

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5453-5]

Final Report of the Federal Facilities Environmental Restoration Dialogue Committee**AGENCY:** Environmental Protection Agency.**ACTION:** Notice of availability of "Final Report of the Federal Facilities Environmental Restoration Dialogue Committee".

SUMMARY: The Agency is informing the public of the availability of "Final Report of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC)," dated April 1996. The Final Report presents consensus principles and recommendations for improving Federal facilities cleanup. The report was produced by the FFERDC, a Federal advisory committee chartered by the U.S. Environmental Protection Agency. The FFERDC includes members from: the U.S. Departments of Agriculture, Defense, Energy, and Interior; the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the Agency for Toxic Substances and Disease Registry; state, tribal, and local governments; and national, regional, and locally based environmental, community, environmental justice, and labor organizations.

Based on agency estimates, the United States government is responsible for addressing contamination at over 61,000 sites with the cost of cleanup between \$230 billion and \$390 billion over the next 75 years. The Final Report provides consensus approaches for involving stakeholders in cleanup and funding decisions at such Federal facilities. Building on the FFERDC's "Interim Report" (1993) and "Principles" (1995), the Final Report includes chapters on the principles for environmental cleanup of Federal facilities, community involvement, advisory boards, funding and priority setting, and capacity building.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline at (800) 424-9346 (in the Washington, DC, metropolitan area, (703) 412-9810). The Telecommunications Device for the Deaf (TDD) Hotline number is (800) 553-7672 (in the Washington, DC, metropolitan area, (703) 412-3323). Or contact Sven-Erik Kaiser, Federal Facilities Restoration and Reuse Office (5101), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 260-5138.

Dated: March 28, 1996.

Elliott P. Laws,

Assistant Administrator for the Office of Solid Waste and Emergency Response.

[FR Doc. 96-8334 Filed 4-15-96; 8:45 am]

BILLING CODE 6560-50-P

[OPP-38512; FRL-5363-8]

Existing Stocks of Pesticide Products; Amendment to Statement of Policy**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice; Amendment to Statement of Policy.

SUMMARY: In June 1991, EPA published a notice to be used as a guide for Agency decision-making regarding the sale, distribution, and use of existing stocks of pesticide products whose registrations under the Federal, Insecticide, Fungicide, and Rodenticide Act (FIFRA) are amended, canceled, or suspended. This Notice announces an amendment to the 1991 Notice that the Agency will provide notice and an opportunity to comment when it intends to modify the existing stocks provision for a canceled pesticide for which the Agency has a risk concern. Except for circumstances where the Agency determines that an emergency exists, it will provide notice and an opportunity for comment prior to making a final determination on modifications to existing stocks provisions. The Agency will publish its final decision, findings, and rationale when it modifies existing stocks provisions for chemicals of concern.

DATES: This policy takes effect April 16, 1996. Comments must be received by May 16, 1996.

ADDRESSES: The Agency invites any interested person who has concerns about the implementation of this action to submit written comments in triplicate to: By mail: Program Resources Section, Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. 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 disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form

must be identified by the docket number "OPP-38512." No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit IV. of this document.

Information submitted as a comment concerning this document may be claimed confidential 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. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Richard Dumas, Special Review Branch, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Special Review Branch, 3rd floor, Rm. 3-M, 2800 Crystal Drive, Arlington, VA, (703) 308-8015, e-mail: dumas.richard@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:**I. Introduction**

This policy statement will help achieve the Agency's goal of increasing the degree of public involvement in risk management decisions under FIFRA, which was initially articulated in the Federal Register notice entitled "Public Involvement in Significant Risk Reduction Decisions on Registered Pesticides" describing EPA's policy on public involvement in significant risk reduction decisions (59 FR 40905, August 10, 1994). Consistent with that policy, EPA believes that in certain circumstances, it is desirable to obtain the views of the public before modifying an existing stocks provision.

On August 15, 1995, the United Farmworkers of America filed suit in the U.S. District Court for the District of Columbia, challenging EPA's modification of the Mevinphos Cancellation Order, which extended the period during which the sales, distribution, and use of existing stocks would be permitted to November 30, 1995. As part of its settlement agreement, EPA agreed to amend its

existing stocks policy to permit a greater degree of public involvement in its existing stocks dispositions.

II. Background

A. Existing Stocks Policy

Since 1991, EPA has generally made its decisions concerning the disposition of existing stocks of canceled pesticides in accordance with the policy entitled "Existing Stocks of Pesticide Products; Statement of Policy" which was published in the Federal Register of June 26, 1991 (56 FR 29362). That Notice established the policies that would generally guide EPA in making individual decisions concerning whether, and under what conditions, EPA would permit the continued sale, distribution, and use of existing stocks of pesticide products whose registrations under FIFRA were amended, canceled, or suspended.

As the 1991 Notice discussed, in making existing stocks dispositions, EPA distinguishes between pesticides associated with significant risk, and those that are not associated with a significant risk. In general, if there are significant risk concerns associated with a canceled pesticide, the Agency will not allow continued sale, distribution, or use of the product, unless the benefits associated with such sale, distribution, or use will exceed the risk. Where there are no significant risk concerns associated with the cancellation of a pesticide, the Agency will generally allow unlimited use of existing stocks, and unlimited sale by persons other than the registrant. In such cases, a registrant will generally be allowed to continue to sell existing stocks for one year after the date cancellation is requested.

B. Public Involvement in Significant Risk Reduction Decisions

On August 10, 1994 (59 FR 40905), EPA issued a notice in the Federal Register describing its general approach for public involvement prior to reaching final significant risk reduction decisions on registered pesticides. In that Notice, the Agency reaffirmed its commitment to involve the public in the decision making process, gave examples of mechanisms that the Agency had used for soliciting public comment, and requested public comment on ways to improve its efforts to get better public involvement. In that Notice, EPA noted that:

The Agency understands the importance of public input in reaching regulatory decisions, especially input from grower and user groups closely associated with a particular pesticide of concern, who may provide useful risk and

benefit information. . . Other critical information that could be obtained through public input and that the Agency views as essential to making effective decisions includes human or environmental incident data held by end-user groups or other environmental organizations.

III. Amendment to Policy

This Notice announces that EPA will generally provide public notice of, and an opportunity to comment on, proposals to modify the sale, distribution and use of the existing stocks of certain pesticides whose registrations have been canceled. The policy applies to reductions as well as extensions of the period in which existing stocks could be sold, distributed, or used. Typically, EPA will provide a 30-day comment period. Should the Agency modify the existing stocks provisions, EPA will publish its decision and its rationale for the amendment.

This policy would only apply to certain categories of modifications, for which EPA determined that public involvement would outweigh the increased administrative burden associated with the notice and comment process. In general, EPA expects that most frequently it will make such a determination in cases involving the existing stocks of pesticides associated with a significant risk. In such circumstances, the public's interest in being informed of, and in participating in, decisions that could result in increased human and environmental exposure will generally outweigh the increased administrative burden. Additionally, in such circumstances, the public input from grower and user groups, and other interested parties closely associated with a particular pesticide of concern may provide EPA with useful risk and benefit information, such as human or environmental incident data.

For certain categories of modifications, EPA has determined that notice and comment would generally be warranted. As a general matter, EPA intends to provide an opportunity for notice and comment on proposals to modify the existing stocks dispositions for pesticides whose registrations were involuntarily canceled pursuant to FIFRA section 6(b), and for pesticides whose registrations were voluntarily canceled as a result of the issuance of a Notice of Intent to Cancel or Notice of Intent to Suspend. In addition, pesticides whose registrations were voluntarily canceled following publication of: (a) A preliminary notification of intent to initiate a Special Review to registrants and applicants for

registration, pursuant to 40 CFR 154.21; (b) a public announcement of final decision whether or not to initiate a Special Review, pursuant to 40 CFR 154.25; (c) a Notice of Preliminary Determination, pursuant to 40 CFR 154.31; or (d) a Notice of Final Determination pursuant to 40 CFR 154.33.

EPA also intends to apply this policy in other circumstances where, in the Agency's exercise of reasoned discretion, the toxicity and nature, degree, or amount of exposure to a pesticide during the period of the proposed modification, or other information, warrant public notice and comment prior to the modification of an existing stocks provision. Examples of circumstances that could warrant such notice include where the Agency has information that would tend to demonstrate a significant risk associated with the product. Such information could include circumstances in which EPA has knowledge that a state has suspended or canceled a product based on risk concerns, or in which EPA has reviewed reports submitted under FIFRA section 6(a)(2), that indicate potential risks.

The absence of information characterizing a significant risk could also potentially warrant notice and comment. For example, where little data have been submitted on a pesticide product's environmental fate, and yet its composition is such that EPA would expect to see some degree of persistence and mobility, an opportunity for public notice and comment would generally be warranted. In this type of situation, an opportunity for public comment could provide input from grower and user groups closely associated with the pesticide that might provide useful risk and benefit information such as human or environmental incident data.

Existing stocks can arise from a number of actions, such as when, during the reregistration process, a registrant chooses to delete a use rather than to submit the data necessary to support it, or when, after EPA mandates a label change, a registrant has some amount of the product with the old label ready and waiting to be released for shipment. These situations are more common than the cancellations of end-use products or entire active ingredients, resulting from an EPA risk-management decision. In applying this policy, EPA would not distinguish between existing stocks dispositions made for a use deletion and a cancellation of an entire end-use product. If a modification request has been made for a pesticide that falls within one of the above categories, EPA intends in most cases to offer an

opportunity for public comment before making a final decision.

EPA will also apply this policy regardless of the statutory mechanism EPA uses to extend the existing stocks period; thus, if EPA granted a section 18 emergency exemption, or allowed a state to issue a registration pursuant to section 24(c), to permit additional use of the existing stocks of a pesticide that falls within one of the above criteria, EPA would apply this policy. For example, if a state issued a section 24(c) registration for a voluntarily cancelled pesticide, that would effectively extend use beyond the existing stocks disposition, and the pesticide product fell within one of the categories discussed above, EPA intends to publish a notice of receipt in the Federal Register to solicit public comment, during EPA's 90-day review of the section 24(c) registration.

EPA will not publish a notice before modifying the existing stocks provision for a pesticide that falls within one of the categories described above if EPA finds that an emergency exists. For purposes of this policy, an emergency is defined to exist only when EPA determines that the four following conditions occur: (1) Either the use of the pesticide is necessary to prevent an unacceptable risk to human health or the environment, or the continued use of the pesticide would present an unacceptable risk to human health or the environment; (2) there is not another feasible solution to prevent such a risk; (3) the time available to avert the risk is insufficient to permit the 30-day public comment period, and (4) the public interest requires modifying the provision in the manner described in EPA's proposal.

An example of an emergency situation would be where EPA determined that it was necessary to reduce the existing stocks period to prevent an unreasonable risk, and that the risk would occur during the period necessary for notice and comment. In such a case, EPA would publish a notice after the emergency modification, explaining its action and the rationale for it.

The statement of policy articulated here supplements, but does not replace EPA's 1991 existing stocks policy. Any decision to modify an existing stocks disposition would still be consistent with the general policies outlined in the 1991 notice. In some of the cases outlined in the policy, EPA regulations already require publication of a notice and solicitation of public comments, and the application of the policy announced today would result in minimal change to EPA practice. For

example, if EPA were to receive a section 18 request that would effectively modify an existing stocks provision, EPA's regulations require EPA to publish a notice of the receipt of an application for the exemption and to solicit public comment in many cases to which this notice would apply. But in such circumstances, EPA would typically extend the comment period from the 15 days required by 40 CFR 166.24(c) to the 30 days specified in this policy. Nor would EPA waive the comment period except in the emergency circumstances outlined above.

IV. Comments

The Agency is requesting comments and suggestions on the circumstances in which an opportunity for notice and comment would be provided. The Agency is also seeking comment on whether 30 days is an appropriate amount of time. Comments must bear a notation indicating the document control number [OPP-38512].

A record has been established for this action under docket number "OPP-38512" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the action as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ADDRESSES at the beginning of this document.

List of Subjects

Environmental protection.

Dated: April 10, 1996.

Daniel Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 96-9353 Filed 4-11-96; 2:57 pm]

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FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting; Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:00 a.m. on Tuesday, April 9, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider (1) reports of the Office of Inspector General, and (2) matters relating to the Corporation's supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Joseph H. Neely (Appointive), concurred in by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), Director Eugene A. Ludwig (Comptroller of the Currency), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8) and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Dated: April 9, 1996.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 96-9508 Filed 4-12-96; 3:52 am]

BILLING CODE 6714-01-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: Notice.
