

Agency's possession and submitted in the future.

A. What is Section 6(a)(2) of FIFRA?

On September 19, 1997, EPA published in the **Federal Register** (62 FR 49370) (FRL-5739-1) a rule implementing section 6(a)(2) of FIFRA. This rule is codified at 40 CFR part 159, subpart D. As explained more fully in the 1997 **Federal Register** rule, under FIFRA section 6(a)(2) pesticide registrants are required to submit to EPA reports of adverse effects related to product usage, product defects, or lack of product efficacy, as well as new information derived from scientific studies which pertain to unreasonable adverse effects of pesticides on the environment.

B. What is Safety and Efficacy Information?

Section 10(d)(1) of FIFRA requires disclosure to the public of all information regarding the effects of any registered or previously registered pesticide on any organism or the behavior of any such pesticide in the environment (subject to certain exceptions, discussed in the class determination). EPA has used the term "safety and efficacy information" as a label for the information required to be disclosed by section 10(d)(1). Information submitted under section 6(a)(2) is largely safety and efficacy information.

C. What is Section 10(g) of FIFRA?

Section 10(g) protects the proprietary rights of pesticide registrants and applicants in data submitted to support applications for pesticide registration, by limiting disclosure of such data to persons who affirm that they are not, and will not deliver the information to, a business engaged in the production, sale or distribution of pesticide products in countries other than the United States (except when the data submitter has consented to such disclosure). In Class Determination 3-85, Disclosure of Reviews of Pesticide Test Data (50 FR 48833, November 27, 1985), EPA announced its interpretation that section 10(g) applies to information which consists of a complete unpublished report of a study, test, or experiment submitted to EPA by an applicant or registrant under FIFRA, or which consists of excerpts or restatements of any such report which reveal the full methodology and complete results of the study, test, or experiment, and all explanatory information necessary to understand the methodology or interpret the results,

and that section 10(g) does not apply to information of a more summary nature.

D. Why has EPA Issued the Class Determination and Published Notice in the Federal Register?

Under EPA confidentiality regulations at 40 CFR 2.207, the Agency may issue determinations regarding the application of the confidentiality regulations to an entire class, when such a determination serves a useful purpose. In this case, a class determination promoting expeditious processing of section 6(a)(2) information subject to confidentiality claims will assist the Agency in responding to requests for this information and in making the information more widely available. Because under section 2.207 one of the purposes of issuing a class determination is to make known the Agency's position regarding the manner in which information within the class will be treated, EPA is publishing notice of the class determination in the **Federal Register**.

List of Subjects

Environmental protection.

Dated: December 7, 1999.

Marcia E. Mulkey,

Director, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6509-6]

Prospective Purchaser Agreement and Covenant Not To Sue Under the Comprehensive Environmental Response, Compensation, and Liability Act Regarding the Mechanic Street Realty Corporation Superfund Site, Perth Amboy, NJ

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed prospective purchaser agreement and request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9601, *et seq.*, the U.S. Environmental Protection Agency ("EPA") announces a proposed administrative settlement with the City of Perth Amboy, New Jersey ("City"), a "prospective purchaser" of the Mechanic Street Realty Corporation

Superfund Site ("Site") in Perth Amboy, New Jersey. The proposed administrative settlement is memorialized in an Agreement And Covenant Not To Sue ("Agreement") between EPA and the City. By this Notice, EPA is informing the public of the proposed settlement and of the opportunity to comment.

EPA performed a CERCLA removal action at the Site, a vacant four-acre former industrial complex, in 1997-1998 after investigations revealed the presence of hazardous substances. EPA stabilized and disposed of hazardous substances in tanks and containers at the Site to reduce the threat of release and the potential for exposure through direct human contact and on-site releases. The City designated the Site as part of its "Focus 2000" redevelopment program in 1997. Once it has acquired the Site, the City intends to transfer the property to a new owner for redevelopment.

Under the Agreement, if the City transfers the Site to a governmental agency for redevelopment for public use, the City will perform certain investigative and remedial work at the Site in exchange for the United States' covenant not to sue or take any other civil or administrative action against the City for any and all civil liability, for injunctive relief or reimbursement of response costs pursuant to sections 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a) with respect to existing contamination present on or under the Site. If the City sells or leases the Site to any other party, the Agreement provides that the City will perform the work described above and pay EPA either 50% of the net proceeds of the sale or lease after the City deducts any taxes on the property owed to the City and its transaction costs or the total amount of EPA's documented costs, whichever is less. EPA believes this settlement is fair and in the public interest.

EPA will consider any comments received during the comment period and may withdraw or withhold consent to the proposed settlement if comments disclose facts or consideration that indicate the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection with U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway, 17th Floor, New York, New York 10007-1866. Telephone: (212) 637-3111.

Pursuant to EPA guidance, the Agreement may not be issued without the concurrence of the Assistant Attorney General for Environment and

Natural Resources of the U.S. Department of Justice. The Assistant Attorney General has approved the proposed Agreement in writing.

DATES: Comments must be provided by January 14, 2000.

ADDRESSES: Comments should be sent to the U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway, 17th Floor, New York, NY 10007-1866 and should refer to: the Mechanic Street Realty Corporation Superfund Site, U.S. EPA Docket No. II-CERCLA-02-99-2024.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway, 17th Floor, New York, New York 10007-1866. Telephone: (212) 637-3111.

SUPPLEMENTARY INFORMATION: A copy of the proposed administrative settlement may be obtained in person or by mail from Joseph Cosentino, U.S. Environmental Protection Agency, 2890 Woodbridge Avenue, Edison, New Jersey 08837-3679, (732) 906-6983.

Dated: September 30, 1999.

Jeanne M. Fox,

Regional Administrator, Region 2.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6509-7]

Proposed Settlement Under Section 122 (h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment—Hercules Incorporated Superfund Site.

SUMMARY: The United States Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve certain claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement concerns the Hercules Incorporated Superfund Site in Gibbstown, New Jersey and is intended to resolve two parties' liability for response costs incurred by EPA.

DATES: Comments must be provided by January 14, 2000.

ADDRESSES: Comments should be addressed to the United States Environmental Protection Agency, Office Regional Counsel, 290 Broadway, 17th Floor, New York, N.Y. 10007, and should refer to: In the Matter of the Hercules Incorporated Superfund Site: Hercules Incorporated Administrative Settlement, under section 122(h)(1) of CERCLA, U.S. EPA Index No. II-CERCLA-02-99-2029.

FOR FURTHER INFORMATION CONTACT: U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway, 17th Floor, New York, N.Y. 10007; Attention: Kedari Reddy, Esq. (212) 637-3106.

SUPPLEMENTARY INFORMATION: In accordance with section 122 (i) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Hercules Incorporated Superfund Site located in Gibbstown, New Jersey. Section 122(h)(1) of CERCLA provides EPA with authority to settle certain claims for response costs incurred by the United States when the settlement has received the approval of the Attorney General of the United States of America. The two settling parties will pay a total of \$435,000 to reimburse EPA for response costs incurred at the Hercules Incorporated Superfund Site.

Dated: September 29, 1999.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 99-32517 Filed 12-14-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-MO; FRL-6385-3]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Missouri's Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On September 1, 1999, the State of Missouri submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the receipt of the State of Missouri's application, provides a 45-day public comment period, and

provides an opportunity to request a public hearing on the application. Missouri has provided self-certification of a lead program meeting the requirements for approval under section 404 of TSCA. Therefore, pursuant to section 404 of TSCA, the State program is deemed authorized as of the date of submission. If EPA subsequently finds that the program does not meet all the requirements for approval of a State program, EPA will work with the State to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will be issued in the **Federal Register** and a Federal program will be implemented in the State.

DATES: Comments, identified by docket control number PB-402404-MO, must be received on or before January 31, 2000. In addition, a public hearing request may be submitted on or before January 31, 2000.

ADDRESSES: Comments and the public hearing request may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify docket control number PB-402404-MO in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Mазzie Talley, Lead Coordinator, Radiation, Asbestos, Lead and Indoor Programs Branch, Air, RCRA and Toxics Division, Environmental Protection Agency, 901 North 5th St., Kansas City, KS 66101; telephone number: (913) 551-7518; e-mail address: talley.mazzie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to firms and individuals engaged in lead-based paint activities in the State of Missouri. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under "FOR FURTHER INFORMATION CONTACT."

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that