

## I. General Information

### A. Does this Action Apply to Me

This action is directed to the public in general, and may be of particular interest to persons who are concerned about implementation of the Pesticide Registration Improvement Act (PRIA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and the Federal Food, Drug, and Cosmetic Act (FFDCA). Other potentially affected entities may include but are not limited to agricultural workers and farmers; pesticide industry trade associations; environmental, consumer and farmworker groups; pesticide users and growers; pest consultants; State, local and Tribal governments; academia; public health organizations; food processors; and the public. 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 Copies of this Document and Other Related Information?

1. **Docket.** EPA has established an official public docket for this action under docket identification (ID) number OPP-2004-0401. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. **Electronic access.** You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/>

to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

## II. Background

The Office of Pesticide Programs (OPP) is entrusted with the responsibility of ensuring the safety of the American food supply, protection and education of those who apply or are exposed to pesticides occupationally or through use of products, and the general protection of the environment and special ecosystems from potential risks posed by pesticides.

PPDC was established under the Federal Advisory Committee Act (FACA), Public Law 92-463, in September 1995 for a 2-year term and has been renewed every 2 years since that time. PPDC provides advice and recommendations to OPP on a broad range of pesticide regulatory, policy, and program implementation issues that are associated with evaluating and reducing risks from use of pesticides. The following sectors are represented on the PPDC: Pesticide industry and trade associations; environmental/public interest and consumer groups; farm worker organizations; pesticide user, grower, and commodity groups; Federal and State/local/Tribal governments; the general public; academia; and public health organizations. Copies of the PPDC charter are filed with appropriate committees of Congress and the Library of Congress and are available upon request.

### List of Subjects

Environmental protection, Pesticides and pests

Dated: November 30, 2004.

**Martha Monell**

*Acting Director, Office of Pesticide Programs.*  
[FR Doc. 04-27033 Filed 12-8-04; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0386; FRL-7687-8]

### Amides, from acetic acid, C5-9 carboxylic acids and diethylenetriamine ethyleneimine polymer; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

**DATES:** Comments, identified by docket identification (ID) number OPP-2004-0386, must be received on or before January 10, 2005.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

### FOR FURTHER INFORMATION CONTACT:

Bipin Gandhi, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8380; e-mail address: [gandhi.bipin@epa.gov](mailto:gandhi.bipin@epa.gov).

### SUPPLEMENTARY INFORMATION:

#### I. General Information

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

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining

whether this action might apply to certain entities. 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 Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP-2004-0386. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although, not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public

docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although, not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or on paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

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

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include

your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also, include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2004-0386. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to [opp-docket@epa.gov](mailto:opp-docket@epa.gov), Attention: Docket ID number OPP-2004-0386. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP),

Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID number OPP-2004-0386.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA, Attention: Docket ID number OPP-2004-0386. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

#### *D. How Should I Submit CBI to the Agency?*

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is 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 docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

#### *E. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

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

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

### **List of Subjects**

Environmental protection, Agricultural commodities, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 30, 2004.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

### **Summary of Petition**

The petitioner summary of the pesticide petition is printed below as required by FFDCA section 408(d)(3). The summary of the petition was prepared by the Cognis Corporation and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

### **Cognis Corporation**

*PP 4E6868*

EPA has received a pesticide petition (4E6868) from Cognis Corporation, 4900 Este Avenue, Cincinnati, OH 45234 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR 180.960 to establish an exemption from the requirement of a tolerance for amides, from acetic acid, C5-9 carboxylic acids and diethylenetriamine-ethyleneimine polymer, (CAS Reg. No. 192230-19-6)

in or on all raw agricultural commodities when used as an inert ingredient in the pesticide formulations. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

#### *A. Residue Chemistry*

1. *Plant metabolism.* Cognis is petitioning the Agency to exempt amides, from acetic acid, C5-9 carboxylic acids and diethylenetriamine-ethyleneimine polymer from the requirement of a tolerance since this inert ingredient meets the exemption criteria for low-risk polymers under 40 CFR 723.250. Consequently, plant metabolism data are not necessary.

2. *Analytical method.* Since the petitioner is requesting a tolerance exemption, an analytical method for residues of the polymer in or on food crops is not required.

#### *B. Toxicological Profile*

When it can be determined that an inert ingredient meets the definition of an exempt or low-risk polymer (40 CFR 723.250) then the production of data is generally not required by EPA to establish a tolerance or an exemption from a tolerance. Cognis Corporation asserts that the data and information provided below are sufficient to establish the potential activity, toxicity and risks associated with amides, from acetic acid, C5-9 carboxylic acids and diethylenetriamine-ethyleneimine polymer as an inert ingredient when applied to growing crops or raw agricultural commodities. Further, in the case of chemical substances described as polymers, EPA has established criteria, which when they are met or exceeded, are considered low-risk. These criteria are described in 40 CFR 723.250 and identify polymers that are relatively unreactive, stable, and typically not absorbed when compared to other chemical substances including some polymers.

The criteria described in 40 CFR 723.250, and addressed below, will generally exclude polymer chemicals that are not well-known and understood, and potentially present a significant risk of adverse effects. Therefore, the polymers that meet or exceed these criteria can be considered minimal or negligible risk.

As presented below, amides, from acetic acid, C5-9 carboxylic acids and

diethylenetriamine-ethyleneimine polymer conforms to the definition of a low-risk polymer as described in 40 CFR 723.250.

a. Amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

b. Amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer contain as the integral part of its composition, the atomic elements of hydrogen, oxygen, nitrogen, and carbon.

c. Amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer do not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

d. Amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer are not designed nor reasonably anticipated to substantially depolymerize, degrade, or decompose.

e. Amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer are manufactured from monomers that are listed in the Toxic Substances Control Act (TSCA) Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

f. Amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer are not a water absorbing polymer.

g. Amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer do not contain any reactive functional groups.

h. The minimum number-average molecular weight of amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer is approximately 1,400 daltons. Substances with molecular weights greater than 400 daltons are generally not absorbed through the intact skin, and substances with molecular weights greater than 1,000 daltons are generally not absorbed through the intact gastrointestinal (GI). Chemicals not absorbed through the GI tract are incapable of eliciting a toxic response via these routes of exposure.

i. Amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer contain less than 10% oligomeric material below molecular

weight of 500 daltons and less than 25% oligomeric material below 1,000 daltons.

#### C. Aggregate Exposure

1. *Dietary exposure.* Since amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer are considered a low-risk polymer, there is a reasonable certainty of no harm from exposure to this polymer from food or drinking water or from aggregate exposure.

2. *Non-dietary exposure.* Since amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer are considered a low-risk polymer, there is a reasonable certainty of no harm from exposure to this polymer from non-dietary means.

#### D. Cumulative Effects

At this time, there is no information to indicate that any toxic effects produced by amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer are cumulative with those of any other chemical. Given the compound's categorization as a low-risk polymer, and its proposed use in pesticide formulations, there is no expectation of increased risk due to cumulative exposure.

#### E. Safety Determination

1. *U.S. population.* Since amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer are considered a low-risk polymer, no adverse effects of concern to the U.S. population are expected.

2. *Infants and children.* Since amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer are considered a low-risk polymer, no adverse effects of concern to either infants or children are anticipated.

#### F. International Tolerances

There are no Codex maximum residue levels established for residues of amides, from acetic acid, C5–9 carboxylic acids and diethylenetriamine-ethyleneimine polymer in or on crops or commodities at this time.

[FR Doc. 04–27032 Filed 12–8–04; 8:45 am]

BILLING CODE 6560–50–S

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–7846–3]

### Proposed CERCLA Section 122(h) Administrative Agreement for the Bayonne Barrel & Drum Site, Located in Newark, NJ

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Proposed Administrative Settlement and opportunity for public comment.

**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.

The settlement requires thirty-seven (37) Settling Parties to make three payments to resolve their liability for EPA's Past Response Costs, defined as those costs incurred through January 31, 2003. The first payment, \$500,000, is due within 30 days of the Agreement's effective date. The second, \$300,000, is due by January 31, 2005. The third and final payment is due within 540 days of the Agreement's effective date, and will consist of the balance of the Past Response Costs, equal to \$2,186,500, except that the last payment will be subject to reduction pursuant to EPA's orphan share policy, based on the value of the work that the Settling Parties have performed and have committed to perform at the Site as of the due date of the final payment. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region II, 290 Broadway, New York, New York 10007–1866.

**DATES:** Comments must be submitted on or before January 10, 2005.

**ADDRESSES:** Comments should be addressed to Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007–1866, and should reference: In the Matter of the Bayonne