

Natural Resources of the U.S. Department of Justice. The Assistant Attorney General has approved the proposed Agreement in writing.

**DATES:** Comments must be provided by January 14, 2000.

**ADDRESSES:** Comments should be sent to the U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway, 17th Floor, New York, NY 10007-1866 and should refer to: the Mechanic Street Realty Corporation Superfund Site, U.S. EPA Docket No. II-CERCLA-02-99-2024.

**FOR FURTHER INFORMATION CONTACT:** U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway, 17th Floor, New York, New York 10007-1866. Telephone: (212) 637-3111.

**SUPPLEMENTARY INFORMATION:** A copy of the proposed administrative settlement may be obtained in person or by mail from Joseph Cosentino, U.S. Environmental Protection Agency, 2890 Woodbridge Avenue, Edison, New Jersey 08837-3679, (732) 906-6983.

Dated: September 30, 1999.

**Jeanne M. Fox,**

*Regional Administrator, Region 2.*

[FR Doc. 99-32518 Filed 12-14-99; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6509-7]

### Proposed Settlement Under Section 122 (h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed administrative settlement and opportunity for public comment—Hercules Incorporated Superfund Site.

**SUMMARY:** The United States Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve certain claims under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA). Notice is being published to inform the public of the proposed settlement and of the opportunity to comment. This settlement concerns the Hercules Incorporated Superfund Site in Gibbstown, New Jersey and is intended to resolve two parties' liability for response costs incurred by EPA.

**DATES:** Comments must be provided by January 14, 2000.

**ADDRESSES:** Comments should be addressed to the United States Environmental Protection Agency, Office Regional Counsel, 290 Broadway, 17th Floor, New York, N.Y. 10007, and should refer to: In the Matter of the Hercules Incorporated Superfund Site: Hercules Incorporated Administrative Settlement, under section 122(h)(1) of CERCLA, U.S. EPA Index No. II-CERCLA-02-99-2029.

**FOR FURTHER INFORMATION CONTACT:** U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway, 17th Floor, New York, N.Y. 10007; Attention: Kedari Reddy, Esq. (212) 637-3106.

**SUPPLEMENTARY INFORMATION:** In accordance with section 122 (i) of CERCLA, notice is hereby given of a proposed administrative settlement concerning the Hercules Incorporated Superfund Site located in Gibbstown, New Jersey. Section 122(h)(1) of CERCLA provides EPA with authority to settle certain claims for response costs incurred by the United States when the settlement has received the approval of the Attorney General of the United States of America. The two settling parties will pay a total of \$435,000 to reimburse EPA for response costs incurred at the Hercules Incorporated Superfund Site.

Dated: September 29, 1999.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 99-32517 Filed 12-14-99; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-MO; FRL-6385-3]

### Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Missouri's Authorization Application

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

**ACTION:** Notice.

**SUMMARY:** On September 1, 1999, the State of Missouri submitted an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the receipt of the State of Missouri's application, provides a 45-day public comment period, and

provides an opportunity to request a public hearing on the application. Missouri has provided self-certification of a lead program meeting the requirements for approval under section 404 of TSCA. Therefore, pursuant to section 404 of TSCA, the State program is deemed authorized as of the date of submission. If EPA subsequently finds that the program does not meet all the requirements for approval of a State program, EPA will work with the State to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will be issued in the **Federal Register** and a Federal program will be implemented in the State.

**DATES:** Comments, identified by docket control number PB-402404-MO, must be received on or before January 31, 2000. In addition, a public hearing request may be submitted on or before January 31, 2000.

**ADDRESSES:** Comments and the public hearing request may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify docket control number PB-402404-MO in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** Mазzие Talley, Lead Coordinator, Radiation, Asbestos, Lead and Indoor Programs Branch, Air, RCRA and Toxics Division, Environmental Protection Agency, 901 North 5th St., Kansas City, KS 66101; telephone number: (913) 551-7518; e-mail address: talley.mazzie@epa.gov.

**SUPPLEMENTARY INFORMATION:**

#### I. General Information

##### A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to firms and individuals engaged in lead-based paint activities in the State of Missouri. 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 person listed under "FOR FURTHER INFORMATION CONTACT."

##### B. 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" 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/>.

#### *C. How and to Whom Do I Submit Comments and Hearing Requests?*

You may submit comments and hearing requests through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PB-402404-MO in the subject line on the first page of your response.

1. *By mail.* Submit your comments and hearing requests to: Mазzie Talley, Lead Coordinator, Radiation, Asbestos, Lead and Indoor Programs Branch, Air, RCRA and Toxics Division, Environmental Protection Agency, 901 North 5th St., Kansas City, KS 66101.

2. *In person or by courier.* Deliver your comments and hearing requests to: Radiation, Asbestos, Lead and Indoor Programs Branch, Air, RCRA and Toxics Division, Region VII, Environmental Protection Agency, 901 North 5th St., Kansas City, KS 66101. The regional office is open from 8 a.m. to 5 p.m., Monday through Friday, excluding legal holidays. The telephone number for the regional office is (913) 551-7020.

3. *Electronically.* You may submit your comments and hearing requests electronically by e-mail to: "talley.mazzie@epa.gov" or mail your computer disk to the address identified above. Do not submit any information electronically that you consider to be CBI. Electronic comments and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data and hearing requests will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments and hearing requests in electronic form must be identified by docket control number PB-402404-MO. Electronic comments and hearing requests may also be filed online at many Federal Depository Libraries.

#### *D. How Should I Handle CBI Information That I Want to Submit to the Agency?*

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI 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. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under "FOR FURTHER INFORMATION CONTACT."

## **II. Background**

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

The State of Missouri has provided a self-certification letter stating that its lead-based paint training and certification program meets the requirements for authorization of a State program under section 404 of TSCA and has requested approval of the Missouri lead-based paint training and certification program. Therefore, pursuant to section 404 of TSCA, the program is deemed authorized as of the date of submission (i.e., September 1, 1999). If EPA subsequently finds that the program does not meet all the requirements for approval of a State program, EPA will work with the State to correct any deficiencies in order to approve the program. If the deficiencies are not corrected, a notice of disapproval will be issued in the **Federal Register** and a Federal program will be implemented in the State.

Pursuant to section 404(b) of TSCA (15 U.S.C. 2684(b)), EPA provides notice and an opportunity for a public hearing on a State or Tribal program application before approving the application. Therefore, by this notice EPA is soliciting public comment on whether the State of Missouri's application meets the requirements for EPA approval. This notice also provides an opportunity to request a public hearing on the application. If a hearing is requested and granted, EPA will issue a **Federal Register** notice announcing the date, time, and place of the hearing. EPA's final decision on the application will be published in the **Federal Register**.

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

On October 28, 1992, the Housing and Community Development Act of 1992, Public Law 102-550, became law. Title X of that statute was the Residential Lead-Based Paint Hazard Reduction Act

of 1992. That Act amended TSCA (15 U.S.C. 2601 *et seq.*) by adding Title IV (15 U.S.C. 2681-2692), entitled "Lead Exposure Reduction."

Section 402 of TSCA authorizes and directs EPA to promulgate final regulations governing lead-based paint activities in target housing, public and commercial buildings, bridges, and other structures. Those regulations are to ensure that individuals engaged in such activities are properly trained, that training programs are accredited, and that individuals engaged in these activities are certified and follow documented work practice standards. Under section 404 of TSCA, a State may seek authorization from EPA to administer and enforce its own lead-based paint activities program.

On August 29, 1996, (61 FR 45777) (FRL-5389-9), EPA promulgated final TSCA section 402/404 regulations governing lead-based paint activities in target housing and child-occupied facilities (a subset of public buildings). Those regulations are codified at 40 CFR part 745, and allow both States and Indian Tribes to apply for program authorization. Pursuant to section 404(h) of TSCA, EPA is to establish the Federal program in any State or Tribal Nation without its own authorized program in place by August 31, 1998.

States and Tribes that choose to apply for program authorization must submit a complete application to the appropriate Regional EPA Office for review. Those applications will be reviewed by EPA within 180 days of receipt of the complete application. To receive EPA approval, a State or Tribe must demonstrate that its program is at least as protective of human health and the environment as the Federal program, and provides for adequate enforcement (section 404(b) of TSCA, 15 U.S.C. 2684(b)). EPA's regulations (40 CFR part 745, subpart Q) provide the detailed requirements a State or Tribal program must meet in order to obtain EPA approval.

A State may choose to certify that its lead-based paint activities program meets the requirements for EPA approval, by submitting a letter signed by the Governor or Attorney General stating that the program meets the requirements of section 404(b) of TSCA. Upon submission of such certification letter, the program is deemed authorized. This authorization becomes ineffective, however, if EPA disapproves the application or withdraws the program authorization.

### III. State Program Description Summary

The following summary of the State of Missouri's proposed program has been provided by the applicant.

The Missouri Department of Health, Office of Lead Licensing and Accreditation (OLLA) licenses lead professions, accredits the required training programs and enforces the work practice standards for conducting lead-bearing substance activities. The OLLA operates under the authority of Revised Statutes of Missouri (1998) 701.300 to 701.338. Together, these functions fulfill the requirements for an EPA approved State program and ensure the quality of lead abatement and assessment conducted in Missouri.

The OLLA licenses and accredits training programs for the following lead occupations: Lead inspectors, risk assessors, lead abatement workers, lead abatement supervisors, project designers, and lead abatement contractors. For each occupation, an applicant for licensure must meet or exceed education and experience requirements, successfully complete an appropriate training program, and score at least 70% on the State licensing examination for lead inspectors, risks assessors, and lead abatement supervisors, all pursuant to regulation. An applicant for a lead abatement contractor has no experience and education requirements. The licensed lead abatement contractor's application includes a certification that it will only hire licensed individuals to conduct lead-bearing substance activities and that it will follow the work practice standards.

Licensed lead professionals must comply with Missouri Work Practice Standards when conducting lead-bearing substance activities on target housing or child-occupied facilities. These work practice standards ensure that lead-bearing substance activities are conducted reliably, effectively, and safely. The OLLA has the authority to take administrative or civil actions or seek criminal actions against an entity that violates the work practice standards or fails to comply with any part of the licensure regulations.

The OLLA currently has three full-time professional administrators: Health Program Representative III (Director), Health Program Representative I, and Environmental Specialist II. The Office also has one full-time Clerk Typist II.

### IV. Federal Overfiling

Section 404(b) of TSCA makes it unlawful for any person to violate, or fail or refuse to comply with, any

requirement of an approved State or Tribal program. Therefore, EPA reserves the right to exercise its enforcement authority under TSCA against a violation of, or a failure or refusal to comply with, any requirement of an authorized State or Tribal program.

### V. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before certain actions may take effect, the agency promulgating the action must submit a report, which includes a copy of the action, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this document in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

### List of Subjects

Environmental protection, Hazardous substances, Lead, Reporting and recordkeeping requirements.

Dated: November 18, 1999.

**William Rice,**

*Acting Administrator, Region VII.*

[FR Doc. 99-32417 Filed 12-14-99; 8:45 am]

**BILLING CODE 6560-50-F**

### ENVIRONMENTAL PROTECTION AGENCY

[OPP-00633; FRL-6395-8]

### Proposed Test Guidelines; Notice of Availability and Request for Comments

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

**ACTION:** Notice of availability and request for comments.

**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 proposed tests for the Series 810-Product Performance Testing Guidelines titled "OPPTS 810.3700 Insect Repellents For Human Skin and Outdoor Premises" and a Pesticide Registration (PR) Notice titled "Insect Repellents: Labeling, Data Citations, and Testing Criteria" explaining specific areas of the guideline and recommended label language.

**DATES:** Comments, identified by docket control number OPP-00633, must be received by EPA on or before January 14, 2000.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the "SUPPLEMENTARY INFORMATION." To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-00633 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** *For general information contact:*

Toxic Substances Control Act (TSCA) information contact: TSCA Hotline at TAIS/7408, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (202) 554-1404; fax number: (202) 554-5603; e-mail address: TSCA-Hotline@epa.gov.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) information contact: Communications Services Branch (7506C), Field and External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 305-5017; fax number: (703) 305-5558.

*For technical information contact:* Robyn Rose, Office of Pesticide Programs, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308-9581; e-mail address: rose.robyn@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