

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

1. *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," "Regulations and Proposed Rules," 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/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS-59374. 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, North East Mall 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 of the Center is (202) 260-7099.

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

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

## IV. What Action is the Agency Taking?

EPA approves 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.

## V. What Restrictions Apply to this TME?

The test market time period, production volume, number of customers, and use must not exceed specifications in the application and this notice. All other conditions and restrictions described in the application and in this notice must also be met. In particular, the submitter agreed that any activity involving potential exposure to dry powdered material would be minimized by use of a NIOSH-approved, full face, positive pressure, air-supply respirator.

*TME-01-02.*

*Date of Receipt:* November 3, 2000.

*Notice of Receipt:* December 12, 2000  
65FR239 p 77627.

*Applicant:* Ilford Imaging USA.

*Chemical:* (G) copper complex with sulfonated azo dye, sodium salt.

*Use:* Dye for inkjet printer ink.

*Production Volume:* 75 kg/yr.

*Number of Customers:* 5.

*Test Marketing Period:* 365 days, commencing on first day of commercial manufacture.

The following additional restrictions apply to this TME. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, 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.

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

EPA identified no significant environmental concerns for the test market substance. EPA did identify a possibility of toxicity to workers from inhalation of powdered substance, but they were mitigated by the submitter's

agreement that any activity involving potential exposure to dry powdered material would be minimized by use of a NIOSH-approved, full face, positive pressure, air-supply respirator. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

## VII. 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: January 31, 2001.

**Rebecca S. Cool,**

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

[FR Doc. 01-8486 Filed 4-5-01; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-59375; FRL-6777-2]

## Approval of Test Marketing Exemption for a Certain New Chemical

**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-01-08. The test marketing conditions are described in the TME application and in this notice.

**DATES:** Approval of this TME is effective March 14, 2001.

**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, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

*For technical information contact:* David Schutz, New Chemicals Notice

Management Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260-8994; e-mail address: Schutz.David@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 technical person listed under **FOR FURTHER INFORMATION CONTACT**.

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

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2. *In person.* The Agency has established an official record for this action under docket control number OPPTS-59375. 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, North East Mall 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 of the Center is (202) 260-7099.

##### **III. 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.

##### **IV. What Action is the Agency Taking?**

EPA approves 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.

##### **V. What Restrictions Apply to this TME?**

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

*TME-01-08.*

*Date of Receipt:* December 19, 2000.

*Notice of Receipt:* February 9, 2001.

*Applicant:* CBI.

*Chemical:* CBI-Generic: monoalkyl quaternary ammonium salt.

*Use:* CBI-Generic: cleaning hydrotrope.

*Production Volume:* CBI.

*Number of Customers:* CBI.

*Test Marketing Period:* CBI days, commencing on first day of commercial manufacture.

The following additional restrictions apply to this TME. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, 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.

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

EPA identified no significant health or environmental concerns for the test market substance under the conditions of negligible release identified by the submitter. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

##### **VII. 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: March 15, 2001.

**Flora Chow,**

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

[FR Doc. 01-8487 Filed 4-5-01; 8:45 am]

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#### **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6963-8; MM-HQ-2001-0017]

#### **Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity to Comment Regarding XO Communications, Inc.**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has entered into a consent agreement with XO Communications, Inc. to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. XO failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for three (3) facilities where they stored diesel oil in above ground tanks. EPA, as authorized by