

*Constitutionally Protected Property Rights* (53 FR 8859, March 15, 1988), by examining the takings implications of this rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order.

#### L. Executive Order 12988

In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988, titled *Civil Justice Reform* (61 FR 4729, February 7, 1996).

### VI. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the Agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **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 9

Environmental protection, Reporting and recordkeeping requirements.

#### List of Subjects in 40 CFR Part 710

Environmental protection, Chemicals, Hazardous materials, Reporting and recordkeeping requirements.

#### List of Subjects in 40 CFR Part 723

Environmental protection, Chemicals, Hazardous materials, Reporting and recordkeeping requirements.

Dated: December 18, 2002.

**Stephen L. Johnson,**  
Assistant Administrator for Prevention,  
Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I is amended as follows:

1. Part 9 is amended as follows:

#### PART 9—[AMENDED]

a. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671,

21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

b. In § 9.1, the table is amended by revising the heading "Inventory Reporting Regulations" to read "TSCA Chemical Inventory Regulations"; removing the existing entry under the heading; and adding the following entries to read as follows:

#### § 9.1 OMB approvals under the Paperwork Reduction Act.

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40 CFR citation	OMB Control No.
* * *	* * *
TSCA Chemical Inventory Regulations	
Part 710, Sub-part B.	2070-0070
Part 710, Sub-part C.	2070-0162
* * *	* * *

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2. Part 710 is amended as follows:

#### PART 710—[AMENDED]

a. The authority citation for part 710 continues to read as follows:

**Authority:** 15 U.S.C. 2607(a).

b. Revise the part heading and table of contents for part 710 to read as follows:

#### PART 710—TSCA CHEMICAL INVENTORY REGULATIONS

##### Subpart A—General Provisions

Sec.

- 710.1 Scope and compliance.
- 710.3 Definitions.
- 710.4 Scope of the inventory.

##### Subpart B—2002 Inventory Update Reporting

- 710.23 Definitions.
- 710.25 Chemical substances for which information must be reported.
- 710.26 Chemical substances for which information is not required.
- 710.28 Persons who must report.
- 710.29 Persons not subject to this subpart.
- 710.30 Activities for which reporting is not required.
- 710.32 Reporting information to EPA.
- 710.33 When to report.
- 710.35 Duplicative reporting.

- 710.37 Recordkeeping requirements.
- 710.38 Confidentiality.
- 710.39 How do I submit the required information?

##### Subpart C—Inventory Update Reporting for 2006 and Beyond

- 710.43 Definitions.
- 710.45 Chemical substances for which information must be reported.
- 710.46 Chemical substances for which information is not required.
- 710.48 Persons who must report.
- 710.49 Persons not subject to this subpart.
- 710.50 Activities for which reporting is not required.
- 710.52 Reporting information to EPA.
- 710.53 When to report.
- 710.55 Duplicative reporting.
- 710.57 Recordkeeping requirements.
- 710.58 Confidentiality.
- 710.59 Availability of reporting form and instructions.

c. Sections 710.1 through 710.4 are designated as subpart A and the subpart heading is added to read as follows:

##### Subpart A—General Provisions

d. Revise § 710.1 to read as follows:

#### § 710.1 Scope and compliance.

(a) This part establishes regulations governing reporting and recordkeeping by certain persons who manufacture, import, or process chemical substances for commercial purposes under section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607(a)) (TSCA). Section 8(a) authorizes the Administrator to require reporting of information necessary for administration of the Act and requires EPA to issue regulations for the purpose of compiling and keeping current an inventory of chemical substances manufactured or processed for a commercial purpose, as required by section 8(b) of the Act. Following an initial reporting period, EPA published an initial inventory of chemical substances manufactured, processed, or imported for commercial purposes. In accordance with section 8(b), EPA periodically amends the inventory to include new chemical substances which are manufactured or imported for a commercial purpose and reported under section 5(a)(1) of the Act. EPA also revises the categories of chemical substances and makes other amendments as appropriate.

(b) The regulations in this part apply to the activities associated with the compilation of the TSCA Chemical Inventory and the update of information on a subset of the chemical substances included on the Inventory. The Inventory Update regulations were