

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS-400131. Electronic comments on this action may be filed online at many Federal Depository Libraries.

#### List of Subjects

Environmental protection.

Dated: June 9, 1998.

**Cassandra Vail,**

*Designated Federal Official, Office of Pollution Prevention and Toxics.*

[FR Doc. 98-15858 Filed 6-12-98; 8:45 am]

BILLING CODE 6560-50-F

#### ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-42205B; FRL-5798-3]

#### Enforceable Consent Agreement Development for Methyl Isobutyl Ketone (MIBK); Solicitation of Interested Parties and Notice of Public Meeting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is soliciting interested parties who want to monitor or participate in negotiations on an enforceable consent agreement (ECA) for conducting a reproductive toxicity study to meet testing requirements for the methyl isobutyl ketone (MIBK)/ECA negotiations in the proposed Toxic Substances Control Act (TSCA) section 4 hazardous air pollutants (HAPs) test rule. In addition, EPA invites all interested parties to attend a public meeting to initiate negotiations on the ECA for MIBK.

**DATES:** EPA must receive written notification requesting designation as an interested party for the MIBK/ECA negotiations on or before . Those persons who identify themselves as interested parties may submit written comments to EPA on the reproductive toxicity study proposal for this chemical and other materials in the docket for the proposed HAPs test rule that relate to the ECA process for this chemical by July 6, 1998.

The public meeting is scheduled from 1 p.m. to 3 p.m. on July 16, 1998.

**ADDRESSES:** Each comment must bear the docket control number, OPPTS-42205B. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G-099, East Tower, Washington, DC 20460. The Document Control Office telephone number is (202) 260-7093.

EPA will address these comments at the public meeting.

Comments and data may also be submitted electronically to: oppt.ncic@epa.gov following the instructions under Unit VI. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this document. Persons submitting information any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will make the information available to the public without further notice to the submitter.

The public meeting will be held at EPA Headquarters, 401 M St., SW., Washington, DC in the EPA Conference Center, North Conference Area in Room 3.

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

*For technical information:* Richard W. Leukroth, Jr., Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260-0321; fax: (202) 260-1096; e-mail address: leukroth.rich@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Availability

*Internet:* Electronic copies of this document and various support documents are available from the EPA

Home Page at the **Federal Register**—Environmental Documents entry for this document under “Laws and Regulations” (<http://www.epa.gov/fedrgrstr/EPA-TOX/1998/>).

#### II. Background

EPA proposed health effects testing under TSCA section 4(a) on June 26, 1996, for a number of HAPs chemicals (61 FR 33178) (FRL-4869-1). As indicated in the proposed HAPs test rule, EPA would use the data obtained from testing to implement several provisions of section 112 of the Clean Air Act (CAA), including the determination of residual risk, the estimation of the risks associated with accidental releases of chemicals, and determinations whether substances should be removed from the CAA section 112(b)(1) list of hazardous air pollutants (delisting). The data also would be used by other Federal agencies (e.g. Agency for Toxic Substances and Disease Registry (ATSDR), National Institute of Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), and Consumer Product Safety Commission (CPSC)) in assessing chemical risks and in taking appropriate actions within their programs.

In the proposed HAPs test rule, EPA invited the submission of proposals for pharmacokinetics (PK) studies for the HAPs chemicals, which could provide the basis for negotiation of ECAs. On December 24, 1997, in an amendment to the proposed HAPs test rule (62 FR 67466) (FRL-5742-2), EPA provided the opportunity for the submission of ECA proposals for alternative testing that could fulfill the testing needs described in the proposed HAPs test rule, as amended. The Agency indicated that such ECA proposals may or may not include PK and mechanistic data development as a component of the alternative testing proposal. EPA received alternative testing proposals to perform reproductive toxicity testing for MIBK from the Ketones Panel of the Chemical Manufacturers Association (CMA Ketones Panel) on December 11, 1996 and March 30, 1998. The Agency has completed its preliminary review of the CMA Ketones Panel proposal and determined that there is sufficient merit to proceed with ECA negotiations focussed specifically on fulfilling the proposed HAPs test rule need for a 2-generation reproduction study of MIBK. This was documented in subsequent correspondence between EPA and the CMA Ketones Panel. A copy of the proposal and correspondence is contained in the public record for this ECA process. These materials will be

used during discussions at the negotiating meeting. EPA is hereby initiating the procedures for ECA negotiations for the HAPs chemical, MIBK. The procedures for ECA negotiations are described at 40 CFR 790.22(b).

The proposed HAPs test rule, as amended on December 24, 1997 (62 FR 67466) (FRL-5742-2) and on April 21, 1998 (63 FR 19694) (FRL-5780-6), and the ECA negotiations on chemicals included in the proposed rule are separate and parallel activities. While the Agency's objective of obtaining data could be accomplished by either activity, EPA recognizes that the final testing program performed by industry may differ depending on whether it is accomplished under the final HAPs test rule or via the ECA process. During the course of ECA negotiations, additional information may be brought forward that could cause the Agency to re-evaluate the nature of the testing requirements as stated in the proposed HAPs test rule, as amended. This could result in the development of an ECA that would fulfill the Agency's data needs in ways not stated in the proposed HAPs test rule, as amended. It is therefore essential for all interested parties to recognize these differences at the outset and respond accordingly within the framework of these two separate and parallel activities. Comments on the proposed HAPs test rule, as amended, must be submitted under docket control number, OPPTS-42187A, as described in the proposed HAPs test rule, as amended, and will be addressed by EPA via the rulemaking process, which is separate and distinct from the ECA process. Participation in the ECA process is described in Units II. through IV. of this preamble.

Negotiations on developing an ECA for MIBK will focus on 2-generation reproductive toxicity testing. The objective of the ECA process is to conclude an ECA that will set in place industry-sponsored testing that will adequately address EPA's data needs for the proposed HAPs reproductive toxicity testing requirement for MIBK.

### III. Identification of Interested Parties

EPA is soliciting interested parties to monitor or participate in testing negotiations on an ECA for MIBK. The CMA Ketones Panel, the submitter of the 2-generation reproduction study proposal for MIBK, and the member companies of the CMA Ketones Panel are already considered interested parties and do not need to respond to this document. Additionally, any persons who respond to this document on or before July 6, 1998 will be given the

status of interested parties. Interested parties must respond in writing to the address specified in the "ADDRESSES" section located at the beginning of this document. These interested parties will not incur any obligations by being so designated. Negotiations will be conducted in one or more meetings open to the public. The negotiation time schedule for MIBK will be established at the first negotiation meeting and will not exceed a period of 4 months from the initial meeting. If an ECA is not established in principle within this timeframe and EPA does not choose to extend the negotiation time period, negotiations will be terminated and testing will be required under the final HAPs test rule. If the testing from the ECA does not meet the Agency's needs, EPA reserves the right to proceed with rulemaking.

### IV. Public Participation in Negotiations

Under EPA regulations, the Agency is required to provide the public with an opportunity to comment on and participate in the development of ECAs. The procedural rule for ECAs (40 CFR part 790) contains provisions to ensure that the views of interested parties are taken into account during the ECA process.

Individuals and groups who respond to this document will have the status of interested parties. All negotiating meetings for the development of this ECA for MIBK will be open to the public and minutes of each meeting will be prepared by EPA and placed in the public docket for this ECA process. The Agency will advise interested parties of meeting dates and make available meeting minutes, testing proposals, background documents, and other materials exchanged at or prepared for negotiating meetings. Where tentative agreement is reached on acceptable testing, a draft ECA will be made available for comment by interested parties and, if necessary, EPA will hold a public meeting to discuss any comments that have been received and determine whether revisions to the ECA are appropriate. EPA will not reimburse costs incurred by non-EPA participants in this ECA negotiation process.

ECAs will only be concluded where an agreement can be obtained which is satisfactory to the Agency, manufacturers or processors who are potential test sponsors, and other interested parties, concerning the need for and scope of testing. In the absence of an ECA, EPA reserves the right to proceed with rulemaking.

A. The Agency will not enter into an ECA if either:

1. EPA and affected manufacturers or processors cannot reach an agreement on the provisions of the ECA; or

2. The draft ECA is considered inadequate by other interested parties who have submitted timely written objections to the draft ECA.

B. EPA may reject these objections if the Agency concludes either that:

1. They are not made in good faith;

2. They are untimely;

3. They are not related to the adequacy of the proposed testing or other features of the agreement that may affect EPA's ability to fulfill the goals and purposes of TSCA; or

4. They are not accompanied by a specific explanation of the grounds on which the draft agreement is considered objectionable.

EPA will prepare an explanation of the basis for each ECA. The explanatory document will summarize the agreement (including the required testing), explain the objectives of the testing, and outline the chemical's use and exposure characteristics. The document, which will also announce the availability of the ECA, will be published in the **Federal Register**.

### V. Proposal of Export Notification Requirements for MIBK

EPA intends to publish a proposed rule in an upcoming **Federal Register** document to require export notification by all persons who export or intend to export MIBK under TSCA section 12(b) upon the successful conclusion of an ECA for MIBK.

### VI. Public Record and Electronic Submissions

As described above, MIBK is listed as a chemical that would be subject to testing requirements under the proposed HAPs test rule, as amended. This ECA negotiation process and the proposed rule, as amended, are separate and parallel activities. The official record for this ECA action on MIBK, including the public version, has been established under docket control number OPPTS-42205B (including comments and data submitted electronically as described below). The official record for this document also includes all material and submissions filed under docket control number OPPTS-42187A; FRL-4869-1, the record for the proposed HAPs test rule, as amended, and all materials and submissions filed under docket control number OPPTS-42187B; FRL-4869-1, the record for the receipt of alternative testing proposals for developing ECAs for HAPs chemicals.

The official record for this document, including the public version, which does not include any information

claimed as CBI, has been established for this document under docket control number OPPTS-42205B. The public version of this record is available for inspection from 12 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, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number, OPPTS-42205B. Electronic comments on this document may be filed online at many Federal Depository Libraries.

The record contains the following information:

**A. Federal Register** notices/EPA documents pertaining to this notice consisting of:

1. "Proposed Test Rule for Hazardous Air Pollutants; Proposed Rule" (61 FR 33178, June 26, 1996).
2. "Amended Proposed Test Rule for Hazardous Air Pollutants; Extension of Comment Period" (62 FR 67466, December 24, 1997).
3. "Amended Proposed Test Rule for Hazardous Air Pollutants; Extension of the Comment Period" (63 FR 19694, April 21 1998).

**B. Alternative ECA proposal materials** consisting of:

1. Letter from Langley A. Spurlock, Chemical Manufacturers Association to Charles M. Auer, EPA with attachment entitled: "Alternative Testing Proposal for Methyl Isobutyl Ketone," Chemical Manufacturers Association Ketones Panel, December 11, 1996.

2. Letter from Courtney M. Price, Chemical Manufacturers Association, Ketones Panel to Charles M. Auer, EPA, March 30, 1998, with attachments entitled: "Alternative Testing Proposal for Methyl Isobutyl Ketone," and "Comments of the Chemical Manufacturers Association Ketones Panel on EPA's Proposed Test Rule for Hazardous Air Pollutants."

C. Letters, facsimilies, electronic correspondence, and contact reports consisting of:

1. Letter from Charles M. Auer, EPA to Barbara Francis, Chemical Manufacturers Association Ketones Panel, February 26, 1997.
2. EPA Contact Report from Charles M. Auer, EPA with William Rawson, Chemical Manufacturers Association Ketones Panel, January 5, 1998.
3. Email from Charles M. Auer, EPA to William Rawson, Chemical Manufacturers Association Ketones Panel, March 9, 1998.
4. Email from Charles M. Auer, EPA to William Rawson, Chemical Manufacturers Association Ketones Panel, March 13, 1998.

#### List of Subjects

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 9, 1998.

#### Ward Penberthy,

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

[FR Doc. 98-15856 Filed 6-12-98; 8:45 am]

BILLING CODE 6065-50-F

#### ENVIRONMENTAL PROTECTION AGENCY

[OPP-30455; FRL-5792-6]

#### Certain Companies; Applications to Register Pesticide Products

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of applications to register pesticide products containing new active ingredients not included in any previously registered products pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATES:** Written comments must be submitted by July 15, 1998.

**ADDRESSES:** By mail, submit written comments identified by the document control number [OPP-30455] and the file symbols to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Environmental Protection Agency, Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Follow the instructions under "SUPPLEMENTARY INFORMATION." No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

**FOR FURTHER INFORMATION CONTACT:** The product manager listed in the table below:

Product Manager	Office location/telephone number	Address
James Tompkins (PM 25).	Rm. 239, CM #2, 703-305-5697, e-mail: tompkins.james@epamail.epa.gov.	1921 Jefferson Davis Hwy, Arlington, VA
Marion Johnson (PM 10)	Rm. 208, CM #2, 703-305-6788, e-mail: johnson.marion@epamail.epa.gov.	Do.

**SUPPLEMENTARY INFORMATION:** EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

#### I. Products Containing Active Ingredients Not Included In Any Previously Registered Products

1. File Symbol: 10182-UUU. Applicant: Zeneca Ag Products, 1800 Concord Pike, P.O. Box 15458, Wilmington, DE 19850-5458. Product Name: ZA1296 4-SC Herbicide.

Herbicide. Active ingredient: 2-[4-(Methylsulfonyl)-2-nitrobenzoyl]-1,3-cyclohexanedione at 40 percent. Proposed classification/Use: None. For control of annual broadleaf weeds in corn. (J. Tompkins)

2. File Symbol: 241-GOE. Applicant: American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543-0400. Product