

**DATES:** Comments must be submitted on or before May 28, 2004.

**ADDRESSES:** The proposed Agreement may be obtained from Judith Winchell, Environmental Protection Specialist, telephone (415) 972-3124. Comments regarding the proposed Agreement should be addressed to Judith Winchell (SFD-7) at EPA, Region IX, 75 Hawthorne Street, San Francisco, California 94105, and should reference the A-American Environmental Removal Site, Alhambra, California and USEPA Docket No. 2004-0014.

**FOR FURTHER INFORMATION CONTACT:** J. Andrew Helmlinger, Office of Regional Counsel, telephone (415) 972-3904, USEPA Region IX, 75 Hawthorne Street, San Francisco, California 94105.

Dated: April 19, 2004.

**J. Andrew Helmlinger,**

*Office Regional Counsel, Region 9.*

[FR Doc. 04-9576 Filed 4-27-04; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2004-0088; FRL-7355-9]

### Approval of Test Marketing Exemption for a Certain New Chemical

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-03-0005. The test marketing conditions are described in the TME application and in this notice.

**DATES:** Approval of this TME is effective April 12, 2004.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

For technical information contact: Miriam Wiggins-Lewis, Chemical Control Division (CCD) (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-9373; e-mail address: [Wigginslewis.Miriam@epa.gov](mailto:Wigginslewis.Miriam@epa.gov).

## SUPPLEMENTARY INFORMATION:

### I. General Information

#### A. Does this Action Apply to Me?

This action is directed in particular to the chemical manufacturer and/or importer who submitted the TME to EPA. This action may, however, be of interest to the public in general. 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 technical 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 OPPT-2004-0088. 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 EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

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. 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.1. Once in

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

### II. What is the Agency's Authority for Taking this Action?

Section 5(h)(1) of TSCA and 40 CFR 720.38 authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes, if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

### III. What Action is the Agency Taking?

EPA approves the above-referenced TME. EPA has determined that test marketing the new chemical substance, under the conditions set out in the TME application and in this notice, will not present any unreasonable risk of injury to health or the environment.

### IV. What Restrictions Apply to this TME?

The test market time period, production volume, number of customers, and use must not exceed specifications in the application and this notice. All other conditions and restrictions described in the application and in this notice must also be met.

*TME-03-0005*

*Date of Receipt:* July 31, 2003.

*Notice of Receipt:* August 15, 2003 (68 FR 48918) (FRL-7323-6).

*Applicant:* Gardere Wynn Sewell, LLP.

*Chemical:* Alkanes, C<sub>8</sub> - C<sub>12</sub> branched.

*Use:* Component of inks and paints, cleaning solvents, and as a carrier for insecticides and used as a heating oil.

*Production Volume:* 2,500,000 kilograms.

*Number of Customers:* Ten.

*Test Marketing Period:* 275 days, commencing on first day of commercial manufacture.

The following additional restrictions apply to this TME. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or

copying in accordance with section 11 of TSCA:

1. Records of the quantity of the TME substance produced and the date of manufacture.
2. Records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. Copies of the bill of lading that accompanies each shipment of the TME substance.
4. To address inhalation concerns, employees exposed to the TME substance's vapor must wear a respirator with an assigned protection factor (APF) of 25.

#### **V. What was EPA's Risk Assessment for this TME?**

EPA identified concerns for inhalation exposure based on analogs. However, during processing and use, vapor or mist exposure to workers will be prevented by use of a gas/vapor respirator with an APF of 25. Therefore, the test market activities will not present an unreasonable risk of injury to health. EPA identified no significant environmental concerns for the test market substance based on no releases to water.

#### **VI. Can EPA Change Its Decision on this TME in the Future?**

Yes. The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to human health or the environment.

#### **List of Subjects**

Environmental protection, Test marketing exemptions.

Dated: April 12, 2004.

**Miriam Wiggins-Lewis,**

*Acting Chief, New Chemicals Prenotice Management Branch, Office of Pollution Prevention and Toxics.*

[FR Doc. 04-9315 Filed 4-27-04 8:45 am]

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#### **EXPORT-IMPORT BANK OF THE UNITED STATES**

##### **Sunshine Act Meeting**

**ACTION:** Notice of a Partially Open Meeting of the Board of Directors of the Export-Import Bank of the United States.

**TIME AND PLACE:** Tuesday, April 27, 2004 at 2 p.m. The meeting will be held at Ex-

Im Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

**OPEN AGENDA ITEMS:** (1) Medical Equipment Initiative; (2) Co-Guarantee Pilot Program with the Small Business Administration.

**PUBLIC PARTICIPATION:** The meeting will be open to public participation for Items No. 1-3 only.

**FOR FURTHER INFORMATION CONTACT:** Office of the Secretary, 811 Vermont Avenue, NW., Washington, DC 20571 (Tele. No. 202-565-3957).

**Peter B. Saba,**

*General Counsel.*

[FR Doc. 04-9758 Filed 4-26-04; 2:17 pm]

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#### **FEDERAL COMMUNICATIONS COMMISSION**

[MB Docket No. 04-144; DA 04-957]

##### **Piscataway Board of Education and King's Temple Ministries, Inc.**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document designates the application of Piscataway Board of Education for renewal of license of WVPH(FM), Piscataway, New Jersey, and the mutually exclusive application of King's Temple Ministries, Inc. for authority to construct a new NCE FM station on Channel 212 in Plainfield, New Jersey, for an expedited hearing limited solely to the issue of sharing time.

**DATES:** Petitions by persons desiring to participate as a party in the hearing may be filed not later than May 28, 2004. See **SUPPLEMENTARY INFORMATION** section for dates that named parties should file appearances.

**ADDRESSES:** Please file documents with the Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, Room 3-B443, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** James Shook, Special Counsel, Investigations and Hearings Division, Enforcement Bureau at (202) 418-1448; Helen McLean, Attorney-Advisor, Audio Division, Media Bureau at (202) 418-2738; or Nina Shafran, Deputy Chief, Audio Division, Media Bureau at (202) 418-2781.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Hearing Designation Order, DA 04-957, released April 9, 2004. The full text of the Hearing

Designation Order is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Qualex International, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418-0260 or TTY (202) 418-2555.

#### **Synopsis of the Order**

1. Pursuant to 47 CFR 73.561(b), new noncommercial educational FM station applicants can propose to share time in response to renewal applications from noncommercial educational licensees that do not operate their stations at least 12 hours per day each day of the year. Pursuant to 47 CFR 73.561(b)(2), the Commission is required to order an expedited hearing on the issue of sharing time if the parties are unable to reach an agreement on sharing time, and if no qualifications issues arise regarding the renewal or new station applicant. The designation for an expedited hearing is not intended to preclude the applicants, either before the commencement of the hearing or at any time during the course of the hearing, from negotiating a time sharing agreement.

2. The staff has granted conditionally the WVPH license renewal application and the application to construct a new station in Plainfield. The grants are subject to the conditions that (1) either (a) the parties negotiate and jointly file with the Commission a time sharing agreement, or (b) the hearing ordered in this document, at a time and place to be specified in a subsequent Order, is concluded, and a copy of the resulting written time sharing arrangement is provided to the Chief of the Commission's Audio Division, Media Bureau; and (2) the authorizations of Piscataway Board of Education and King's Temple Ministries, Inc. are modified in accordance with the terms and conditions of either the negotiated time sharing agreement or the time sharing arrangement imposed as a result of the hearing.

3. A time sharing arrangement, whether negotiated by the parties or determined in the hearing, shall become effective as of the date on which King's Temple Ministries, Inc. files an application for a license to cover its construction permit and begins program tests, and shall become part of the terms of each station's license by attachment thereto.