

constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, other than that already approved under Section 103 of the Marine Protection, Research, and Sanctuaries Act, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirements of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of \$100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Final Rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: March 23, 1988.

James M. Seif,

Regional Administrator for Region III.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Material Sites Listing in section 228.12 is proposed to be amended by removing the "Dam Neck" site from the

Dredged paragraph (a)(3) and by adding paragraph (b)(55) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

*(* * * * *)
 (b) * * *
 (55) Dam Neck, Virginia, Dredged Material Disposal Site—Region III. Location: 36°51'24.1" N., 75°54'41.4" W.; 36°51'24.1" N., 75°53'02.9" W.; 36°50'52.0" N., 75°52'49.0" W.; 36°46'27.4" N., 75°51'39.2" W.; 36°46'27.5" N., 75°54'19.0" W.; 36°50'05.0" N., 75°54'19.0" W.;
 Size: 8 square nautical miles.
 Depth: Averages 11 meters.
 Primary Use: Dredged material.
 Period of Use: Continuing use.
 Restriction: Disposal shall be limited to dredged material from the mouth of the Chesapeake Bay.

[FR Doc. 88-7078 Filed 3-30-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 712

[OPTS-82030A; FRL-3357-2]

Chemical Information Rules; Addition of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is adding eighteen chemical substances to the list of substances identified in the Preliminary Assessment Information Rule (PAIR, 40 CFR Part 712). Manufacturers and importers who produce or import the listed substances are required to submit production volume, end use, and exposure data to EPA. The Agency will use the reported data to evaluate risks associated with these substances.

DATES: In accordance with 40 CFR 23.5 (50 FR 7271), this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern time on April 14, 1988. This rule shall become effective on May 16, 1988.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Acting Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404.

SUPPLEMENTARY INFORMATION: EPA is adding eighteen chemical substances to the list of chemicals identified in PAIR. After the effective date of this rule, manufacturers and importers of these substances are required to provide EPA with a Preliminary Assessment Information Manufacturer's Report for each plant site at which these substances are manufactured or imported.

This rule was originally proposed (52 FR 18245, May 14, 1987) together with the proposed Addition of Chemicals to Information Rules; Pesticide Inert Ingredients. The Pesticides Inert Ingredients proposal included establishment of a new paragraph (v) in 40 CFR 712.30 in which chemical substances would be listed. The proposed rule for these eighteen chemical substances would have added the eighteen to the new paragraph (v). Due to changes in the final publication schedule for the Pesticide Inert Ingredients rule, this final rule establishes 40 CFR 712.30(w) rather than adding to § 712.30(v) as originally proposed.

The proposed rule included 24 substances. Six substances are not included in the final rule for the reasons discussed in Unit IV below.

I. Authority

Pursuant to section 8(a) of the Toxic Substances Control Act (TSCA, 15 U.S.C. 2607(a)), EPA promulgated PAIR (40 CFR Part 712). This model section 8(a) rule established standard reporting requirements for manufacturers and importers of chemical substances listed in § 712.30. These manufacturers and importers are required to submit a one-time report on production volume, end use, and exposure using the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710-35). EPA uses this model section 8(a) rule to quickly gather current information on substances of concern.

II. Summary of This Rule

EPA is adding eighteen chemical substances to the list of chemicals identified in PAIR. Manufacturers and importers of these substances are required to provide EPA with a Preliminary Assessment Information Manufacturer's Report for each plant site at which these substances are produced or imported. A separate form must be completed for each substance. Complete details of the reporting requirements, including exemptions and a facsimile of the reporting form, are fully described in 40 CFR Part 712. Copies of the reporting form and a question and answer document to assist submitters in completing the form are available from the TSCA Assistance Office at the address and telephone number preceding Unit I of this rule. Reports must be submitted to the following address by July 13, 1988: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M

St., SW., Washington, DC 20460, ATTN: PAIR Reporting.

SUBSTANCES ADDED TO PAIR

[Listed alphabetically by TSCA Inventory name]

Substance	CAS No.
Barium chloride.....	10361-37-2
Bromine.....	7726-95-6
Cyclohexene, 4-ethenyl.....	100-40-3
Ferromanganese.....	12604-53-4
Hydrocyanic acid.....	74-90-8
Hydrofluoric acid.....	7664-39-3
Manganese oxide.....	1313-13-9
Molybdenum oxide.....	1313-27-5
Nitric acid, silver (1+) salt.....	7761-88-8
Palladium chloride.....	7647-10-1
Phosphorus.....	7723-14-0
Selenium.....	7782-49-2
Silver.....	7440-22-4
Sodium fluoride.....	7681-49-4
Sulfuric acid, cobalt (2+) salt (1:1).....	10124-43-3
Sulfuric acid, manganese (2+) salt (1:1).....	7785-87-7
Tungsten carbide.....	12070-12-1
Vanadium oxide.....	1314-62-1

As part of an ongoing effort to coordinate information gathering requests from different offices in EPA, this rule includes chemical substances nominated by the Office of Air Quality Planning and Standards and the Office of Toxic Substances. This coordination will lead to efficient use of resources for both industry and the government by avoiding duplicative information requests by multiple offices in EPA. This savings will be reflected in reduced Agency implementation costs and industry reporting costs.

The nominating office and the particular reasons for each office's information request on the substances listed in this rule are discussed in Unit III of this preamble.

III. Agency Rationale and Objectives

A. Office of Air Quality Planning and Standards

EPA's Office of Air Quality Planning and Standards (OAQPS) needs basic data on the production and emissions of seventeen chemical substances and has requested that this information be gathered through adding these substances to the list of substances identified in the PAIR. After the effective date of this rule, persons who manufacture or import the listed substances are required to submit production volume, end use, and exposure data to EPA.

A necessary step in the regulatory program for addressing toxic air pollutants is a preliminary ranking and screening of substances that have been identified as potential air pollutants. The purpose of ranking and screening is to select, from a large number of candidates, those substances most

deserving of closer attention and further analysis by EPA. Ideally, a full range of toxicological and epidemiological information, coupled with detailed estimates of current emissions and human exposure, would be utilized to rank and screen the identified substances. However, such complete information is seldom, if ever, available. Furthermore, the number of candidates is potentially very large, and the resources required to develop complete information are prohibitive. For these reasons, early prioritization and screening must be based on limited, readily available data and an evaluation process subsequently used that provides opportunity for further refinement of the list of candidates.

Twelve of the seventeen chemical substances nominated by OAQPS are currently included in the prioritization and screening effort to determine which chemicals are to receive regulatory assessment. Several types of readily available information are used in making this determination. These include health effects information and estimates of the potential for population exposure. The potential for population exposure may be estimated from volatility information and from production volume such as that obtained under this rule. The twelve substances (listed here by the common name with the TSCA Chemical Substances Inventory name in parentheses) which are being added to PAIR are: Barium Chloride, Cobaltous Sulfate (Sulfuric acid, cobalt (2+) salt (1:1)), Ferromanganese, Manganese Dioxide (Manganese oxide), Manganese (II) Sulfate (1:1) (Sulfuric acid, manganese (2+) salt (1:1)), Molybdenum Trioxide (Molybdenum oxide), Palladium (II) Chloride (Palladium chloride), Silver, Silver Nitrate (Nitric acid, silver (1+) salt), Sodium Fluoride, Tungsten Carbide, and Vanadium Pentoxide (Vanadium oxide).

The extent of the information needed is similar to the data gathered through the Final Rule, Partial Updating of the TSCA Chemical Inventory Data Base (Inventory Update Rule), published in the *Federal Register* of June 12, 1986 (51 FR 21438). However, the Inventory Update Rule specifically exempts manufacturers and importers of most inorganic substances (including those substances nominated by OAQPS for this rule) from reporting. This exemption was included to avoid unnecessary reporting on the many inorganic substances not currently of interest to EPA for risk assessment review. By using PAIR to selectively obtain needed production, end use, and exposure data on those inorganic substances identified

by Agency programs for possible review, EPA can efficiently obtain the data it needs on those specific substances while minimizing overall reporting burdens.

The remaining five chemical substances nominated by OAQPS have already been selected for regulatory assessment. These substances (again, listed by common name with the TSCA Chemical Substance Inventory name in parentheses) are: Bromine, Hydrocyanic Acid, Hydrogen Fluoride (Hydrofluoric acid), Phosphorus, and Selenium. The information gathered on these substances will serve as part of the basis for decisions on the need to further assess the substances as toxic air pollutants under the Clean Air Act (42 U.S.C. 7401-7626). Listing these substances under PAIR does not indicate that they are going to be regulated under the Clean Air Act or TSCA, only that they are undergoing regulatory assessment with a view to determining whether regulatory action is appropriate under TSCA or the Clean Air Act.

B. Office of Toxic Substances

EPA's Office of Toxic Substances (OTS) needs up-to-date information on the manufacture and import of one chemical substance whose common name (with the TSCA Chemical Substance Inventory name in parentheses) is: 4-vinylcyclohexene (Cyclohexene, 4-ethenyl-). Because OTS needs end use and exposure data, the Inventory Update Rule will not provide the necessary information. The data obtained on this substance will be used by OTS in risk analysis. This substance is discussed in the paragraph below.

4-Vinylcyclohexene. EPA is adding 4-vinylcyclohexene, CAS No. 100-40-3, to the list of chemical substances identified in PAIR. The primary use of 4-vinylcyclohexene is as a site-limited intermediate in the production of 4-vinylcyclohexene diepoxide, which is then used to make epoxy resins. 4-vinylcyclohexene is also a byproduct of synthetic rubber production. Exposure could occur dermally or through inhalation. Studies on 4-vinylcyclohexene showed limited evidence of carcinogenicity. No data are available on worker exposure during manufacture, processing, or use in the United States. This data is necessary to determine if a risk assessment is required.

IV. Comments on Proposed Rule

All of the comments received from the public on the proposed rule were chemical-specific, and some contained

additional information on the chemical substances. The nominating offices reviewed the material received and determined whether the additional data met their needs. No chemical substances were removed from the list as a result.

A. Comments on OAQPS Substances

The comment received opposing inclusion of barium chloride (CAS No. 10361-37-2) states that it has relatively low toxicity and potential for human exposure as an air pollutant. The Agency notes that the data collection effort under PAIR is intended to enable EPA to assign a priority to the need to assess barium chloride as an air pollutant relative to other chemicals. The type of data being requested for barium chloride is gathered for many other compounds and does not imply that it will be considered to be a hazardous air pollutant. However, information is needed to assess exposure potential, and the comment does not provide information adequate to conduct the assessment necessary for barium chloride.

Several commenters opposed the inclusion of titanium dioxide (CAS No. 13463-67-7) in PAIR. Information developed in response to a proposal to delist titanium dioxide from specific reporting requirements under section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499, "SARA") has addressed the information needs of the Agency. For this reason, titanium dioxide is not included in this final rule.

One commenter opposed the inclusion of sodium hydroxide (CAS No. 1310-73-2), asserting that it is not a hazardous air pollutant. As a result of additional information developed subsequent to proposal by the Agency in support of a decision on the chemical substance, sodium hydroxide is not included in this final rule.

The Agency has determined that supplemental information which has become available through another Agency program is adequate to address its information needs on mercuric chloride (CAS No. 7487-94-7). For this reason, mercuric chloride is not included in this final rule.

Because of concerns that the health effects data for magnesium hydroxide (CAS No. 1309-42-8) does not associate inhalation exposure to this compound with adverse health effects not controlled against by the National Ambient Air Quality Standard for particulate matter, the Agency is deferring a decision on whether the substance will be included in a future PAIR rule until further health effects data is obtained. For this reason,

magnesium hydroxide is not included in this final rule.

B. Comments on OTS Substances

The proposed rule contained two other substances nominated by OTS. Two commenters submitted teratology studies on phenylethyl alcohol (CAS No. 60-12-8). Since teratological effects are of major concern to OTS, pending review of these studies the Agency is deferring a decision on whether phenylethyl alcohol and phenylethyl acetate (CAS No. 103-45-7) will be included in a future PAIR rule. Thus, phenylethyl alcohol and phenylethyl acetate are not included in this final rule.

V. Release of Aggregate Data

The Agency will follow procedures for the release of aggregate statistics as prescribed in a rule related notice published in the *Federal Register* of June 13, 1983 (48 FR 27041). Included in the notice are procedures for requesting exemptions from the release of aggregate data. Exemption requests concerning the release of aggregate data on any chemical substance must be received by EPA no later than July 13, 1988.

VI. Economic Analysis

EPA estimates the total reporting cost of this rule is \$328,560. To calculate this figure EPA used the nonconfidential TSCA Inventory data base, plus current information from other published sources, to generate a list of manufacturers and importers of these chemical substances. After excluding firms which reported no production or importation, 180 companies were listed as manufacturers or importers of the chemical substances. Since 32 of these companies qualify as a small business as defined in 40 CFR 712.25(c), EPA expects 148 firms to report a total of 222 reports.

The estimated total reporting costs are as follows:

222 reports @ \$807/report.....	\$179,154
+ 222 familiarization cases @ \$673 case.....	149,406
Total.....	328,560
Average cost per site.....	1,480
Average cost per firm.....	2,220

VII. Rulemaking Record

The following documents constitute the rulemaking record for this rule (docket control number OPTS-82030A). All of these documents are available to the public in the OTS Public Reading

Room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The OTS Reading Room is located at EPA Headquarters, Rm. NE-G004, 401 M St., SW., Washington, DC.

1. Preliminary Assessment Information Rule (40 CFR Part 712).
2. This rule.
3. Economic analysis of this rule.
4. The proposed rule (52 FR 18250, May 14, 1987).
5. A chemical hazard information profile for 4-Vinylcyclohexene.
6. Health effects and use information on the OAQPS chemical substances nominated for this rule.
7. Public Comments.

VIII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore requires a regulatory impact analysis. The Agency has determined that this rule is not "major" because it will not have an effect of \$100 million or more on the economy. EPA also anticipates that this rule will not have a significant effect on competition, costs, or prices.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

EPA expects only 148 companies to report under this rule, well within Regulatory Flexibility Act guidelines. The rule exempts "small" manufacturers and importers (as defined in 40 CFR 712.25(c)) from reporting on these chemical substances. Therefore, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has assigned OMB Control Number 2070-0054.

List of Subjects in 40 CFR Part 712

Chemicals, Environmental protection, Recordkeeping and reporting requirements.

Dated: March 21, 1988.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR Part 712 is amended as follows:

PART 712—[AMENDED]

1. The authority citation for Part 712 continues to read as follows:

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

2. Section 712.30 is amended by adding paragraph (w) to read as follows:

§ 712.30 Chemical lists and reporting periods.

(w) Manufacturers and importers of the substances listed below must submit a Preliminary Assessment Information Manufacturer's Report for each site at which they manufacture or import each substance by the reporting date shown in the table below. The substances are listed in Chemical Abstracts Service Registry Number order. Typically EPA lists the trivial or common name first, then, following the symbol "—", EPA lists the substance by its TSCA Chemical Substance Inventory name. Whenever EPA lists a single name, the name may be either the TSCA Chemical Substance Inventory name, a trivial name, or a common name. Generally, when a single name is listed, it is the TSCA Chemical Substances Inventory name.

CAS No.	Substance	Effective date	Reporting date
74-90-8	Hydrocyanic acid	5-16-88	7-13-88
100-40-3	4-vinylcyclohexene—cyclohexene, 4-ethenyl	5-16-88	7-13-88
1313-13-9	Manganese dioxide—manganese oxide	5-16-88	7-13-88
1313-27-5	Molybdenum trioxide—molybdenum oxide	5-16-88	7-13-88
1314-62-1	Vanadium pentoxide—vanadium oxide	5-16-88	7-13-88
7440-22-4	Silver	5-16-88	7-13-88
7647-10-1	Palladium (II) chloride—palladium chloride	5-16-88	7-13-88
7664-39-3	Hydrogen fluoride—hydrofluoric acid	5-16-88	7-13-88
7681-49-4	Sodium fluoride	5-16-88	7-13-88
7723-14-0	Phosphorus	5-16-88	7-13-88
7726-95-6	Bromine	5-16-88	7-13-88
7761-88-8	Silver nitrate—nitric acid, silver (1+)	5-16-88	7-13-88
7782-49-2	Selenium	5-16-88	7-13-88

CAS No.	Substance	Effective date	Reporting date
7785-87-7	Manganese (II) sulfate (1:1)—sulfuric acid, manganese (2+) salt (1:1)	5-16-88	7-13-88
10124-43-3	Colbaltous sulfate—sulfuric acid, cobalt (2+)	5-16-88	7-13-88
10361-37-2	Barium chloride	5-16-88	7-13-88
12070-12-1	Tungsten carbide	5-16-88	7-13-88
12604-53-4	Ferromanganese	5-16-88	7-13-88

[FR Doc. 88-6914 Filed 3-30-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 761 and 796

[OPTS 29001; FRL-3358-1]

Polychlorinated Biphenyls and Chemical Fate Testing Guidelines; Incorporation by Reference; Reapproved Test Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA has incorporated by reference certain American Society for Testing and Materials (ASTM) test methods in the Polychlorinated Biphenyls (PCB) regulations, 40 CFR Part 761, and in the Chemical Fate Test Guidelines, 40 CFR Part 796. Incorporated test methods that are subsequently reviewed and reapproved by ASTM need not be proposed for reapproval by the Director of the Office of the Federal Register. Instead, such test methods must be announced through publication in the **Federal Register**. This document announces those incorporated test methods that have been reviewed and reapproved by ASTM.

EFFECTIVE DATE: March 31, 1988.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Acting Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-543, 401 M St. SW., Washington, DC 20460, Telephone: 202-554-1404.

SUPPLEMENTARY INFORMATION: EPA is announcing the reapproval of two ASTM test methods which are incorporated by reference (IBR) in the PCB regulations, and in the Chemical Fate Test Guidelines. The reapproved IBRs are ASTM D 1193-77, Standard Specification for Reagent Water, and

ASTM E 258-67 (Reapproved 1982), Standard Test Method for Total Nitrogen in Organic Material by Modified KJELDAHL Method. The reapproved test methods are available from the Public Reading Room, in Room NE-G004, at the address above.

The designations of the old test methods and the equivalent new designations are as follows:

Old designation	New designation
ASTM E 258-67	ASTM E 258-67 (reapproved 1982).
ASTM D 1193-77	ASTM D 1193-77 (reapproved 1983).

A. Executive Order 12291

Under E.O. 12291, issued February 17, 1981, EPA must judge whether a rule is a major rule and, therefore, subject to the requirement that a Regulatory Impact Analysis be prepared. EPA has determined that this rule is not a major rule as the term is defined in section 1(b) of E.O. 12291. Therefore, EPA has not prepared a Regulatory Impact Analysis for this rule. This rule has not been sent to OMB for review.

B. Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act the Administrator may certify that a rule will not, if promulgated, have a significant impact on a substantial number of small entities, and therefore does not require a regulatory flexibility analysis. This rule merely updates certain American Society for Testing and Materials (ASTM) test methods, which are incorporated by reference in the PCB regulations and in the Chemical Fate Test Guidelines to current ASTM test methods. Since no negative economic effect is expected upon any business entity from the promulgation of this rule, I certify that this rule will not have a significant economic impact on small entities.

C. Paperwork Reduction Act

EPA has determined that the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, does not apply to this final rule since no information collection or recordkeeping is involved.

List of Subjects in 40 CFR Parts 761 and 796

Environmental protection, Chemical, Hazardous substances, Health, Labeling, Laboratories, PCB, Reporting and recordkeeping requirements, Incorporation by reference.

Dated: March 14, 1988.

Charles L. Elkins,
Director, Office of Toxic Substances.

Therefore, 40 CFR, Chapter I is amended as follows:

PART 761—[AMENDED]

1. In part 761:

a. The authority citation for Part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, and 2611; Subpart G also issued under 15 U.S.C. 2614 and 2616.

§ 761.19 [Amended]

b. In § 761.19, paragraph (b), the reference to "ASTM E 258-67 (Reapproved 1982)" is revised to read "ASTM E 258-67 (Reapproved 1987)".

§ 761.60 [Amended]

c. In § 761.60, paragraph (a)(3)(iii)(B)(6), the reference to "ASTM E 258-67", is revised to read "ASTM E 258-67 (Reapproved 1987)".

PART 796—[AMENDED]

2. In Part 796:

a. The authority citation for Part 796 continues to read as follows:

Authority: 15 U.S.C. 2603.

§ 796.1550 [Amended]

b. In § 796.1550 by revising "ASTM D 1193-77" to read "ASTM D 1193-77 (Reapproved 1983)", in two places in paragraph (b)(1)(iii).

§ 796.1570 [Amended]

c. In § 796.1570 by revising "ASTM D 1193-77" to read "ASTM D 1193-77 (Reapproved 1983)", in two places in paragraph (b)(1)(ii).

§ 796.1720 [Amended]

d. In § 796.1720 by revising "ASTM D 1193-77" to read "ASTM D 1193-77 (Reapproved 1983)", in two places in paragraphs (b)(1)(ii), and (b)(2)(i).

§ 796.1840 [Amended]

e. In § 796.1840 by revising "ASTM D 1193-77" to read "ASTM D 1193-77 (Reapproved 1983)", in two places in paragraph (b)(1)(ii).

§ 796.1860 [Amended]

f. In § 796.1860 by revising "ASTM D 1193-77" to read "ASTM D 1193-77 (Reapproved 1983)", in two places in paragraph (b)(1)(ii).

§ 796.3500 [Amended]

g. In § 796.3500 by revising "ASTM D 1193-77" to read "ASTM D 1193-77 (Reapproved 1983)", in two places in paragraph (b)(1)(ii).

§ 796.3700 [Amended]

h. In § 796.3700 by revising "ASTM D 1193-77" to read "ASTM D 1193-77 (Reapproved 1983)", in two places in paragraph (b)(2)(i)(B).

§ 796.3780 [Amended]

i. In § 796.3780 by revising "ASTM D 1193-77" to read "ASTM D 1193-77 (Reapproved 1983)", in two places in paragraph (b)(1)(iv)(A).

[FR Doc. 88-7064 Filed 3-30-88; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 799

[OPTS-52098; FRL-3358-4]

Testing Consent Order on Methyl Tert-Butyl Ether and Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document announces that EPA has signed an enforceable Testing Consent Order for methyl tert-butyl ether (MTBE) with five manufacturers of the MTBE Health Effects Testing Task Force. These manufacturers have agreed to perform certain health effects tests on MTBE. This rule adds MTBE to the list of Testing Consent Orders in 40 CFR 799.5000 for which the export notification requirements of 40 CFR Part 707 apply. This document constitutes EPA's response to the Interagency Testing Committee's (ITC) recommendation that EPA consider health effects and chemical fate testing of MTBE.

EFFECTIVE DATE: March 31, 1988.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Acting Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M Street SW., Washington, DC 20460, (202) 554-1404.

SUPPLEMENTARY INFORMATION: Under procedures described in 40 CFR Part 790, five manufacturers have entered into a Testing Consent Order with EPA in which these five manufacturers have agreed to perform certain health effects testing of MTBE. This rule amends 40 CFR 799.5000 to add MTBE to the list of chemical substances and mixtures subject to Testing Consent Orders.

I. ITC Recommendations

In its 19th report to EPA, published in the *Federal Register* of November 14, 1986 (51 FR 41417), the ITC recommended with intent to designate that MTBE (also identified as 2-

methoxy-2-methyl propane) (CAS No. 1634-04-4) be considered for health effects and chemical fate testing. In the ITC's 20th Report to EPA, published in the *Federal Register* of May 20, 1987 (52 FR 19020), MTBE was designated for response within 12 months. The ITC designated MTBE based on concerns of widespread human exposure to low-level fugitive emissions of MTBE at gasoline pumps and the lack of chronic health effects information. The health effects test recommended by the ITC was a chronic inhalation toxicity test including neurotoxic, hematologic, and oncogenic effects. The chemical fate test recommended was a monitoring study to determine typical concentrations of MTBE vapor at representative gasoline terminals and service stations.

II. Testing Consent Order Negotiations

Previous to the publication of "Procedures Governing Testing Consent Agreements and Test Rules Under the Toxic Substances Control Act" (51 FR 23706) on June 30, 1986, EPA made findings under TSCA section 4 as the basis for rulemaking in response to the ITC's designation of chemical substances for priority testing. A finding was made under either section 4(a)(1)(A) (with evidence of unreasonable risk of injury to health or to the environment) or section 4(a)(1)(B) (with evidence of substantial quantities being produced and significant or substantial exposure to health or the environment). EPA has amended the regulations for rulemaking to expedite the development of data for risk assessment by establishing the TSCA section 4 testing consent order process. The Consent Order is not based on a formal finding and expedites testing while retaining the same TSCA penalty provisions applicable under rulemaking.

In accordance with the procedures in 40 CFR 790.22, EPA held a public "focus meeting" on December 17, 1986, to discuss the ITC's testing recommendations for MTBE and to obtain comments. On February 3, 1987, a notice soliciting interested parties for the consent order negotiations was published in the *Federal Register* (52 FR 3343). The MTBE Health Effects Testing Task Force (MTBE Task Force) presented its review of chemical fate and health effects data at a public meeting on March 5, 1987. EPA's tentative testing decisions were presented in a public meeting on April 21, 1987.

Negotiations on a Testing Consent Order (Order) were initiated at a May 8, 1987, public meeting when producers of MTBE, represented by the MTBE Task