AUTHORIZATION FOR NON HSWA II

VIII. Request for Comments

Interested persons may, on or before ember 14, 1988, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that Part 510 be amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 is revised to read as follows:

Authority: Secs. 512, 701(a) (21 U.S.C. 360b, 371(a)); 21 CFR 5.10, 5.83, and 5.84.

§ 510.450 [Removed]

Section 510.450 *Sulfonamide- aining drugs for oral, injectable, intramammary, or intrauterine use in food-processing animals* is removed.

Dated: August 23, 1988.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 88–21057 Filed 9–14–88; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 23–88]

Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The Department of Justice proposes to exempt a Privacy Act system of records from subsections (c)(3) and (d) of the Privacy Act, 5 U.S.C. 552a. This system is the "Freedom of Information; Privacy Acts Records, JUSTICE/OSC–004." Records contained in this system relate to official Federal investigations and matters of law enforcement. The exemptions are ed to protect ongoing stigations, as well as the privacy of third parties and the identities of confidential sources involved in such investigations.

DATE: Submit any comments by October 17, 1988.

ADDRESS: Address all comments to J. Michael Clark, Assistant Director, Facilities and Administrative Services Staff, Justice Management Division, Department of Justice, Room 6402, 601 D Street, NW., Washington, DC 20530.

FOR FURTHER INFORMATION CONTACT: J. Michael Clark, (202) 272–6474.

SUPPLEMENTARY INFORMATION: In the Notice Section of today's **Federal Register**, the Department of Justice provides a description of the "Freedom of Information; Privacy Acts Records, JUSTICE/OSC–004."

Pursuant to the requirements of the Regulatory Felxibility Act, 5 U.S.C. 601–612, it is hereby stated that the order will not have "a significant economic impact on a substantial number of small entities."

List of Subjects in Part 16

Administrative Practice and Procedure, Courts, Freedom of Information, Privacy and Sunshine Acts.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, it is proposed that 28 CFR 16.78 be amended by revising paragraph (a) as set forth below.

Date: August 23, 1988

Harry H. Flickinger,

Assistant Attorney General for Administration.

1. The authority for Part 16 continues to read as follows:

Authority: 28 U.S.C. 509, 510; 5 U.S.C. 301, 552, 552a; 31 U.S.C. 483a unless otherwise noted.

2. It is proposed to amend 28 CFR 16.78 by revising paragraph (a) to read as follows:

§ 16.78 Exemption of the Special Counsel for Immigration Related Unfair Employment Practices Systems.

(a) The following systems of records are exempt from 5 U.S.C. 552a (c)(3) and (d).

(1) The Central Index File and Associated Records, JUSTICE/OSC–001

(2) Freedom of Information; Privacy Acts Records, JUSTICE/OSC–004

These exemptions apply to the extent that information in these systems is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

* * * * *

[FR Doc. 88–21068 Filed 9–14–88; 8:45 am]

BILLING CODE 4410–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–3447–3]

Florida; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination for final authorization on application of Florida for program revision, public comment period, and public hearing.

SUMMARY: Florida has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Florida's application and has made a tentative determination subject to public review and comment, that Florida's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Florida's hazardous waste program revisions. Florida's application for program revision is available for public review and comment.

DATES: A public hearing is scheduled for October 20, 1988. Florida will participate in the public hearing held by EPA on this subject. Comments on Florida's program revision application must be received by the close of business on October 13, 1988.

ADDRESSES: Copies of Florida's program revision application are available from 8:00 a.m. to 4:00 p.m. at the following addresses for inspection and copying: Florida Department of Environmental Regulation, Twin Towers Office Building, Room 421, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400, Telephone (904) 488–0300; U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460, Telephone: (202) 382–5926; U.S. EPA Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia, 30365, Telephone: (404) 347–4216. Written comments should be sent to: Mr. Otis Johnson, Jr., Chief, Waste Planning Section, RCRA Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia, 30365, Telephone: (404) 347–3016. EPA will hold the public hearing on October 20, 1988, at 2:00 p.m. in Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400. Individuals with handicaps

requiring special assistance should contact Mr. Fletcher Herrald at (904) 488-0300 by October 17, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Otis Johnson, Jr., Chief, Waste Planning Section, RCRA Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: (404) 347-3016.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6929(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260 through 266 and 124 and 270.

B. Florida

Florida initially received final authorization of its hazardous waste program on February 12, 1985 (50 FR 3908, January 29, 1985). On February 27, 1987, Florida submitted a final program revision application For non-HSWA requirements promulgated through June 30, 1985. Florida received final authorization for these revisions on March 1, 1988 (53 FR 127, January 5, 1988). Florida was placed on a schedule of compliance to obtain program modifications for section 3006(f), Availability of Information (AOI) of the HSWA (52 FR 26013, July 10, 1987). Today, Florida is seeking approval of its program revisions for the following authorities through June 30, 1986, in accordance with 40 CFR 271.21(b)(4).

Federal requirement	State authority
Closure, Post-Closure and Financial Responsibility Requirements: Settlement Agreement 51 *FR* 16443-16459, May 2, 1986.	F.S. 403.704(16). F.S. 403.722. F.A.C. 17-30.020(1). F.A.C. 17-30.180(1)(2). F.A.C. 17-30.290 (1)(a) and (4). F.A.C. 17-30.300.
Listing of Spent Pickle Liquor (K062) 51 *FR* 19320 as amended at 51 *FR* 33612, May 28, 1986 and September 22, 1986.	F.S. 403.704(16). F.S. 403.72(1). F.A.C. 17-30.030(1).
RCRA Section 3006(f): Availability of Information 40 CFR Part 2 Subpart A 5 U.S.C. 552.	F.S. 119.07. F.S. 119.011. F.S. 119.12. F.S. 120.68. F.A.C. 17-30.310.

EPA has reviewed Florida's application, and has made a tentative determination, subject to public review and comment, that Florida's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. EPA recognizes Florida's lack of a provision for waiver of fees for information in the public interest as specified at 40 CFR 2.120(d). Florida Statute 119.07 requires that all requestors be charged, at a minimum, the actual cost of photocopying. The Florida Department of Environmental Regulation furnishes copies of public records according to the following formula taken directly from section 2.10 of Florida's Administration Services Internal Management Policies and Procedures.

Florida's copying fees provide:

> The charge for photocopies of public records and for all photocopies not directly related to the official duties of the department shall be $.05 per page. In order to provide a uniform method of billing for personnel time when more than 100 copies are made or when more than 30 minutes is required to make copies, the charge for extensive assistance shall be based on the total salary cost of the employee who actually makes the copies or performs the related work, and (is) calculated as follows:
>
> The employee's monthly salary divided by 174 hours equals the employee's hourly rate. The hourly rate multiplied by 1.046 equals total hourly salary cost including fringe benefits. The total hourly salary cost multiplied by the hours or fraction thereof spent on the photocopy assignment equals the additional charge for extensive personnel services.
>
> When photocopies are made for private firms and individuals, the money must be collected at the time the photocopies are delivered. Photocopies shall not be delivered to private firms and individuals prior to collection of the appropriate amount. If governmental agencies are to be charged for photocopies, it is permissible to bill them using prenumbered invoice forms available from the Bureau of Accounting and Budgeting.

It is the Region's opinion that this fee structure does not place an undue burden on citizens or public interest groups requesting information from the State of Florida. Florida's fees for photocopies are lower than equivalent Federal fees. Further, Florida's information release provisions are more stringent in some respects than EPA's provisions, *i.e.*, Florida law, unlike Federal law, does not provide protection for Confidential Business Information. EPA therefore intends to grant Florida final authorization for the additional program modifications. EPA solicits comments on this proposed decision.

In accordance with section 3006 of RCRA and 40 CFR 271.20(d), the Agency will hold a public hearing on its tentative decision to approve Florida's program revision on October 20, 1988, at 2:00 p.m., Room 609, Florida Department of Environmental Regulation, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301. The public may also submit written comments on EPA's tentative determination until October 13, 1988. Copies of Florida's application are available for inspection and copying at the location indicated in the "Addresses" section of this notice.

EPA will consider all public comments on its tentative determination received at the hearing or during the public comment period. Issues raised by those comments may be the basis for a decision to deny final authorization to Florida. EPA expects to make a final decision on whether or not to approve Florida's program by December 1, 1988 and will give notice of it in the **Federal Register.** The notice will include a summary of the reasons for the final determination and a response to all major comments.

Florida is not seeking authorization to operate on Indian Lands.

C. Decision

Today's tentative determination does not include authorization of Florida's program for any requirement implementing the RCRA or the HSWA. EPA expects to make a final decision on whether or not to approve Florida's program by December 1, 1988 and will give notice of it in the **Federal Register.**

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This action does not impose any new burdens on small entities, and therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6979(b).

Dated: August 18, 1988.

Greer C. Tidwell,

Regional Administrator.

[FR Doc. 88-21015 Filed 9-14-88; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Parts 798 and 799

[OPTS-42099; FRL-3446-1]

Methyl Ethyl Ketoxime; Proposed Test Rule and Proposed Pharmacokinetics Test Guideline

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing that manufacturers and processors of methyl ethyl ketoxime (MEKO, CAS No. 96-29-7) be required, under section 4 of the Toxic Substances Control Act (TSCA), to perform testing for oncogenicity, mutagenicity, developmental toxicity, reproductive effects, neurotoxicity and pharmacokinetics. This rule is proposed in response to the Interagency Testing Committee's (ITC's) recommendation to consider MEKO for health effects testing. In addition, in this rule, EPA is proposing to add a new test guideline for pharmacokinetics testing. This general guideline may be used in developing chemical-specific TSCA section 4 rules under 40 CFR Part 799 and would be the test standard for MEKO.

DATES: Submit written comments on or before November 14, 1988. If persons request an opportunity to submit oral comments by October 31, 1988, EPA will hold a public meeting on this rule in Washington, DC.

For further information on arranging to speak at the meeting see Unit VII. of this preamble.

ADDRESS: Submit written comments, identified by the document control number (OPTS 42099), in triplicate to: TSCA Public Docket Office (TS-793), Rm. NE-GO04, Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

A public version of the administrative record supporting this action (with any confidential business information deleted) is available for inspection at the above address from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Acting Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, 401 M St., SW., Rm. EB-44, Washington, DC 20460, (202 554-1404), TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: EPA is issuing a proposed test rule for MEKO under section 4(a) of TSCA in response to the ITC's recommendation that MEKO be considered for health effects testing. The Agency is proposing testing for MEKO under section 4(a)(1)(A) and (B) of TSCA.

Public reporting burden for this collection of information is estimated to average 535 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

I. Introduction

A. ITC Recommendation

TSCA (Pub. L. 94-469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*) established the ITC under section 4(e) to recommend to EPA a list of chemical substances and mixtures (chemicals) to be considered for testing under TSCA section 4(a).

The ITC added MEKO to the ITC's list of chemicals for priority consideration by EPA in the promulgation of test rules under section 4(a) of TSCA. The ITC recommended MEKO be considered for health effects testing in its 19th Report, published in the **Federal Register** of November 14, 1986 (51 FR 41417), especially for its effects on the hematopoietic system and for its oncogenic potential. The ITC did not designate a time period for EPA's response on MEKO.

The ITC's rationale for health effects testing was based on concern for widespread use of MEKO and the potential for human exposure; the lack of a no-effect level for blood effects demonstrated in animal studies of MEKO; and the absence of data on MEKO's oncogenic potential.

B. General Pharmacokinetics Test Guideline

In the **Federal Register** of September 27, 1985 (50 FR 39252), EPA issued 40 CFR Parts 796, 797 and 798, which codified TSCA test guidelines that were previously prepared by EPA. At that time, EPA stated that new guidelines would be added as the state of the art of testing evolves and as the need for new guidelines arises. This document proposes a new test guideline for pharmacokinetics that may be used to establish test standards in future TSCA Section 4 test rules in 40 CFR Part 799. The test guidelines are state of the art methods for generating test data and, when cited in chemical specific rules, would assist EPA in reaching decisions regarding the risk of a particular chemical. This pharmacokinetics test guideline has been extensively reviewed by both internal and external experts.

Codification of this guideline, however, would not impose any regulatory obligation on any person who may be subject to a TSCA Section 4 test rule because the guidelines do not become mandatory test standards until they are promulgated as such in an individual test rule for a specific chemical substance or mixture. EPA may modify the pharmacokinetics test guideline as it appears to a proposed rule for a specific test substance. Each specific rule employing the test guideline would be subject to public comment.

EPA is also proposing that this test guideline would serve as the test standard for the MEKO pharmacokinetics testing.

C. Opportunity for Negotiating a Consent Order

EPA raised the possibility of conducting testing on MEKO through an enforceable consent agreement. Industry representatives present at the public