

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP–2004–0158; FRL–7360–7]

**Final Product Performance Test Guideline; Methods for Efficacy Testing of Termite Baits; Notice of Availability****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA has established a unified library for test guidelines issued by the Office of Prevention, Pesticides and Toxic Substances (OPPTS) for use in testing chemical substances to develop data for submission to EPA under the Toxic Substances Control Act (TSCA), the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These test guidelines represent an Agency effort that began in 1991 to harmonize the test guidelines within OPPTS, as well as to harmonize the OPPTS test guidelines with those of the Organization for Economic Cooperation and Development (OECD). The process for developing and amending these test guidelines includes public participation and the extensive involvement of the scientific community, including peer review by the Scientific Advisory Panel (SAP) and the Scientific Advisory Board (SAB) and other expert scientific organizations. With this notice, EPA is announcing the availability of the final test guideline for Series 810–Product Performance Test Guidelines, OPPTS 810.3800 Methods for Efficacy Testing of Termite Baits.

**FOR FURTHER INFORMATION CONTACT:***FIFRA information contact:*

Communications Services Branch (7506C), Field and External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5017; fax number: (703) 305–5558.

*For technical information contact:*

Kevin Sweeney, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–5063; e-mail address: [sweeney.kevin@epa.gov](mailto:sweeney.kevin@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. Does This Action Apply to Me?**

This action is directed to the public in general. Although this action may be of particular interest to those persons who are or may be required to conduct

testing of chemical substances under TSCA, FFDCA, or FIFRA, 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 under **FOR FURTHER INFORMATION CONTACT**.

**II. How Can I Get Copies of This Document and Other Related Information?***A. Docket*

EPA has established an official public docket for this action under docket identification (ID) number OPP–2004–0158. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

*B. Electronic Access*

You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>. You may also obtain copies of test guidelines from the EPA Internet Home Page at <http://www.epa.gov/opptsfrs/home/guidelin.htm>.

An electronic version of the public docket is available through EPA’s electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit II.A. Once in the system, select “search,” then key in the appropriate docket ID number.

**III. What Action Is EPA Taking?**

EPA is announcing the availability of the final test guideline for Series 810–Product Performance Test Guidelines, OPPTS 810.3800 Methods for Efficacy Testing of Termite Baits. This guideline addresses test methods and evaluation criteria for pesticide products used as termite baits to kill termites. Key elements in the final test guideline are as follows:

1. This final test guideline describes specific methods for conducting product performance testing of termite baits which reflect the Agency’s considered recommendations for the minimum steps necessary to develop reliable data on termite bait product performance.

2. Three tests are described to generate the data set that EPA considers reliable for evaluation of termite bait efficacy. Testing termite baits in the laboratory, experimental field plots, and at least 100 termite infested structures in the United States is recommended. Termite bait control success is evaluated based on review of data from all three testing methods.

**IV. How Were These Test Guidelines Developed?**

The draft test guideline was reviewed by EPA’s FIFRA SAP in a public meeting on July 30–31, 2002, which was announced in the **Federal Register** on July 5, 2002 (67 FR 44836) (FRL–7186–6) and has been revised in response to the SAP and the public comments.

**V. Are There Any Applicable Voluntary Consensus Standards That EPA Should Consider?**

This notice of availability does not involve a proposed regulatory action that would require the Agency to consider voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note). Section 12(d) of NTTAA directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA requires EPA to provide an explanation to Congress, through Office of Management and Budget (OMB), when the Agency decides not to use available and applicable voluntary consensus standards when the NTTAA directs the Agency to do so.

In the July 5, 2002, **Federal Register** document announcing EPA's FIFRA SAP meeting held on July 30–31, 2002, EPA specifically sought comment on the availability of any applicable voluntary consensus standards that should be considered during the development of the final test guideline or any future regulatory action that EPA may take under TSCA. The Agency did not receive any comments on the availability of any applicable voluntary consensus standards.

#### List of Subjects

Environmental protection, Chemical testing, Test guideline, Termites, Termite Baits.

Dated: August 12, 2004

**Susan B. Hazen,**

*Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*  
[FR Doc. 04–19442 Filed 8–24–04; 8:45 am]

BILLING CODE 6560–50–S

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL–7806–3]

#### Notice of Proposed Administrative Cost Recovery Agreement Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act, Regarding the Olean Steel Sales and Service, Inc. Superfund Site, Town of Olean, Cattaraugus County, NY

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed administrative agreement and opportunity for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. 9622(i), the U.S. Environmental Protection Agency (“EPA”) Region II announces a proposed administrative settlement pursuant to section 122(h)(1) of CERCLA, relating to the Olean Steel Sales and Service, Inc. Superfund Site (the “Site”) in the Town of Olean, Cattaraugus County, New York. 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 settlement and of the opportunity to comment.

The settlement, memorialized in an Administrative Cost Recovery Agreement (“Agreement”), is being entered into by EPA and Olean Steel

Sales and Service, Inc. (the “Settling Party”). Under the Agreement, which is based on the ability to pay of the Settling Party, the Settling Party shall pay EPA the sum of \$78,500 in settlement of EPA's claim for past response costs incurred with respect to the Site.

**DATES:** EPA will accept written comments relating to the proposed settlement for a period of thirty days from the date of publication of this notice.

**ADDRESSES:** Comments should be sent to: Cynthia Psoras, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, NY 10007–1866. Comments should reference the Olean Steel Sales and Service, Inc., Superfund Site and EPA Index No. CERCLA–02–2004–2026. For a copy of the Agreement, contact the individual listed below.

#### FOR FURTHER INFORMATION CONTACT:

Cynthia Psoras, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, New York, 10007–1866, Telephone: (212) 637–3169.

Dated: August 11, 2004.

**George Pavlou,**

*Director, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II.*

[FR Doc. 04–19436 Filed 8–24–04; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL–7806–4]

#### Proposed Administrative Order on Consent Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act of 1986; In Re: Wells G & H Superfund Site Located in Woburn, MA

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

**ACTION:** Notice of proposed Administrative Order on Consent; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. 9601, *et seq.*, notice is hereby given of a proposed Administrative Order on Consent under section 122(h) of

CERCLA, 42 U.S.C. 9622(h), between the United States, on behalf of the U.S. Environmental Protection Agency (“EPA”) and the Olympia Nominee Trust (“Olympia”). The proposed settlement provides a covenant not to sue for approximately one-half of the past response costs including interest incurred by EPA related to the Olympia property (\$1,096,741.27) which is part of the Wells G & H Superfund Site. In exchange for this covenant, Olympia has agreed to complete a removal action on its property that EPA has estimated will cost approximately \$2,362,572. Given the assets of the Olympia Nominee Trust, this represents a fair and reasonable compromise of EPA's past response cost claim.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at One Congress Street, Boston, MA 02214.

**DATES:** Comments must be submitted within 30 (thirty) days of publication of this notice.

**ADDRESSES:** Comments should be addressed to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mail code RAA, Boston, Massachusetts 02203, and should refer to: In re: Wells G & H Superfund Site, U.S. EPA Docket No. CERCLA–01–2004–0059.

**FOR FURTHER INFORMATION CONTACT:** A copy of the proposed Administrative Order on Consent can be obtained from M. Gretchen Muench, Senior Enforcement Counsel, U.S. Environmental Protection Agency, Region I, One Congress Street, Mail code SES, Boston, Massachusetts 02214, (617) 918–1896.

Dated: August 6, 2004.

**Rich Cavagnero,**

*Acting Director, OSRR Region I.*

[FR Doc. 04–19439 Filed 8–24–04; 8:45 am]

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