

inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and all written comments will be available for public inspection in Rm. 246 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: Phil Hutton, Product Manager (PM) 17, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2690).

SUPPLEMENTARY INFORMATION: Three notifications of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), have been received from the E.I. duPont de Nemours and Company, Inc. of Wilmington, Delaware. The purpose of the proposed testing is to evaluate the efficacy of the nonindigenous *Bacillus thuringiensis* strains toward lepidopterous and coleopterous insect pests of vegetables. The field tests are to take place in California, Delaware, and Texas for a combined acreage of 0.70 acre. Following the review of the applications and any comments received in response to this Notice, EPA will decide whether or not an experimental use permit is required.

Dated: April 4, 1990.

Anne E. Lindsay,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 90-8645 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[OPP-50702; FRL-3737-4]

Receipt of Notification of Intent to Conduct Small-Scale Field Testing; Genetically Modified Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from Monsanto Agricultural Co. a notification of intent to conduct small-scale field testing in Indiana, Montana, and Washington of two genetically modified strains (Ps. Q2-87AL6 and Ps. QC-65AL7) of *Pseudomonas aureofaciens*. These strains have been modified by

inserting genes isolated from *E. coli* bacteria for the purpose of providing a marker for detection of the modified organisms at very low populations in the soil.

DATES: Comments must be received on or before April 30, 1990.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H-7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted and any comments(s) concerning this notice may be claimed confidential by marking any part 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. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Susan T. Lewis, Product Manager (PM) 21, Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-557-1900.

SUPPLEMENTARY INFORMATION: A notification of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), has been received from Monsanto Agricultural Co., St. Louis, MO. The purpose of the proposed testing is to evaluate the efficacy of two genetically modified strains of *Pseudomonas aureofaciens* (also called *P. fluorescens* biotype E) for the control of Take-All, a disease of wheat. The two strains have been modified by inserting genes isolated from *E. coli* bacteria which are designated as the lacZY marker. The lacZY marker is a tracking system which has been previously used as an accurate and practical means to monitor survival and location of the

organisms under field conditions. Notifications for small-scale field testing of similar organisms containing the marker genes have been reviewed by scientists from both the Office of Pesticide Programs and the Office of Toxic Substances. The organisms were subsequently field tested with no adverse effects. The main objective of these tests is to further confirm that these lacZY-marked organisms demonstrate potential as biological control agents under actual field conditions in differing geographical areas, soil types, and seasonal periods. The proposed field tests would be carried out in collaboration with State universities in the States of Indiana, Montana, and Washington. The tests would be conducted at one site in each State with each site consisting of 1.5 acres or less of wheat.

Dated: March 30, 1990.

Anne E. Lindsay,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 90-8641 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[FRL-3755-4]

Pilot Mountain Tire Fire Site; Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act the Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Pilot Mountain Tire Fire Site, Dobson, North Carolina, with William Jones and the W.T. Tire Company. EPA will consider public comments on the proposed settlements for thirty (30) days. EPA may either withdraw from or modify the proposed settlements should such comments disclose facts or considerations which indicate the proposed settlements are inappropriate, improper or inadequate. Copies of the proposed settlements are available from: Ms. Carolyn McCall, Investigations Support Clerk, Investigation and Cost Recovery Unit, Site Investigation and Support Branch, Waste Management Division, U.S. EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365, 404-347-5059.

Written comments may be submitted to the person above by thirty (30) days from date of publication.

Joe R. Franzmathes,

Acting Regional Administrator, U.S. EPA—
Region IV.

[FR Doc. 90-8635 Filed 4-12-90; 8:45 am]

BILLING CODE 8560-50-M

[FR-3755-6]

**Proposed Settlement; Jones
Chemicals, Inc.**

AGENCY: U.S. Environmental Protection
Agency.

ACTION: Request for public comment.

SUMMARY: In accordance with the requirements of section 122(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), notice is hereby given of a proposed settlement under section 122(h) concerning the Jones Chemical, Inc. Site in Monon, Indiana. The proposed settlement requires Jones Chemicals, Inc. to pay \$333,060.00, plus interest, of the \$357,642.37 in costs incurred during U.S. EPA's removal action.

DATES: Comments must be provided on or before May 14, 1990.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, and should refer to: In the Matter of: Jones Chemicals, Inc., Monon, Indiana.

FOR FURTHER INFORMATION CONTACT: Laurie Donlon Adams, U.S. EPA, Office of Regional Counsel, 5CS-TUB-3, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-0814.

Notice of section 122(h) Cost Recovery Settlement: In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1984, as amended ("CERCLA"), notice is hereby given that on October 20, 1989 a proposed administrative settlement was agreed to by Jones Chemicals, Inc. The proposed settlement requires Jones Chemicals, Inc. to pay \$333,060.00, plus interest, of the \$357,642.37 in costs incurred during U.S. EPA's removal action at its Monon, Indiana, Site.

U.S. EPA is entering into this agreement under the authority of sections 122(h) and 107 of CERCLA. Section 122(h) authorizes administrative settlement of a claim under section 107 where total response costs incurred by the United States of the facility concerned do not exceed \$500,000 (excluding interest). Jones Chemicals, Inc. signed the 122(h) Consent

Agreement on October 20, 1989 and U.S. EPA signed on February 9, 1990. Under the terms of the Consent Agreement, Jones Chemicals, Inc. will pay \$50,000 thirty (30) days following the entering of the Consent Agreement and the remaining \$283,060.00 plus interest in fifteen (15) equal monthly installments on the first day of each month, beginning on the first day of the second full calendar month after the entering of the Consent Agreement. Based on current interest rates, these 15 monthly payments will be \$20,000 each.

The Environmental Protection Agency will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed settlement agreement.

A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the Office of Regional Counsel, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Additional background information relating to the settlement is available for review at this address.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601 *et seq.*

Dated: March 28, 1990.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 90-8638 Filed 4-12-90; 8:45 am]

BILLING CODE 8560-50-M

[OPTS-160001; FRL-3740-2]

**Notice of Availability of
Polychlorinated Biphenyls Penalty
Policy**

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the Polychlorinated Biphenyls Penalty Policy (Policy). The Policy is an EPA enforcement document for determining civil penalties for violations of the Toxic Substances Control Act (TSCA) and 40 CFR part 761. It supersedes the PCB Penalty Policy published in the Federal Register of September 10, 1980.

ADDRESSES: Persons interested in receiving a copy of the Policy should contact: Environmental Assistance Division (TS-799), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Environmental Protection Agency,

Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404 and TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: On March 10, 1980, EPA issued interim guidance for the determination of penalties for violations of the Polychlorinated Biphenyls (PCB) rules. That interim policy was published in the Federal Register of September 10, 1980 (45 FR 59776), with a statement that the Agency would review its experience with the policy before issuing a final penalty policy.

Since developing the March 10, 1980 interim guidance, numerous PCB regulations have been promulgated. Amendments, interpretations, and revisions to the interim guidance have also been developed. The revised Policy is intended to incorporate the enforcement-related provisions of all PCB rules and policy revisions to date, including the Notification and Manifesting Rule. The Policy is effective as of April 9, 1990, and will be used to calculate penalties in all administrative actions concerning PCBs issued after the date of the Policy, regardless of the date of the violation.

The Policy implements a system for determining penalties in administrative civil actions brought pursuant to section 16 of TSCA. Penalties are determined in two stages: (1) determination of a "gravity based penalty" (GBP), and (2) adjustments to the GBP.

To determine the GBP, the following factors affecting a violation's gravity are considered; the nature of the violation, the extent of environmental harm that could result from the violation, and the circumstances of the violation. These factors are incorporated in a matrix which allows determination of the appropriate proposed GBP.

Once the GBP has been determined, upward or downward adjustments to the proposed penalty amount may be made in consideration of other factors, either before issuance of a civil administrative complaint, or during settlement negotiations, including: culpability, history of such violations, ability to pay and to continue in business, and other matters as justice may require. The revised Policy updates the Circumstance section of the policy (where all possible violations are ranked according to probability for causing harm), and sets generally higher penalties by (1) raising the Circumstance level for certain types of violations, (2) reducing the threshold levels of PCBs for the Minor, Significant, or Major Extent levels in the penalty matrix, and (3) assessing penalties for each violation of the regulatory requirements of 40 CFR

part 761, instead of for the broader violation of its subparts.

Higher penalties will also be assessed for facilities that have more than one location where violations exist. Under the 1980 policy, each facility was generally counted as a single location, regardless of the number of violative locations within that facility. The revised Policy counts each separate location within a facility separately. Thus, if a facility has five sites with the same violation, it will be assessed five separate counts instead of one. Also, the Policy adopts the Agency general policy of assessing the economic benefit of noncompliance, i.e., a violator will not pay a penalty that is less than the economic benefit of the violation.

Other significant changes include a refinement of what constitutes a violator's history of violations for purposes of increasing penalties for repeat violators; and penalties for refusing entry of an EPA inspector after proper notification has been provided to the facility in accordance with TSCA section 11. The Agency is also, through this Policy, providing an opportunity for facilities to come into compliance by substantially reducing penalties for voluntary disclosure of violations.

Dated: April 9, 1990.

Connie S. Musgrove,

Acting Director, Office of Compliance Monitoring, Office of Pesticides and Toxic Substances.

[FR Doc. 90-8644 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[OPTS-44549; FRL 3739-9]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on bis(2-chloroethoxy) methane (CAS No. 111-91-1), and tributyl phosphate (CAS No. 126-73-8) submitted pursuant to a final test rule. Test data was also received on alkyl phthalates (CAS Nos. 68515-42-4, 84-75-3 and 68515-50-4) and triethylene glycol monomethyl monoethyl and monobutyl ethers (CAS Nos. 112-35-6, 112-50-5 and 143-22-6) pursuant to a testing consent order. All test data were submitted under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-

799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the *Federal Register* reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received. Under 40 CFR 790.60, all TSCA section 4 consent orders must contain a statement that results of testing conducted pursuant to these testing consent orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for bis(2-chloroethoxy) methane was submitted by Morton International pursuant to a test rule at 40 CFR 799.5055. It was received by EPA on January 30, 1990. The submission describes a 90-day oral gavage study. Subchronic toxicity testing is required by this test rule.

Test data for tributyl phosphate was submitted by the Tributyl Phosphate Task Force on behalf of the test sponsors and pursuant to a test rule at 40 CFR 799.4360. It was received by EPA on March 26, 1990. The submission describes a skin sensitization study in guinea pigs. Dermal sensitization testing is required by this test rule. This chemical is used primarily in hydraulic fluids and in the extraction process of plutonium and other metals.

Test data for alkyl phthalates was submitted by the Chemical Manufacturers Association on behalf of the test sponsors and pursuant to a testing consent order at 40 CFR 799.5000. It was received by EPA on March 26, 1990. The submissions describe the analytical characterization of unlabelled and (¹⁴C)-labelled phthalate esters for di(heptyl, nonyl, undecyl) and dihexyl phthalate. These tests are required by this consent order. These chemicals are used primarily as plasticizers.

Test data for triethylene glycol monomethyl, monoethyl and monobutyl ethers was submitted by the Chemical Manufacturers Association on behalf of the glycol ethers panel and pursuant to a testing consent order at 40 CFR 799.5000. It was received by EPA on March 29, 1990. The submissions describe the evaluation of triethylene glycol monomethyl ether in: (1) The Ames assay, (2) the CHO/HGPRT forward mutation assay and (3) the mouse bone marrow micronucleus test. These tests are required under this consent order. These chemicals are used primarily as diluents for brake fluids. *

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44549). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: April 4, 1990.

James B. Willis,

Acting Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 90-8557 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[FRL-3753-8]

Public Water Supervision Program; Program Revision for the State of Rhode Island

SUMMARY: Notice is hereby given that the State of Rhode Island is revising its approved State Public Water Supply Supervision Primacy Program. Rhode Island has adopted (1) drinking water regulations for eight volatile organic chemicals that correspond to the National Primary Drinking Water Regulations for eight volatile organic chemicals promulgated by EPA on July 8, 1987 (52 FR 25690) and (2) public notice regulations that correspond to the revised EPA public notice requirements promulgated on October 18, 1987 (52 FR 41534). EPA has determined that these two sets of State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by May 14, 1990 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by May 14, 1990, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on her