

without risk if there is no relevant information about the biological activity of the pesticide. Accordingly, EPA expects to evaluate the array of toxicity data that are normally used in a dietary risk assessment in order to identify health hazards and quantify a dose response. The Agency will normally perform a quantitative risk assessment before concluding that a specific use poses "essentially zero" risk from dietary exposures. Therefore, proponents of a TOR use should provide a full set of toxicity data, as specified in 40 CFR 158.340.

7. What criteria will be used to define "essentially zero" risk for infants and children?

EPA should explain what "acceptable risk" means with respect to risks to infants and children or other subpopulations when the Agency states that food risks from a TOR use must be less than 0.1% of acceptable risks.

EPA will separately evaluate the incremental dietary risk (i.e., risks from food) posed by a proposed TOR use to each population subgroup, particularly infants and children. If EPA has already determined the appropriate FQPA safety factor for a particular pesticide, EPA will use this safety factor in its evaluation of the proposed TOR use. If EPA has not established an FQPA safety factor, EPA will, as a matter of policy, decide whether the FQPA safety factor is appropriate, and if so, the Agency will use it when evaluating the potential risk posed by the proposed TOR use to infants and children.

8. The risk criteria in the TOR policy represent "risk management policy," not "science policy." Furthermore, the definition of "essentially zero" risk is so restrictive that few pesticide uses will qualify.

Several commenters asked that EPA ease the risk criterion, recommending either a specific value such as 1% of acceptable risk for the pesticide or more subjective criterion such as "an insignificant proportion of allowable risk" be used as the risk threshold in the TOR policy.

EPA agrees that the selection of the risk criterion for the TOR policy is a risk management rather than a science policy decision. EPA intends that the exposures from TOR uses be so small that risk resulting from such exposures would be of no concern. Because selection of the risk criterion for TOR decisions is a risk management decision; the risk level itself should connote the triviality of the risk.

EPA conducted its own analysis to ascertain whether the selected risk criteria were so strict that no uses would qualify. The results suggest that many

pesticides will qualify for a TOR for use on a food item that is a minor component of the diets of the general U.S. population or children aged 1 to 6 years.

9. Some interpreted the policy to mean that if there are no detected residues above 10 ppb, no tolerances are needed.

EPA finds that this interpretation is not accurate. Tolerances (or exemptions from tolerance) continue to be required for any use of a pesticide in, on, or near food unless EPA determines that the use meets TOR criteria.

10. EPA should adopt alternative criteria for deciding not to establish tolerances for potential residues resulting from the use of pesticides to treat seeds.

Registrants of seed treatment asserted that exposures from seed treatment uses would be even lower than exposures from other uses that may be eligible for TOR decisions. Accordingly, EPA should adjust data requirements and other criteria for making TOR decisions on seed treatment uses.

The Agency will apply the criteria in the revised TOR Policy to seed treatment uses. As discussed above, a proponent of a TOR use would normally be expected to submit the full toxicity data set for a food use. EPA will, however, consider waiving toxicity data requirements on a case-by-case basis.

11. EPA should not require tolerance fees for TOR requests because fees can be charged only for actions done under FFDCA 408.

TOR eligibility determinations involve application of FFDCA section 408. The decision whether FFDCA section 408 applies to a particular case is itself a section 408 action. Accordingly, EPA could require payment of a "tolerance fee" to cover the costs of evaluating a TOR eligibility request.

#### V. Policies Not Rules

The policy document discussed in this notice is intended to provide guidance to EPA personnel and decision-makers, and to the public. As a guidance document and not a rule, the policy in this guidance is not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment

demonstrate that a policy should be abandoned.

#### List of Subjects

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

Dated: October 17, 1999.

**Susan H. Wayland,**

*Deputy Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

[FR Doc. 99-28047 Filed 10-26-99; 8:45 am]

BILLING CODE 6560-50-F

#### ENVIRONMENTAL PROTECTION AGENCY

[NCEA-CD-99-1072; FRL-6464-1]

#### Air Quality Criteria for Particulate Matter (External Review Draft)

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of a Draft for Public Review and Comment.

**SUMMARY:** The Environmental Protection Agency (EPA), National Center for Environmental Assessment (NCEA), is today announcing the availability of an external review draft of the document, Air Quality Criteria for Particulate Matter. Required under sections 108 and 109 of the Clean Air Act, the purpose of this document is to provide an assessment of the latest scientific information on the effects of airborne particulate matter (PM) on the public health and welfare for use in the next periodic review of the National Ambient Air Quality Standards (NAAQS) for PM. **DATES:** Anyone who wishes to comment on the draft document, Air Quality Criteria for Particulate Matter, must submit the comments in writing by no later than January 14, 2000.

**ADDRESSES:** Send the written comments to the Project Manager for Particulate Matter, National Center for Environmental Assessment-RTP Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711.

A copy of the Air Quality Criteria for Particulate Matter (External Review Draft) is available on CD ROM from the OAO Corporation, which is under contract to the EPA. Contact Ms. Cindy Jenkins, OAO Corporation representative, at 919-541-4826, 919-541-1818 (fax), or [jenkins.cindy@epa.gov](mailto:jenkins.cindy@epa.gov) to request the document. OAO will need the document's title, Air Quality Criteria for Particulate Matter (External Review Draft), as well as your name and address

to properly process your request. Internet users may download a copy from the Internet homepage for EPA's National Center for Environmental Assessment. The URL is <http://www.epa.gov/ncea/>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Dennis Kotchmar, National Center for Environmental Assessment-RTP Office (MD-52), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone: 919-541-4158; fax: 919-541-1818; E-mail: [kotchmar.dennis@epa.gov](mailto:kotchmar.dennis@epa.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Environmental Protection Agency is updating and revising, where appropriate, the EPA's Air Quality Criteria for Particulate Matter. Sections 108 and 109 of the Clean Air Act require that the EPA carry out a periodic review and revision, where appropriate, of the criteria and the National Ambient Air Quality Standards (NAAQS) for the "criteria" air pollutants such as particulate matter. Details of the EPA's plans for the review of the NAAQS for PM were announced in a previous **Federal Register** notice (62 FR 55201, October 23, 1997).

Near the end of the comment period on the external review draft, Air Quality Criteria for Particulate Matter, the EPA will present the draft at a public meeting for review by the Clean Air Scientific Advisory Committee (CASAC). There will be a subsequent **Federal Register** notice to inform the public of the exact date and time of that CASAC meeting.

The EPA is aware that a substantial number of new scientific studies on particulate matter are underway that will likely be completed and accepted for publication in time to be included in the final criteria document. To this end, the Agency encourages timely completion and submission of these studies for publication. Because the potential import of many of these additional studies cannot be assessed in the present draft, the Agency is requesting that the CASAC's and the public's comments on this external review draft focus particularly on the aspects of organization, structure, and presentation in the document, although comments on provisional conclusions and specific details are, of course, welcome.

Following the CASAC meeting, the EPA plans to incorporate revisions to the document in response to public comments and CASAC review of the first external review draft, and then to release a second external review draft for public comment and CASAC review in midyear 2000. For reasons discussed

above, the second draft may address a number of studies not completed in time for assessment in the first draft. Accordingly, the EPA urges that interested parties be prepared to review the second draft on that basis.

Findings and conclusions from the Air Quality Criteria for Particulate Matter will be used as key inputs to the preparation during 2000 of a draft EPA staff paper on airborne particles, which will pose possible options for the EPA Administrator to consider in regard to potential retention or revision of current PM NAAQS.

Dated: October 21, 1999.

**William H. Farland,**

*Director, National Center for Environmental Assessment.*

[FR Doc. 99-28045 Filed 10-26-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6464-4]

### NOTICE OF PROPOSED ADMINISTRATIVE ORDER ON CONSENT FOR REMOVAL UNDER SECTIONS 104, 106(a), 107, AND 122 OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT PULVERIZING SERVICES SUPERFUND SITE, TOWNSHIP OF MOORESTOWN, NEW JERSEY

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice of proposed administrative order on consent and opportunity for public comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), the U.S. Environmental Protection Agency ("EPA") Region II announces a proposed Administrative Order on Consent under sections 104, 106(a), 107, and 122 of CERCLA, relating to the Pulverizing Services Superfund Site ("Site") in the Township of Moorestown, Burlington County, New Jersey. This Site is not on the National Priorities List established pursuant to section 105(a) of CERCLA. This notice is being published to inform the public of the proposed Order and of the opportunity to comment on the proposed cost reimbursement provision of this Order.

The Administrative Order on Consent is being entered into by the Respondent, PPG Industries, Inc., and EPA. The Site

occupies approximately 24 acres in an industrial park in the Township of Moorestown, New Jersey. The Site was operated as a toll processing facility for the formulation of pesticides by several companies from approximately 1935 to 1979. Respondent owned and operated the Site from approximately 1948 to 1963.

The work portion of this Order will require the removal of soils contaminated with elevated levels of pesticides. Previous Orders at this Site have addressed site security, the removal of materials from buildings located on the Site, and the study of soil contamination at the Site.

Because of the existence of an orphan share of liability at the Site, pursuant to the EPA's Orphan Share Policy, EPA agrees in the proposed Order not to pursue the Respondent for unreimbursed past costs related to the Site and for future costs related to oversight of the proposed Order.

**DATES:** EPA will accept written comments relating to the proposed settlement on or before November 26, 1999.

**ADDRESSES:** Comments should be sent to Delmar Karlen, Chief, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, NY 10007-1866. Comments should reference the Pulverizing Services Superfund Site and EPA Index No. II-CERCLA-99-20389. For a copy of the Order, contact the individual listed below.

**FOR FURTHER INFORMATION CONTACT:** Alexandra Varlay, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, NY 10007-1866, Telephone: 212-637-3144.

Dated: October 7, 1999.

**William J. Muszynski,**

*Acting Regional Administrator.*

[FR Doc. 99-28043 Filed 10-26-99; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.