

SUMMARY: EPA is announcing approval, with one minor change, of a proposed existing stocks provision for products containing 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione), or vinclozolin. This notice is a follow-up to an earlier notice announcing a request by the registrant of vinclozolin, BASF Corporation, to terminate certain uses, and to propose provisions for existing stocks of products already in the channels of trade.

DATES: The proposed existing stocks provisions became effective upon approval of the EPA changes to vinclozolin registrations, September 4, 1998.

FOR FURTHER INFORMATION CONTACT: By mail: Mark Wilhite, Reregistration Branch I, (7508W), Special Review and Reregistration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20046. Office location, telephone number, and e-mail address: Reregistration Branch I, 6th Floor, 1925 Jefferson Davis Highway, Arlington, VA; (703) 308-8586; wilhite.mark@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background Information

Vinclozolin (trade names Ronilan, Curalan, and Ornilan) is a fungicide first registered in 1981 to control various types of rot caused by *Botrytis spp.*, *Sclerotinia spp.*, and other types of mold and blight causing organisms, on lettuce (all types), raspberries, onions, succulent beans, and turf on golf courses, commercial and industrial sites. Vinclozolin is also registered for use on ornamental plants in greenhouses, and nurseries. BASF, the sole registrant of vinclozolin used on food commodities, recently requested amendment of its vinclozolin registrations to terminate two uses of vinclozolin in order to mitigate acute dietary risk. With its request for use deletions, BASF also proposed provisions for existing stocks already in the channels of trade which contained the old labeling. EPA published the use deletions and existing stocks proposal in the **Federal Register** (63 FR 40710, July 30, 1998) (FRL-6020-9) and asked for public comment.

II. Comments and Response

EPA received one comment in response to the proposal, submitted on behalf of the California Strawberry Commission. The comment concerned the elimination of vinclozolin as a tool for growers to combat strawberry yield loss due to mold and rot, and the lack of involvement in the decision. The

comment also pointed out an inconsistency in BASF's existing stocks proposal, which would have stopped use of product stickered after August 30, 1998 by June 30, 1999, while allowing product in the channels of trade before August 30, 1998, to be used until January 2000. The proposal was therefore inconsistent and likely to cause confusion among users.

In response to the first point, EPA is sympathetic to the needs of growers and seeks to involve them in such negotiations and decisions as much as possible. However, EPA would note that this matter involves a termination of uses initiated by the registrant, BASF. EPA published notice of BASF's request so that all affected parties could participate in the process. As to BASF's decision to terminate the strawberry use to reduce dietary exposure, EPA would point out that options available to BASF were limited, since vinclozolin is registered on only six crops in the United States. Strawberries and stone fruits accounted for approximately half of the tonnage of vinclozolin treated food commodities, and are more commonly consumed by infants and children than the other commodities for which vinclozolin is registered (lettuce, onions, raspberries, and snap beans). EPA is mandated by FQPA to place special emphasis on protecting infants and children. In addition, there are other fungicides registered as alternatives to vinclozolin for control of mold and rot in strawberries, as well as stone fruits.

In response to the second comment, EPA agrees that having two dates for use termination is confusing, and would be difficult to enforce. Accordingly, the final use date for use of vinclozolin products with the old labeling, which includes strawberries and stone fruits, is changed to no later January 30, 2000. The tolerance is expected to be revoked by that date. The change is reflected in the final existing stocks provision as outlined below in Unit III. of this notice.

III. Acceptance of Use Termination and Final Existing Stocks Provision

EPA approved BASF's label amendments (for EPA registration numbers 7969-62 and 7969-85) deleting strawberries and stone fruits on September 4, 1998. According to the terms of the label amendments, all product not labeled as of September 4, 1998, will contain the new labels reflecting the termination of uses on strawberries and stone fruits and any labeled product not released for shipment would be restickered to reflect the label amendments. The provisions for existing stocks of vinclozolin

products with the old label, produced before the label changes were approved are outlined below.

1. Retailers, distributors, and end-users may sell, distribute, or use products with the previously approved labeling which have already been released for shipment as of September 4, 1998, until such supplies are exhausted or January 30, 2000, whichever comes first.

2. Any vinclozolin product that on September 4, 1998, had not been released for shipment, is present in a BASF manufacturing or packaging facility, and contains labeling not reflecting the use terminations will be stickered by BASF to reflect the use terminations and to bar sale and use by January 30, 2000.

3. Within 30 days of approval of the existing stocks proposal, BASF shall provide to all Ronilan points of purchase, 50 copies of a bulletin with the pertinent details of the label amendments and existing stocks provisions.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Use Terminations.

Dated: October 28, 1998.

Jack E. Housenger,

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

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6184-8]

Notice of Proposed Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; Request for Public Comment.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. 9601-9675, notice is hereby given that a proposed purchaser agreement ("Purchaser Agreement") associated with the North

Penn Area 12 Superfund Site, Worcester Township, Montgomery County, Pennsylvania was executed by the Environmental Protection Agency and the Department of Justice and is now subject to public comment, after which the United States may modify or withdraw its consent if comments received disclose facts or considerations which indicate that the Purchaser Agreement is inappropriate, improper, or inadequate. The Purchaser Agreement would resolve certain potential EPA claims under Section 107 of CERCLA, 42 U.S.C. 9607, against Techni-Tool, Inc. and T-Squared Realty, L.L.C. ("Purchasers"). The settlement would require the Purchasers to, among other things, (1) file a Notice of Use Restriction with the Montgomery County Recorder of Deeds within thirty (30) days of the effective date of the Purchaser Agreement, (2) provide access to EPA and all other persons performing response actions under EPA oversight, and (3) perform the following property revitalization activities: demolish existing dilapidated structures at the Site, including the buildings and water storage tanks; remove the debris; abate the existing asbestos on the property; investigate and remove any drums and PCB-contaminated concrete on the property; and remove the fuel oil tanks and septic system.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the Purchaser Agreement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103.

DATES: Comments must be submitted on or before December 4, 1998.

ADDRESSES: The Purchaser Agreement and additional background information relating to the Purchaser Agreement are available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the Purchaser Agreement may be obtained from Natalie L. Katz (3RC22), Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103. Comments should reference the "North Penn Area 12 Superfund Site, Prospective Purchaser Agreement" and "EPA Docket No. III-98-079-DC," and should be forwarded to Natalie Katz at the above address.

FOR FURTHER INFORMATION CONTACT: Natalie L. Katz (3RC22), Assistant Regional Counsel, U.S. Environmental Protection Agency, 1650 Arch Street,

Philadelphia, PA 19103, Phone: (215) 814-2615.

Dated: October 27, 1998.

Thomas C. Voltaggio,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.
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ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-CCT; FRL-6039-8]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; The Confederated Tribes of the Colville Reservation Authorization Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comments and opportunity for public hearing.

SUMMARY: On September 10, 1998, the Confederated Tribes of the Colville Reservation (Colville Confederated Tribes) 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 Colville Confederated Tribes' application, provides a 45-day public comment period, and provides an opportunity to request a public hearing on the application.

DATES: Comments on the authorization application must be received on or before December 21, 1998. Public hearing requests must be received on or before November 19, 1998.

ADDRESSES: Submit all written comments and/or requests for a public hearing identified by docket control number "PB-402404-CCT" (in duplicate) to: Kristin Andersen, Environmental Protection Agency, Region X, 1200 Sixth Avenue, WCM-128, Seattle, WA 98101.

Comments, data, and requests for a public hearing may also be submitted electronically to: andersen.kristin@epamail.epa.gov. Follow the instructions under Unit IV of this document. No information claimed to be Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Kristin Andersen, Environmental Protection Agency, Region X, 1200 Sixth Avenue, WCM-128, Seattle, WA 98101,

Telephone: (206) 553-0244, e-mail address: andersen.kristin@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1992, the Housing and Community Development Act of 1992, Pub. L. 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-92), entitled "Lead Exposure Reduction."

Section 402 of TSCA authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges, and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404, a State or Indian Tribe may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996 (61 FR 45777) (FRL-5389-9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. Pursuant to section 404(h) of TSCA, EPA is to establish the Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

Pursuant to section 404(b) of TSCA, EPA provides notice and an opportunity for a public hearing on a State or Tribal program application before authorizing the program. Therefore, by this notice EPA is soliciting public comment on