

[OPPTS-42118A; FRL-4754-8]

Testing Consent Order For Sodium Cyanide; Request To Delete Mallard Reproductive Study.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for Comment.

SUMMARY: This notice invites public comment on the request of chemical substance manufacturers to delete as technically infeasible the mallard reproductive study on sodium cyanide currently required under the testing consent order for sodium cyanide (OPTS-42118).

DATES: Written comments must be submitted on or before March 11, 1994.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: EPA's procedures for requiring the testing of chemical substances under section 4 of the Toxic Substances Control Act (TSCA) include the use of enforceable consent orders. Chemical substance manufacturers of sodium cyanide agreed to a testing program which included a mallard reproduction study (56 FR 6544, December 17, 1991). In a letter dated May 17, 1993 (received July 21, 1993) DuPont Chemicals, requested on behalf of the companies subject to the consent order (Cyanco, Degussa Corporation, E.I. Du Pont de Nemours Company, FMC Corporation and ICI (Americas) Inc.), that the requirement to perform a mallard reproduction study on sodium cyanide be deleted because the completion of this requirement is not technically feasible.

Wildlife International Ltd. (contract laboratory for DuPont), reported to DuPont that the white bobtail quail and mallard LC50-studies with sodium cyanide using waterborne exposure were among the most difficult studies to conduct. From the LC50 study it was learned that mallards exposed to concentrations as low as 100 mg/L of the test substance in water limited their consumption of water to half or less than that of the control birds. That is, they effectively limited their water consumption to the point where many of the deaths may have been related to dehydration. Thus, concentration levels low enough to determine true reproductive effects may not be relevant to the real world dietary exposure situation because the birds will no

longer ingest water with even low concentration levels.

DuPont claims, and EPA preliminarily agrees, that completion of the study using the required test standard is not technically feasible. Under 40 CFR 790.68(b)(2)(iii), EPA may make changes that affect the scope of the consent order, but EPA must provide notice and an opportunity for comment before such changes become effective. Furthermore, if comments indicate that no consensus exists among the interested parties on making the change, the issue must be negotiated before any such adjustment can become effective. Interested parties therefore, have 30 days from publication of this notice to provide written comments on the elimination of the mallard reproductive study from the testing consent order on sodium cyanide. If comments indicate that differences of opinion exist regarding this change, EPA will conduct negotiations following the procedures specified in 40 CFR 790.22(b). If the 30 day deadline passes and no adverse public comments have been received, EPA will grant the proposed modification without further notice.

Authority: 15 U.S.C. 2603.

Dated: February 2, 1994.

Charles M. Auer,
Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 94-2973 Filed 2-8-94; 8:45 am]
BILLING CODE 6560-60-F

[FRL-4836-2]

Notice of Proposed Assessment of Clean Water Act Class II Administrative Penalty to Pinewood Sewer Company, and Opportunity to Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal of a Clean Water Act Class II administrative penalty and notice of public comment period.

SUMMARY: Pursuant to 33 U.S.C. section 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after the commencement of either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. section 1319(g)(4)(a).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 CFR part 22. The procedures through which the public may submit written

comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a Respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty days after publication of this notice.

On the date identified below, EPA commenced the following Class II proceeding for the assessment of penalties:

In the Matter of Pinewood Sewer Company, Inc. (Pinewood Wastewater Treatment Plant), Munds Park, Coconino County, Arizona, Docket No. CWA IX-FY94-12; filed on January 27, 1994 with Steven Armsey, Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1389; proposed penalty of \$60,000, for discharges of pollutants without an NPDES permit.

Concurrently with the commencement of this Class II proceeding, EPA and Pinewood Sewer Company, Inc. entered into a Consent Agreement to resolve this matter for the sum of \$60,000.

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of EPA's Consolidated Rules, review the complaint or other documents filed in this proceeding, comment upon a proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dated: January 27, 1994.

Harry Seraydarian,
Director, Water Management Division.
[FR Doc. 94-2967 Filed 2-8-94; 8:45 am]
BILLING CODE 6560-60-F

FEDERAL COMMUNICATIONS COMMISSION**Public Information Collection Requirement Submitted to Office of Management and Budget for Review**

February 3, 1994.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and