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exhibits the characteristic of corrosivity due to having a pH less than 2.

As required at 40 CFR 124.10, a public notice was issued May 29, 1990. A public hearing was held June 28, 1990. The public comment period closed on July 12, 1990. All comments have been addressed and have been considered in the final decision. This decision constitutes final EPA action and there is no Administrative appeal process available for this final petition decision.

DATE: This action is effective as of August 2, 1990.

ADDRESS: Copies of the petition and all pertinent information relating thereto, including citizen comments and EPA's response to comments, are on file at the following location: Environmental Protection Agency, Region IV, Water Management Division, Ground-Water Protection Branch, 345 Courtland Street, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Mrs. Jeanette Maulding, Environmental Scientist, EPA, Region IV, telephone (404) 347-3866.

Dated: August 2, 1990.

W. Ray Cunningham,
Acting Regional Administrator, Region IV
[FR Doc. 90-19420 Filed 8-16-90; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-00105; FRL 3797-5]

Biotechnology Science Advisory Committee Subcommittee on Implementation of Scope Principles; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a 1-day meeting of a subcommittee of the Biotechnology Science Advisory Committee. The Subcommittee on Implementation of Scope Principles will discuss scientific issues raised by the Environmental Protection Agency's use of the "Principles for Federal Oversight of Biotechnology: Planned Introduction into the Environment of Organisms with Modified Hereditary Traits" to describe organisms which would be subject to review. These principles were published by the Office of Science and Technology Policy in the *Federal Register* of July 31, 1990 (55 FR 31118). The meeting will be open to the public.

DATES: The meeting will be held on Friday, September 7, 1990, starting at 8:30 a.m. and ending at approximately 5:30 p.m.

ADDRESSES: The meeting will be held at: The Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director,
Environmental Assistance Division (TS-799), Office of Toxic Substances,
Environmental Protection Agency, Rm. E-545, 401 M Street, SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION:

Attendance by the public will be limited to available space. The Environmental Assistance Division will provide summaries of the meeting at a later date.

Dated: August 10, 1990.

Linda J. Fisher,
Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 90-19482 Filed 8-16-90; 8:45 am]

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[OPP-36176; FRL 3797-1]

Disclosure of Names of Inert Ingredients in Currently Registered Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is responding to requests under the Freedom of Information Act (FOIA) and to FOIA-based litigation initiated in the U.S. District Court for the District of Columbia for the list of names of chemicals used as inert ingredients in registered pesticide products. EPA has reviewed the list consisting of the chemical names of inerts used in currently registered products and their Chemical Abstract Service (CAS) numbers (the list) and has determined that it is not entitled to confidential treatment. EPA is notifying affected businesses by certified mail that the list of inert ingredients is not entitled to confidential treatment. EPA will make the list available to the public on the 31st day after all affected businesses receive the notification unless the EPA Office of General Counsel has first been notified of the commencement by an affected business of an action in Federal court to obtain judicial review of the determination or to obtain a declaratory judgement under section 10(c) of FIFRA and to obtain preliminary injunctive relief against disclosure.

ADDRESSES: A notice of commencement of litigation should be submitted in writing to: Hale Hawbecker, Office of General Counsel (LE-132G), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202-382-5460).

FOR FURTHER INFORMATION CONTACT:

By mail: Susan Lawrence, Public Information Branch, Field Operations Division (H-7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 246, CM # 2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-4447).

SUPPLEMENTARY INFORMATION: EPA announced in PR Notice 87-8 and in the *Federal Register* (52 FR 13305, April 22, 1987) certain policies regarding the regulation of inert ingredients in pesticide formulations. PR Notice 90-1 and a *Federal Register* notice (54 FR 48314, November 22, 1989) outlined revisions to the original policy statement. The Agency assigned all inert ingredients in pesticide products to one of four lists, based on the toxicity of the ingredients as follows:

- List 1 Inerts of toxicological concern
- List 2 Potentially toxic inerts, with high priority for testing
- List 3 Inerts of unknown toxicity
- List 4 Inerts of minimal concern

Revised List 1 and List 2 inert ingredients were released to the public as part of the November 22 *Federal Register* notice. The names of inert ingredients used in registered pesticide products will be included in List 3 if they are not a part of Lists 1, 2, or 4. EPA released List 4 and made a partial release of approximately 1,000 List 3 inert ingredients already in the public domain on July 25, 1988. The format of the list of inert ingredient information proposed for release at this time will be identical to the format of the List 1 and List 2 chemicals included in the *Federal Register* notices.

I. Description of Entries to be Released

The inert ingredient information to be released is a list which identifies each inert ingredient in currently registered products by its chemical name and, in most cases, by its assigned Chemical Abstract Service (CAS) Number.

EPA is proposing to disclose only the chemical names and the CAS numbers of the inert ingredients. The list does not associate any particular ingredient with a specific chemical statement of formula, with a registered pesticide product, or with a specific company. The list does not contain any information which would divulge the makeup of a proprietary inert mixture which is sold to registrants without identifying the mixture's substances.

II. Determination that the List is Clearly not Entitled to Confidential Treatment

The FOIA requests are being processed under EPA's FOIA rules, 40 CFR part 2, and section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 7 U.S.C. 136(h). EPA has determined that the list is clearly not entitled to confidential treatment and is taking the actions described by 40 CFR 2.204(d)(2), 2.205(f); and 2.307(e)(3) to make the list available to the public.

III. Basis for the Determination

EPA does not believe that a list of names of chemicals used as pesticide inert ingredients is proprietary information. For EPA to accord confidential treatment to this information, the Agency would have to determine that the list of inert ingredients consists of: (1) Trade secrets, or (2) commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552(b)(4)) and FIFRA section 10(a).

The list clearly does not contain "trade secrets." The term has been narrowly defined by the Court of Appeals for the D.C. Circuit as "a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the endproduct of either innovation or substantial effort." *Public Citizen Health Research Group v. FDA*, 704 F.2d 1280, 1288 (D.C. Cir. 1983). Because there is no way to connect the identity of an inert on the list with specific statements of formula, the list does not contain protectible "trade secrets."

Although the list contains "commercial information obtained from a person," it is clearly not "privileged or confidential." Release of the list will not impair the government's ability to obtain necessary information in the future or cause substantial harm to a company's competitive position because EPA does not believe that anyone can associate an inert ingredient alone with a specific pesticide formula when EPA does not release any information about proprietary statements of formula. Furthermore, release of this information is not prohibited from disclosure by any statute. While section 10(d)(1)(C) of FIFRA may require the Agency to protect the identity or percentage quantity of any deliberately added inert ingredient of a specific product formulation, it does not prohibit the disclosure of inert ingredient names

which do not associate the inert ingredient with a particular pesticide product. As discussed above, the Agency is proposing to disclose only a list of inert ingredients by chemical names and CAS numbers with no other identifying information.

IV. Notice that the Information will be Disclosed

Because the list of inert ingredients is not entitled to confidential treatment, EPA will make the information available to the public on the 31st day after all affected businesses receive notification by certified mail unless before that date the EPA Office of General Counsel (OGC) has been notified by an affected business of the business's commencement of an action in a Federal court to obtain judicial review or to obtain a declaratory judgment under section 10(c) to FIFRA and to obtain preliminary injunctive relief against disclosure (see 40 CFR 2.205(f) and 2.307(e)). An affected business may seek an extension of time to commence judicial review but the request must be made to OGC within 30 days of receiving the notification from EPA. If such litigation is timely commenced, EPA may nonetheless make the information available to the public (in the absence of an order by the court to the contrary), once the court has denied a motion for a preliminary injunction in the action or otherwise upheld the EPA determination, or whenever it appears to the EPA Office of General Counsel after reasonable notice to the business, that the business is not taking appropriate measures to obtain a speedy resolution of the action (see 40 CFR 2.205(f) and 2.307(e)).

V. Final Agency Action

This notice constitutes final Agency action concerning any and all business confidentiality claims that may have been or could have been made, or that may be made in the future with regard to any information included on the list of inert ingredients. This final Agency action may be subject to judicial review under chapter 7 of title 5, United States Code, under FIFRA section 10(c), or other law.

Dated: August 13, 1990.

Douglas D. Camp,

Director, Office of Pesticide Programs.

[FR Doc. 90-19249 Filed 8-14-90; 10:33 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

[GEN Docket No. 90-280; DA 90-1031]

Alabama Region Public Safety Plan

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The FCC is accepting the Alabama area's (Region 1's) plan for public safety. By accepting this plan, the FCC enables the licensing of the 821-824/866-869 MHz spectrum for public safety to begin.

EFFECTIVE DATE: August 7, 1990.

FOR FURTHER INFORMATION CONTACT: Maureen Cesaitis, Private Radio Bureau, Policy and Planning Branch, Washington, DC 20554, (202) 632-6497.

SUPPLEMENTARY INFORMATION:

1. On May 9, 1990, Region 1 (Alabama) submitted its public safety plan to the Commission for review. The plan sets forth the guidelines to be followed in allotting spectrum to meet current and future mobile communications requirements of the public safety and special emergency entities operating in its region.
2. The Alabama plan was placed on Public Notice for comments on June 1, 1990, 55 FR 22085 (May 31, 1990). The Commission received no comments in this proceeding.
3. We have reviewed the plan submitted for Alabama and find that it conforms with the National Public Safety Plan. The plan includes all the necessary elements specified in the *Report and Order* in Gen. Docket No. 87-122, 3 FCC Rcd 905 (1987) 53 FR 1022, January 15, 1988, and satisfactorily provides for the current and projected mobile communications requirements of the public safety and special emergency entities in Alabama.
4. Accordingly, it is ordered that the Public Safety Radio Plan for Alabama is accepted. Furthermore, licensing of the 821-824/866-869 MHz band in Alabama may commence immediately.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

[FR Doc. 90-19432 Filed 8-16-90; 8:45 am]

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