

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

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

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

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

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

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

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

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

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

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

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

#### C. Aggregate Exposure

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

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

#### D. Cumulative Effects

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

#### E. Safety Determination

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

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

#### F. International Tolerances

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

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL–7846–3]

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

**AGENCY:** Environmental Protection Agency.

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

**SUMMARY:** The United States Environmental Protection Agency (EPA) is proposing to enter into an administrative settlement to resolve certain claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). Notice is being published to inform the public of the proposed settlement and of the opportunity to comment.

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

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

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

Barrel & Drum Superfund Site, U.S. EPA Region II, CERCLA Docket No. 02–2004–2023. The proposed settlement is available for public inspection at EPA Region II offices at 290 Broadway, New York, New York 10007–1866. To request a copy, please contact the individual identified below.

**FOR FURTHER INFORMATION CONTACT:**

Sarah Flanagan, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007–1866. Telephone: 212–637–3136.

Dated: November 23, 2004.

**Kathleen C. Callahan,**

*Deputy Regional Administrator, Region 2.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL–7846–5]

**Clean Water Act Section 303(d): Availability of Total Maximum Daily Loads. (TMDL)**

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability for comment of the administrative record files for 9 TMDLs and the calculations for these TMDLs prepared by EPA Region 6 for waters listed in the Atchafalaya River, Barataria, Calcasieu River, Lake Pontchartrain, Mermentau River, Vermilion-Teche River, Mississippi River, Sabine River, and Terrebonne Basins of Louisiana, under section 303(d) of the Clean Water Act (CWA). These TMDLs were completed in response to a court order in the lawsuit styled *Sierra Club, et al. v. Clifford, et al.*, No. 96–0527, (E.D. La.).

**DATES:** Comments must be submitted in writing to EPA on or before January 10, 2005.

**ADDRESSES:** Comments on the 9 TMDLs should be sent to Linda Adams, Environmental Scientist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202–2733 or email: [adams.lindak@epa.gov](mailto:adams.lindak@epa.gov). For further information, contact Linda Adams at (214) 665–6546 or fax (214) 665–2191. The administrative record files for the 9 TMDLs are available for public inspection at this address as well.

Documents from the administrative record files may be viewed at [www.epa.gov/region6/water/tmdl.htm](http://www.epa.gov/region6/water/tmdl.htm), or obtained by calling or writing Ms. Adams at the above address. Please contact Ms. Adams to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:**

Linda Adams at (214) 665–6546.

**SUPPLEMENTARY INFORMATION:** In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al. v. Clifford, et al.*, No. 96–0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner. EPA proposes these TMDLs pursuant to a consent decree entered in this lawsuit.

**EPA Seeks Comment on 9 TMDLs**

By this notice EPA is seeking comment on the following 9 TMDLs for waters located within Louisiana basins:

Subsegment	Waterbody Name	Pollutant
010901 .....	Atchafalaya Bay and Delta and Gulf Waters to the State 3-mile Limit .....	Mercury.
021102 .....	Barataria Basin Coastal Bays and Gulf Waters to the State 3-mile Limit .....	Mercury.
031201 .....	Calcasieu River Basin Coastal Bays and Gulf Waters to the State 3-mile Limit .....	Mercury.
042209 .....	Lake Pontchartrain Basin Coastal Bays and Gulf Waters to the State 3-mile Limit .....	Mercury.
050901 .....	Mermentau River Basin Coastal Bays and Gulf Waters to the State 3-mile Limit .....	Mercury.
061201 .....	Vermilion-Teche River Basin Coastal Bays and Gulf Waters to the State 3-mile Limit .....	Mercury.
070601 .....	Mississippi River Basin Coastal Bays and Gulf Waters to the State 3-mile Limit .....	Mercury.
110701 .....	Sabine River Basin Coastal Bays and Gulf Waters to the State 3-mile Limit .....	Mercury.
120806 .....	Terrebonne Basin Coastal Bays and Gulf Waters to the State 3-mile Limit .....	Mercury.

EPA requests that the public provide to EPA any water quality related data and information that may be relevant to the calculations for the 9 TMDLs. EPA will review all data and information submitted during the public comment period and revise the TMDLs where appropriate. EPA will then forward the TMDLs to the Louisiana Department of Environmental Quality (LDEQ). The LDEQ will incorporate the TMDLs into its current water quality management plan.

Dated: December 2, 2004.

**James R. Brown,**

*Acting Director, Water Quality Protection Division, Region 6.*

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**FEDERAL COMMUNICATIONS COMMISSION**

**Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested**

December 1, 2004.

**Summary:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to

any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**Dates:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before February 7, 2005.