

**ENVIRONMENTAL PROTECTION AGENCY**

[OPPTS-59372; FRL-6593-8]

**Approval of Test Marketing Exemption for a Certain New Chemical With Restrictions and Comments****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-00-4. The test marketing conditions are described in the TME application and in this notice.

**DATES:** Approval of this TME is effective on June 13, 2000. Written comments will be received until July 5, 2000.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify the docket control number "[OPPTS-59372]", and the TME number "[TME 00-4]" in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Barbara Cunningham, Director, Office of Program Management, and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202 554-1404; and e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Adella Watson, New Chemicals Notice Management Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260-3752; and e-mail address: watson.adella@epa.gov.

**SUPPLEMENTARY INFORMATION:****I. 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 person listed in the "FOR FURTHER INFORMATION CONTACT" section.

**II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?**

**A. Electronically.** You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

**B. In person.** The Agency has established an official record for this action under docket control number OPPTS-59372. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center (NCIC), North East Mall (NEM) Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260-7099.

**III. How and to Whom Do I Submit Comments?**

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. You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS-59372 in the subject line on the first page of your response. The complete nonconfidential document is available in the TSCA NCIC at the above address in Unit II. B. between 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.

**A. By mail.** Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

**B. In person or by courier.** Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260-7093.

**C. Electronically.** You may submit your comments electronically by e-mail to: "oppt.ncic@epa.gov," or mail your computer disk to the address identified above. Do not submit any information electronically that you consider to be CBI. 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 standard disks in WordPerfect 6.1/8.1 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS-59370. Electronic comments may also be filed online at many Federal Depository Libraries.

**IV. How Should I Handle CBI That I Want to Submit to the Agency?**

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person identified under "FOR FURTHER INFORMATION CONTACT."

### V. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the proposed rule or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

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

Section 5(h)(1) of TSCA and 40 CFR 720.38 authorize 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.

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

EPA has approved 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.

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

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

exceed specifications in the application and this notice. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. Further restrictions are described in sections IX and X below.

### TME-00-4.

*Date of Receipt:* May 3, 2000. The extended comment period will close July 5, 2000.

*Applicant:* Westvaco Corporation  
*Chemical:* Fatty acids, tall-oil, reaction products with castor oil and substituted amines, chloride salt

*Use:* asphalt emulsifier.  
*Production Volume:* CBI  
*Number of Customers:* 1  
*Test Marketing Period:* 12 months, commencing on first day of commercial manufacture.

### IX. What Personal Protective Equipment is Required for this Chemical?

During manufacturing, processing, and use of the substance at any site controlled by the applicant, any person under the control of the applicant, including employees and contractors, who may be dermally exposed to the substance shall use:

- a. Gloves determined by the applicant to be impervious to the substance under the substance under the conditions of exposure, including the duration of exposure. The applicant shall make this determination either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of the gloves. Testing or evaluation of specifications shall include consideration of permeability, penetration, and potential chemical and mechanical degradation by the PMN substance and associated chemical substances;
- b. Clothing which covers any other exposed areas of the arms, legs, and torso; and
- c. Chemical safety goggles or equivalent eye protection.

### X. What Records must be kept for this TME?

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. Records documenting compliance with the personal protective equipment requirements, including copies of any determination that the protective gloves used by the applicant are impervious to the substance.

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

EPA identified no significant environmental concerns for the test market substance; however, human health concerns were raised for the substance. Specifically, Agency reviewers identified potential concerns for severe irritation or corrosion to the skin and eye. These concerns were mitigated due to the required use of appropriate personal protective equipment. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

### XII. 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: June 13, 2000.

### Flora Chow,

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

[FR Doc. 00-15381 Filed 6-16-00; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested.

June 9, 2000.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An