health. The modification of SNUR provisions for the substances designated herein is consistent with the provisions of the section 5(e) order.

III. Rulemaking Record

The record for the rule which EPA is modifying was established at OPPTS-50591. This record includes information considered by the Agency in developing the rule and includes the modification to consent orders to which the Agency has responded with this modification. A public version of the record, without any Confidential Business Information, is available in the TSCA Nonconfidential Information Center (NCIC) from 12 noon to 4 p.m., Monday through Friday, except legal holidays. The TSCA NCIC is located in Rm. NE-B607, 401 M St., SW., Washington, DC.

IV. Regulatory Assessment Requirements

EPA is modifying the requirements of the rule by eliminating one of the recordkeeping requirements. Any costs or burdens associated with the rule will be reduced when the rule is modified. Therefore, EPA finds that no additional assessments of costs or burdens are necessary under Executive Order 12866,

the Regulatory Flexibility Act (5 U.S.C. 605(b)), or the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 721

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

Dated: May 30, 1995.

Charles M. Auer,

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

Therefore, 40 CFR part 721 is amended to read 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. In § 721.1765 by revising paragraph (a)(2)(i) to read as follows:

§ 721.1765 2-Substituted benzotriazole.

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

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(ii), (a)(5)(iv), (a)(5)(v), (a)(6)(i), (a)(6)(ii), (a)(6)(iv), (b) (concentration set at 0.1 percent), and (c).

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3. In § 721.8450 by revising paragraph (a)(2)(i) to read as follows:

§ 721.8450 2-Propenoic acid, 2-methyl-, 2[3-(2H-benzotriazole-2-yl)-4-hydroxyphenyl]ethyl ester.

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

(i) *Protection in the workplace.*

Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(ii), (a)(5)(iv), (a)(5)(v), (a)(6)(i), (a)(6)(ii), (a)(6)(iv), (b) (concentration set at 0.1 percent), and (c).

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DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 218**

[FRA Docket Number RSOR-11,
Notice No. 5]

RIN 2130-AA77

Protection of Utility Employees

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Suspension of amendment to final rule; extension of comment period.

SUMMARY: On March 1, 1995, FRA published an amendment (49 CFR 218.24) to the final rule on safety standards for utility employees working as temporary members of train and yard crews. The amendment, which permitted one-person crews to work within the protections provided for train and yard crews, became effective on

May 15th and is hereby suspended as of May 15. FRA also reopens the comment period.

DATES: The amendment to § 218.24 published on March 1, 1995 (60 FR 11047) is suspended as of May 15, 1995. Comments on the amendment (49 CFR 218.24) will be accepted and reviewed until FRA publishes further notice.

ADDRESSES: Comments on the amendment should be submitted to the Docket Clerk, Office of Chief Counsel, RCC-30, Federal Railroad Administration, 400 Seventh Street SW., Room 8201, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: James T. Schultz, Chief, Operating Practices Division, Office of Safety, FRA, RRS-11, Washington, DC 20590 (telephone: 202-366-9252), or Kyle M. Mulhall, Trial Attorney, Office of Chief Counsel, FRA, Washington, DC 20590 (telephone: 202-366-0443).

SUPPLEMENTARY INFORMATION: On March 1, 1995, FRA published an amendment

to the final rule on utility employees. 60 FR 11047. The utility employee rule set safety standards for temporary members of train or yard crews to join these crews and work with alternative protection to blue signals. The amendment (49 CFR 218.24) permitted one-person crews to work within the crew exclusion from the blue signal rule.

In response to comments and petitions received, FRA suspends the effect of 49 CFR 218.24 until further notice. By this notice, FRA also reopens the comment period on this amendment regarding only the issue of one-person crews, until further notice. All other amendments and corrections made in the March 1st publication took effect on May 15th and remain in effect.

Jolene M. Molitoris,

Federal Railroad Administrator.

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