

1. To Members of Congress or a Congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the record pertains.

2. To Federal Government contractors, grantees, or volunteers who have been engaged to assist the Government in the performance of a contract, grant, cooperative agreement or other activity related to this system of records and who need to have access to the records in order to perform the activity. Recipients are required to maintain the records in accordance with the requirements of the Privacy Act.

3. To a Federal agency that has requested information relevant to its decision in connection with the hiring or retention of an employee; the reporting of an investigation on an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

4. To a Federal, State or local agency, where necessary, to enable EPA to obtain information relevant to an EPA decision concerning the hiring or retention of an employee; the letting of a contract; or the issuance of a security clearance, license, grant, or other benefit.

5. To an appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.

6. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

7. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official

capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency. Such disclosures include, but are not limited to, those made in the course of presenting evidence, conducting settlement negotiations, and responding to requests for discovery.

8. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

9. To a telecommunications company and/or the General Services Administration who are providing telecommunications support to verify billing or perform other servicing to the account.

10. To EPA employees, contractors, grantees and other persons performing services on behalf of the Agency to determine their individual responsibility for telephone calls.

#### **Disclosures to Consumer Reporting Agencies**

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made from this system to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

#### **Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in System**

##### *Storage*

System records are maintained on electronic media such as computer tapes and diskettes, and as hard-copy records.

##### *Retrievability*

Records are retrieved by originating and destination telephone numbers, responsible individuals, call date, call time, call duration, destination city and state, and calling charge.

##### *Safeguards*

Access to these records is limited to EPA employees, contractors, grantees, and other persons who are performing services on behalf of the EPA and have an official need for the records in the performance of their duties. EPA has established internal procedures governing the use, transfer, and photocopying of the records within the Agency. Hard-copy records are maintained in rooms that are locked during non-business hours. Automated

records are protected from unauthorized access through password identification procedures and other system-based protection methods.

##### *Retention and Disposal*

Records are disposed of in accordance with the National Archives and Records Administration, General Records Schedule 12.

##### *System Manager(s) And Address(es)*

Chief, EPA Telecommunications Branch, MD-34, Research Triangle Park, N.C. 27711. A list of fifty-plus site-specific system managers is maintained by the EPA National Telecommunications Manager.

##### *Notification Procedures*

Any person wishing access to information in this system should provide the national or local system managers with his or her name, office, and current work telephone number, the telephone number(s) in question, and the time period for which the information is being sought. The system manager may require additional information to verify the identity of the requester.

##### *Record Access Procedures*

Same as Notification Procedures. In addition, please specify the records being requested.

##### *Contesting Records Procedures*

Same as Notification Procedures. In addition, please specify the correction being sought and the justification for the correction.

##### *Record Source Categories*

(1) EPA employees, contractors, grantees, and other persons who are performing services on behalf of the EPA, (2) EPA telephone assignment and Locator records, (3) GSA and other phone companies, and (4) EPA-owned Private Branch Exchange systems.

##### *Systems Exempted From Certain Provisions of the Act*

None.

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[OPPTS-59346; FRL-4957-4]

#### **Certain Chemicals; Approval of a Test Marketing Exemption**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of applications for test

marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated these applications as TMEs 95-5, 6, 7, and 8. The test marketing conditions are described below.

**DATES:** This notice becomes effective May 19, 1995. Written comments will be received until June 16, 1995.

**ADDRESSES:** Written comments, identified by the docket number [OPPTS-59346] and specific TME number should be sent to: TSCA Nonconfidential Information Center (NCIC), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm., NEM-B607 (7407), 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: [ncic@epamail.epa.gov](mailto: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 in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by OPPTS-59346. No CBI should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Vera Stubbs, New Chemicals Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, DC 20460, (202) 260-5671.

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA 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.

EPA hereby approves TMEs 95-5, 6, 7, and 8. EPA has determined that test

marketing of the new chemical substances described below, under the conditions set out in this TME application, and within the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in this application. All other conditions and restrictions described in this application and in this notice must be met.

Inadvertently, notice of receipt of these applications were not published. Therefore, an opportunity to submit comments is being offered this time. The complete nonconfidential document is available in the NCIC at the above address between 12 noon and 4 p.m., Monday through Friday, excluding legal holidays. EPA may modify or revoke the test marketing exemption if comments are received which cast significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury.

The following additional restrictions apply to TMEs 95-5, 6, 7, and 8. 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 Company 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. The applicant must maintain records of the quantity of the TME substance produced and the date of manufacture.
2. The applicant must maintain records of dates of the shipments to each customer and the quantities supplied in each shipment.
3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

**T-95-5, 6, 7, and 8**

**Date of Receipt:** April 18, 1995. The extended comment period will close June 16, 1995.

**Close of Review Period:** June 1, 1995.

**Applicant:** Westvaco Corporation.

**Chemical:** Reaction products of maleated tall oil fatty acid, ethylene glycol ester, potassium salts with reaction products of fatty acids, tall oil with diethylenetriamine.

**Use:** Production, transportation, and processing petrochemical corrosion inhibitor.

**Production Volume:** Confidential.

**Number of Customers:** Confidential.

**Test Marketing Period:** One year, commencing on first day of commercial manufacture.

**Risk Assessment:** EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present any unreasonable risk of injury to human health and the environment.

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

A record has been established for this notice under docket number [OPPTS-59346] (including comments and data submitted electronically as described above.) A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), 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, at the address above.

Electronic comments can be sent directly to EPA at:

[ncic@epamail.epa.gov](mailto:ncic@epamail.epa.gov)

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

**List of Subjects**

Environmental protection, Test marketing exemptions.

Dated: May 19, 1995.

**Paul J. Campanella,**

Chief, New Chemicals Branch, Office of Pollution Prevention and Toxics.

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