minutes. For conference call meetings, opportunities for oral comment will be limited to no more than five minutes per speaker and no more than fifteen minutes total. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date, may be mailed to the relevant SAB committee or subcommittee prior to its meeting; comments received too close to the meeting date will normally be provided to the committee at its meeting. Written comments may be provided to the relevant committee or subcommittee up until the time of the meeting.

Dated: April 3, 1997.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 97–9692 Filed 4–14–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–44639; FRL–5600–7]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of test data on tertiary amyl methyl ether (TAME) (CAS No. 994–05–8). These data were submitted pursuant to an enforceable testing consent agreement/order issued by EPA under section 4 of the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

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

SUPPLEMENTARY INFORMATION: Under 40 CFR 790.60, all TSCA section 4 enforceable consent agreements/orders must contain a statement that results of testing conducted pursuant to testing enforceable consent agreements/orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for TAME were submitted by The American Petroleum Institute (API), on behalf of the Tertiary Amyl Methyl Ether (TAME) Consortium, pursuant to a TSCA section 4 enforceable testing consent agreement/order at 40 CFR 799.5000. EPA received the data on March 6, 1997. The submission includes two final reports entitled 1) ''Developmental Toxicity Evaluation of Inhaled Tertiary Amyl Methyl Ether (TAME) in CD (Sprague-Dawley) Rats'' and 2) ''Developmental Toxicity Evaluation of Inhaled Tertiary Amyl Methyl Ether (TAME) in CD-1 Mice.'' This chemical has potentially wide use as a gasoline additive.

EPA has initiated its review and evaluation process for this data submission. At this time, the Agency is unable to provide any determination as to the completeness of the submission.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS–44639). This record includes copies of all studies reported in this notice. The record is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Nonconfidential Information Center (also known as the TSCA Public Docket Office), Rm. B–607 Northeast Mall, 401 M St., SW., Washington, DC 20460, e-mail address: oppt.ncic@epamail.epa.gov.

Authority: 15 U.S.C. 2603.

List of Subjects

Environmental protection, Test data.

Dated: April 7, 1997.

Frank Kover,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 97–9687 Filed 4-14-97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–211043; FRL–5578–1]

Lead Azide; Response to Citizen's Petition Under TSCA Section 21

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Denial of TSCA Section 21 Petition.

SUMMARY: EPA received a petition under section 21 of the Toxic Substances Control Act (TSCA) on May 2, 1996, from a citizen requesting that the Agency promulgate a regulation under TSCA section 6 that would prohibit the manufacturing, processing, or distribution in commerce of lead azide. The petitioner claims that she suffered injuries through the use of lead azide to produce a ''special effect'' in filmmaking and that manufacture of such substance should be prohibited to prevent future human injury. EPA has evaluated the petition and upon further consideration, denied it on July 31, 1996.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202-260-1404, TDD: (202-554-0551), e-mail: TSCA-Hotline@epa.mail.epa.gov.

I. Background

A. Statutory Requirements

1. *TSCA section 21*. Section 21 of TSCA, 15 U.S.C. 2620, provides that any person may petition EPA to initiate proceedings for the issuance, amendment, or repeal of a rule or order under section 4, 5, 6, or 8 of TSCA, 15 U.S.C. 2603, 2604, 2605, or 2607. As required by section 21(b), the petition must set forth the facts that the petitioner claims establish the need for the Agency to issue, amend, or repeal a rule or order under those sections of TSCA. (See also Guidance for Petitioning the Environmental Protection Agency under Section 21 of the Toxic Substances Control Act (50 FR 46827, November 13 , 1985). Section 21(b) also directs EPA to decide either to grant or deny the petition within 90 days after the petition is filed. If EPA denies a petition, the Agency must publish the reason(s) for the denial in the **Federal Register**. If the Agency grants the petition, EPA must promptly commence an appropriate proceeding in accordance with section 4, 5, 6, or 8 of TSCA.

If EPA denies a petition, or fails to make a decision within the 90-day review period, the petitioner may, within 60 days from the date of the decision or from the end of the review period, commence a civil action in a U.S. district court to compel initiation of the requested rulemaking. For a petition for a new rule or order, the court must provide opportunity for the petition to be considered *de novo*. Section 21(b)(4) identifies petitioners' rights and the procedures to be followed under such civil action. Relief available under section 21 is limited to initiation of a proceeding to issue, amend, or appeal a rule under section 4, 6, or 8, or an order under section 5(e) or 6(b)(2).

2. *TSCA section 6*. Under section 6 of TSCA, 15 U.S.C. 2605(a), EPA may issue rules to limit or prohibit the manufacture, processing, or distribution

in commerce of a chemical substance. To issue a section 6 rule on a chemical substance, EPA must find that a reasonable basis exists to conclude that the manufacture, processing, distribution in commerce, use or disposal of a chemical substance or mixture, or that any combination of such activities, presents or will present an unreasonable risk of injury to health or the environment. TSCA section 6 requires EPA to apply the least burdensome requirement to protect adequately against the risk. This finding of unreasonable risk is a judgement by EPA that the risk of health or environmental injury from a chemical substance or mixture outweighs the burden to society for potential regulation.

B. Description of Petition and Related Events

EPA received three copies of similar petitions from the same petitioner under section 21 of TSCA on March 29, April 30, and May 2, 1996, requesting that the Agency promulgate a regulation under TSCA section 6 that would prohibit the manufacturing, processing, or distribution in commerce of lead azide. The petitioner claims that she suffered injuries from the use of lead azide in special effects in filmmaking and that, therefore, manufacture of such substance should be prohibited to prevent future human injury. The petition claims that lead azide is an explosive, carcinogen, a skin and eye irritant, toxic to the lungs, kidneys, nervous system, blood and reproductive systems. Further, it claims that the decomposition products are fatal if inhaled or ingested. Supporting information included files from previous litigation activity, references to State and Federal regulations on lead azide and use of explosives, and the manufacturer material safety data sheets. Additionally, the petition requests that EPA subpoena transcripts of earlier Federal and State court proceedings relating to the alleged injury.

Following a May 20 telephone conversation with EPA staff, the petitioner agreed that the May 2 petition would be appropriate for response. Subsequently, on June 9, 1996, EPA's Office of General Counsel received additional litigation files accompanied by a request to extend EPA's time to consider the petition, pending a court decision on disclosure of information from the petitioner's employer.

II. Disposition of Petition

EPA denied the requested relief because the petition did not include sufficient information to provide a basis for the Agency to conclude that an unreasonable risk may exist and that a TSCA section 6 rule is necessary. Moreover, EPA's review of supplemental information did not indicate that a section 6 rule was appropriate. The petition was forwarded to the Occupational Safety and Health Administration (OSHA) for consideration under Federal labor laws. EPA has notified the petitioner of the disposition of the petition by letter dated July 31, 1996.

A. Issuance of Section 6 Rule

EPA has reviewed the supporting information included with the petition and litigation files, as well as other available information on lead azide. The health effects of lead and lead azide are well documented in the scientific literature. Lead azide is a skin and eye irritant, explosive, a carcinogen, and toxic to the lungs, kidneys, nervous system, blood and reproductive systems. Acute exposure to extremely high levels of lead can cause encephalopathy which may lead to vomiting, seizures, coma, or even death. OSHA has set the Permissible Exposure Limit (PEL) for lead at 50ug/m^3 of air averaged over an 8–hour period (29 CFR 1910.1025). OSHA requires protective work clothing for workers exposed to lead compounds such as lead arsenate or lead azide, which can cause skin and eye irritation (29 CFR 1910.1025, App. B (g)).

In order to grant a citizen's petition to initiate a TSCA section 6 action, however, EPA must find ''a reasonable basis to conclude that the issuance of such a rule or order is necessary to protect health or the environment against an unreasonable risk of injury.'' An important factor in determining whether TSCA action is necessary is whether the concern is addressed by other federal regulations. The section 21 petition should include sufficient information to provide a basis for the Agency to conclude that an unreasonable risk may exist and that a TSCA section 6 rule is necessary to address that risk (50 FR 46827, November 13, 1985). This may include data on the nature and severity of harm (toxicity) to humans or the environment from the chemical substance of concern; exposure data, such as amount of the substance released and estimates of magnitude, frequency, duration and route (i.e. inhalation, ingestion, or skin absorption) of contact; extent of harm the chemical substance of concern presents or may present, and possible methods of risk reduction. This data facilitates the Agency's efforts in determining whether an unreasonable risk exists, and if there is an unreasonable risk posed, arriving at a remedy which imposes the smallest social and economic burden possible.

EPA denied the petition because the petition and litigation files do not provide the necessary information, nor does the Agency have an independent basis for concluding that TSCA section 6 action is necessary to address an unreasonable risk of injury from worker exposure to lead azide beyond the protections which may be provided by OSHA.

B. Issuance of TSCA Subpoenas

Under section 11(c) of TSCA, 15 U.S.C. 2610, EPA may issue subpoenas to require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions and other information necessary to carry out TSCA. However, in the case at hand, EPA does not believe that the petitioner's request for subpoena of court transcripts and oral proceedings will provide information relevant to determining a basis for unreasonable risk, and is therefore, an inappropriate action. In addition, section 21 of TSCA does not prescribe EPA's use of subpoena authority as a form of relief available to petitioners.

C. OSHA Transmittal

Currently, occupational exposure to lead azide is regulated by OSHA under 29 CFR 1910.1025. Under appendix B (g), workers exposed to lead above the OSHA PEL, or workers exposed to lead compounds such as lead azide, which can cause skin and eye irritation, must be provided with protective work clothing and equipment appropriate for the hazard at no cost to the employee. The employer is required to provide information and training programs for all employees who may be exposed to lead above the action level or who may suffer skin or eye irritation from lead. In addition the employer must make readily available to all employees including those exposed below the action level, a copy of the standard and its appendices and must distribute to all employees any materials provided to the employer by OSHA.

EPA has not determined that the use of lead azide described in the petition poses an unreasonable risk, after consideration of all relevant factors. However, the Agency does believes that the situation raises sufficient issues to warrant OSHA notification. After thorough examination of OSHA's standards and discussions with OSHA staff, EPA believes that as a worker in the film industry, the petitioner is protected by OSHA standards and that

the petitioner's concerns about the use of lead azide in the workplace are appropriately addressed by OSHA regulations. The Agency has no information to indicate that further regulation is necessary beyond the protections provided by OSHA.

D. Extension of 90–Day Review

EPA denied the petitioner's request to extend EPA's time to consider the petition. The Agency has no reason to believe that the information held by the petitioner's employer will supply the necessary data on the nature and severity of harm (toxicity) to humans or the environment, exposure data, extent of harm, or possible methods of risk reduction necessary to change the Agency's assessment that this is an issue appropriately addressed by OSHA.

III. Public Record

EPA established a public record of its response to this petition under docket control number OPPTS–211043. The public record contains the petition, response and the basic information considered by EPA in reaching its decision in this matter. All documents, including the index of the docket, are available to the public in EPA's TSCA Nonconfidential Information Center (NCIC) from noon to 4 p.m., Monday through Friday, excluding legal holidays. The NCIC is located at EPA Headquarters, Rm. B607, 401 M St., SW., Washington, DC 20460.

List of Subjects

Environmental protection.

Dated: April 4, 1997.

Lynn R. Goldmann,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 97–9690 Filed 4-14-97; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by FCC For Extension Under Delegated Authority; Comments Requested

April 9, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

The FCC is reviewing the following information collection requirements for possible 3-year extension under delegated authority 5 CFR 1320, authority delegated to the Commission by the Office of Management and Budget (OMB).

DATES: Written comments should be submitted on or before June 16, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0427.

Title: Section 73.3523 Dismissal of applications in renewal proceedings.

Form Number: None.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 1.

Estimated time per response: 8 hours (1 hour licensee, 7 hours attorney).

Total annual burden: 1 hour.

Needs and Uses: On April 12, 1996, the Commission adopted an Order (In the Matter of Implementation of Sections 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast Renewal Procedures)) which implemented Sections 204(a) and (c) of the Telecommunications Act of 1996 and eliminated comparative renewal hearings for broadcast applications filed after May 1, 1995, in accordance with the Act. All pending comparative renewal proceedings involving applications filed on or before May 1, 1995, will be concluded in accordance with the procedural provisions of Section 73.3523.

Section 73.3523 requires an applicant for a construction permit to obtain approval from the FCC to dismiss or withdraw its application when that application is mutually exclusive with a renewal application. This request for approval must contain a copy of any written agreement and an affidavit, stating that it has not received any consideration (pre-Initial Decision) or it has not received any consideration in excess of legitimate and prudent expenses (post-Initial Decision) for the dismissal/withdrawal of its application. In addition, within 5 days of the applicant's request for approval, each remaining competing applicant and the renewal applicant must submit an affidavit certifying that it has not paid any consideration (pre-Initial Decision), or that it has not paid consideration in excess of legitimate and prudent expenses (post-Initial Decision) for the dismissal/withdrawal of a competing application. The data is used by FCC staff to ensure that an application was filed under appropriate circumstances and not to extract payments prohibited by the Commission.

OMB Approval Number: 3060–0342.

Title: Section 74.1284 Rebroadcasts.

Form Number: None.

Type of Review: Extension of existing collection.

Respondents: Business or other for-profit.

Number of Respondents: 100.

Estimated time per response: 1 hour.

Total annual burden: 100 hours.

Needs and Uses: Section 74.1284 requires that the licensee of an FM Translator station obtain prior consent from the primary FM broadcast station or other FM translator before rebroadcasting their programs. In addition, the licensee must notify the Commission of the call letters of each station rebroadcast and must certify that written consent has been received from the licensee of that station. The data is used by FCC staff to update records and to assure compliance with FCC rules and regulations.