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.

[FR Doc. 96–16336 Filed 6–26–96; 8:45 am]

BILLING CODE 6560–50–F

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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).

II. Rulemaking Record

EPA has established a record for this rulemaking under docket number OPPTS–42030K. This record contains the basic information that EPA considered in developing this final rule, and includes the following:

(1) Testing consent order for mesityl oxide with incorporated enforceable consent agreement and associated testing protocols attached as appendices.

(2) Federal Register notices pertaining to this final rule and the testing consent order and enforceable consent agreement consisting of:

(a) Fourth Report of the TSCA Interagency Testing Committee (44 FR 31866, June 1, 1979).

(b) First-phase final test rule for mesityl oxide (establishing testing requirements) (50 FR 51857, December 20, 1985).

(c) Second-phase final test rule for mesityl oxide (establishing test standards and reporting requirements) (52 FR 19088, May 20, 1987).

(d) Notice of enforceable consent agreement for mesityl oxide (56 FR 43878, September 5, 1991).

(e) Proposed rule to withdraw mesityl oxide final test rule (56 FR 43897, September 5, 1991).

A public version of this record which does not include any information claimed as confidential business information (CBI) is available for public inspection from Noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE B–607, USEPA, 401 M St., SW., Washington, DC 20460.

III. Economic Analysis

Withdrawal of the MO test rule and the consequent elimination of the testing requirements contained in the rule will reduce testing costs. Therefore, this action should not cause adverse economic impact.

IV. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and subject to the requirements of the Executive Order. Section 3(f) of the Order defines a ''significant regulatory action'' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not ''significant'' and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), I certify that this test rule will not have a significant impact on a substantial number of small businesses because the action will relieve the regulatory obligation to conduct chemical testing.

C. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and to adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. This rule reduces enforceable duties on the private sector by withdrawing a rule that requires chemical testing.

D. Paperwork Reduction Act

OMB has approved the information collection requirements contained in the final test rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned OMB Control Number 2070–0033 (EPA ICR No. 1139). This rule reduces the public reporting burden associated with the testing requirements under the final test rule. A complete discussion of the reporting burden is contained at 50 FR 51857, December 20, 1985.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Health effects, Laboratories, Reporting and recordkeeping requirements, Testing.

Dated: June 20, 1996.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides, and Toxic Substances.

Therefore, title 40 of the Code of Federal Regulations, chapter I, subchapter R, part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

§ 799.2500 [Removed]

2. By removing § 799.2500.

[FR Doc. 96–16332 Filed 6–26–96; 8:45 am]

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