

finding that activities described in the PMN may result in a significant risk.

EFFECTIVE DATE: The effective date of this rule is July 29, 1996.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543A, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 23, 1992 (57 FR 44050), EPA issued a SNUR (FRL-4001-2) establishing significant new uses for cyclohexanecarbonitrile, 1,3,3-trimethyl-5-oxo-. Because of additional data EPA has received for this substance, EPA is revoking this SNUR.

I. Background

The Agency proposed the revocation of the SNUR for this substance in the Federal Register of September 13, 1995 (60 FR 47531) (FRL-4926-1). The background and reasons for the revocation of the SNUR are set forth in the preamble to the proposed revocation. The Agency received no public comment concerning the proposed revocation. As a result EPA is revoking this SNUR.

II. Background and Rationale for Final SNUR Revocation of the Rule

During review of the premanufacture notice (PMN) submitted for the chemical substance that is the subject of this final SNUR revocation, 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 environmental effects of the substance, and that the substance is expected to be produced in substantial quantities and there may be significant or substantial human exposure. EPA identified the tests necessary to make a reasoned evaluation of the risks posed by the substance to the human health. Based on these findings, a section 5(e) consent order was negotiated with the PMN submitter and a SNUR was promulgated.

EPA reviewed testing conducted by the PMN submitter pursuant to the consent order for the substance and determined that the information available was sufficient to make a reasoned evaluation of the health effects of the substance. EPA has determined that it could not support a finding that activities described in the PMN may result in a significant risk. The final

revocation of SNUR provisions for the substance designated herein is consistent with the revocation of the section 5(e) order.

In light of the above, EPA is finalizing a revocation of SNUR provisions for this chemical substance. When this revocation becomes final, EPA will no longer require notice of any company's intent to manufacture, import, or process this substance. In addition, export notification under section 12(b) of TSCA will no longer be required.

III. Rulemaking Record

The record for the rule which EPA is revoking was established at OPPTS-50601 (P-90-1358). This record includes information considered by the Agency in developing the rule and includes the test data that formed the basis for this finalization.

A public version of the record, without any Confidential Business Information, is available in the OPPT Non-Confidential Information Center (NCIC) from 12 p.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA NCIC is located in the Northeast Mall Basement Rm. B-607, 401 M St., SW., Washington, DC.

IV. Regulatory Assessment Requirements

EPA is revoking the requirements of the rule. Any costs or burdens associated with the rule will also be eliminated when the rule is revoked. Therefore, EPA finds that no costs or burdens must be assessed 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: June 18, 1996.

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).

§ 721.2225 [Removed]

2. By removing § 721.2225.

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40 CFR Part 721

[OPPTS-50608D; FRL-5372-1]

Ethane, 1,1,1 Trifluoro-; Revocation of a Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revoking a significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for ethane, 1,1,1 trifluoro-, based on receipt of new data. Based on the data the Agency determined that it could not support a finding that activities described in the PMN may result in a significant risk.

EFFECTIVE DATE: The effective date of this rule is July 29, 1996.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543A, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 8, 1993 (58 FR 32228), EPA issued a SNUR (FRL-4172-3) establishing significant new uses for ethane, 1,1,1 trifluoro-. Because of additional data EPA has received for this substance, EPA is revoking this SNUR.

I. Background

The Agency proposed the revocation of the SNUR for this substance in the Federal Register of September 13, 1995 (60 FR 47533) (FRL-4911-5). The background and reasons for the revocation of the SNUR are set forth in the preamble to the proposed revocation. The Agency received no public comment concerning the proposed revocation. As a result EPA is revoking this SNUR.

II. Background and Rationale for Final SNUR Revocation of the Rule

During review of the premanufacture notice (PMN) submitted for the chemical substance that is the subject of this final SNUR revocation, 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 substance, and that the substance is expected to be produced in substantial quantities and there may be significant or substantial human exposure. EPA identified the

tests necessary to make a reasoned evaluation of the risks posed by the substance to the human health. Based on these findings, a section 5(e) consent order was negotiated with the PMN submitter and a SNUR was promulgated. EPA reviewed testing conducted by the PMN submitter pursuant to the consent order for the substance and determined that the information available was sufficient to make a reasoned evaluation of the health effects of the substance. EPA has determined that it could not support a finding that activities described in the PMN may result in a significant risk. The final revocation of SNUR provisions for the substance designated herein is consistent with the revocation of the section 5(e) order.

In light of the above, EPA is finalizing a revocation of SNUR provisions for this chemical substance. When this revocation becomes final, EPA will no longer require notice of any person's intent to manufacture, import, or process this substance. In addition, export notification under section 12(b) of TSCA will no longer be required.

III. Rulemaking Record

The record for the rule which EPA is revoking was established at OPPTS-50608 (P-92-341). This record includes information considered by the Agency in developing the rule and includes the test data that formed the basis for this finalization.

A public version of the record, without any Confidential Business Information, is available in the OPPT Non-Confidential Information Center (NCIC) from 12 p.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA NCIC is located in the Northeast Mall Basement Rm. B-607, 401 M St. SW., Washington, DC.

IV. Regulatory Assessment Requirements

EPA is revoking the requirements of the rule. Any costs or burdens associated with the rule will also be eliminated when the rule is revoked. Therefore, EPA finds that no costs or burdens must be assessed 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: June 18, 1996.

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).

§ 721.3254 [Removed]

2. By removing § 721.3254.

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40 CFR Part 799

[OPPT-42030K; FRL-5363-2]

Withdrawal of Final Test Rule for Mesityl Oxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is withdrawing the final test rule for mesityl oxide (MO; CAS No. 141-79-7). EPA has determined that, since testing of MO has been completed according to the terms of an enforceable consent agreement, testing required under the test rule would be duplicative and therefore, the test rule is no longer needed.

EFFECTIVE DATE: This final rule shall take effect on June 27, 1996.

FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 554-1404, TDD: (202) 554-0551. Internet address: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Basis for this Action

In response to the Toxic Substances Control Act Interagency Testing Committee's designation of mesityl oxide (MO; CAS No. 141-79-7) as a priority chemical in its Fourth Report (44 FR 13866, June 1, 1979), EPA issued a two-phase final test rule (50 FR 51857, December 20, 1985 and 52 FR 19088, May 20, 1987), under section 4 of the Toxic Substances Control Act (TSCA) requiring certain health effects testing to be conducted on MO. This test rule appears at 40 CFR 799.2500. Several

manufacturers of MO obtained judicial review of the rule.

On August 19, 1987, the U.S. Court of Appeals for the Fifth Circuit remanded the rule to EPA for reconsideration in light of additional, post-promulgation developments (*Shell Chemical Co. v. EPA*, 826 F.2d 295 (5th Cir. 1987)). The Court stayed the test rule pending EPA's reconsideration on remand. In August 1991, EPA entered into an enforceable consent agreement (ECA) with four manufacturers of MO that required those manufacturers to perform certain health effects tests on MO. A notice was published in the Federal Register of September 5, 1991 (56 FR 43878) announcing the conclusion of the ECA and describing the testing required by the consent agreement. The current notice references previous Federal Register notices (56 FR 43878, September 5, 1991; 52 FR 19088, May 20, 1987; and 50 FR 51857, December 20, 1985), that describe the known health effects of MO and the uses and exposures associated with this chemical substance.

The ECA contains a three-test battery that screens MO for mutagenic, subchronic, developmental and reproductive effects. The protocols used to conduct testing under the ECA are modeled on the generic protocols developed by the Organization for Economic Cooperation and Development (OECD) for the Screening Information Data Set (SIDS) testing program. The OECD SIDS program is an international cooperative program for identifying and developing the test data needed to screen and set priorities for chemical substances and mixtures having a high production volume (HPV) worldwide. The SIDS/HPV list includes chemicals, such as MO, for which few health or environmental effects test data are available.

Testing of MO under these protocols has been completed. The test results are currently being reviewed by the Risk Management Program within EPA's Office of Pollution Prevention and Toxics, and by the OECD.

Concurrently with the publication of the notice of the ECA, EPA proposed a revocation of the mesityl oxide final test rule (56 FR 43897, September 5, 1991) since the needed testing would be carried out under the ECA. No comments were received in response to this proposal. Since the needed testing has been completed in accordance with the terms of the ECA, by this action, EPA is withdrawing the final test rule for MO, by removing the rule from the Code of Federal Regulations (40 CFR 799.2500).