

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-59364; FRL-5773-4]

Certain Chemicals; Approval of a Test Marketing Exemption

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-97-11. The test marketing conditions are described below.

DATES: This notice becomes effective February 13, 1998. Written comments will be received until March 12, 1998.

ADDRESSES: Written comments identified by the docket number [OPPT-59364] and the specific TME number should be sent to: TSCA Nonconfidential Information Center (NCIC), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. NEB-607 (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: oppt.ncic@epamail.epa.gov.

Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by [OPPT-59364]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: Geraldine Hilton, New Chemicals Notice Management Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-435, 401 M St. SW., Washington, DC 20460, (202) 260-3992. e-mail: hilton.geraldine@epamail.epa.gov.

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 human 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 TME-97-11. EPA has determined that test marketing of this new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to human health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the applications and in this notice must be met.

Notice of receipt of this application was not published in advance of approval. Therefore, an opportunity to submit comments is being offered at this time. EPA may modify or revoke the test marketing exemption if comments are received which cast significant doubt on its finding that this test marketing activity will not present an unreasonable risk of injury.

The following additional restrictions apply to TME-97-11. 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.

TME-97-11

Date of Receipt: September 12, 1997. The extended comment period will close March 12, 1998.

Applicant: Reichhold Chemicals, Inc.
Chemical: (G) Polyurethane Adhesive.
Use: (G) Hot melt adhesive for paper, wood, vinyl, etc.

Production Volume: Confidential.
Number of Customers: Confidential.
Test Marketing Period: Confidential, 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 or the environment.

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: February 13, 1998.

Flora Chow,

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

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5970-7]

Proposed Administrative Penalty Assessment

The Environmental Protection Agency (EPA) is providing notice of a proposed Administrative Penalty Assessment against McCune Development Company and Negus-Sons, Inc., and a proposed Administrative Penalty Assessment against Lamp, Rynearson & Associates, Inc. for alleged violations of the Clean Water Act (CWA). The EPA is also providing notice of opportunity to comment on the proposed assessments.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Clean Water Act. EPA provides notice of the proposed assessments pursuant to 33 U.S.C. 1319(g)(4)(A).

The EPA is proposing a penalty against Respondents McCune Development Company, Lamp, Rynearson & Associates, Inc. and Negus-Sons, Inc. based on activities conducted by Respondents at the Willow Park Development Project located near Gretna, Nebraska. These penalties are related to the discharge and disposal of approximately 1600 cubic yards of dredged and fill material into a wetland area, which is a water of the United States, without a permit issued pursuant to section 404 of the CWA, 33 U.S.C. 1344. This discharge violated section 301 of the CWA, 33 U.S.C. 1311.

The procedures by which the public may submit written comments on a