

developing strategies to promote the use of EMS. Because sector-wide performance improvement is the goal, EPA will work with trade associations and others to find creative ways to measure environmental progress and burden reductions.

OPEI will maintain points-of-contact with the Metal Finishing, Metal Casting, Shipbuilding & Ship Repair, and Specialty-Batch Chemical sectors. OPEI will follow through on EMS and other projects that are ongoing with these sectors. Accomplishments with the Meat Processing industry will support new work with the Agribusiness Sector.

FOR FURTHER INFORMATION CONTACT:

Robert Benson, Director, Sector Strategies Division (mail code 1808T), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Email: benson.robert@epa.gov. Telephone: 202-566-2954.

Dated: April 28, 2003.

Jessica L. Furey,

Associate Administrator for Policy,
Economics and Innovation.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0124; FRL-7305-3]

4-Chlorophenoxyacetic Acid; Report of the FQPA Tolerance Reassessment Progress and Risk Management Decision (TRED); Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of the "Report of the Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision (TRED) for 4-Chlorophenoxyacetic Acid (4-CPA)." EPA has reassessed the two tolerances, or legal limits, established for residues of 4-CPA in/on raw agricultural commodities. These tolerances are now considered safe under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the FQPA of 1996.

DATES: Comments, identified by docket ID number OPP-2003-0124 must be received on or before June 2, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

Mark T. Howard, Special Review and

Registration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8172; fax number: (703) 308-8005; e-mail address: howard.markt@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, but will also be of interest to stakeholders, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. As such, the Agency has not attempted to specifically describe all the entities potentially 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 Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0124. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically.

Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and to Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand

delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2003-0124. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP-2003-124. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail

addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2003-0124.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP-2003-0124. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at your estimate.
5. Provide specific examples to illustrate your concerns.
6. Offer alternatives.
7. Make sure to submit your comments by the comment period deadline identified.
8. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your response. It would also be helpful if you provided the name, date, and **Federal Register** citation related to your comments.

II. What Action is the Agency Taking?

EPA has assessed the risks associated with the current use of 4-CPA, reassessed two existing tolerances, and reached a tolerance reassessment decision. The Agency is issuing the resulting Report on FQPA Tolerance Reassessment Progress and Risk Management Decision for 4-CPA, known as a TRED, as well as a fact sheet, and technical support documents.

The Agency has determined that there are no dietary (food or drinking water) or aggregate risks of concern for the current registered use of 4-CPA, so mitigation of these risks is not necessary. For the purposes of this TRED, EPA is assuming there is no common mechanism of toxicity, and that the tolerances established for residues of 4-CPA in/on raw agricultural commodities are considered reassessed as safe under section 408(q) of the FFDCA.

EPA works extensively with affected parties to reach the tolerance reassessment decisions presented in TREDs. The Agency, therefore, is issuing the 4-CPA TRED as a final decision. However, the docket remains open, and if the Agency receives any comments by June 2, 2003, which significantly affect the Agency's decision, EPA will publish an amendment to the TRED in the **Federal Register**. In the absence of substantive comments, the tolerance reassessment decisions reflected in this TRED will be considered final.

List of Subjects

Environmental protection, Pesticides, Plant growth regulators, Tolerances, and 4-CPA.

Dated: April 23, 2003.

Betty Shackelford,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 03-10764 Filed 4-30-03; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7490-9]

Notice of Proposed Administrative Order on Consent Pursuant to Sections 106(a), 107(a) and 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), PCB Treatment, Inc. Superfund Site, Kansas City, KS, and Kansas City, MO, Docket No. CERCLA 07-2002-0128

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative order on consent, PCB Treatment, Inc. Superfund Site, Kansas City, Kansas, and Kansas City, Missouri.

SUMMARY: Notice is hereby given that a proposed administrative order on consent regarding the PCB Treatment Inc. Superfund Site (Site), was signed by the United States Environmental Protection Agency (EPA) on February 4, 2003, and approved by the United States Department of Justice (DOJ) on April 3, 2003.

DATES: EPA will receive comments until June 2, 2003, relating to the proposed agreement.

ADDRESSES: Comments should be addressed to Audrey Asher, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 North Fifth Street, Kansas City, Kansas 66101 and should refer to the *PCB Treatment, Inc. Superfund Site Administrative Order on Consent, Docket No. CERCLA 07-2002-0128*.

The proposed agreement may be examined or obtained in person or by mail at the office of the United States Environmental Protection Agency, Region VII, 901 North Fifth Street, Kansas City, KS 66101, (913) 551-7255.

SUPPLEMENTARY INFORMATION: The proposed agreement concerns two facilities, about two miles apart, located in the industrial areas of Kansas City, Kansas at 45 Ewing Street and Kansas

City, Missouri at 2100 Wyandotte Street. The facilities were formerly operated by PCB Treatment, Inc., now a defunct corporation. Between 1982 and 1987, PCB Treatment, Inc. and its subsidiaries or affiliates treated and stored PCBs contained in used transformers, capacitors, oil, equipment, and other materials at the Wyandotte facility and the Ewing facility. During its period of operations, spills of PCB-contaminated oil and solvents occurred.

Samples collected at the Site in the late 1990s indicated that the PCB contamination at Ewing Street exceeded 1,790 parts per million (ppm) in the building and 1,450 ppm in the surrounding soils. At Wyandotte Street, the PCB contamination exceeded 23,800 ppm in the building and 800 ppm in the surrounding soils.

Over 1000 parties arranged for disposal of PCB wastes at the Site, but the majority of the PCB contaminated material was sent to the Site by fewer than 15 parties. This settlement is with 11 private parties who contributed a major portion of waste to the Site and 12 Federal parties who collectively contributed a major share. This proposed settlement requires the private party Respondents to perform the removal actions at this Site which is estimated to cost \$35,000,000. These costs will be paid by the Respondents, who will be reimbursed by the Federal Respondents for approximately 33% of the costs. In addition, Respondents may be reimbursed for approximately 24% of their costs through disbursements from a Special Account created with funds EPA recovered through *de minimis* settlements with small volume contributors.

Dated: April 21, 2003.

James B. Gulliford,

Regional Administrator, Region VII.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7491-2; CWA-HQ-2001-6009; EPCRA-HQ-2001-6009; CAA-HQ-2001-6009; RCRA-HQ-2001-6009]

Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding Gerdau Ameristeel, Inc., d/b/a/ Gerdau Ameristeel, Perth Amboy and Gerdau Ameristeel, Sayerville

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has entered into a consent agreement with Gerdau Ameristeel, Inc., d/b/a/ Gerdau Ameristeel, Perth Amboy and Gerdau Ameristeel, Sayerville ("Gerdau") to resolve violations of the Clean Water Act ("CWA"), the Clean Air Act ("CAA"), the Resource Conservation and Recovery Act ("RCRA") and the Emergency Planning and Community Right-to-Know Act ("EPCRA") and their implementing regulations.

The Administrator is hereby providing public notice of this consent agreement and final order and providing an opportunity for interested persons to comment on the CWA portions, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C).

Gerdau failed to have an adequate Spill Prevention Control and Countermeasure ("SPCC") plans for two facilities where they stored diesel oil in above ground tanks at its Perth Amboy and Sayerville, New Jersey facilities. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. Gerdau failed to meet all the requirements of the facility's storm water permit, specifically by performing unauthorized discharges, and a failure to perform training required under the Storm Water Pollution Prevention Plan (SWPPP) provisions of the General Permit at its Sayerville, New Jersey facility. EPA, as authorized by CWA section 309(g), 33 U.S.C. 1319, has assessed a civil penalty for these violations. Gerdau failed to follow the New Source Performance Standards found at 40 CFR part 60 and CAA section 111, 42 U.S.C. 7411 at its Perth Amboy, New Jersey facility. EPA, as authorized by CAA section 113(d)(1), 42 U.S.C. 7413(d)(1), has assessed a civil penalty for these violations. At the Sayerville, New Jersey facility, Gerdau failed to submit an Emergency and Hazardous Chemical Inventory form to the Local Emergency Planning Commission, the State Emergency Response Commission, and the fire department with jurisdiction over each facility in violation of EPCRA section 312, 42 U.S.C. 11022. EPA, as authorized by EPCRA section 325, 42 U.S.C. 11045, has assessed a civil penalty for these violations. Gerdau failed to properly manage and characterize certain hazardous wastes, and failed to include certain notifications on its manifests, in accordance with RCRA and its implementing regulations, specifically 40 CFR parts 262 and 268 at its Perth Amboy, New Jersey facility and failed to amend its contingency plan and to conduct annual hazardous waste