twice a day for 3 days, or 1,000 ppm over 4 hours (Ref. 1).

Again, the weight-of-the-evidence for the synergistic effects of acetone on the toxicity of other chemicals is not sufficient to show that acetone meets the EPCRA section 313(d)(2) criteria for listing.

Several commenters state that EPA has not considered the effects of acetone on susceptible populations such as children, the elderly, or pregnant women, as detailed in the ATSDR draft profile. EPA disagrees. The ATSDR draft profile reported no human data on acetone in "more susceptible populations." Several studies in rats reported possible sex differences in susceptibility. Other factors which may have affected susceptibility in rats were age and pregnancy; however, no doses were reported.

The National Council of the Paper Industry for Air and Stream Improvement Inc. submitted a review on the *Toxicity of Acetone* in support of delisting acetone. This report concludes that acetone does cause CNS depression and irritation of mucous membranes, but that these effects become apparent only at high concentrations (above 500 ppm for irritation and 1,000 ppm for CNS effects).

This review was not as detailed as the ATSDR *Draft Toxicological Profile for Acetone*; however, reports of effective dose levels were similar. This review provides further indication of the relatively high levels of acetone necessary to induce toxicity or enhance the toxicity of other chemicals.

The Chesapeake Bay Foundation commented that acetone is toxic to aquatic life, and that it has a potential to bioaccumulate, and therefore, it should not be removed from the EPCRA section 313 list of toxic chemicals. The commenter cites toxicity values of 10 milligrams/liter (mg/L) to *Daphnia magna*, and a median lethal concentration (LC₅₀) for the clawed toad of 25 mg/L.

The toxicity values quoted by the commenter are within the range which are considered by EPA to be "moderately low." However, the majority of the available aquatic toxicity (LC_{50}) values for acetone are greater than 100 mg/L. In fact, several studies reported LC₅₀ values for Daphnia magna of greater than 100 mg/L. Taken as a whole, the data indicate that acetone presents a low level of hazard to aquatic organisms. As to the statement that acetone has the potential to bioaccumulate, EPA disagrees. As stated in the proposed rule, acetone is readily biodegradable in aquatic systems. Its octanol/water coefficient (-0.24)

indicates a low potential for bioaccumulation, and its high water solubility indicates that acetone is not likely to biomagnify. The commenter did not supply any data which would lead EPA to change this assessment.

The Maine Greens comment that acetone is a known hazardous substance based on flammability, and the State and Territorial Air Pollution Program Administrators/Association of Local Pollution Control Officials comments that acetone should not be removed from the EPCRA section 313 list of toxic chemicals because delisting a flammable solvent will eliminate information needed by emergency response personnel regarding the true hazard presented by a given facility.

While EPA believes that the data collected under EPCRA section 313 may be of use to local response authorities in developing emergency response plans, it is not the primary focus of EPCRA section 313 as it is with EPCRA sections 302–312. Furthermore, flammability is not one of the criteria for listing a substance under EPCRA section 313.

B. Rationale for Delisting and Conclusions

EPA is granting the petition by deleting acetone from the EPCRA section 313 list. EPA believes that acetone does not meet the toxicity criteria of EPCRA section 313(d)(2)(A) because acetone exhibits acute toxicity only at levels that greatly exceed releases and resultant exposures. Specifically, acetone cannot reasonably be anticipated to cause "* * * significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring releases.'

EPA believes that acetone does not meet the toxicity criteria of EPCRA section 313(d)(2)(B) because acetone: (1) Cannot reasonably be anticipated to cause cancer or neurotoxicity and has not been shown to be mutagenic, and (2) cannot reasonably be anticipated to cause adverse developmental effects or other chronic effects except at relatively high dose levels.

EPA believes that acetone does not meet the toxicity criteria of EPCRA section 313(d)(2)(C) because acetone causes adverse environmental effects only at relatively high dose levels.

Based upon evaluation of the petition, available toxicity and exposure information, and public comment, EPA reaffirms its determination that acetone meets the EPCRA section 313(d)(3) criteria for deletion. Therefore, EPA is finalizing the deletion of acetone from the list of chemicals subject to reporting under section 313 of EPCRA.

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 or pollutants from its respective list. Specifically, the deletion of acetone 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.

IV. Effective Date

This action is effective June 16, 1995. Thus the last year in which facilities had to file a Toxic Release Inventory (TRI) report for acetone was 1994, covering releases and other activities that occurred in 1993.

Section 313(d)(4) provides that "[a]ny revision" to the section 313 list of toxic chemicals shall take effect on a delayed basis. EPA interprets this delayed effective date provision to apply only to actions that add chemicals to the section 313 list. For deletions, EPA may, in its discretion, make such actions immediately effective. An immediate effective date, in these circumstances, is also consistent with 5 U.S.C. section 553(d)(1) because a deletion from the section 313 list relieves a regulatory restriction.

EPA believes that where the Agency has determined, as it has with acetone, that a chemical does not satisfy any of the criteria of section 313(d)(2)(A)-(C), no purpose is served by requiring facilities to collect data or file TRI reports for that chemical, or, therefore, by leaving that chemical on the section 313 list for any additional period of time. This construction of section 313(d)(4) is consistent with previous rules deleting chemicals from the section 313 list. For further discussion of the rationale for immediate effective dates for EPCRA section 313 delistings, see 59 FR 33205 June 28, 1994.

V. Rulemaking Record

The record supporting this rule is contained in the docket number OPPTS-400086A. All documents, including an index of the docket, are available in the TSCA Nonconfidential Information Center (NCIC), also known as the TSCA Public Docket Office, from noon to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Rm. NE–B607, 401 M St., SW., Washington, DC 20460.