

**ENVIRONMENTAL PROTECTION AGENCY**

[OPPTS-42205C; FRL-6052-4]

RIN 2070-AD28

**Methyl Isobutyl Ketone; Final Enforceable Consent Agreement and Testing Consent Order**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** Under section 4 of the Toxic Substances Control Act (TSCA), EPA has issued a testing consent order (Order) that incorporates an enforceable consent agreement (ECA) with Eastman Chemical Company, Celanese, Ltd., Shell Chemical Company, and Union Carbide Corporation (the "Companies"). The Companies have agreed to perform reproductive toxicity testing on methyl isobutyl ketone (MIBK). This notice announces the ECA and Order for MIBK and summarizes the terms of the ECA.

**DATES:** The effective date of the ECA and Order is April 26, 1999.

**FOR FURTHER INFORMATION CONTACT:** For general information: Christine M. Augustyniak, Associate Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. ET-541, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 554-1404; TDD: (202) 554-0551; e-mail address: TSCA-Hotline@epa.gov.

For technical information: John E. Schaeffer, Jr., Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 260-1266; fax: (202) 260-1096; e-mail address: schaeffer.john@epa.gov.

**SUPPLEMENTARY INFORMATION:** This notice announces the ECA and Order for MIBK and summarizes the terms of the ECA.

**I. General Information****A. Does This Notice Apply To Me?**

The ECA and Order announced in this notice only affect those companies that signed the ECA for MIBK (Eastman Chemical Company, Celanese, Ltd., Shell Chemical Company, and Union Carbide Corporation). However, as a result of the ECA and Order, EPA has initiated a rulemaking under TSCA section 12(b)(1) which, when finalized, will require all persons who export or intend to export MIBK to comply with the Agency's export notification

regulations at 40 CFR 707, subpart D (see 63 FR 54649 (FRL-6023-9), October 13, 1998).

**B. How Can I Get Additional Information, Including Copies of This Document and Other Documents for This Notice?**

1. *Electronically.* You may obtain electronic copies of this document and other documents from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page, select "Laws and Regulations" and then look up the entry for this document under "**Federal Register—Environmental Documents**" (<http://www.epa.gov/fedrgstr/EPA-TOX/1999/>).

2. *In person or by telephone.* If you have any questions or need additional information about this action, you may contact the project manager identified in the FOR FURTHER INFORMATION CONTACT section. In addition, the official record for this notice, including the public version, has been established under docket control number OPPTS-42205B. The public version of this record, including printed, paper versions of any electronic comments, which does not include any information claimed as Confidential Business Information (CBI), is available for inspection in the TSCA Nonconfidential Information Center, EPA, Rm. NE-B607, Waterside Mall, 401 M St., SW., Washington, DC, from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Center is (202) 260-7099.

**II. Background****A. What Is MIBK?**

As described in the findings document in support of the proposed rule requiring health effects testing for a number of hazardous air pollutants ("HAPs" or "HAPs chemicals"), including MIBK (Ref. 1), MIBK is an important chemical solvent for vinyl, epoxy acrylic, and natural resins and for nitrocellulose and dyes. It is also used as an extraction solvent. Its solvent uses break out as follows: Surface coatings (66%); process solvent for pharmaceuticals, adhesives, and pesticides (15%); chemical production, including rubber-processing chemicals (15%); and miscellaneous (4%). Approximately 467,000 workers may be exposed to MIBK. The Chemical Abstract Service (CAS) registry number for MIBK is 108-10-1.

**B. Why Is EPA Requiring Health Effects Testing on MIBK?**

EPA has proposed health effects testing under TSCA section 4(a) for a

number of HAPs chemicals, including MIBK (61 FR 33178, June 26, 1996 (FRL-4869-1), as amended by 62 FR 67466, December 24, 1997 (FRL-5742-2) and 63 FR 19694, April 21, 1998 (FRL-5780-6). In the HAPs proposal, the Agency made preliminary findings for MIBK (61 FR 33178, 33190, 33192; Ref. 1) that:

1. This chemical substance may present an unreasonable risk of injury to human health;

2. There is substantial production and environmental release of MIBK and there is or may be substantial human exposure to the chemical;

3. There are inadequate data to determine the effects of activities involving MIBK; and

4. Testing is necessary to develop health effects data. The HAPs rule proposed testing MIBK for acute toxicity, reproductive toxicity and immunotoxicity (61 FR 33178, 33198; 62 FR 67466, 67483).

**III. ECA Development and Conclusion****A. How Is EPA Going To Obtain Health Effects Testing on MIBK?**

In the proposed HAPs test rule, EPA invited the submission of proposals for pharmacokinetics (PK) studies for the HAPs chemicals, which could provide the scientific basis for alternative testing to the testing proposed and could provide the basis for negotiation of ECAs (61 FR 33178, 33189). EPA uses ECAs to accomplish testing where a consensus exists among EPA, affected manufacturers and/or processors, and interested members of the public concerning the need for and scope of testing (40 CFR 790.1(c)).

On December 24, 1997, in an amendment to the proposed HAPs test rule (62 FR 67466, 67474), EPA again provided the opportunity for the submission of ECA proposals for alternative testing of HAPs that could fulfill certain or all of the testing needs described in the proposed test rule, as amended. These ECA proposals did not need to include PK and mechanistic data development as a component of the alternative testing proposal. The procedures for ECA negotiations are described at 40 CFR 790.22(b).

In response to EPA's request for proposals for ECAs, the Chemical Manufacturers Association (CMA) Ketones Panel submitted a proposal for a testing program on December 11, 1996, as revised by their submission of March 30, 1998 (Refs. 2 and 3). EPA responded to this proposal in May 1998 (Ref. 4), indicating that this approach offered sufficient merit to proceed with ECA negotiations. Consequently, EPA

published a document soliciting interested parties to monitor or participate in these negotiations (63 FR 32656, June 15, 1998 (FRL-5798-3)).

EPA held a public meeting to negotiate an ECA for MIBK on July 16, 1998. Representatives of the Companies and other interested parties attended this meeting. The participants reached consensus on the testing to be required

under the ECA. On November 25, 1998, EPA received the ECA signed by the Companies. On April 16, 1999, EPA signed the ECA and accompanying Order.

**B. What Testing Does the ECA for MIBK Require?**

This ECA requires 2-generation reproductive effects testing by the

inhalation route of exposure, as described in Table 1 in this unit. This testing will allow EPA to characterize the potential reproductive health hazards resulting from inhalation exposure to MIBK. Table 1 sets forth the required testing, test standard, and reporting requirements under the ECA for MIBK.

TABLE 1.—REQUIRED TESTING, TEST STANDARD, AND REPORTING REQUIREMENTS FOR MIBK

Required testing	Test standard	Deadline for final report <sup>1</sup> (Months)	Interim reports required <sup>2</sup> (Number)
Reproductive effects testing by inhalation .....	§ 799.9380 (as modified in Appendix 1 to the ECA)	29	4

<sup>1</sup>Number of months after the effective date of the Order.

<sup>2</sup> Interim reports are required every 6 months from the effective date until the final report is submitted.

**C. What Are the Uses for the Test Data for MIBK?**

As indicated in the proposed HAPs test rule, EPA would use the data obtained from testing to implement several provisions of section 112 of the Clean Air Act (CAA), including the determination of residual risk, the estimation of the risks associated with accidental releases of chemicals, and determinations whether substances should be removed from the CAA section 112 (b)(1) list of hazardous air pollutants (delisting) (61 FR 33178, 33179). The data also would be used by other Federal agencies (e.g., the Agency for Toxic Substances and Disease Registry (ATSDR), the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA), and the Consumer Product Safety Commission (CPSC)) in assessing chemical risks and in taking appropriate actions within their programs (61 FR 33178, 33179).

**D. Does the ECA for MIBK Meet All the Testing Requirements for MIBK That Were Contained in the Proposed HAPs Test Rule, As Amended?**

In the proposed HAPs test rule, as amended, EPA required testing of MIBK for reproductive toxicity, as well as other health effects (namely acute toxicity, which includes an appraisal of pulmonary irritation, and immunotoxicity). The ECA for MIBK requires testing for reproductive toxicity. The other health effects for which testing is necessary for MIBK will be included in the final HAPs rule.

Testing for reproductive effects for MIBK that was contained in the HAPs proposal, as amended, will not be included in the final HAPs test rule because the Companies will fulfill this testing requirement by implementing

the ECA and Order. The issuance of the ECA and Order constitutes final EPA action for purposes of 5 U.S.C. 704.

**E. What if EPA Should Require Additional Reproductive Effects Testing on MIBK?**

If EPA decides in the future that it requires additional reproductive effects data on MIBK, the Agency will initiate a separate action.

**IV. Other Impacts of the ECA for MIBK**

The issuance of the ECA and Order under TSCA section 4 subjects the Companies that signed the ECA to export notification requirements under TSCA section 12(b)(1), as set forth at 40 CFR part 707, subpart D, if they export or intend to export MIBK.

On October 13, 1998 (63 FR 54649 (FRL-6023-9)), EPA proposed to amend 40 CFR 799.5000 by adding MIBK to the list of chemicals subject to testing consent orders. The listing of a chemical substance at 40 CFR 799.5000 serves as notification to all persons who export or intend to export the chemical substance that:

1. The chemical substance is the subject of an ECA and Order; and
2. EPA's export notification regulations at 40 CFR part 707, subpart D, apply to those exporters who have signed the ECA, as well as those exporters who have not signed the ECA. 40 CFR 799.19.

When a final rule based on the October 13, 1998, proposed rule is published in the **Federal Register**, all persons who export or who intend to export MIBK will be subject to export notification requirements.

**V. Paperwork Reduction Act Notice**

The ECA and Order announced in this notice do not contain any information collection requirements that require

additional approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* The information collection requirements related to test rules and ECAs issued under TSCA section 4 have already been approved by OMB under OMB control number 2070-0033 (EPA ICR No. 1139). The one-time public burden for this collection of information is estimated to be approximately 7500 hours total, of which the majority are due to laboratory activities as opposed to administration. Under the PRA, "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For this collection it includes the time needed to review instructions; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the final rule, are listed in 40 CFR part 9. EPA will issue a final rule related to export notification requirements for MIBK. That rule will amend the listing at 40 CFR part 799, as well as the table at 40 CFR part 9.

**VI. References**

1. U.S. EPA. OPPT. "TSCA Section 4 Findings for 21 Hazardous Air Pollutants: A Supporting Document for Proposed Hazardous Air Pollutants (HAPs) Test Rule." (June 25, 1996).

2. The Ketones Panel of the Chemical Manufacturers Association. Letter from Langley A. Spurlock to Charles M. Auer, EPA, with attachment entitled:

"Alternative Testing Proposal for Methyl Isobutyl Ketone." Arlington, VA. (December 11, 1996).

3. The Ketones Panel of the Chemical Manufacturers Association. Letter from Courtney M. Price to the U.S. EPA Document Control Office entitled: "Comments of the Chemical Manufacturers Association Ketones Panel on EPA's Proposed Test Rule for Hazardous Air Pollutants." Arlington, VA. (March 30, 1998).

4. U.S. EPA. Letter from Charles M. Auer to Barbara O. Francis, CMA Ketones Panel, re: ECA Proposal for MIBK HAPs Testing. Washington, DC. (May 28, 1998).

#### List of Subjects

Environmental protection, Hazardous chemicals.

Dated: April 16, 1999.

**Susan H. Wayland,**

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

[FR Doc. 99-10390 Filed 4-23-99; 8:45 am]

BILLING CODE 6560-50-F

#### FEDERAL COMMUNICATIONS COMMISSION

##### Notice of Public Information Collection Being Reviewed by the Federal Communications Commission

April 12, 1999.

**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 agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated

collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before June 25, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, S.W., Room 1-A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0801.

*Title:* Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications (PCS) Licensees.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents:* 750.

*Estimated Time per Response:* 0.25 hours.

*Frequency of Responses:* On occasion reporting requirements.

*Total Annual Burden:* 187.5 hours

*Total Annual Costs:* None.

*Needs and Uses:* The Fourth Report and Order, in WT Docket No. 97-82, 47 CFR 1.2105(a)(2)(xi), 24.709(a)(5), requires each applicant for C Block Broadband PCS Spectrum to attach to its short-form application a statement indicating (under penalty of perjury) whether or not the applicant has ever been in default on any FCC licensees or has ever been delinquent on any non-tax debt owed to any Federal agency. This information allows the FCC to determine the amount of the upfront payment to be paid by each applicant and will help ensure that C Block Auctions are conducted fairly and efficiently, thereby speeding the flow of payments to the U.S. Treasury and accelerating the provision of PCS Spectrum to the public.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

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BILLING CODE 6712-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

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

April 19, 1999.

**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 agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before June 25, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Les Smith, Federal Communications Commission, 445 12th Street, S.W., Room 1-A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0400.

*Title:* Tariff Review Plan.

*Form Number:* N/A.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents:* 52.

*Estimated Time Per Response:* 61 hours (avg.).