

Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12291. Nor is a Regulatory Impact Analysis being prepared under Executive Order 12291 for this determination, since it is not a rule.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Finally, the Administrator has delegated the authority to make determinations regarding waivers of Federal preemption under section 209(b) of the Act to the Assistant Administrator for Air and Radiation.

Dated: July 28, 1999.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 99-20200 Filed 8-4-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6413-7]

National Drinking Water Advisory Council; Small Systems Implementation Working Group, Notice of Conference Call

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Under Section 10(a)(2) of Public Law 92-423, "The Federal Advisory Committee Act," notice is hereby given that a conference call of the Small Systems Implementation Working Group of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on August 24, 1999, from 1:00 p.m. to 3:00 p.m. EDT. The call will be held at the U.S. Environmental Protection Agency, 401 M Street S.W., Room 1132 East Tower, Washington, D.C. The meeting is open to the public to observe, but seating will be limited.

The purpose of this meeting is to review draft papers on seven policy issues related to small systems. These papers are an initial step towards formulating the working group's recommendations to the National Drinking Water Advisory Council.

For more information, please contact Peter E. Shanaghan, Designated Federal Officer, Small Systems Implementation

Working Group, U.S. EPA, Office of Ground Water and Drinking Water (4606), 401 M Street, S.W., Washington, D.C. 20460. The telephone number is 202-260-5813 and the email address is shanaghan.peter@epa.gov.

Dated: July 29, 1999.

Elizabeth J. Fellows,

Acting Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 99-20202 Filed 8-4-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6415-5]

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 agreement and opportunity for public comment—Pijak Farm and Spence Farm Superfund sites.

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 the opportunity to comment. This settlement concerns the Pijak Farm and Spence Farm Superfund Sites in Plumsted Township, Ocean County, New Jersey and is intended to resolve the recovery of certain past costs incurred by EPA.

DATES: Comments must be provided by September 7, 1999.

ADDRESSES: Comments should be addressed to the United States Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007, and should refer to: In the Matter of the Pijak Farm and Spence Farm Superfund Sites, Agreement for Recovery of Past Response Costs, U.S. EPA Index No. II-CERCLA-02-99-2018. **FOR FURTHER INFORMATION CONTACT:** U.S. Environmental Protection Agency, Office of Regional Counsel, 290 Broadway—17th Floor, New York, NY 10007; Attention: Damaris Urdaz Cristiano, Esq. Ms. Cristiano can be reached at (212) 637-3140.

SUPPLEMENTARY INFORMATION: In accordance with section 122(i)(1) of

CERCLA, notice is hereby given of a proposed administrative settlement concerning the Pijak Farm and Spence Farm Superfund Sites located in Plumsted Township, Ocean County, 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 settling parties will pay \$16,526.72 to reimburse EPA for past response costs incurred at the Pijak Farm and Spence Farm Superfund Sites.

Dated: July 26, 1999.

John S. Frisco,

Acting Director, Emergency and Remedial Response Division.

[FR Doc. 99-20204 Filed 8-4-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-42190B; FRL-6090-6]

Dibasic Esters; 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 the Aceto Corporation, E.I. du Pont de Nemours and Company, and Solutia Inc. (the "Companies"). The Companies have agreed to perform toxicity and dermal penetration rate testing on dimethyl adipate (CAS No. 627-93-0) (DMA), dimethyl glutarate (CAS No. 1119-40-0) (DMG), and dimethyl succinate (CAS No. 106-65-0) (DMS), known collectively as dibasic esters (DBEs). This notice announces the ECA and Order for DBEs and summarizes the terms of the ECA.

DATES: The effective date of the ECA and Order is August 5, 1999.

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

For technical information contact: George Semeniuk, 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) 260-2134; fax number: (202) 260-8168; e-mail address: semeniuk.george@epa.gov.

SUPPLEMENTARY INFORMATION:

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 DBEs: the Aceto Corporation, E.I. du Pont de Nemours and Company, and Solutia Inc. 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 DBEs to comply with the Agency's export notification regulations at 40 CFR part 707, subpart D.

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/>. 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/fedrgrstr/EPA-TOX/1999/>). You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgrstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS-42190B. 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 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 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 is (202) 260-7099.

II. Background

A. What Are DBEs?

DBEs are component chemicals of solvent mixtures used in paint stripping formulations that are sold to the general public. Consumers can be significantly exposed to DBEs during use of these formulations. Three chemicals make up the class of chemicals known as DBEs: Dimethyl adipate (DMA), dimethyl glutarate (DMG), and dimethyl succinate (DMS). The Chemical Abstract Service (CAS) registry number for DMA is 627-93-0; for DMG, 1119-40-0; and for DMS, 106-65-0.

B. Why Is EPA Requiring Health Effects Testing On DBEs?

The potential for consumers to be exposed significantly while using DBE paint stripping formulations, a reported adverse human effect—blurred vision—that resulted from the use of DBE paint strippers, and the results of limited toxicity testing of DBEs on rats has formed the foundation for the Agency's concern for the potential health risk that may be posed to consumers by DBE paint strippers.

III. ECA Development and Conclusion

A. How Is EPA Going To Obtain Health Effects Testing On DBEs?

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)). In the March 22, 1995, **Federal Register** (see VI.A.2.a. of this document), EPA invited manufacturers and processors of DBEs that are used in paint strippers to develop and submit to EPA specific toxicity testing proposals for DBEs for the purpose of negotiating an ECA to conduct testing under Section 4 of TSCA.

The procedures for ECA negotiations are described at 40 CFR 790.22(b).

In response to EPA's request for proposals for ECAs, the Dibasic Esters Group (the DBE Group) submitted a proposal for a testing program on August 7, 1995 (Ref. 1). EPA responded to the DBE Group in a letter dated

March 6, 1996, noting that while their proposal had potential merit and would expand the knowledge base of toxicity testing results on DBEs, the proposal did not constitute an adequate basis for proceeding with negotiation of an ECA (Ref. 2). EPA encouraged the DBE Group to consider EPA's comments on their proposal and submit a revised proposal. On October 22, 1996, the DBE Group submitted a revised testing proposal (Ref. 3). The Agency concluded that the revised proposal offered sufficient merit to proceed with ECA negotiations. Consequently, EPA published a document soliciting interested parties to monitor or participate in these negotiations (see VI.A.2.b. of this document).

EPA held a public meeting to negotiate an ECA for DBEs on January 29, 1997. Representatives of the Companies and other interested parties attended this meeting. The participants reached partial consensus on the testing to be required under the ECA at this meeting (Ref. 4) and complete consensus during a teleconference held on June 23, 1998 (Ref. 5). The Agency, the Companies, and an interested party participated in the telephone conference. On February 22, 1999, EPA received the ECA signed by the Companies. On July 28, 1999, EPA signed the ECA and accompanying Order.

B. What Testing Does The ECA For DBEs Require?

This ECA requires toxicity testing by inhalation and dermal exposure and dermal penetration rate testing, as described in this unit and in Table 1 of this unit. This testing will allow EPA to characterize the potential hazards resulting from exposure to DBEs and to determine if additional toxicity testing is needed. Table 1 of this unit sets forth the required testing, test standards, and reporting requirements under the ECA for DBEs.

The testing program has three segments as follows: Initial Base Toxicity Testing; Program Review Testing; and, if deemed necessary following a Program Review, *In Vivo* Dermal Penetration Rate Testing. For more information about the testing that will be conducted under the ECA, copies of the ECA are available from sources described in Unit I.B. of this document.

Testing shall be conducted in accordance with the Test Standards listed in Table 1 of this unit.

TABLE 1.—REQUIRED TESTING, TEST STANDARDS, AND REPORTING REQUIREMENTS FOR DBES

Description of Test	Test Standard (40 CFR citation and/or study protocol)	Deadline for final report (months)	Interim reports required (number)
90-day Subchronic Inhalation Toxicity Study with examination of special endpoints (in rats) [for each DBE; dose response determined using DMG]	Protocol (based on 799.9346, 799.9380, 799.9620, and incorporating a cell proliferation study)	16 ¹	2 ²
Dermal (14-day) Toxicity Study (in rats) [for each DBE and for a 3:1:1 mixture of DMG, DMA, and DMS, respectively]	Protocol	12 ¹	1 ²
Mutagenicity: <i>in vivo</i> rat bone micronucleus assay (via inhalation) [for DMG and DMA]	Protocol (based on 799.9539)	16 ¹	2 ²
Mutagenicity: gene mutations in hamster ovary [for DMG]	Protocol (based on 799.9530)	10 ¹	1 ²
Developmental Toxicity (in rabbits via inhalation) [for one DBE, selected by the EPA initial review process) after completion of Mutagenicity, 90-day Subchronic Inhalation Toxicity and 14-day Dermal Toxicity studies]	Protocol (based on 799.9370)	12 ³	1 ⁴
<i>In Vitro</i> Dermal Penetration Rate Study [for DBEs or DBE mixtures, selected by the EPA initial review process]	Protocol based on draft OECD Guideline for <i>In Vitro</i> Dermal Penetration	12 ³	1 ⁴
<i>In Vivo</i> Dermal Penetration Rate Study [for DBEs or DBE mixtures, selected by the EPA Program Review process]	870.7485	12 ⁵	1 ⁶

¹ Number of months following the effective date of the Order.

² Interim reports are required every 6 months from the effective date of the ECA, unless otherwise noted, until the final report is submitted. This number indicates the number of interim reports required for each test based on the deadline set forth in the preceding column.

³ Number of months beginning 60 days after the date of the EPA letter containing the decisions resulting from EPA's Initial Review (see VI.B. of the ECA).

⁴ Interim reports are required every 6 months beginning 60 days after the date of the EPA letter containing decisions of the initial review, until the final report is submitted. This column shows the number of interim reports required for each test based on the deadlines set forth in the preceding column.

⁵ Number of months beginning 60 days after the date of the EPA letter containing the decisions of the Program Review for *in vivo* testing, if needed (see VI.D. of the ECA).

⁶ Interim reports are required every 6 months beginning 60 days after the date of the EPA letter containing decisions of the program review, until the final report is submitted. This column shows the number of interim reports required for the test based on the deadline set forth in the preceding column.

C. What Are The Uses For The Test Data For DBEs?

EPA would use the data obtained from testing to obtain a more complete toxicity profile of DBEs. Such a profile will be used in comparing the hazards of paint strippers based on DBEs to those of consumer paint strippers that are based on methylene chloride, *N*-methylpyrrolidone, or other common paint stripping solvents.

D. What If EPA Should Require Additional Toxicity Testing On DBEs?

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

IV. Other Impacts Of The ECA For DBEs

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 any of the three DBEs.

On October 13, 1998, in the **Federal Register** (63 FR 54646, October 13,

1998) (FRL-6029-8), EPA proposed to amend 40 CFR 799.5000 by adding DMA, DMG, and DMS 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 any of these three chemical substances that:

1. The chemical substances are 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 any of the DBEs will be subject to export notification requirements.

V. Paperwork Reduction Act

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 5,407 hours total. 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 DBEs. That rule will amend the listing at 40 CFR part 799, as well as the table at 40 CFR part 9.

VI. Public Record**A. Supporting Documentation**

The record for this proceeding contains the basic information considered in developing this ECA and Order and includes the following information.

1. Testing Consent Order for Dibasic Esters, with incorporated Enforceable Consent Agreement and associated testing protocols attached as appendices.

2. **Federal Register** notices pertaining to this notice, the Testing Consent Order and the Enforceable Consent Agreement, consisting of:

a. Notice of Solicitation of Testing Proposals for Negotiation of TSCA Section 4 Enforceable Consent Agreements (60 FR 15143, March 22, 1995) (FRL-4943-6).

b. Notice of Public Meeting: Dibasic Esters—Paint Stripper Chemicals (61 FR 67332, December 20, 1996) (FRL-5578-9).

3. Communications consisting of:

a. Written letters.

b. Meeting and teleconference summaries.

4. Reports—published and unpublished factual materials.

B. References

1. Dibasic Esters Group. Letter from Jorge C. Olguin to Charles M. Auer, EPA, Re: Solicitation of TSCA Section 4 Consent Agreements for Dibasic Esters, with attachment entitled "Toxicity Literature Reviews From the DuPont Haskell Laboratory." Washington, DC. (August 7, 1995).

2. U.S. Environmental Protection Agency (USEPA). Letter from Charles M. Auer to Jorge C. Olguin, Dibasic Esters Group Re: toxicity testing proposal submitted by Dibasic Esters Group. Washington, DC. (March 6, 1996).

3. Dibasic Esters Group. Letter from Richard E. Opatick to Charles M. Auer, EPA, Re: Data Development on Dibasic Esters. Washington, DC. (October 22, 1996).

4. USEPA. Summary of EPA Public Meeting on DBEs Enforceable Consent Agreement. Washington, DC. (January 29, 1997).

5. USEPA. Summary of Teleconference on DBEs Enforceable Consent Agreement. Washington, DC. (June 23, 1998).

List of Subjects

Environmental protection, Hazardous chemicals.

Dated: July 28, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 99-20205 Filed 8-4-99; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92-237; DA 99-1526]

Next Meeting of the North American Numbering Council

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On August 2, 1999, the Commission released a public notice announcing the August 24 and August 25, 1999, meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and its Agenda.

FOR FURTHER INFORMATION CONTACT: Jeannie Grimes, at (202) 418-2313 or via the Internet at jgrimes@fcc.gov. The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, 2000 M Street, NW, Suite 235, Washington, DC 20554. The fax number is: (202) 418-2345. The TTY number is: (202) 418-0484.

SUPPLEMENTARY INFORMATION: Released: August 2, 1999.

The next meeting of the North American Numbering Council (NANC) will be held on Tuesday, August 24, from 8:30 a.m., until 5:00 p.m., and on Wednesday, August 25, 1998, from 8:30 a.m., until 12 Noon. The meeting will be held at the Federal Communications Commission, Portals II, 445 Twelfth Street, S.W., Room TW-C305, Washington, D.C.

This meeting will be open to members of the general public. The FCC will attempt to accommodate as many people as possible. Admittance, however will be limited to the seating available. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before each meeting.

Requests to make an oral statement or provide written comments to the NANC should be sent to Jeannie Grimes at the address under **FOR FURTHER INFORMATION CONTACT**, stated above.

Proposed Agenda

The proposed agenda for the August 24-25, 1999, is as follows:

1. Approval of the July 20-21, 1999 meeting minutes.

2. Local Number Portability Administration (LNPA) Working Group Report. Update on attempt to lower the failure rate of service provider failures to receive broadcasts. Further discussion of the *Second Report on Wireline Wireless Integration*. Update on finalization of methods and scope, forms and process flows relating to LNP problem identification (PIM).

3. Industry Numbering Committee (INC) Report. Discussion regarding Central Office Utilization Survey (COCUS) report of utilization and forecasting data by resellers. TRA Reseller Association to provide recommendation for discussion.

4. Number Resource Optimization Working Group Report. NANC to take final action on definition of reserved telephone number and use of the term "legally enforceable written agreement." Working Group will address need to include in the recommended practice the need for service providers to notify end user customers of changes in the reserved number practice.

5. Review and finalize NANC letter to FCC regarding NANC's position and recommendation concerning the splitting of rate centers as part of a NPA relief plan.

6. NANC obligations under the *Notice of Proposed Rulemaking*, CC Docket 99-200, (rel. June 2, 1999): Issue Management Group (IMG) report on recommendation in response to paragraph 38, which administrative measures should be adopted as FCC rules. Issue Management Group report regarding conclusions and recommendations in response to paragraph 165, examination of number pooling on NANP exhaust.

7. North American Number Plan Administration (NANPA) Oversight Working Group Report.

Wednesday, August 25, 1999

8. Cost Recovery Working Group Report. NECA report regarding service provider revenue reporting for NANPA cost recovery under FCC 98-71.

9. Audit Issue Management Group (IMG) report on Lockheed Martin responsibility with regard to "show cause" audits. Review and finalization