

the environment. Therefore, lessees must contact the appropriate MMS Regional Supervisor prior to burning liquid hydrocarbons.

The MMS recognizes that the best way to provide restrictions on burning liquid hydrocarbons is by rulemaking. Therefore, MMS is issuing a proposed rule under a separate **Federal Register** Notice that will cover the restrictions on burning liquid hydrocarbons.

The proposed rule will also give the public the opportunity to comment on the restrictions on burning liquid hydrocarbons.

Dated: December 23, 1994.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS-400006A; FRL-4929-6]

Butyl Benzyl Phthalate; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting a petition to delete butyl benzyl phthalate (BBP) from the list of toxic chemicals under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). By promulgating this rule, EPA is relieving facilities of their obligation to report releases of BBP that occurred during the 1994 calendar year and releases that will occur in the future. This relief applies only to reporting requirements under section 313 of EPCRA.

EFFECTIVE DATE: This rule is effective February 17, 1995.

FOR FURTHER INFORMATION CONTACT: For specific information on this rule: Maria J. Doa, Petition Coordinator, Mail Code 7408, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-9592. For more information on EPCRA section 313: Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, In Virginia and Alaska, 703-412-9877 or Toll free TTD: 1-800-553-7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This final rule is issued under section 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (42 U.S.C. 13106). When enacted, section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Section 313(d) authorizes EPA to add or delete chemicals from the list, and sets forth criteria for these actions. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA has, from time-to-time, added and deleted chemicals from the original statutory list.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. On May 23, 1991 (56 FR 23703), EPA published guidance regarding the recommended content of petitions to delete individual members of section 313 metal compound categories. EPA has also published a statement clarifying its interpretation of the section 313(d)(2) criteria for adding and deleting chemicals from the section 313 list (59 FR 61439, November 30, 1994).

II. Description of Petition and Proposed Response

On January 12, 1987, EPA received from the Monsanto Company a petition to delete BBP from the list of toxic chemicals subject to reporting under section 313 of EPCRA. BBP was included on the original list of toxic chemicals when EPCRA was enacted. On July 20, 1987, following a review which consisted of a toxicity evaluation and an exposure analysis, EPA proposed to grant the petition to delete BBP from the section 313 list by issuing a proposed rule in the **Federal Register** (52 FR 27226).

The proposal to grant the petition was based upon EPA's preliminary finding that BBP did not meet the listing criteria found in section 313(d) of EPCRA. It was EPA's belief that there was not sufficient evidence to demonstrate that BBP causes or can reasonably be anticipated to cause significant adverse human health or environmental effects.

One concern which remained following the initial review was the apparently widespread presence of BBP in the environment despite low anticipated release levels. Because of this concern, EPA stated in the proposed rule that the delisting would not be promulgated until the 1987 Toxic Chemical Release Inventory (TRI) reports submitted pursuant to section 313 could be examined to confirm that there were no substantial releases of BBP from covered facilities (see unit III. of this preamble).

Only one commenter, the Monsanto Company, responded to EPA's proposal to delete BBP from the section 313 list of toxic chemicals. The Monsanto Company concurred with EPA's proposed deletion but objected to the decision to delay promulgation until the 1987 TRI reports could be reviewed.

Based upon evaluation of the petition, available toxicity and exposure information, the review of the 1987 - 1992 TRI reports, and the comment, EPA affirms its determination that BBP does not meet any of the toxicity criteria listed in section 313(d). Therefore, EPA is deleting BBP from the list of chemicals subject to reporting under section 313 of EPCRA.

BBP also appears on the Priority Pollutant List (PPL) of section 307 of the Clean Water Act (33 U.S.C. 1317); however, at this time EPA believes that insufficient data preclude the derivation of ambient water quality criteria for BBP by the Agency.

This petition does not request that any action be taken under any statutory provision other than EPCRA section 313, and today's rule should not be inferred as an action under any statutory provision other than EPCRA section 313. Each statute prescribes different standards for adding or deleting chemicals of pollutants from their respective list. Specifically, the deletion of BBP from the EPCRA section 313 list does not alter its regulatory status under other statutory provisions. Today's rule is based solely on the criteria in EPCRA section 313.

III. EPA's Review of Butyl Benzyl Phthalate

As discussed in the proposal, EPA preliminarily determined that BBP has low toxicity with respect to human