

Because the ITC has expressed no need for ecological effects information for the 12 substances being added to the section 8(d) rule under the category designated "OSHA Chemicals in Need of Dermal Absorption Testing," EPA is exempting from ecological effects data reporting these substances under the section 8(d) rule. Also, for substances being added to the 8(d) rule by this action, EPA is exempting certain studies on mixtures containing 8(d)-listed substances at levels below 1 percent of the mixture. For further information on these exemptions, see Unit III. of this preamble.

I. Background

Section 4(e) of TSCA established the ITC and authorized it to recommend to EPA chemical substances and mixtures (chemicals) to be given priority consideration in proposing test rules under section 4. For some of these chemicals, the ITC may designate that EPA must respond to its recommendations within 12 months. In this time, EPA must either initiate a rulemaking to test the chemical or publish in the **Federal Register** its reasons for not doing so.

On November 3, 1994, EPA announced the receipt of the 35th Report of the ITC, and it was then published in the **Federal Register** of December 29, 1994 (59 FR 67596). The 35th report revises the Committee's priority list of chemicals by designating

for testing 25 chemical substances to the section 4(e) priority list.

This rule adds 24 substances to the section 8(a) Preliminary Assessment Information Reporting Rule and 12 substances to the section 8(d) Health and Safety Data Reporting Rule. These two rules are model information gathering rules which assist the ITC in making testing recommendations and aid EPA in responding to the ITC recommendations.

EPA issued the PAIR under section 8(a) of TSCA (15 U.S.C. 2607(a)), and it is codified at 40 CFR part 712. This model section 8(a) rule establishes standard reporting requirements for manufacturers and importers of the chemicals listed in the rule at 40 CFR 712.30. These manufacturers and importers are required to submit a one-time report on general volume, end use, and exposure-related information using the Preliminary Assessment Information Manufacturer's Report (EPA Form 7710-35). EPA uses this model section 8(a) rule to gather current information on chemicals of concern quickly.

EPA issued the model Health and Safety Data Reporting Rule under section 8(d) of TSCA (15 U.S.C. 2607(d)), and it is codified at 40 CFR part 716. The section 8(d) model rule requires past, current, and prospective manufacturers, importers, and processors of listed chemicals to submit to EPA copies and lists of unpublished health and safety studies on the listed chemicals that they manufacture,

import, or process. These studies provide EPA with useful information and have provided significant support for EPA's decisionmaking under TSCA sections 4, 5, 6, 8, and 9.

These rules provide for the automatic addition of ITC priority list chemicals. Whenever EPA announces the receipt of an ITC report, EPA may, without further notice and comment, amend the model information-gathering rule by adding the recommended (or designated) chemicals. The amendment adding these chemicals to the PAIR and Health and Safety Data Reporting Rule becomes effective 30 days after publication in the **Federal Register**.

II. Chemicals To Be Added

In its 35th Report to EPA, the ITC designated 25 chemical substances for dermal absorption testing. EPA is adding 24 substances to the section 8(a) PAIR and 12 substances to the section 8(d) Health and Safety Data Reporting Rule. EPA is not adding cyclohexanone (CAS No. 108-94-1) to section 8(a) or section 8(d) because of the ITC's decision to remove this chemical substance from the testing priority list in its 36th report. EPA is not adding to the section 8(d) model rule 12 of the substances listed in the ITC report because the substances were previously listed on the section 8(d) rule and are currently subject to reporting or have recently ended the 10-year reporting period. These 12 substances are listed below.

Substance	CAS No.	FR Cite
Acetonitrile	75-05-8	47 FR 38791, September 2, 1982
Benzene, 1,2-dichloro-	95-50-1	47 FR 38791, September 2, 1982
Benzene, 1,4-dichloro-	106-46-7	47 FR 38791, September 2, 1982
1,1'-Biphenyl	92-52-4	48 FR 13178, March 30, 1983
Dipropylene glycol monomethyl ether	34590-94-8	54 FR 8484, February 28, 1989
Ethane, 1,2-dichloro-	107-06-2	52 FR 16022, May 1, 1987
Formamide	75-12-7	47 FR 38791, September 2, 1982
Isophorone	78-59-1	47 FR 38791, September 2, 1982
Naphthalene	91-20-3	52 FR 16022, May 1, 1987
Propane, 1,2-dichloro-	78-87-5	47 FR 38791, September 2, 1982
Propane, 1,2,3-trichloro-	96-18-4	47 FR 38791, September 2, 1982
1-Propanol, 2-methyl-	78-83-1	51 FR 2890, January 22, 1986

For a complete listing of the substances being added to the section 8(d) model rule and the PAIR, see the regulatory text section of this document.

III. Exemptions

For the 12 substances being added to the section 8(d) rule, EPA is exempting certain types of studies from the 8(d)

rule reporting requirements of 40 CFR part 716 because no ITC member has indicated a current need for the specific study types. The study types being specially exempted in this action include: (1) Ecological effects data and (2) studies conducted on mixtures (e.g., formulated products) containing a subject substance at a level below 1

percent of the mixture, unless a purpose of the study includes the investigation of the effects of an 8(d) rule-listed substance at levels below 1 percent. EPA may later require the reporting of the types of studies being exempted at this time, via an amendment to this rule using notice and comment procedures,