

more information regarding the measures that would be implemented to protect water quality, the erosion controls along off-road vehicle trails, and the methodology for identification of critical wetland habitat.

ERP No. DR-BLM-G61031-NM, Rating LO, New Mexico Statewide Wilderness Study, Wilderness Study Area Recommendations and Designations, NM. SUMMARY: EPA has no objections to the proposed action as described.

ERP No. D-COE-H40130-IA, Rating EC2, IA-415 Highway Modifications, Segment C, IA-415 and NW 78th St. to Barrier Dam Roadway, Saylorville Lake Recreation Areas, Access Roadway Improvement—1976 Water Resource Act Sect. III, IA, SUMMARY: EPA expressed concern about selection of the most environmentally damaging alternative and the proposed alignment's impact on the water quality of Rock Creek. EPA requested that the Corps of Engineers work with the County to mitigate indirect water quality impacts from induced development.

ERP No. D-COE-K34005-CA, Rating EO2, Pamo Dam and Reservoir Emergency Water Supply Project, Construction, 404 Permit, Santa Ysabel Creek, CA. SUMMARY: EPA expressed environmental objections because the project, as proposed, fails to comply with Clean Water Act Sect. 404 Guidelines in terms of alternatives analysis, mitigation measures, and other criteria. The draft EIS also did not adequately discuss secondary growth in San Diego County caused by the project. EPA requested that the Corps of Engineers (COE) prepare a revised draft EIS to ensure full disclosure of all project impacts, and requested a meeting with the COE to discuss EPA's concerns on the draft EIS.

ERP No. D-FHW-E40696-GA, Rating EO2, Georgia Project F-111-1(16) Spur Construction, Abercorn St./GA-204 to GA-21/I-516/Lynes Parkway, 404 Permit, USCG Permit, GA. SUMMARY: EPA's primary concern for the proposed project are the predicted 24.2 acre losses of valuable estuarine wetlands and the lack of a complete mitigation plan. Other concerns relate to noise impacts, fisheries documentation, and the air quality and alternative analyses. EPA requests these concerns be addressed in the final EIS. Further, the final EIS should particularly provide a wetland mitigation plan reviewed by EPA and other regulatory agencies.

ERP No. D-FHW-G40117-TX, Rating LO, US 259/Kilgore Bypass Construction, US 259 N. of Kilgore to US 259 S. of Kilgore, 404 Permit, TX. SUMMARY: EPA expresses no objections to the project as described.

Additional air quality information has been requested.

Final EISs

ERP No. F-AFS-G65043-NM, Gila Nat'l Forest, Land and Resource Mgmt. Plan, NM. SUMMARY: EPA has no objections to the proposed action as described.

Dated: December 29, 1986.

William D. Dickerson,
Acting Director, Office of Federal Activities.
[FR Doc. 86-29509 Filed 12-31-86; 8:45 am]
BILLING CODE 6560-50-M

[OPPE-FRL-3137-2]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the *Federal Register* a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT:
Patricia Minami, (202) 382-2712 (FTS 382-2712) or Jackie Rivers, (202), 382-2740 (FTS 382-2740).

SUPPLEMENTARY INFORMATION:

Office of Water

Title: NPDES Discharge Monitoring Report (EPA ICR #0229). (This is a renewal of an existing collection, with no changes proposed.)

Abstract: A facility discharging wastewater must obtain a permit, periodically monitor its discharges, and report to EPA or the state permitting authority. EPA and the states use the data to determine compliance with permit limitations.

Respondents: Businesses, publicly-owned treatment works, and other facilities discharging wastewater.

Agency PRA Clearance Requests Completed by OMB

EPA ICR #0820, Generator Requirements—Exporters of Hazardous

Waste, was approved 12/5/86 (OMB #2050-0035; expires 12/31/88).

Comments on the abstracts in this notice may be sent to:

Patricia Minami, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), Information and Regulatory Systems Division, 401 M Street SW., Washington, DC 20460
and

Rick Otis, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place NW., Washington, DC 20503

Dated: December 29, 1986.

Daniel J. Fiorino,
Director, Information and Regulatory Systems Division.

[FR Doc. 85-29495 Filed 12-31-85; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/28L FRL-3137-4]

Inorganic Arsenicals; Preliminary Determination To Cancel Registrations of Pesticide Products Containing Inorganic Arsenicals Registered for Nonwood Preservative Use; Availability of the Draft; Notice of Intent To Cancel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of preliminary determination to cancel.

SUMMARY: This Notice announces the Agency's preliminary determination to conclude the Special Review of the inorganic arsenicals: lead arsenate, calcium arsenate, sodium arsenite, sodium arsenate, and arsenic trioxide. The Agency proposes to cancel, pursuant to section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), all registered uses of these chemicals with the exception of the turf herbicidal use of the flowable formulation of calcium arsenate, the grapefruit growth regulator use of lead arsenate, and the grape fungicidal use of sodium arsenite. These three uses and the desiccant use of arsenic acid are still under Special Review. All copper acetoarsenite and arsenic acid herbicide registrations have already been voluntarily cancelled. This Notice further informs the public of the availability of documents supporting this action and of the Draft Notice of Intent to Cancel and invites comments on the proposal.

DATE: Comments and other relevant information on the preliminary determination announced in this Notice must be received on or before February 17, 1987.

ADDRESS: Written comments identified as "OPP-30000/28L" should be sent by mail to:

Information Services Section,
Program Management and Support
Division (TS-757C),
Office of Pesticide Programs,
Environmental Protection Agency,
401 M St., SW.,
Washington, DC 20460.
In person, bring comments to:
Rm. 236, CM#2,
1921 Jefferson Davis Highway,
Arlington, VA.

Information submitted in any comment or response concerning this Notice may be claimed confidential by marking any part of or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. An edited copy of any comment containing material claimed to be CBI must be submitted (with the CBI portions deleted) for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. A Public Docket containing all non-CBI written comments will be available for inspection and copying in Rm. 236 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:

Douglas McKinney,
Registration Division (TS-767C),
Office of Pesticide Programs,
Environmental Protection Agency,
401 M St., SW.,
Washington, DC 20460.
Office location and telephone number
Rm. 1006, CM#2,
1921 Jefferson Davis Highway,
Arlington, VA,
(703-557-5488).

SUPPLEMENTARY INFORMATION:

I. Introduction

The Environmental Protection Agency issued a Notice of Rebuttable Presumption Against Registration (hereafter referred to as Special Review) for the wood preservative and nonwood preservative uses of the inorganic arsenicals which was published in the *Federal Register* of October 18, 1978 (43 FR 48267). That Notice was based on a determination that use of the inorganic arsenicals met or exceeded the risk

criteria for oncogenicity, teratogenicity and mutagenicity under 40 CFR 162.11 (these criteria are now found at 40 CFR 154.7). Acute toxicity was added later as a concern.

In January 1981, the Agency issued a preliminary determination (46 FR 13020) which proposed changes to the terms and conditions of registration for the wood preservative uses of the inorganic arsenicals. That proposal (PD 2/3) was based on a detailed assessment of the risks and benefits of continued registration of the wood preservative use of the inorganic arsenicals. The final determination, which required certain modifications to the terms and conditions of registration, was published in the *Federal Register* of July 13, 1984 (49 FR 28666). The Agency received hearing requests from registrants contesting the requirements of that Notice. After considering alternative mechanisms suggested by registrants for accomplishing the goals of the July 13, 1984 Notice, the Agency issued an Amended Notice of Intent to Cancel, which was published in the *Federal Register* of January 10, 1986 (51 FR 1334), which resolved issues relating to the wood preservative uses of the inorganic arsenicals with minor modifications to the requirements of the original Notice. All registrants have either modified their registrations in accordance with the requirements of the Amended Notice or their registrations were cancelled by operation of law.

The inorganic arsenical pesticide registrations not considered in the wood preservative decision were the desiccant and herbicide uses of arsenic acid; the insecticide, herbicide, and molluscicide uses of lead arsenate; the insecticide, herbicide, and molluscicide uses of calcium arsenate; the herbicide, insecticide, (including termiticide) and acaricide uses of sodium arsenite; the insecticide, herbicide, rodenticide, and antifoulant uses of arsenic trioxide; the insecticide use of sodium arsenate, and the larvicide use of copper acetoarsenite. All registrations of copper acetoarsenite and the herbicidal use of arsenic acid have been voluntarily cancelled and will not be discussed further herein.

This Notice announces the Agency's proposal to cancel the remaining (nonwood preservative) pesticidal uses of the inorganic arsenicals listed above based on the risk/benefit assessment contained in this Notice with the exception of the desiccant uses of arsenic acid on okra (grown for seed) and cotton, the growth regulator use of lead arsenate, the fungicide use of sodium arsenite on grapes, and the herbicide use of the flowable

formulation of calcium arsenate on turf. Consideration of these excepted uses of being deferred at this time because the Agency's Risk Assessment Forum is reassessing the carcinogenic potency of inorganic arsenic as it relates to dietary and dermal exposures. Although inhalation risks for arsenic acid have been quantified and exposure information exists, the Agency does not believe at this time that the inhalation risks associated with the desiccant use would serve as a basis for cancellation in light of the existing benefits. Therefore, EPA has decided to defer consideration of this use until the Forum completes its reassessment. The Agency is also deferring consideration of oncogenic risks from dermal exposure for the uses under consideration in this document. Additionally, the Agency has required data under authority of section 3(c)(2)(B) of FIFRA to delineate the extent and nature of residues in/on food crops. These residue data, some of which will not be available until early 1988, and the reassessment of the carcinogenic potency are pivotal to the dietary and dermal risk analysis for the uses enumerated above.

In accordance with FIFRA, EPA is sending a copy of this Notice and the draft Notice of Intent to Cancel to the Secretary of Agriculture and the Scientific Advisory Panel for the required 30-day review. EPA is also providing a 45-day public comment period on these documents. After reviewing any comments received within the applicable time limits, EPA will determine what final regulatory position and actions are appropriate.

In addition, copies of a draft Notice of Intent to Cancel Registrations of Inorganic Arsenical Products are also available from the contact person listed above. Preparation of the draft Notice of Intent to Cancel is required by 40 CFR 154.31(b)(1).

II. Legal Background

A pesticide may be sold or distributed in the United States only if it is registered or exempt from registration under FIFRA (7 U.S.C. 136 et seq.). Before a product can be registered, it must be shown that the product can be used without causing "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of the pesticide" (FIFRA section 2(bb)). The burden of proving that a pesticide meets this standard for registration is on the proponent of initial or continued registration. If at any time the Agency determines that a pesticide no longer meets this standard for

registration, the Administrator may cancel the registration under section 6 of FIFRA.

The Agency has created an administrative process for fully evaluating whether a pesticide satisfies or continues to satisfy that statutory standard for registration. This Special Review process provides an informal procedure through which EPA may gather and evaluate information about the risks and benefits of a pesticide's use. It also provides a means by which interested members of the public may comment on, and participate in, EPA's decision making process. The regulations governing this process are set forth in 40 CFR Part 154.

III. Summary of Risk/Benefit Evaluation

A. Risk Determination

The adverse effects of concern associated with inorganic arsenical pesticides are oncogenicity, mutagenicity, teratogenicity, and acute toxicity. An extensive body of data is contained in published studies describing the adverse health effects associated with exposure to inorganic arsenic. The EPA has reviewed the existing scientific literature and developed a "Health Assessment Document for Inorganic Arsenic" (OHEA Document). Risk information is also contained in the Wood Preservatives Position Document 2/3 (WP PD 2/3) and Position Document 4 (WP PD 4) decision documents made available in January 1981 and July 1984, respectively. These documents are available from the Agency at the address given above. A brief summary of the risk data is presented below.

1. Interconversions of Inorganic Arsenic

The pesticides covered by this document include both trivalent (sodium arsenite, arsenic trioxide) and pentavalent (lead arsenate, calcium arsenate, and sodium arsenate) inorganic arsenicals. Many studies have shown that man and other animals oxidize trivalent arsenic (arsenite) to pentavalent arsenic (arsenate) (WP PD 2/3, pp. 95-102). However, firm evidence demonstrating the *in vivo* reduction of arsenate to arsenite has only recently been developed in the rat by (Roland and Davies, 1982) (OHEA Document) and in mice and rabbits (Vahter et al., 1983) (OHEA Document). Based on this oxidation/reduction interconversion, data on both arsenate and arsenite are relevant in evaluating the risks posed by the inorganic arsenicals and justify regulation of the two groups of chemicals together.

2. On Cogenicity

a. *Hazard identification.* Human epidemiology studies have provided the most persuasive evidence linking exposure to inorganic arsenic to an increase in cancer among humans. A detailed discussion of these studies and the model developed for estimating oncogenic risks from inhalation exposure to inorganic arsenic are contained in the OHEA Document (pp. 2-12 through 2-19 and 7-1 through 7-149). The studies of copper smelters which provide the basis for the quantitative risk assessment are summarized below.

Enterline and Marsh (1980, 1982) observed a significant increase in mortality from lung cancer in workers exposed to airborne arsenic at a Tacoma, Washington, copper smelter. Lee and Feldstein (1983) found a correlation between respiratory cancer mortality and length of employment for workers in an Anaconda, Montana, copper smelting plant that had been previously examined by Lee and Fraumeni (1969). Higgins et al. (1982), who focused primarily upon the most heavily exposed workers at this Anaconda smelter, concluded that inhalation exposure to arsenic was strongly related to respiratory cancer mortality in these workers. Exposure to possible confounding factors such as smoking, asbestos, and sulfur dioxide did not appear to account for the excess respiratory cancer observed in the study. Smoking was thought to be responsible for a small fraction of the mortality, but significantly increased mortality was observed among non-smokers as well.

Brown and Chu (1983a, b, and c) applied the "multistage" model to the Anaconda smelter studies to estimate carcinogenic risk. Using this approach, the carcinogenic response was considered as a function of: (1) The rate of exposure, (2) the duration of exposure, (3) age at initial exposure, and (4) time since the cessation of exposure. From their analysis of the data, Brown and Chu determined that inorganic arsenic acts as a late-stage carcinogen because the excess lung cancer mortality risk was found to be greater among those persons whose initial exposure was later in life. They further contended that the mortality was independent of the time after exposure stopped.

Consistent demonstration of arsenic carcinogenicity in laboratory animal tests has not been observed. However, recent data indicate that malignant and nonmalignant neoplasms can be demonstrated in animals if arsenic

retention in the lung is increased. The Agency has not, however, relied on animal carcinogenicity studies in reaching the regulatory conclusions contained herein.

Based on the human data, the Agency's Carcinogen Assessment Group (CAG) has determined that sufficient evidence exists to classify inorganic arsenic as a Group A carcinogen (carcinogenic to humans) based on the Agency's classification scheme published in the *Federal Register* of September 24, 1986 (51 FR 33992).

The Agency has determined that the oncogenic risk criterion set forth in 40 CFR 154.7(a)(2) has been exceeded.

b. *Dose response for assessing inhalation risks.* As stated previously, the oncogenic risk from inhalation of arsenic is based on the epidemiological studies by Higgins et al. (1982), Lee-Feldstein (1983), and Enterline and Marsh (1982), and the series of analyses for NCI by Brown and Chu (1983). The Agency estimated unit risk per $\mu\text{g}/\text{m}^3$ as ranging from 1.25×10^{-3} ($\mu\text{g}/\text{m}^3$)⁻¹ to 7.60×10^{-3} ($\mu\text{g}/\text{m}^3$)⁻¹ using linear models. Taking a geometric means, the final unit risk was estimated to be 4.3×10^{-3} ($\mu\text{g}/\text{m}^3$)⁻¹. To estimate oncogenic risks from inhalation exposure to inorganic arsenic (Wood Preservatives PD 4, pp. 5-8), the equation

(1) $P = 1 - e^{-4.29 \times 10^{-3} X}$ was derived (McCaughy, 1984) where P is the lifetime cancer risk based on a lifetime continuous exposure and where X is the continuous exposure in $\mu\text{g}/\text{m}^3$. The equation is based on a linear nonthreshold risk model which assumes that the lifetime risk is proportional to the cumulative lifetime exposure. For an individual exposed 1 day per year for 30 years the risk equation is approximately (2) $P + 1.5 \times 10^{-2} W$ where W is the exposure in mg/kg per working day (McCaughy, October 20, 1986). In this derivation, 60 kg was assumed as the body weight of the exposed individuals.

In the Wood Preservatives PD 4, the Agency estimated inhalation risks using a model which assumes that the cancer incident at any age induced by the agent is proportional to the cumulative exposure up to that age. This model implicitly assumes that the agent is a first stage carcinogen.

As previously stated, Brown and Chu (1983) suggested that arsenic may be a late state carcinogen. If this is correct, exposure late in life would be expected to induce greater risk than mid-life exposure, and exposure of young people may produce less risk than mid-life exposure. However, in the population at large both early and late exposure would probably occur, so that on

average the excess risks would largely cancel out. Although older people could be identified qualitatively as a sensitive subpopulation for intermittent exposure, the theory is not considered well enough established to make quantitative estimates of excess risk for this subgroup (McGaughy 1986).

Based upon these considerations, oncogenic risks from inhalation exposure of the nonwood uses of inorganic arsenic covered by this notice will be determined using the standard cumulative dose assumptions, which make no assumption about which state in the multi-stage process is affected by the agent. The Agency's Carcinogenic Assessment Group (CAG) considers this model to be the most appropriate. Using these assumptions, equation (2) above results in risks 33 percent higher than if risks were calculated using the model in the Wood Preservations PD 4.

3. Exposure Analysis

Use of most of the inorganic arsenicals covered by this proposed action has ceased because many of the product registrations are suspended or the products have not been manufactured in a number of years; therefore, information on current use practices is unavailable. However, by reliance on the available data base for estimating worker exposure, the Agency has been able to generate exposure estimates for certain application methods. In some cases, however, the Agency's data base was inapplicable and empirical data were unavailable; wherever appropriate, the Agency made assumptions to enable the development of an exposure analysis.

Exposure assessments were performed for both the inhalation and dermal routes. When estimating inhalation exposure, respiratory protection was not factored into the exposure assessment. Dermal exposures will not be used to estimate oncogenic risks since consideration of these risks is being deferred pending requantification of the carcinogenic potency by the Agency's Risk Assessment Forum.

a. *Lead Arsenate*. Lead arsenate (dust) is registered for foliar application to fruit trees to control insects, particularly the cherry fruit fly. The pesticide is typically applied aerially as a dust at a rate of 50 lbs/acre using a 15 percent active ingredient (ai) dust formulation (75 mol. wt. As/346 mol. wt. lead arsenate x 15 percent = 3.25 percent arsenic). Using surrogate data by Wolfe (1967), mean inhalation exposure for loading and applying dusts is estimated to be 0.15 and 0.17 mg/hr, respectively. Applying the 3.25 factor, the inhalation

rate for mixing/loading would be 0.5 mg/hr and 0.55 mg/hr for application. Annual inhalation exposure may be estimated for each respective mixer/loader and pesticide application operation by multiplying the exposure rate times the hours per day times the number of days per year engaged in the specific operation. Using this equation, annual mixer/loader inhalation exposure has been estimated as: 0.5 mg/hr x 2.5 hr/day x 6 days/yr = 7.5 mg/yr and annual applicator exposure has been estimated as: 0.55 mg/hr x 4 hr/day x 6 days/yr = 13 mg/yr.

According to Wolfe (1967), a mixer/loader receives a mean dermal exposure of 73 mg/hr while applicator (pilot) dermal exposure is 24 mg/hr. Using these data, mixer/loader exposure for lead arsenate dust is estimated as: 73 mg/hr x 3.25 = 238 mg/hr 238 mg/hr x 2.5 hr/day x 6 days/yr = 3570 mg/yr and, applicator dermal exposure may be estimated as: 24 mg/hr x 3.25 = 78 mg/hr 78 mg/hr x 4 hr/day x 6 days/yr = 1872 mg/yr.

Exposures from use on ornamentals would be comparable, because a dust formulation is also used.

Exposures from the use of lead arsenate molluscicide baits cannot be quantified from the existing information; however, since the prepared bait is spread as a solid and arsenic is nonvolatile, limited inhalation exposure is expected to occur.

User exposure from lead arsenate insecticide baits is negligible. However, the Agency's Pesticide Incident Monitoring System (PIMS) has many recorded incidents of accidental poisoning from the use of these baits in and around homes. Nine of these incidents involved hospitalizations and 16 involved child poisonings from "roach hive" products.

Lead arsenate is also registered for use as a noncrop herbicide and is applied at a rate of 40 to 200 lb ai/A for crabgrass and annual blue grass control. However, available information indicated there is no current usage. If used, some worker exposure would be expected to occur.

b. *Sodium arsenite*. Sodium arsenite is used as a broad spectrum herbicide and is applied by hand sprayer or sprinkler can to industrial sites, lots, tank farms, and other places where total removal of plant growth is desired. The average concentration is 40 percent (some concentrates range from 15 to 70 percent by weight) which is equivalent to 23 percent arsenic metal by weight (40 x 75/130). The concentrated sodium arsenite solution is typically diluted 1:5 for use, making the effective use concentration 23 percent or 4.6 percent

arsenic. Using estimates by Lunchick (1985), a mixer/loader of a liquid formulation would receive inhalation exposure of about 0.02 mg/hr/lb/A. Since the application rate is 3 lb ai/A, the inhalation rate for mixing/loading may be estimated as 0.02 x 3 = 0.06 mg/hr x 58% As = 0.03 mg/hr. Annual mixer/loader exposure may be estimated as: 0.03 mg/hr x 0.5 hr/day x 1 day/yr = 0.02 mg/yr.

Using the same data base, mixer/loader dermal exposure may be estimated as: 160 mg/hr/lb/A x 3 lb/A = 480 mg/hr 480 mg/hr x 58% As x 0.5 hr/day x 1 day/yr = 140 mg/yr.

For application, the Agency relied on a surrogate study by Lavy (1980), where 1.9 percent 2,4,5-T was sprayed on brush with a backpack sprayer, resulting in 0.3 mg/hr inhalation exposure, and 27 mg/hr dermal exposure. Because the concentration of 2,4,5-T and arsenic differ by a factor of 2.4, inhalation exposure has been estimated as: 0.3 mg/hr x 2.4 x 58% As = 0.4 mg/hr arsenic. Annual applicator inhalation exposure may be estimated as: 0.4 mg/hr x 6 hr/day x 1 day/yr = 2.4 mg/yr and annual applicator dermal exposure may be estimated as: 27 mg/hr x 2.4 x 58% As = 38 mg/hr x 6 hr/day x 1 day/yr = 228 mg/yr.

According to the USDA Report (1980), sodium arsenic is effective in termite control under buildings. A 10 percent (5.8 percent arsenic) solution (original concentrate level unspecified, but assumed to range from 29 to 50 percent arsenic) is applied by injection. Mixer/loader exposure would be similar to the herbicide use, namely 0.03 mg/hr by inhalation and 280 mg/hr dermally. Annual mixer/loader inhalation exposure may be estimated as: 0.3 mg/hr x 0.5 hr/day x 10 days/yr = 0.2 mg/yr and annual mixer/loader dermal exposure may be estimated as: 280 mg/hr x 0.5 hr/day x 10 days/yr = 1400 mg/yr.

Applicator inhalation and dermal exposures are considered to be negligible for the termite use because sodium arsenite is applied by an injection apparatus which is essentially a closed system.

Inhalation exposure from the use of insecticidal baits would be negligible. However, spillage of 6 ml of the most concentrated insecticidal formulation available for this use (1.6 percent ai) would result in dermal exposure of 56 mg/incident derived as follows: 6 ml (gm) x 0.016 (%) = 96 mg/incident x 58% As = 56 mg/incident.

Many acute accidental oral exposures to sodium arsenite have been reported to the Agency's Pesticide Incident

Monitoring System. during a search of the PIMS files from 1966 to 1979, sixty-one incidents involving either sodium arsenite or sodium arsenate in combination with other ingredients were reported. Fifty-eight children were involved in 42 of the incidents; Fifteen of these children died and six were hospitalized. Of the remaining 19 incidents, nine were unspecified as to the exposure effects, four involved the hospitalization of five adults and six resulted in the fatalities of nine adults.

Sodium arsenite has formerly been used in a dip to control ticks on livestock; however, there is no recent history of use. Possible mixer/loader exposure is similar to mixer/loader exposures estimated for the herbicidal use of sodium arsenite. Because this exposure situation is unique and surrogate data are unavailable, the Agency has not attempted to approximate applicator exposure in the absence of actual use. Potentially significant application could be associated with the use of the dip for beef, cattle, sheep and goats.

c. *Calcium arsenate*. According to USDA (1980), calcium arsenate is used to control flies on poultry manure. Application is by hand sprayer where 2.5 lbs of 70 percent calcium arsenate is diluted in 4 gallons of water. This yields a working solution of 2 percent arsenic (2.5 lbs. $\times$ 0.7 (%) $\times$ 0.38 [ratio of arsenic]/by 4 $\times$ 8.3 (water dilution) = 2 percent) resulting in applicator inhalation exposure as per Lavy (1980) of 0.3 mg/hr $\times$ 0.38 = 0.1 mg/hr As. Annual applicator inhalation exposure may be estimated as: 0.1 mg/hr $\times$ 2 hr/day $\times$ 20 days/yr = 4.0 mg/yr and annual applicator dermal exposure may be estimated as: 27 mg/hr $\times$ 38% As = 10 mg/hr $\times$ 2 hr/day $\times$ 20 days/yr = 410 mg/yr.

As mentioned earlier, Lunchick (1985) estimates inhalation exposure from the mixer/loader task to be 0.03 mg/hr and it is assumed the mixer/loader procedure for fly control is comparable, resulting in an annual exposure of: 0.03 mg/hr $\times$ 0.5 hr/day $\times$ 20 days/yr = 0.3 mg/yr and accordingly, dermal mixer/loader exposure may be estimated as: 275 mg/hr $\times$ 0.5 hr/day $\times$ 20 days/yr = 2750 mg/yr.

A granular formulation of calcium arsenate may be applied by broadcast spreader to control white grubs. This formation typically contains 48 percent ai and is applied once per year at a rate of 105 lb/A. In the absence of suitable surrogate or empirical data, exposure cannot be quantified with existing information but is expected to be low if the product were used.

Calcium arsenate bait for slugs and snails is made up as a formulation containing 80 percent bran, 10 percent molasses, and 10 percent calcium arsenate (made up from 70 percent wettable powder/dust). It is then applied to the soil near plants for protection. Because the prepared bait is spread as a solid, and arsenic is nonvolatile, limited inhalation exposure is expected to occur.

Calcium arsenate has not been used as a herbicide on crops in a number of years. Since neither surrogate nor empirical data are available, the Agency has not attempted to estimate exposure.

d. *Arsenic trioxide*. Arsenic trioxide rodenticide and insecticide baits are available as pellets, wettable powders, pastes, and as a liquid. Negligible inhalation exposure is expected to result from use of these formulations. However, many instances of accidental ingestion and in some cases death following this exposure have been associated with the use of arsenic trioxide baits. These incidents most frequently involved children under the age of five. Spillage of 6 ml of a liquid formulation on the hands would result in a dermal exposure of: 6 ml (gm) $\times$ 0.0114 (% As) = 68 mg/incident. PIMS reports indicated 72 incidents involving arsenic trioxide between 1966 and 1979. Ten of these incidents resulted in child fatalities.

Arsenic trioxide is an active ingredient in an antifouling paint for boats. According to EPA's current use information, the paint is applied in two coats on separate days. Assuming two boats are painted/year, exposure to the paint will be four times (days) per year. The Agency has relied on a surrogate study by Gold et al. (1981), where painting a 2 percent solution of chlorpyrifos resulted in dermal exposure of 2.13 μ g/square cm/hr. Assuming that 3000 square cm of skin are exposed, dermal exposure may be estimated as: 3000 cm² $\times$ 2.13 = 7.7 mg/hr. Assuming it takes 2 hours to paint the bottom of a small boat, daily dermal exposure may be estimated as: 7.7 mg/hr $\times$ 2 hr = 15 mg/day, and annual exposure may be

estimated as: 15 mg/day $\times$ 4 days = 60 mg/yr.

Since arsenic is nonvolatile, minimal inhalation exposure is expected.

Although arsenic trioxide is registered as a noncrop herbicide, the Agency is unaware of any current herbicidal use of this pesticide. If arsenic trioxide were used, there would be some exposure by the inhalation route to the mixer/loader and applicator.

e. *Sodium Arsenate*. Limited, if any, inhalation exposure is expected to result from the use of sodium arsenate baits; however, accidental poisonings of children have been associated with use of this insecticidal bait. In 186 reported pesticide incidents 190 children were involved. Five fatalities and 43 hospitalizations were reported. Spillage of 6 ml of sodium arsenate has been estimated to result in a dermal exposure of 78 mg/incident derived as follows: 6 ml (gm) $\times$ 0.013 (%) = 0.078 gm arsenic/incident.

Quantitative Risk Assessment

The linear non-threshold model was used to estimate inhalation risks at low levels of inhalation exposure. This model provides an estimate of the upper limit of risk, which is not likely to be exceeded. Since actual risk could be considerably lower than the estimated upper limit risk, the risk estimates presented throughout this document should be viewed as upper-limit estimates and not as accurate representations of true cancer risks.

Oncogenic risks have been quantified for those uses where the Agency has estimates of inhalation exposure. These risk estimates are based on the assumptions, data, and other information discussed in the preceding units. As described in the Wood Preservatives PD 4 (1984), the Agency assumed 100 percent of inhaled inorganic arsenic is absorbed in estimating risks and that an applicator or mixer/loader weighs 70 kg. The carcinogenic potency for quantifying risk from inhalation exposure to the inorganic arsenicals is 1.5×10^{-2} (mg/kg/day)⁻¹ over a 30-year working lifetime. Risks for mixer/loaders and applicators are presented in the following Table 1:

TABLE 1. ONCOGENICITY RISK ASSESSMENT¹

Pesticide	Annual exposure (days)	Upper limit risk ²	
		Mixer/loader	Applicator
Lead arsenate:			
Insecticide (foliar).....	6	10 ⁻³	10 ⁻³
Sodium arsenite:			
1. Herbicide (Terrestrial).....	1	10 ⁻⁵	10 ⁻³ to 10 ⁻⁴

TABLE 1. ONCOGENICITY RISK ASSESSMENT¹—Continued

Pesticide	Annual exposure (days)	Upper limit risk ²	
		Mixer/loader	Applicator
2. Termiticide	10	10 ⁻⁴ to 10 ⁻⁵	negl.
3. Acaricide (ticks)		10 ⁻⁵	
Calcium arsenate: Insecticide (fly)	20	10 ⁻⁴ to 10 ⁻⁵	10 ⁻³

¹ Inorganic arsenic is classified as a Human Carcinogen (Group A) in accordance with the Agency's Proposed Guidelines (U.S. EPA, 1984, 49 FR 46294).

² Based on inhalation exposure.

B. Additional Information on Risks

1. Mutagenicity

Various inorganic arsenicals have been assayed for mutagenic activity in a variety of test systems ranging from bacterial cells to peripheral lymphocytes from humans exposed to arsenic. The evidence supports the following conclusions. Arsenic is either inactive or extremely weak for the induction of gene mutations *in vitro*. Arsenic is clastogenic (causing DNA breakage) and induces sister chromatid exchanges in a variety of cell types including human cells *in vitro*, with trivalent arsenic being more potent than pentavalent arsenic by approximately one order of magnitude. Lastly, arsenic may affect DNA by the inhibition of DNA repair processes or by its occasional substitution for phosphorus in the DNA backbone.

The Agency's review of the mutagenicity data base to date has yielded evidence of mutagenicity of both arsenates and arsenites. Therefore, the Agency has concluded that the risk criterion in 40 CFR 154.7(a)(2) has been exceeded. The inorganic arsenicals may have the potential to cause chromosomal changes in human beings, although the mutagenic potency of arsenic is weak when compared to other known metal mutagens. Further discussion on the mutagenicity of arsenic is presented in the OHEA Document (pp. 6-1 through 6-40).

2. Teratogenicity

Parenteral administration of pentavalent and trivalent arsenic to experimental animals during pregnancy has produced gross malformations in the offspring. Additionally, increased mortality, increased resorptions, and decreased body weights of fetuses have been observed in these studies. In contrast, oral administration of sodium arsenate to experimental animals has either failed to produce gross malformations in the offspring or has produced only a slightly increased

incidence and only at dosage levels that have also caused significant maternal toxicity. No-observed-effect-levels (NOELs) could not be established from these studies. Oral administration of sodium arsenite to experimental animals did not produce gross malformations in the offspring, but increased resorptions were reported.

As discussed in the Wood Preservatives PD 4 (pp. 93-94), existing studies using parenteral routes of administration are of limited usefulness for quantitatively predicting the potential hazards to humans exposed to inorganic arsenical pesticides by inhalation, oral, and dermal routes of exposure. The Agency's reevaluation of these studies indicates that the presumption of teratogenicity has not been rebutted and that the risk criterion on 40 CFR 154.7(a)(2) has been exceeded. However, the teratogenic potential of the inorganic arsenicals cannot be quantified until an adequate study is performed. The Agency has required teratogenicity testing under authority of section 3(c)(2)(B) of FIFRA, using the gavage route of administration in order to develop a human teratogenicity/fetotoxicity risk assessment.

3. Acute Effects

Arsenic is known to be acutely toxic. The symptoms which follow oral exposure to inorganic arsenic include severe gastrointestinal damage resulting in vomiting and diarrhea, and general vascular collapse leading to shock, coma, and death. Muscular cramps, facial edema, and cardiovascular reactions are also known to occur following oral exposure to arsenic.

Trivalent arsenicals such as arsenic trioxide and sodium arsenite are approximately four times as acutely toxic as pentavalent lead arsenate and sodium arsenate. However, pentavalent and trivalent inorganic arsenicals are both in the Agency's acute toxicity Category I, the most toxic category.

Many poisonings and fatalities have been recorded in the Agency's PIMS following the accidental ingestion of lead arsenate, arsenic trioxide, sodium arsenate, and sodium arsenite baits. Additionally, reports from the National Clearing House for Poison Control Centers indicate that a disproportionate number of accidental poisonings involve inorganic arsenicals and children under the age of five. Based on this information, the Agency concludes that the criterion of 40 CFR 154.7(a)(1) has been met or exceeded.

C. Benefits Analysis

In March 1982, the Agency performed a use-by-use benefits analysis of the non-wood uses of the inorganic arsenicals. This analysis was updated in March 1985. Addressed in the analysis were the major and minor uses of arsenic acid, lead arsenate, sodium arsenite, calcium arsenate, arsenic trioxide, sodium arsenate and copper acetoarsenite. The analysis estimated quantities utilized, identified alternatives and their availability, determined the change in pesticide costs associated with the use of the alternatives and evaluated the impact of cancellation on crop production and retail prices, as appropriate. Copies of these documents are available from the contact person listed above. A summary of this benefits assessment for the five inorganic arsenicals covered by this proposed action is presented below.

Lead arsenate baits are used in domestic dwellings to control cockroaches, silverfish and crickets. Less than 10,000 pounds of active ingredient are used annually as baits. A number of alternative insecticides are available including chlorpyrifos, diazinon, and propoxur. The economic impact on the consumer from cancellation of the insecticidal use of lead arsenate could range from \$.84 to \$6.7 million, the actual amount depending on whether the alternative chemical is applied by homeowners or professionals.

Although there are products containing lead arsenate as an active ingredient registered for use as a herbicide and foliar insecticide, the Agency is unaware of any current use of these products. Most registrations are suspended and alternatives are available. No economic impact is expected as a result of cancellation of these uses of lead arsenate.

Sodium arsenite is registered as a terrestrial and aquatic herbicide and as an insecticide. There is some minor and declining use as a terrestrial herbicide, but alternative herbicides are available.

Sodium arsenite is no longer used as an insecticide. No economic impact is expected as a result of cancellation of the herbicide and insecticide registrations of sodium arsenite.

Calcium arsenate herbicide (crop) and insecticide registrations have been suspended for failure of the registrants to comply with Data Call-in Notices issued in 1986 under the authority of section 3(c)(2)(B) of FIFRA. Prior to suspension, there was no known usage of calcium arsenate on these sites. Alternatives are available. No economic impact is expected as a result of cancellation of these uses.

Approximately 85 percent of the pesticial use of arsenic trioxide is as a liquid rodenticide bait to control rats and mice in and around homes. A small percentage of the remainder is used in a pelletized or dry bait form to kill moles and pocket gophers. Similarly priced and more effective alternatives such as warfarin and brodifacoum are available to control rats and mice. Strychnine, which is slightly more expensive, is the only registered alternative for moles and gophers. Nationwide, user costs would be expected to increase by approximately \$5,000 annually if arsenic trioxide were cancelled for moles and pocket gophers, resulting in no measurable economic impact. No adverse economic impact is anticipated if the use for mice and rats were cancelled.

There is no known usage of arsenic trioxide as a noncrop herbicide; use as a noncrop insecticide and as an antifouling agent is limited. Alternatives are available. The economic impact of cancellation of these latter uses is expected to be negligible.

Sodium arsenate ant baits are used in approximately 1 percent of U.S. homes. Comparatively priced alternatives such as diazinon, chlorpyrifos and propoxur are available. Therefore, no impact is expected as a result of cancellation. Many registrations are currently suspended for failure of the registrants to comply with data requirements imposed under the authority of section 3(c)(2)(B) of FIFRA.

III. Comments of Registrants and Other Interested Parties

A total of 288 rebuttal comments were submitted to the Agency in response to the initiation of the Special Review of the wood preservative and nonwood preservative uses of the inorganic arsenicals. Of these, 16 comments specifically addressed the nonwood uses of the inorganic arsenicals. Several persons submitted testimonials regarding the efficacy and safety of inorganic arsenical ant stakes and

cockroach hives as a result of the use of "tamperproof" packaging. The majority of these comments (11), however, concerned the unreasonable adverse effects determinations. The Agency's findings regarding these health effects have been summarized in the preceding unit on Risk Determination. The Agency's position regarding the adverse health effects remains unchanged since the Notice of Special Review. Interested persons are referred to the Wood Preservatives PD 2/3 (pp. 95-195) and Wood Preservatives PD 4 (pp. 88-107) for a detailed analysis of the rebuttal comments regarding health effects.

Finally, a few comments pertained to worker exposure during the application of inorganic arsenical pesticides. Because use of arsenical pesticides has declined markedly since the initiation of the Special Review and because application practices have changed, the Agency believes the rebuttals are not indicative of current usage, use parameters and use practices. Therefore, no analysis of the exposure rebuttals is presented; however, the Agency invites interested persons to submit information regarding current use practices and worker exposure.

IV. Proposed Regulatory Action and Rationale

There are three options available to the Agency for regulating pesticides. One, registrations may be continued without change; two, the terms and conditions of registration may be modified; and three, registrations may be cancelled.

The exposure information detailed in this document indicates that potentially significant inhalation worker exposures occur when inorganic arsenical pesticides are mixed and applied. The Agency has also determined that the risk reduction resulting from the use of a respirator would not change the risk/benefit determination, in light of the limited benefits. Finally, acute oral exposures have been reported involving children under the age of five, primarily as a result of exposure to the inorganic arsenical rodenticides and insecticides.

The Agency has estimated that worker oncogenic risks from inhalation exposure to the inorganic arsenicals without the use of respirators ranges from 10^{-7} to 10^{-6} for the insecticide (foliar) use of lead arsenate, the insecticide (fly) use of calcium arsenate and the herbicide, termiticide and acaricide uses of sodium arsenite. Measures considered to reduce these inhalation risks were the use of dust masks or respirators, which would be expected to reduce inhalation exposure by 80 to 90 percent, respectively, and

restricting the use of affected products to certified applicators. However, these uses have been declining in recent years, in many cases there is virtually no use of the chemical, and many of the registrations have either been suspended or voluntarily cancelled. Consequently, the Agency has determined that the use of protective clothing or a restricted use classification would not reduce the risks to an acceptable level in light of the limited benefits. For other use situations, including the molluscicide and herbicide uses of lead arsenate, the herbicide and antifoulant uses of arsenic trioxide, and the molluscicide and herbicide (except on turf) uses of calcium arsenate, some unquantified inhalation risks exist. Since most of these registrations have also either been suspended or voluntarily cancelled and viable alternatives are available without significant economic impact, the Agency has determined that the risks from continued registration outweigh the benefits. In addition, acute risks to children result from ingestion of the arsenic trioxide insecticide and rodenticide baits and the lead arsenate, sodium arsenate and sodium arsenite insecticide baits. The benefits of such uses are very small because of availability of alternatives; therefore, the acute risks posed by these uses are believed to outweigh the benefits.

Based on the risk/benefit information presented above and detailed in the referenced documents, the Agency has concluded that the risks from the inorganic arsenicals covered by this action outweigh the benefits of continued registration. In reaching this determination to cancel, the Agency considered regulatory measures short of cancellation which might reduce risks; however, these measures would not bring the risks to an acceptable level. Therefore, the Agency proposes to cancel the following inorganic arsenical pesticide registrations:

1. Lead arsenate insecticide, herbicide and molluscicide uses for: Terrestrial food crops—agricultural food crop uses, Terrestrial non-food crops—agricultural non-food crop uses, ornamental plants, trees, lawns and turf, golf course fairways, greens and tees; Forestry forest trees; Indoor—domestic dwellings.

2. Sodium arsenite herbicide, insecticide (including termiticide use) and acaricide uses for: Terrestrial non-food crops—bare ground, golf course sand traps, industrial areas, industrial/commercial buildings (outdoor), noncrop areas, railroad rights-of-way; Domestic outdoor-domestic dwellings (outdoor);

Forestry—forest trees; Indoor domestic—dwellings (indoor), cattle, sheep, and goats; and Aquatic non-food—ponds.

3. Calcium arsenate insecticide, herbicide, and molluscicide uses for: Terrestrial non-food crops agricultural non-food crop uses, commercial lawns and turf, ornamental plants, non-crop areas; Domestic outdoor—domestic dwellings; Domestic indoor—outdoor animal quarters (manure treatment), corrals, feedlots, and loafing sheds (manure treatment), and poultry premises (manure treatment).

4. Arsenic trioxide insecticide, herbicide, rodenticide, and antifoulant uses for: Terrestrial non-food crops—golf courses, ornamental plants and lawns, non-crop areas; Domestic outdoor—domestic dwellings; Aquatic non-food—boat/ship hulls; Indoor agricultural premises—domestic dwellings, commercial, industrial and public premises, food handling premises, food processing areas.

5. Sodium arsenate insecticide uses for: Domestic outdoor—domestic dwellings; Domestic indoor—domestic dwellings.

Consideration of the lead arsenate plant growth regulator use on grapefruit, the sodium arsenite fungicide use on grapes, the desiccant use of arsenic acid on cotton and okra, and the flowable formulation of calcium arsenate for use on turf is deferred pending the Risk Assessment Forum's reassessment of the carcinogenic potency for oral/dermal risks and/or the receipt of dietary exposure data required under authority of section 3(c)(2)(B) of FIFRA.

In reaching a final determination, the Agency will re-review any use where data are submitted demonstrating that the risk/benefit profile differs significantly from that contained herein, such that modification of the terms and conditions of registration are viable alternatives to complete cancellation.

Existing Stocks

EPA proposes to allow the sale and distribution of existing stocks of inorganic arsenical pesticide products subject to this proposed cancellation for up to 6 months after publication in the *Federal Register* of EPA's final Notice of Intent to Cancel. After the 6 months, no person could lawfully distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person existing stocks of products subject to the Notice.

This existing stocks provision, however, applies only to registrations that are in compliance with FIFRA at the time the Notice of Intent to Cancel is

published. Suspended registrations will not be subject to the terms and conditions of the existing stocks provision contained in this notice. Persons holding such products must dispose of those stocks in accordance with the Resource Conservation and Recovery Act (RCRA). "Existing stocks" are defined as any quantity of inorganic arsenical products subject to this Notice that has been formulated, packaged and labeled for use and is being held for shipment or release or has been shipped or released into commerce as of the date of publication of the final Notice in the *Federal Register*. The use of such existing stocks would be allowed for up to one and one-half years after publication of the final Notice of Intent to Cancel. Registrants would have to relabel existing stocks in their possession to indicate the time limitations on distribution, sale, and use. In addition, EPA would also require registrants to contact commercial distributors of inorganic arsenical products to inform them of the time limitations on distribution, sale, and use, and to provide supplemental labeling reflecting the time limitations for existing stocks in the possession of commercial distributors. Upon expiration of the time limitation for use of existing stocks, disposal would be in accordance with the requirements of the Resource Conservation and Recovery Act.

The Agency believes continued use of the inorganic arsenicals throughout the existing stocks provisional period will not pose an unreasonable risk to man or the environment. Most inorganic arsenical registrations are suspended and a number of others are no longer used. For these reasons, the Agency anticipates use of inorganic arsenicals throughout the existing stocks provisional period will be minimal.

V. Procedural Matters

A. Referral to the Secretary of Agriculture and the Scientific Advisory Panel

As required by FIFRA sections 6(b) and 25(d), EPA will transmit copies of this Notice and the Draft Notice of Intent to Cancel to the Secretary of Agriculture and the Scientific Advisory Panel unless the Secretary and the Panel waive their right to review the proposed decision. If either the Secretary or the Panel comments in writing on EPA's proposed action within 30 days of receipt of the proposal, EPA will issue the comments and EPA's responses with the final Notice for publication in the *Federal Register*.

Moreover, unless the time constraints are waived or modified, EPA may not issue the final Notice sooner than 60 days after sending this preliminary Notice to the Secretary and the Panel. If neither the Secretary nor the Panel comments within the 30 days, however, EPA could issue its final notice at the end of the 30-day comment period.

B. Intrastate Products

Pursuant to 40 CFR 162.17, EPA hereby notifies the producers of all potentially affected intrastate inorganic arsenical products that they are required to submit a complete application for Federal registration. These applications must be submitted within 60 days of the date on which this Notice is published in the *Federal Register* or the date on which the intrastate producer receives a copy of this Notice, whichever is later. If an intrastate producer fails to submit a timely application, EPA will consider his Notice of Intent to Apply as an application for Federal registration for purposes of the review described below.

In addition, for purposes of FIFRA section 3(c)(6), this Notice also constitutes a Notice of Intent to Deny registration of pesticide products containing inorganic arsenicals for the uses listed in Unit IV above. The statute provides applicants with a 30-day period in which to correct the application to make it acceptable for registration. In this case, EPA has proposed a determination that there are no changes in the terms and conditions of use of the inorganic arsenical products subject to this Notice that would make such products acceptable for registration. Intrastate producers may, however, if they choose, submit applications for registration with additional terms and conditions on use that they believe would satisfy the statutory standard for registration.

EPA will review all applications submitted. If EPA decides, based on comments received in response to this Notice, to issue a final notice allowing continued use of the inorganic arsenicals under some circumstances, EPA will notify intrastate producers of that decision and allow them at least 30 days in which to make changes that would allow EPA to approve the application. If the application has not been corrected in the prescribed manner within the period allowed, the application may be denied. On the other hand, if EPA issues a final notice cancelling the registrations of the inorganic arsenical products enumerated herein, that notice will also include a final Notice of Denial for all applications for Federal registration of

intrastate pesticide products containing the uses of the inorganic arsenicals subject to that Notice.

Under FIFRA section 3(c)(6), the issuance of a denial entitles an applicant, or other interested person with the concurrence of the applicant, to request an adjudicatory hearing to challenge the denial decision. The procedures for requesting a hearing and the consequences of not filing a request are discussed below in Unit V.C.

C. Procedures for Requesting a Cancellation or Denial Hearing

Registrants, applicants, and other interested parties who would be adversely affected by any decision to cancel or deny applications for the registration of inorganic arsenicals products would be entitled to request a hearing in which to contest EPA's final decision to cancel registration and deny applications. Under FIFRA, such persons must submit their requests for a hearing within 30 days either of receipt of the final Notice of Intent to Cancel or Notice of Denial or of its publication in the *Federal Register*, whichever is later. Hearing requests must contain information concerning the basis of the request, as EPA will explain in detail in any final Notice of Intent to Cancel or Notice of Denial. If a timely, properly formulated hearing request is submitted, the product registrations which are the subject of the requests will remain in effect during the cancellation hearing. Similarly, applications for registration with respect to which valid and timely hearing requests have been filed remain pending unless and until they are denied or granted by order of the Administrator at the conclusion of the hearing.

If a proper and timely hearing request is not submitted for a product, registration of that product would be cancelled, or in the case of intrastate products, the application would be finally denied by operation of law 30 days after the final Notice was issued. A final cancellation or denial would have the effect of prohibiting further sale and distribution, except as specified in the existing stocks provision of the Notice.

It should be noted that registrants and applicants are not required to request a hearing at this time in order to be allowed to continue to sell and distribute their products within this period.

D. Public Record

The Agency has established a public record (public docket OPP-30000/28L) for the nonwood uses of the inorganic arsenicals Special Review which contains all written comments. These comments are available for public

inspection and copying in Rm. 236 at the Virginia address given previously, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. This public record will include: (1) This Notice; (2) any other notices pertinent to the inorganic arsenicals Special Review; (3) any documents (other than information claimed to be confidential business information) which were relied upon by the Agency in reaching its determination; (4) all documents and copies of written comments submitted to the Agency in response to the Special Review; (5) any written response to the Proposed Notice of Intent to Cancel by the Secretary of Agriculture or the Scientific Advisory Panel; (6) a transcript of all public meetings held by the Agency or the Scientific Advisory Panel for the purpose of gathering information on the inorganic arsenicals; (7) memoranda describing each meeting between Agency personnel and any person outside government which concerns the inorganic arsenicals Special Review decision; (8) all comments, documents, proposals, or other materials concerning the Special Review submitted by a person or party outside government; and (9) a current index of materials in the public docket.

Dated: December 23, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 86-29494 Filed 12-31-86; 8:45 am]

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[OPP-30000/28M; FRL-3137-3]

Pentachlorophenol; Amendment of Notice of Intent to Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amendment of notice of intent to cancel.

SUMMARY: This Notice amends the Amended Notice of Intent to Cancel the registrations for wood preservative pentachlorophenol products published in the *Federal Register* of January 10, 1986 (51 FR 1334) with regard to the limits of hexachlorodibenzo-p-dioxin (HxCDD) and other contaminants in pentachlorophenol products.

DATES: Registrants or applicants for registration of pentachlorophenol wood preservative products who responded to the January 10, 1986 Amended Notice by renewing their hearing requests filed in response to the original July 13, 1984 Notice of Intent to Cancel must file amended objections or otherwise affirm their previously filed hearing request on or before February 2, 1987, or within 30

days from receipt of this Notice, whichever date is later, to avoid dismissal of their hearing requests on issues related to HxCDD and other contaminants in pentachlorophenol as detailed in this amended Notice.

ADDRESS: Applications to amend the confidential statements of formula for wood preservative products containing pentachlorophenol or its derivatives must be submitted to: By mail:

Lois Rossi, Acting Product Manager
21, Registration Division (TS-767C),
Office of Pesticide Programs,
Environmental Protection Agency, 401 M
St., SW., Washington, DC 20460.

Office location and telephone number:
Rm. 229, Crystal Mall #2, 1921 Jefferson
Davis Highway, Arlington, VA, (703-
557-1900)

Amendments to objections must be submitted to: Hearing Clerk (A-110),
Environmental Protection Agency, 401 M
St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:
By mail: Spencer Duffy, Special Review
Branch, Registration Division (TS-767C),
Office of Pesticide Programs,
Environmental Protection Agency, 401 M
St., SW., Washington, DC 20460.

Office location and telephone number:
Rm. 1006F, Crystal Mall #2, 1921
Jefferson Davis Highway, Arlington, VA,
(703-557-1529).

SUPPLEMENTARY INFORMATION:

I. Introduction

In the *Federal Register* of July 13, 1984 (48 FR 28666), EPA issued a Notice of Intent to Cancel Registrations of Pesticide Products Containing Creosote, Pentachlorophenol (Including Its Salts) and the Inorganic Arsenicals ("July 13, 1984 Notice") pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This July 13, 1984 Notice concluded the Special Review (previously called Rebuttable Presumption against Registration) process for the wood preservative uses of these three chemicals, and announced that certain modifications in the terms and conditions of registrations of products for these uses were required in order to avoid cancellation. On January 10, 1986 (51 FR 1334), the Agency issued in the *Federal Register* an Amended Notice of Intent to Cancel for creosote, pentachlorophenol, and the inorganic arsenicals ("January 10 Amended Notice"). The amendments set forth in the January 10 Amended Notice were minor in scope, and either clarified a provision of the July 13, 1984 Notice, provided a somewhat different mechanism to achieve a degree of risk

protection equivalent to that afforded by the prior provision, or made certain minor changes in timing for certain of the label requirements. A revised existing stocks provision was also provided. The legal background for this action was discussed in both the July 13, 1984 and January 10, 1986 Federal Register Notices.

Regarding the limits for HxCDD and other contaminants in pentachlorophenol, the January 10 Amended Notice required registrants of products containing technical pentachlorophenol or its salts to amend the Confidential Statements of Formula for those products to indicate that the HxCDD contamination in the technical pentachlorophenol used in the product does not exceed 1 ppm, and that 2,3,7,8-TCDD is below the limits of detection. (The January 10 Amended Notice also required that the methods used to lower the HxCDD content would not increase the hexachlorobenzene and polychlorinated dibenzofuran levels above the levels in products marketed at the time of publication of the January 10 Amended Notice.) As an alternative, registrants could certify that the exclusive source of any quantity of pentachlorophenol or its salts used in manufacturing or formulating the product was one or more specified, purchased, registered pentachlorophenol products.

Registrants who had requested a hearing in response to the July 13, 1984 Notice were required to file amended objections or otherwise affirm their previously filed hearing request in a timely manner in order to avoid dismissal of their hearing requests. The Agency received affirmations of previously filed hearing requests from three pentachlorophenol registrants in response to the January 10 Amended Notice. Two of those registrants raised a challenge only to the specified levels for HxCDD and other contaminants; the remaining registrant renewed his challenge to all the provisions pertaining to pentachlorophenol. No other registrant filed a renewed hearing request to contest the modifications to the terms and conditions of registration required by the January 10 Amended Notice.

Subsequent to the publication of the January 10 Amended Notice, the Agency reached agreement with two of the pentachlorophenol registrants that requested a hearing on maximum certified limits for HxCDD and other contaminants of pentachlorophenol and the mechanisms for the verification and enforcement of such limitations. The Agency has concluded that the terms

and conditions set forth in this amended Notice regarding such contaminant limitations are sufficient to prevent unreasonable adverse effects on the environment. With the phased-in reduction of the HxCDD levels and the specified limits for other contaminants, as implemented by the compliance procedures, the Agency believes that the benefits of use of pentachlorophenol for wood preservation will exceed the risks of such use. This Notice does not make any other changes to the modifications to the terms and conditions of registration required to avoid cancellation set forth in Unit IV of the January 10 Amended Notice.

This Notice sets forth requirements for various categories of manufacturing-use and end-use pentachlorophenol products. For end-use products, there are applicable requirements for end-use products formulated exclusively from purchased, registered pentachlorophenol manufacturing-use products, and for all other end-use products.

Unit II of this Notice sets forth the required changes in the Confidential Statements of Formula for pentachlorophenol wood preservative products relating to levels of HxCDD and other contaminants. Basically, the Agency is requiring the registrants of pentachlorophenol to reduce the levels of HxCDD in accordance with a three-step schedule. The maximum batch level initially is 15 ppm; after February 2, 1988, the maximum batch HxCDD level will be 6 ppm, with a maximum monthly average of 3 ppm. Finally, after February 2, 1989, the maximum batch HxCDD level will be 4 ppm, with a maximum monthly average of 2 ppm.

Unit III sets forth the "Compliance Procedures" by which compliance with certified limits for HxCDD and the other pentachlorophenol contaminants will be measured, monitored, and enforced for the various categories of manufacturing and end-use products. In brief summary, the Compliance Procedures provide that every batch of manufacturing-use products containing a pentachlorophenol active ingredient must be sampled and analyzed for HxCDD content; analysis for HCB and 2,3,7,8-TCDD must be performed monthly. This information must be reported to the Agency on a monthly basis. The sampling and analytical methods used by each registrant of a manufacturing-use product must be reviewed and approved by EPA. A portion of each sample analyzed must be retained for 5 years after the date of analysis, and records of the results of each analysis must be kept for 10 years after the date of analysis. Samples and

records must be made available to the Agency upon request.

As specified in the Compliance Procedures, violations of the certified limits for pentachlorophenol products will be enforced through stop sale orders or any other appropriate actions under FIFRA. The Compliance Procedures include a requirement that at least once a month or after the production of 120 batches, whichever comes earlier, the manufacturing-use registrant must monitor the levels of HCB, 2,3,7,8-TCDD, total tetra-, penta-, and heptachlorinated dibenzo-p-dioxins, and tetra-, penta-, hexa-, and heptachlorinated dibenzofurans. These results must also be reported to the Agency. The Compliance Procedures specify that where manufacturing-use products are formulated exclusively from purchased, registered products, registrants of those products may rely upon the certification of the earlier registrants. Finally, registrants of end-use products must either certify that their products are formulated exclusively from purchased, registered pentachlorophenol products or provide the Agency with the necessary means to verify that their products conform to the maximum certified limits for HxCDD and other contaminants. Registrants of end-use products are also subject to certain reporting and record retention requirements. Records maintained in accordance with the requirements of the Compliance Procedures must be kept for 10 years after the date of release for shipment, and must be made available for inspection and copying by the Agency.

Unit IV provides a discussion of the procedures which will be followed in implementing the modifications to the terms and conditions of registration required by Units II and III of this Notice.

II. Required Changes in the Terms and Conditions of Registration to Avoid Cancellation

A. Manufacturing-Use Pentachlorophenol Products

The Agency has determined that any registrant of a wood preservative pentachlorophenol (or its derivatives, including but not limited to, salts, and esters) manufacturing-use product, as defined in the Compliance Procedures contained in Unit III of this Notice, containing pentachlorophenol or its derivatives must, within the time permitted by Unit IV of this Notice, amend the Confidential Statement of Formula for that product to state as follows:

1. During the time period which runs from February 2, 1987 to February 2, 1988, each batch of pentachlorophenol manufacturing-use product or portion thereof released for shipment will contain no more than 15 ppm HxCDD. This reduction in HxCDD content must be achieved without increasing the amount of hexachlorobenzene (HCB) beyond 75 ppm.

2. During the time period which runs from February 2, 1988 to February 2, 1989, each batch of pentachlorophenol manufacturing-use product or portion thereof released for shipment will contain no more than 6 ppm HxCDD, and the average of all batches released for shipment in any calendar month will not exceed 3 ppm. This reduction in HxCDD content must be achieved without increasing the amount of hexachlorobenzene (HCB) beyond 75 ppm.

3. After February 2, 1989, each batch of pentachlorophenol manufacturing-use product or portion thereof released for shipment will contain no more than 4 ppm HxCDD, and the average of all batches released for shipment in any calendar month will not exceed 2 ppm HxCDD. This reduction in HxCDD content must be achieved without increasing the amount of HCB beyond 75 ppm.

4. The manufacturing-use pentachlorophenol wood preservative products do not contain any 2,3,7,8-TCDD at a limit of detection of no higher than 1 ppb.

5. The "Compliance Procedures for Certified Limits for HxCDD and Other Contaminants in Pentachlorophenol Wood Preservative Products", set forth in Unit III below, provide the mechanism by which compliance with the certified limits for HxCDD, HCB, 2,3,7,8-TCDD and other contaminants will be measured, monitored, and enforced.

B. End-Use Pentachlorophenol Products

The Agency has determined that any registrant of a wood preservative end-use product containing pentachlorophenol (or its derivatives, including but not limited to, its salts and esters), must, within the time permitted by Unit IV of this Notice, amend the Confidential Statement of Formula for that product to state as follows:

1. The presence of any quantity of pentachlorophenol in any quantity of the end-use product which is sold or distributed after February 2, 1987 is attributed solely to manufacture or formulation of the end-use product from manufacturing-use pentachlorophenol

containing no more than the applicable certified limit of HxCDD and other contaminants specified in Unit II.A above. This requirement applies both to end-use products formulated exclusively from purchased, registered manufacturing-use pentachlorophenol and to end-use products which are not formulated exclusively from purchased, registered manufacturing-use pentachlorophenol.

2. For end-use products which are formulated exclusively from purchased, registered pentachlorophenol manufacturing-use products, the composition statement for the end-use product must state that the end-use product will not contain any quantity of any pentachlorophenol manufacturing-use product which the registrant or manufacturer of the end-use product knows, or has been informed was not manufactured, sampled, analyzed, or labeled in accordance with the terms and condition of registration set forth in this Notice.

3. For those end-use products not formulated exclusively from purchased, registered pentachlorophenol manufacturing-use products, the registrant must comply with the same requirements and conditions for registration relating to sampling, analysis, and sample collection and retention for the end-use product as for manufacturing-use pentachlorophenol products, as specified in the Compliance Procedures in Unit III of this Notice. In the alternative, registrants of these end-use pentachlorophenol products may elect to fulfill these requirements through sampling and analysis of the parent manufacturing-use product instead of the end-use product, subject to the conditions specified in the Compliance Procedure of Unit III.

4. The "Compliance Procedures for Certified Limits for HxCDD and Other Contaminants in Pentachlorophenol Wood Preservative Products", set forth in Unit III below, provide the mechanisms by which compliance with the certified limits for HxCDD, HCB, 2,3,7,8-TCDD, and other contaminants will be measured, monitored, and enforced.

Unit III contains the text of the "Compliance Procedures for Certified Limits for HxCDD and Other Contaminants in Pentachlorophenol Wood Preservative Products" as set forth in the Settlement Agreement dated November 7, 1986, between EPA, Vulcan Material Company, and Idacon, Inc.

III. Compliance Procedures for Certified Limits for HxCDD and Other Contaminants in Pentachlorophenol Wood Preservative Products

A. Preface

1. Overview

The primary objective of this document is to establish reliable and enforceable methods for implementing certified limits for certain contaminants in registered pentachlorophenol wood preservative products. Accordingly, this document sets forth the mechanisms by which compliance with certified limits for hexachlorodibenzo-p-dioxin (HxCDD), hexachlorobenzene (HCB), and 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) in pentachlorophenol wood preservative products will be measured, monitored, and enforced. Mechanisms for achieving compliance with the certified limits for the various categories of manufacturing-use and end-use products are included.

The particular contaminant limits chosen have been arrived at after due consideration of potential risks, technical and economic feasibility, and overall practicability. The compliance procedures are designed to be consistent with the settlement agreement between the Agency and the American Wood Preservers Institute, the National Forest Products Association, the Society of American Wood Preservers, Inc., Chapman Chemical Company, and others entered into on September 30, 1985, in *In the Matter of Chapman Chemical Co., et al.*, FIFRA Docket Nos. 529, et al. That agreement provides that any registrant of a pentachlorophenol wood preservative product must amend the confidential statement of formula for that product to state either (1) that the exclusive source of any quantity of pentachlorophenol used in manufacturing or formulating the product is one or more specified, purchased, registered pentachlorophenol products, or (2) that the product conforms to the uniform maximum certified limits for HxCDD and other contaminants.

Specifically, the procedures set out in this document call for a three-phase reduction scheme for HxCDD in pentachlorophenol manufacturing-use products, arriving at an average concentration of 2 ppm or less in 2 years. The reduction in HxCDD content must be achieved without increasing the amount of HCB currently found in pentachlorophenol products. In addition, although available information does not indicate that 2,3,7,8-TCDD is a contaminant in pentachlorophenol

products registered for use in the United States, the Agency must be confident that the HxCDD reduction methods used do not result in the production of detectable amounts of 2,3,7,8-TCDD. Accordingly, registrants of pentachlorophenol wood preservative products must certify that their products do not contain any 2,3,7,8-TCDD at a limit of detection no higher than 1 ppb.

In order to ensure that monitoring and enforcement of compliance with the new certified limits will be as practicable as possible, these procedures provide that every batch of manufacturing-use product containing a technical pentachlorophenol active ingredient must be sampled and analyzed for HxCDD content prior to incorporation in end-use products (except that where a single product is produced by the same registrant as both a manufacturing-use and end-use product, it will be sampled and analyzed before packaging, mixing with other batches, or formulation, as if it were a manufacturing use product only); analysis for HCB and 2,3,7,8-TCDD must be performed monthly. The sampling and analytical methods used by each registrant of a manufacturing-use product must be reviewed and approved by EPA. A portion of each sample analyzed must be retained and records of the results of each analysis must be kept. Where manufacturing-use products are formulated exclusively from purchased, registered products, registrants of those products may rely upon the certification of the earlier registrants.

Registrants of end-use products must either certify that their products are formulated exclusively from purchased, registered pentachlorophenol products or provide the Agency with the necessary means to verify that their products conform to the maximum certified limits for HxCDD and other contaminants. Registrants of end-use products are also subject to certain reporting and record retention requirements.

Registrants are also required to measure and report levels of other dioxin and furan contaminants in pentachlorophenol wood preservative products on a regular basis in order to allow the Agency to monitor levels of these substances in current products. Based on this information, the Agency will determine whether further regulatory action related to these pentachlorophenol contaminants is necessary or appropriate.

Any pentachlorophenol wood preservative product that has not been manufactured, sampled, analyzed, packaged, and labeled in accordance with the terms and conditions of its registration, as approved pursuant to the amended notice of intent to cancel implementing these compliance procedures, will be subject to a stop sale, use, or removal order or to seizure under section 13 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In addition, any person who sells or distributes any pentachlorophenol product which does not comply with the terms and conditions of its registration, as approved pursuant to the amended notice of intent to cancel implementing these compliance procedures, will be subject to civil or criminal penalties under section 14 of FIFRA.

2. Definitions

For purposes of this document, the following terms are defined as set forth below:

a. The term "Amended Notice" means the amended notice of intent to cancel issued for publication in the **Federal Register** by the Agency that encompasses the terms of these compliance procedures and announces the Agency's regulatory intent to make the terms binding on all pentachlorophenol wood preservative registrations.

b. The term "average", when used to describe the monthly limitation for HxCDD, means a weighted average. Therefore, in calculating the monthly

average ppm HxCDD (p.e.), the mathematical weight assigned to each batch of product shall be proportional to the pentachlorophenol equivalent of that batch.

c. The term "code", as used in Unit D, means an identification system that an end-use registrant may include on its labels to indicate the source of the manufacturing-use product used, without specifically naming the source on the label. The key to the code must be provided to the Agency in the composition statement for the end-use product.

d. The term "composition statement" is used to encompass the statement required in connection with the registration of a pesticide under FIFRA section 3 and all of the supporting data and information necessary to verify the accuracy of the contents of the statement. In determining the adequacy of the statement, the Agency will consider the statement and its supporting documentation as a unit.

e. The term "distribute or sell" means to sell, offer for sale, hold for sale, distribute, release for shipment, deliver for shipment, or ship.

f. The term "penta" means technical grade pentachlorophenol.

g. The term "pentachlorophenol" means only the chlorinated phenol, C_6HCl_5O .

h. The term "pentachlorophenol equivalent" (or "p.e.") means the amount of pentachlorophenol that would be present in a product if all the pentachlorophenol were in the penta form and if no diluent ingredients were added. The amount of pentachlorophenol equivalent in a product is related to the amount of penta derivative in that product by the ratio of the respective molecular weights: pure pentachlorophenol molecular weight/ pure pentachlorophenol derivative molecular weight. The pentachlorophenol equivalent HxCDD concentration is expressed as the weight of HxCDD per weight of pentachlorophenol equivalent:

$$\frac{\text{mg HxCDD}}{\text{pentachlorophenol MW}} = \frac{\text{ppm HxCDD (p.e.)}}{\text{pentachlorophenol derivative MW}} \quad \text{--- (Kg penta derivative)}$$

However, where the penta contains less than 85 percent pentachlorophenol or the penta derivative is derived from penta containing less than 85 percent pentachlorophenol, the HxCDD concentration must be corrected for percent pentachlorophenol.

i. The term "penta derivative" means the technical grade of a penta derivative, including but not limited to metal salts and esters.

j. The term "pentachlorophenol end-use product" (or "pentachlorophenol EP") means any pentachlorophenol

product that bears label instructions for or is intended for use as a wood preservative.

k. The term "pentachlorophenol manufacturing-use product" (or "pentachlorophenol MP") means all other pentachlorophenol products that

are not pentachlorophenol EPs, including any product which bears label instructions for or is intended for use in manufacture or formulation of wood preservative end-use products.

l. The term "pentachlorophenol products" means any wood preservative pesticide containing pentachlorophenol or any pentachlorophenol derivative, including but not limited to metal salts of pentachlorophenol and pentachlorophenol esters.

m. The term "purchased" means bought from another producer, provided the other producer does not share ownership with the purchaser.

n. A product is "released for shipment", in accordance with the definition of "released for shipment" set forth in EPA Policy and Criteria Notice Number 2030.1, when the producer manifests an intent to introduce the product into United States commerce.

o. The term "technical grade" means a substance that contains an active ingredient in the purest form attained during manufacture and that contains no inert ingredients which have been intentionally added for any purpose other than synthesis or purification of the active ingredient.

Terms defined in FIFRA and not explicitly defined are used in this document with the meaning given to them in FIFRA.

B. Registration of Pentachlorophenol Wood Preservative Pesticides

No person shall sell, offer for sale, hold for sale, distribute, release for shipment, deliver for shipment, or ship (hereafter "distribute or sell") in any State any quantity of any wood preservative pesticide containing pentachlorophenol or any pentachlorophenol derivative (hereafter "pentachlorophenol products"), including but not limited to metal salts of pentachlorophenol and pentachlorophenol esters, unless such pesticide is registered pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act or is intended solely for export pursuant to section 17(a) of FIFRA. Any pentachlorophenol product which bears label instructions for or is intended for use as a wood preservative, shall be classified as a pentachlorophenol end-use product (EP). Any other pentachlorophenol product, including any product which bears label instructions for or is intended for use in manufacture or formulation of wood preservative end-use products, shall be classified as a pentachlorophenol manufacturing-use product (MP). Nothing in these Compliance Procedures precludes a single product from being

both an MP and an EP. However, for purposes of the procedures set forth herein, such a product shall be considered an MP as to the registrant/producer of the product.

After the effective date of the amended notice of intent to cancel implementing these compliance procedures, no application for registration or amended registration of any pentachlorophenol product shall be approved unless, in addition to any other requirements for registration, the applicant has satisfied all requirements for registration of a pentachlorophenol manufacturing-use product established by Section C or all requirements for registration of a pentachlorophenol end-use product established by Section D.

C. Requirements Concerning Manufacturing-Use products

1. Application for amended registration

After the effective date of the amended notice of intent to cancel implementing these compliance procedures, no registrant of a pentachlorophenol MP shall distribute or sell in any State any quantity of such product unless registration for such product has been amended to conform to the criteria specified in Unit C, paragraph 2.

2. Approval of registration

(a) *Types of manufacturing-use products.* No application for registration or amended registration of a pentachlorophenol MP shall be approved unless the MP consists of or is formulated from a technical-grade pentachlorophenol or pentachlorophenol derivative. Each such pentachlorophenol MP shall be classified as follows:

(1) Each MP consisting of technical-grade pentachlorophenol shall be classified as a "Type 1 MP."

(2) Each MP consisting of a technical-grade pentachlorophenol derivative shall be classified as a "Type 2 MP." Type 2A MPs consist of Type 2 MPs derived exclusively from purchased, registered Type 1 MPs; Type 2B MPs consist of all other Type 2 MPs.

(3) Each MP consisting of a mixture formulated from a technical-grade pentachlorophenol or pentachlorophenol derivative and other ingredients shall be classified as a "Type 3 MP." Type 3A MPs consist of Type 3 MPs in which all the pentachlorophenol in the product is derived exclusively from purchased, registered Type 1 or Type 2 MPs; Type 3B MPs consist of all other Type 3 MPs.

(b) *Composition statement—(1) Certified limit for HxCDD.* No application for registration or amended registration of a pentachlorophenol MP

shall be approved unless the composition statement for the product includes a certification that each batch of the product or portion thereof that the registrant releases for shipment complies with the following limits for HxCDD. Compliance with the HxCDD certified limit will be enforced according to the procedures set out in Unit III.C.2(c)(1)(D).

Phase 1. Each current batch of pentachlorophenol product or portion thereof will contain no more than 15 ppm HxCDD (p.e. basis);

Phase 2. One year after the date of publication of the Amended Notice, each batch of pentachlorophenol product or portion thereof will contain no more than 6 ppm HxCDD (p.e.), and the average of all batches released for shipment in any calendar month will not exceed 3 ppm (p.e.); and

Phase 3. Two years after the date of publication of the Amended Notice, each batch of pentachlorophenol product or portion thereof will contain no more than 4 ppm HxCDD (p.e.), and the average of all batches released for shipment in any calendar month will not exceed 2 ppm (p.e.).

In calculating the monthly average ppm HxCDD (p.e.), the mathematical weight assigned to each batch shall be proportional to the pentachlorophenol equivalent of that batch.

The certified limit for HxCDD shall be attained without exceeding the following contaminant limitations for hexachlorobenzene (HCB), and 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) in pentachlorophenol MPs on a pentachlorophenol equivalent basis: 75 ppm HCB and no detectable 2,3,7,8-TCDD at a limit of detection no higher than 1 ppb.

(2) *Type 1, Type 2B, and Type 3B MPs—(A) Sampling method—(i) Description of method.* No application for registration or amended registration of a pentachlorophenol Type 1, Type 2B, or Type 3B MP shall be approved unless the composition statement for the product describes a method for sampling the product to determine HxCDD content which has been reviewed and approved by EPA. Each applicant for registration or amended registration of a pentachlorophenol Type 1, Type 2B, or Type 3B MP shall submit a written description of the proposed sampling method for the product, including all handling steps from sample selection to storage and all data evaluation steps. EPA will review the proposed sampling method, and all subsequent proposed revisions thereof, for conformity to the basic criteria specified in Unit C, paragraph 2(b)(2)(A)(ii). Within 90 days

following receipt of a proposed sampling method, EPA will either approve the method, notify the applicant that the method is unsatisfactory or incomplete, or acknowledge receipt of the method with a brief explanation of factors requiring further review. If EPA determines that a proposed sampling method is unsatisfactory or incomplete, the applicant may consult with EPA concerning appropriate modifications of the proposed method.

(ii) *Criteria for approval of method.* The sampling method for each pentachlorophenol Type 1, Type 2B, or Type 3B MP shall be consistent with sound statistical and sampling techniques. The sampling method shall be designed to provide a high degree of reliability so that analysis of samples collected by the method will demonstrate whether or not each individual batch of the MP, and any portion thereof which is distributed or sold, or used in manufacture or formulation of other products, meets the stated certified limit for HxCDD. The sampling method shall include a complete description of the criteria which will define a "batch" of the MP. Every batch of the MP shall be sampled and analyzed for HxCDD content. At least one representative sample (may be composite) of not less than 75 grams on a pentachlorophenol equivalent basis shall be taken from each batch of MP.

The sampling method shall provide for additional sampling for process monitoring or additional analyses at any time if EPA determines that these additional steps are necessary to assure compliance with the HxCDD limitation. The basis for such a determination is whether the sampling method continues to provide a high degree of reliability so that analysis of samples collected by the method will demonstrate that the MP meets the stated certified limit for HxCDD.

(B) *Analytical method.* No application for registration or amended registration of a pentachlorophenol Type 1, Type 2B, or Type 3B MP shall be approved unless the composition statement for the product describes or cites a method for analysis of the product to determine HxCDD content which has been reviewed and approved by EPA. Each applicant for registration or amended registration of a Type 1, Type 2B, or Type 3B MP shall either submit a written description of a proposed analytical method for the product or cite an appropriate method from among the EPA-approved methods. (Copies of EPA-approved methods are available from the Agency.) All proposed analytical methods other than those already

approved will be reviewed by EPA for conformity to basic criteria for acceptable analytical methods including adequacy of the method (1) to extract or partition HxCDD from pentachlorophenol products; (2) to separate HxCDD from any interferences present in the extract; and (3) to separate and quantify HxCDD using an appropriate detection method that has sufficient sensitivity and selectivity to achieve the desired limits of detection. Within 90 days following receipt of a proposed analytical method, EPA will either approve the method, notify the applicant that the method is unsatisfactory or incomplete, or acknowledge receipt of the method with a brief explanation of factors requiring further review. If EPA determines that a proposed analytical method is unsatisfactory or incomplete, the applicant may consult with EPA concerning appropriate modifications of the proposed method.

(C) *Use of approved methods.* No application for registration or amended registration of a pentachlorophenol Type 1, Type 2B, or Type 3B MP shall be approved unless the composition statement for the product states that each batch of the MP will be sampled and analyzed, utilizing the sampling method and the analytical method described in the composition statement, to establish compliance with the certified limit for HxCDD specified in Unit C, paragraph 2(b)(1).

(D) *Other required analyses.* Periodically, but at least once a month or after the production of 120 batches, whichever comes earlier, each pentachlorophenol Type 1, Type 2B, Type 3B MP shall be analyzed for HCB, 2,3,7,8-TCDD, total tetra, penta, and hepta chlorinated dibenzo-p-dioxins (PCDDs), and tetra, penta, hexa, and hepta chlorinated dibenzofurans (PCDFs). Analyses for the PCDDs and PCDFs shall, at a minimum, provide information on the total concentration of each individual homologue; however, isomeric analyses will be acceptable so long as the total concentration of the homologue can be determined from the results. If the analytical method for 2,3,7,8-TCDD is not isomer specific, any TCDD detected will be assumed to be 2,3,7,8-TCDD.

Samples used for these analyses shall also be analyzed for HxCDD, and for purposes of the required records, a complete contaminant level profile (i.e., concentrations of HxCDD, HCB, TCDD, PeCDD, HpCDD, TCDF, PeCDF, HxCDF, HpCDF and 2,3,7,8-TCDD) shall be reported for the same sample.

Records for these analyses shall be maintained and made available for inspection as described in Unit C, paragraph 2(c)(1)(A). Samples shall be maintained as described in Unit C, paragraph 2(c)(1)(B).

Type 3B MP option. In lieu of providing analytical information on the mixture, registrants of Type 3B MPs may elect to provide the required information on the parent Type 1 or Type 2 MP used to formulate the Type 3B MP. Selection of this option is possible only if the registrant agrees to all of the following conditions:

(i) Samples of and records for the parent Type 1 or Type 2 MP will be obtained, analyzed, and maintained as described in Unit C, paragraphs 2(b)(2)(A)-(D) and 2(c)(1)(A)-(D);

(ii) Records correlating individual batches of Type 3B MP with the specific batch(es) of Type 1 or Type 2 MP used to make the Type 3B MP are maintained;

(iii) EPA has determined that formulation of the Type 3B MP would not be expected to result in additional HxCDD, and that the HxCDD content of the Type 3B MP on a pentachlorophenol equivalent basis is readily ascertainable from the required records; and

(iv) Duly authorized inspectors will be allowed to collect samples of the parent Type 1 or Type 2 MP used to make the Type 3B MP under the same conditions that they would be allowed to sample the Type 3B MP.

All other conditions and requirements for registration set forth in this document for Type 3B MPs would be effective as written.

(3) *Type 2A and Type 3A MPs—(A) Use of conforming MP.* No application for registration or amended registration of a pentachlorophenol Type 2A or Type 3A MP shall be approved unless the composition statement for the product states that the presence of any form of pentachlorophenol in any quantity of the Type 2A or Type 3A MP which the registrant distributes or sells shall be attributable solely to formulation of the Type 2A or Type 3A MP from one or more specified, purchased, registered pentachlorophenol Type 1 or Type 2 MPs which have been certified to meet the limits for HxCDD specified in Unit C, paragraph 2(b)(1).

(B) *HxCDD formation.* No application for registration or amended registration of a pentachlorophenol Type 2A or Type 3A MP shall be approved unless EPA determines that formulation of the Type 2A or Type 3A MP would not be expected to result in the presence of additional HxCDD.

(C) *Agreed conditions—(1) Type 1, Type 2B, and Type 3B MPs—(A)*

Required records—(i) Reporting requirements. No application for registration or amended registration of a pentachlorophenol Type 1, Type 2B or, Type 3B MP shall be approved unless the applicant agrees, as a condition of registration, to provide the Agency by the 15th day of the month the results of the analyses for HxCDD of all Type 1, Type 2B, or Type 3B MPs distributed or sold during the preceding calendar month. The monthly report must, at a minimum, include information, identified by batch number, on the HxCDD content of every batch (or portion thereof) of Type 1, Type 2B, or Type 3B MP distributed or sold, and the average HxCDD content of all batches (or portions thereof) distributed or sold during the reporting month.

(ii) Retention requirements. No application for registration or amended registration of a pentachlorophenol Type 1, Type 2B or Type 3B MP shall be approved unless the applicant agrees, as a condition of registration, that records of the results of each analysis of the MP performed to establish compliance with the certified limit for HxCDD specified in Unit C, paragraph 2(b)(1) will be maintained at specified locations for 10 years after the date of analysis. For each sample analyzed, the records shall include the sample number, the batch number, the batch weight, the date of analysis for HxCDD content, the approved-analytical method used, the limit of detection, the concentration of HxCDD detected, the percent recovery, the calculated HxCDD concentration (pentachlorophenol equivalent basis), the name and address of the analytical laboratory, and the signature of the analyst.

(B) Retention of samples. No application for registration or amended registration of a pentachlorophenol Type 1, Type 2B, and Type 3B MP shall be approved unless the applicant agrees, as a condition of registration, that a representative portion of each sample of the MP that is analyzed to establish compliance with the certified limit to HxCDD specified in Unit C, paragraph 2(b)(1), will be retained at specified locations for 5 years after the date of analysis. Each sample retained shall contain at least 50 grams on a pentachlorophenol equivalent basis or a sufficient amount to enable at least two subsequent analyses of the sample by the approved analytical method for the product, whichever is greater. Each sample shall be clearly identified as to batch number, date of manufacture, and date of analysis, stored securely, and adequately protected from light, high

temperatures, and other conditions which might cause degradation.

(C) Collection of samples. No application for registration or amended registration of a pentachlorophenol Type 1, Type 2B or Type 3B MP shall be approved unless the applicant agrees, as a condition of registration, that samples of the MP retained pursuant to Unit C, paragraph 2(c)(1)(A), will be made available at the specified location for collection at any reasonable time by any officer or employee of the Environmental Protection Agency or of any State or political subdivision, duly designated by the Administrator, upon the presentation of appropriate credentials. For any given sample, the officer or employee may collect an aliquot no larger than one-half of the total sample or an amount sufficient for analysis, whichever is greater, and shall provide a written receipt describing the sample(s) collected. If any sample so collected is analyzed, a copy of the results of such analysis shall be furnished promptly to the registrant.

(D) Compliance with HxCDD certified limit—(i) Batch limitation. The HxCDD batch limitation for pentachlorophenol MPs described in Unit C, paragraph 2(b) shall be strictly enforced. Violations of the HxCDD batch limitation shall be enforced through stop sale orders or any other appropriate actions under FIFRA.

(ii) Monthly average limitation. No application for registration or amended registration of a pentachlorophenol Type 1, Type 2B, or Type 3B MP shall be approved unless the applicant agrees, as a condition of registration, to abide by the procedures set forth in this paragraph for ensuring compliance with the monthly average limitation for HxCDD described in Unit C paragraph 2(b). Any registrant reporting a monthly average greater than 3.0 ppm HxCDD (p.e.) during Phase 2 or 2.0 ppm HxCDD (p.e.) therefore in Phase 3, but less than or equal to 3.1 ppm (Phase 2) or 2.1 ppm (Phase 3) for 2 consecutive months, or any registrant reporting a monthly average greater than 3.2 ppm (Phase 2) or 2.2 ppm (Phase 3) for any 1 month shall not thereafter distribute or sell any batch of pentachlorophenol product that contains greater than 3.0 ppm (Phase 2) or 2.0 ppm (Phase 3) HxCDD until it can be matched with one or more batches containing less than 3.0 ppm (Phase 2) or 2.0 ppm (Phase 3), such that the average of the matched batches is equal to or less than 3.0 ppm (Phase 2) or 2.0 ppm (Phase 3) ppm. (No low batch may be used for matching purposes more than once.) Such matching provision shall be in effect until the registrant adequately demonstrates to the Agency that a

monthly average equal to or less than 3.0 ppm (Phase 2) or 2.0 ppm (Phase 3) HxCDD (p.e.) has been maintained for at least 1 month.

(2) Type 2A and 3A MPs—(A) Required Records. No application for registration or amended registration of a pentachlorophenol Type 2A or Type 3A MP shall be approved unless the applicant agrees, as a condition of registration, to maintain records for each batch of the Type 2A or Type 3A MP, stating:

(1) The date each such batch or portion thereof, is released for shipment;

(2) The registration number of the Type 1 or Type 2 MP Used to formulate each such batch; and

(3) The batch number(s) for each such registered Type 1 or Type 2 MP. The applicant shall also agree, as a condition of registration, to maintain all such records at specified locations for ten years beginning on the date of release for shipment.

(3) All MPs—(A) Inspection of records. No application for registration or amended registration of a pentachlorophenol MP shall be approved unless the applicant agrees, as a condition of registration, that all records maintained pursuant to Unit C, paragraphs 2(c)(1)(A), 2(c)(2)(A), and 2(b)(2)(D) will be made available at the specified location for inspection and copying at any reasonable time by any officer or employee of the Environmental Protection Agency or of any State or political subdivision, duly designated by the Administrator, upon the presentation of appropriate credentials.

(B) Acknowledgment. No application for registration or amended registration of a pentachlorophenol MP shall be approved unless the applicant acknowledges as a condition of registration, that any failure by the applicant or any of its employees, agents, or contractors to conform to the composition statement or labeling submitted for the product, or to comply with any of the terms and conditions of the registration for such product in this document shall constitute a violation of FIFRA section 12(a)(1)(C) or 12(a)(1)(E).

(d) Label requirements. No application for registration or amended registration of a pentachlorophenol MP shall be approved unless the labeling submitted for the product conforms to the following requirements:

(1) **Batch number.** The label or package for each packaging unit of the pentachlorophenol MP which is distributed or sold shall bear the batch number(s) of the penta product contained therein. In lieu of using the

batch number(s), a lot number may be used; however, records that specifically identify particular batches with an individual lot must be maintained and made available as described in Unit C, paragraphs 2(c)(1)(A), 2(c)(2)(A), and 2(c)(3)(A).

(2) *Statement of compliance.* The label on each packaging unit of the pentachlorophenol MP which is distributed or sold shall state, "The registrant has complied with all terms and conditions of the registration governing the composition of this product as approved by the United States Environmental Protection Agency under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act."

D. Requirements Concerning End-Use Products

a. Application for amended registration

After the effective date of the amended notice of intent to cancel implementing these compliance procedures, no registrant of a pentachlorophenol EP shall distribute or sell in any State any quantity of such product unless the registration for such product has been amended to conform to the criteria specified in Unit D, paragraph 2.

2. Approval of registration

(a) Composition Statement—(1)

Certified limit for HxCDD. No application for registration or amended registration of a pentachlorophenol EP shall be approved unless the composition statement for the product states that the presence of any quantity of pentachlorophenol in any quantity of the EP which the registrant distributes or sells after the effective date of the amended notice of intent to cancel implementing these compliance procedures, shall be attributable solely to manufacture or formulation of the EP from a batch(es) of pentachlorophenol MP which, pursuant to Unit C, paragraph 2(b)(1), contains no more than the applicable certified batch limit of HxCDD (p.e.).

(2) *Identification of MP.* No application for registration or amended registration of a pentachlorophenol EP shall be approved unless the composition statement for the product identifies each pentachlorophenol MP which the EP may legally contain, along with a code identifying each such MP.

(3) *Use of conforming MP—(A) EPs from purchased, registered MPs.* No application for registration or amended registration of a pentachlorophenol EP formulated exclusively from purchased, registered pentachlorophenol MPs shall

be approved unless the composition statement for the product states that the EP will not contain any quantity of any pentachlorophenol MP which the registrant or manufacturer of the EP knows, or has been informed, was not manufactured, sampled, analyzed, or labeled in accordance with the terms and conditions of its registration, as described in Section C, paragraph 2.

(B) *All other EPs.* No application for registration or amended registration of a pentachlorophenol EP not formulated exclusively from purchased, registered pentachlorophenol MPs shall be approved unless the applicant complies with the same requirements and conditions for registration relating to sampling, analysis, and sample collection and retention for the EP as for Type 1, Type 2B, and Type 3B, MPs, as specified in Unit C, paragraphs 2(b)(2) and 2(c)(1). In the alternative, registrants of these EPs may elect to fulfill these requirements through sampling and analysis of the parent MP instead of the EP. Selection of this option is possible only if the registrant agrees to all of the following conditions:

(i) Samples of the parent MP will be obtained, analyzed, and retained as described in Unit C, paragraphs 2(b)(2)(A)-(D) and 2(c)(1)(B);

(ii) Duly authorized inspectors will be allowed to collect samples of the parent MP used to make the EP, as described in Unit C, paragraph 2(c)(1)(D), under the same conditions that they would be allowed to sample the EP; and

(iii) The companion recordkeeping option described in Unit D, paragraph 2(b)(2), is selected.

All other conditions and requirements for registration set forth in this document for EPs would be effective as written.

(b) *Records—(1) EPs from purchased, registered MPs—(A) Required records.* No application for registration or amended registration of a pentachlorophenol EP formulated exclusively from purchased, registered MPs shall be approved unless the applicant agrees, as a condition of registration, to maintain records for each lot, batch, or other production unit of the EP, stating:

(i) The date each such lot, batch, or other production unit, or portion thereof, is released for shipment;

(ii) The registration number of the MP used to manufacture or formulate each lot, batch, or other production unit;

(iii) The batch number(s) for each such MP.

Each applicant shall also agree, as a condition of registration, to maintain all such records at specified locations for 10

years after the date of release for shipment.

(B) *Inspection of records.* No application for registration or amended registration of a pentachlorophenol EP formulated exclusively from purchased, registered MPs shall be approved unless the applicant agrees, as a condition of registration, that all records maintained pursuant to Unit D, paragraph 2(b)(1)(A), will be made available at the specified location for inspection and copying at any reasonable time by any officer or employee of the Environmental Protection Agency or of any State or political subdivision, duly designated by the Administrator, upon the presentation of appropriate credentials.

(2) *All other EPs.* No application for registration or amended registration of a pentachlorophenol EP not formulated exclusively from purchased, registered pentachlorophenol MPs shall be approved unless the applicant complies with the same requirements and conditions for registration relating to record collection, retention, reporting, and inspection for the EP as for Type 1, Type 2B, and Type 3B MPs, as specified in Unit C, paragraphs 2(c)(1)(A) and 2(c)(3)(A). Except that registrants of these EPs may elect to fulfill these requirements through appropriate recordkeeping on the parent MP instead of the EP. Selection of this option is possible only if the registrant agrees to all of the following options:

(i) Records on the parent MP will be collected, retained, and reported as described in Unit C, paragraph 2(c)(1)(A);

(ii) Records correlating individual batches of EP with the specific batch(es) of MP used to make the EP, as described in Unit D, paragraph 2(b)(1)(A), will be maintained;

(iii) Duly authorized inspectors will be allowed to inspect the records on the parent MP used to make the EP, as described in Unit C, paragraph 2(c)(3)(A), under the same conditions they would be allowed to inspect the records on the EP; and

(iv) The companion sampling option described in Unit D, paragraph 2(a)(3)(B), is selected.

All other conditions and requirements for registration set forth in this document for EPs would be effective as written.

(c) *Label requirements.* No application for registration or amended registration of a pentachlorophenol EP shall be approved unless the labeling submitted for the product conforms to the following requirements:

(1) *Commercial lot information.* The label or package for each packaging unit

of the pentachlorophenol EP which is distributed or sold shall bear:

(A) A commercial lot, batch, or production unit number;

(B) The code, as listed in the composition statement for the EP, which identifies the pentachlorophenol MP(s) used to manufacture or formulate the lot, batch, or production unit to which the packaging unit belongs; and

(C) The date such lot, batch, or production unit was packaged.

(2) *Statement of compliance.* The label on each packaging unit of pentachlorophenol EP which is distributed or sold shall state, "The registrant has complied with all terms and conditions of the registration governing the composition of this product as approved by the United States Environmental Protection Agency under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act."

(3) *Permissible use.* The label on each packaging unit of pentachlorophenol EP which is distributed or sold shall state that the use of the EP for any purpose other than those stated on the label, including use of the EP in manufacture or formulation of other pesticide products or in repackaging of the product, is prohibited.

(d) *Exception for existing stocks.* None of the requirements for registration of a pentachlorophenol EP established by Unit D, paragraphs 2(a)(c) shall apply to EPs manufactured or formulated as provided in Unit E, paragraph 1 from existing stocks of MPs as defined in Section E, paragraph 1, or to existing stocks of EPs as defined in Unit E, paragraph 2.

E. Existing Stocks

1. Manufacturing-Use products

Each registrant of a pentachlorophenol EP(s) who held on or before the publication date of the amended notice of intent to cancel implementing these compliance procedures any existing stocks of a pentachlorophenol MP purchased after January 1, 1986, may distribute or sell for up to 1 year after the date of publication of the amended notice any quantity of such registered pentachlorophenol EP(s) manufactured or formulated before or after the effective date of the amended notice from such existing stocks.

2. End-Use products

Each registrant of a pentachlorophenol EP(s) who holds any existing stocks of such registered pentachlorophenol EP(s) manufactured or formulated on or before the publication date of the amended notice

of intent to cancel implementing these compliance procedures may distribute or sell such existing stocks for up to 1 year after the date of publication of the amended notice.

IV. Procedural Matters—Procedure for Amending the Terms and Conditions of Registration To Avoid Cancellation or Denial of Application

This Notice amends the January 10, 1986 Amendment of Notice of Intent to Cancel Registrations of Pesticide Products Containing Pentachlorophenol (Including its Salts). This action is taken pursuant to the authority granted by section 6(b) of FIFRA. This amended Notice applies only to those pentachlorophenol registrants, applicants, or adversely affected persons who responded in the statutorily prescribed manner to the January 10 Amended Notice. It creates no new hearing rights and affects only those registrations which have been preserved by compliance with statutory procedures. This amended Notice does not affect those registrations which were cancelled by operation of law because of the absence of a response to the prior notices in a statutorily prescribed manner.

Registrants who responded to the January 10 Amended Notice by amending their objections or otherwise affirming their previously filed hearing requests to the cancellation proceeding on the wood preservative chemicals (In re Chapman Chemical Company, et al., FIFRA Docket Nos. 529, et al.) have two options if they wish to avoid cancellation. They may submit applications for amended registrations in accordance with the terms and conditions of registration set forth in Units II and III of this Notice, or, in the alternative, they may amend, or affirm, their objections filed in response to the January 10 Amended Notice.

An applicant for a new registration whose product is subject to this Notice must submit an amended application in accordance with the terms and conditions of registration required by this Notice within the applicable 30-day period to avoid denial of the application.

To avoid cancellation, applications for amended registration or amended applications for new registration must be submitted within 30 days of publication of this Notice or receipt of this Notice, whichever occurs later.

Applications must be submitted to: Lois Rossi, Product Manager 21, whose address and office location are given under ADDRESSES.

Any amendments or affirmations to objections filed in response to the January 10 Amended Notice must be

filed by a registrant hearing party within 30 days of receipt of this Notice or within 30 days from publication of this Notice, whichever occurs later.

Amendments to objections must be submitted to the Hearing Clerk (A-110), at the address given under ADDRESSES.

Dated: December 23, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

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FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

Title of Information Collection: Procedures for Monitoring Bank Secrecy Act Compliance.

Background: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review for the information collection system identified above.

ADDRESS: Written comments regarding the submission should be addressed to Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429.

Comments: Comments on this collection of information should be submitted on or before January 20, 1987.

FOR FURTHER INFORMATION CONTACT: Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898-3810.

SUMMARY: The FDIC is requesting OMB approval to implement requirements for a new information collection on FDIC-supervised banks. The collection requirements will be contained in final rules which are expected to be issued jointly by the five Federal financial institution regulatory agencies (Office of the Comptroller of the Currency, the