

AR 226-0998 44953

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Mary Dominiak/DC/USEPA/US@EPA on 02/27/2001 04:21:35 PM

To: "Larsen, Don" <DLarsen@CGAlaska.USCG.mil>
cc: Doug.Dierdorf@mlq.afrl.af.mil, NCIC OPPT/DC/USEPA/US@EPA

Subject: AR226: AFFF and Perfluorooctyl Sulfonates

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OPPT/NCIC

Dear Mr. Larsen:

3M Corporation, the principal manufacturer of PFOS worldwide, elected in May 2000 voluntarily to discontinue the manufacture of 90 PFOS chemicals by the end of 2002, including chemicals used in its AFFF products. Following the 3M decision, and basing its action on concerns about the persistence, toxicity, widespread exposure to and bioaccumulative potential of PFOS, EPA proposed a "significant new use" rule (SNUR) that would require anyone who wants to manufacture or import any of the discontinued PFOS chemicals in the United States to file notice with the Agency 90 days before beginning that activity (65 FR 62319, October 18, 2000: Docket OPPTS-50639). Upon review of such a notice, and considering the hazards of the chemical, the exposures that would be occasioned by the circumstances of its proposed use, and any other information supplied by the submitter, EPA could permit the activity to go forward as requested, allow it to commence subject t

Since EPA is not in the fire fighting business, I'm afraid that I do not have information on the specific AFFF products which may be available, but it is my understanding that there are some MilSpec AFFF products which are based on perfluorooctanoic acid (PFOA) or telomer chemicals and which do not contain PFOS. Depending upon your needs, there may also be other suitable products which do not use any of these chemistries. I would suggest that you contact Doug Dierdorf of Tyndall AFB, who I know has been working on these issues for the Air Force, for additional information and for further contacts within DOD and the Coast Guard research structure on AFFF. Doug's contact information is:

Douglas S. Dierdorf, Ph.D.	AFRL/MLQC (Contractor)
Principle Scientist, Fire	139 Barnes Drive
Applied Research Associates, Inc.	Suite 2
P.O. Box 40128	Tyndall AFB, FL 32403
Tyndall AFB, FL 32403	

Phone: (850) 283-3734 (DSN) 523-3734
Fax: (850) 283-9797 (DSN) 523-9797

Email: Doug.Dierdorf@mlq.afrl.af.mil
ddierdorf@ara.com

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RECEIVED
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EPA is in the process of conducting hazard assessments on PFOA and the telomer chemicals, which may or may not present concerns similar to those associated with PFOS. Depending upon the outcome of those assessments, EPA may propose voluntary or regulatory activities with respect to PFOA and/or the telomers, or may conclude that those chemicals do not warrant such concern. We cannot predict at this point what the assessments will determine, and thus cannot predict what effect those assessments may have on PFOA or telomer-based AFFF products in the future. We also cannot predict what actions businesses may take of their own volition -- as 3M did -- in response either to assessment activities or other market forces. We hope to complete our initial hazard assessment on PFOA by June of this year,

but additional time may be required for our preliminary assessment on the telomer chemicals, since the telomer manufacturers began a voluntary two-year research

I regret that I am unable to provide you with a quick or clear-cut answer to your question, but I hope that you will find this information helpful. I have attached PDF file copies of the two Federal Register notices on PFOS referred to above -- the proposed SNUR and the public meeting announcement -- for your information and review. If you have additional questions, please feel free to contact me.

Sincerely,

Mary F. Dominiak
U.S. Environmental Protection Agency
Chemical Control Division (7405)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Telephone: 202-260-7768
Facsimile: 202-260-1096
Email: dominiak.mary@epa.gov

To: Mary Dominiak/DC/USEPA/US@EPA
cc:

Subject: AFFF AND PERFLUOROOCTYL SULFONATES

I am a civil engineer for the U.S. Coast Guard in Juneau, Alaska. We are currently installing a foam fire protection system in one of our hangars in Sitka, Alaska. The foam to be used is AFFF. We just received some information that AFFF using PFOS's as foaming agents will be banned in the near future.

Could you please tell me if the AFFF manufactured by 3M is the only AFFF using PFOS's, or do other manufacturer's have AFFF products that will not be affected by the ban.

Any information you have would be appreciated. Thanks.

Don Larsen

Phone (907) 463-2427
Fax (907) 463-2404
e-mail dlarsen@CGAlaska.USCG.mil



- Dear FR Public Meeting.pdf



- Official FR SNUR.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 23 2001

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Interested Party:

The U.S. Environmental Protection Agency (EPA) has received a number of requests to meet with individual industry representatives concerning the "Performance Substances (PFOS); Proposed Significant New Use Rule," published in the Federal Register on October 18, 2000 (65 FR 62319). In order to accommodate these requests, EPA will hold a public meeting on Tuesday, March 27, 2001, at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, Virginia. The meeting is scheduled to run from 9:00 am to 4:00 pm. For those interested in participating, this public meeting will provide an opportunity to clarify comments submitted to the Agency concerning this proposed rule, and to identify issues of concern. A copy of the Federal Register notice announcing this meeting is attached.

Persons wishing to make presentations are requested to contact Annette Washington on or before Friday, March 16, 2001, in order to be included on the meeting agenda. Persons wishing to attend as observers are also requested to contact Ms. Washington and register for the meeting at the earliest opportunity, in order to ensure that adequate seating will be available. Ms. Washington can be reached by telephone at 202-260-5315; by fax at 202-260-1096; and by email at washington.annette@epa.gov.

If you would like a copy of the Federal Register notice for the proposed rule, please contact the TSCA Hotline (202-554-1404), TDD: (202-554-0551), e-mail: TSCAHotline@epa.gov. Additionally, Federal Register notices may be downloaded from the Government Printing Office website: www.access.gpo.gov/nara/docs/ac/acnara140.html. Technical questions concerning the proposed rule should be directed to Mary Dominick (202-260-7768; email: dominick.mary@epa.gov).

All comments that were filed on the proposed rule are available to the public in Docket OPRTS-50639. The docket also cross-references all of the available information on PFOS currently filed in Administrative Record number AR-226. If you would like to obtain copies of information in Docket OPRTS-50639 or AR-226, please contact the TSCA Non-Confidential Information Center (202-260-7099), email oprt.nic@epa.gov, between noon and 4:00 PM Eastern time, Monday through Friday.

Sincerely,


Charles M. Ance, Director
Chemical Control Division



Recycle Recyclable
Please Recycle Recyclable
Recycling is a key to a sustainable future
recycling at least 25% recycled fiber

5 CFR part 2640 that apply to federal agencies generally, the Commission proposes that current rule 103(b) be deleted.

Public Comment

Any public comment directed toward this proposal should be submitted within 30 days of the publication of this notice in the **Federal Register**.

Ordering Paragraphs

1. Public comment on the Commission's proposal to delete paragraph (b) from current rule 103 of its standards of conduct should be submitted within 30 days of the publication of this notice in the **Federal Register**.

2. The Secretary is directed to cause this notice of proposed rulemaking to appear in the **Federal Register**.

Dated: February 16, 2001.

Margaret P. Crenshaw,
Secretary.

List of Subjects in 39 CFR Part 3000

Administrative practice and procedure, Postal Service.

For the reasons stated in the preamble, the Postal Rate Commission proposes to amend 39 CFR part 3000 as follows:

PART 3000—STANDARDS OF CONDUCT

1. The authority citation for part 3000 continues to read as follows:

Authority: 39 U.S.C. 3603; E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 56 FR 42547, 3 CFR, 1990 Comp., p. 306; 5 CFR parts 2634 and 2636.

2. Revise § 3000.735-103 to read as follows:

§ 3000.735-103 Financial interests.

An employee shall not, either directly or indirectly, have any financial interest (whether by ownership of any stock, bond, security, or otherwise) in any entity or person whose interests may be significantly affected by rates of postage, fees for postal services, the classification of mail, or the operation of the Postal Service. This paragraph does not proscribe interests in an entity or person whose use of the mail is merely an incidental or a minor factor in the general conduct of its business.

[FR Doc. 01-4432 Filed 2-22-01; 8:45 am]

BILLING CODE 7710-FW-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS-50639B; FRL-6771-4]

RIN 2070-AD43

Perfluorooctyl Sulfonates (PFOS); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA) will conduct a public meeting on the proposed significant new use rule (SNUR) on PFOS published in the **Federal Register** issue of October 18, 2000. At this meeting, persons who filed written comments on the proposed SNUR will have the opportunity to clarify and expand on their comments, and all interested persons will be able to identify issues of concern.

DATES: The public meeting will be held from 9 a.m. to 4 p.m. on March 27, 2001. Interested parties are requested to contact the technical person on or before Friday, March 16, 2001, to schedule presentations at the meeting.

ADDRESSES: The meeting will be held at the Sheraton Crystal City Hotel, 1800 Jefferson Davis Hwy., Arlington, VA.

FOR FURTHER INFORMATION CONTACT: For general information contact Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Annette Washington, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260-5315; e-mail address: washington.annette@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may be of particular interest to anyone who filed written comments on the proposed SNUR for PFOS (65 FR 62319, October 18, 2000) (FRL-6745-5), or who uses products containing any of the 90 PFOS chemicals identified in the proposed SNUR. If you have any questions

regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS-50639B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260-7099.

II. Meeting Procedures

For additional information on the scheduled meeting, including the meeting agenda, contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

The meeting on the proposed PFOS SNUR will be open to the public. Interested parties are requested to contact the technical person on or before Friday, March 16, 2001, to schedule presentations at the meeting. Since seating for outside observers may be limited, those wishing to attend the meeting as observers are also encouraged to contact the technical person at the earliest possible date to

ensure adequate seating arrangements. Inquiries regarding oral presentations and the submission of written statements or chemical specific information should be directed to the technical person. A written meeting summary, including an attendance list and copies of all presentations made at the meeting, will be included in the official record of this proceeding described in Unit I.B.2.

List of Subjects

Environmental protection, Chemicals, Hazardous materials, Recordkeeping and reporting requirements.

Dated: February 14, 2001.

Charles M. Auer,
Director, Chemical Control Division.

[FR Doc. 01-4404 Filed 2-22-01; 8:45 am]
BILLING CODE 5560-50-S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 90-day Finding for a Petition To List the Yellowstone Cutthroat Trout as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) as threatened, under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). After review of the petition and all available scientific and commercial information, we find that the petition failed to present substantial information indicating that listing this subspecies of fish may be warranted at this time.

DATES: The finding announced in this document was made on February 15, 2001.

ADDRESSES: Requests for copies of the petition, its accompanying attachments, or other information pertaining to this petition finding should be submitted to Chief, Branch of Native Fishes Management, U.S. Fish and Wildlife Service, 4052 Bridger Canyon Road, Bozeman, Montana 59715. The petition and information used in support of the petition finding are available for inspection, during normal business hours and by appointment, at that

address. The petition, as well as the complete list of references for the finding announced in the present document, also may be obtained at our Internet web site <http://www.r6.fws.gov/cutthroat/>.

FOR FURTHER INFORMATION CONTACT:

Lynn R. Kaeding at the above address, or telephone 406/582-0717.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that within 90 days of receipt of a petition, to the maximum extent practicable, we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the requested action may be warranted. The finding is based upon all information provided or referenced in the petition and all other information available to us at the time the finding is made. Such 90-day findings are to be published promptly in the **Federal Register**.

On August 18, 1998, we received a formal petition to list the Yellowstone cutthroat trout (*Oncorhynchus clarki bouvieri*) as threatened where it presently occurs in its historic range and to designate critical habitat for this subspecies of fish pursuant to the Act. The petitioners are Biodiversity Legal Foundation, Alliance for the Wild Rockies, Montana Ecosystems Defense Council, and Mr. George Wuerthner.

The Yellowstone cutthroat trout (YCT) is one of 13 subspecies of cutthroat trout recognized by Behnke (1992) that are native to interior regions of western North America. Cutthroat trout owe their common name to the distinctive red slash that occurs just below both sides of the lower jaw. Also among those 13 cutthroat trout subspecies is the finespotted Snake River cutthroat trout (*Oncorhynchus clarki* subsp.), the natural range of which is principally in the far-west, central region of Wyoming and almost entirely surrounded by that of YCT (Behnke 1992).

In their petition, the petitioners considered the finespotted Snake River cutthroat trout a morphological form of YCT. Such merging of taxons is supported by biochemical-genetic studies (cited by Behnke 1992) that revealed almost no differences between the YCT and finespotted cutthroat trout at the several gene loci examined. Nonetheless, the YCT and finespotted cutthroat trout are readily separated on the basis of the sizes and patterns of

spots on the sides of the fish's body. The YCT has pronounced, medium to large spots that are round in outline and moderate in number, whereas the spots of the finespotted cutthroat trout are the smallest of any native trout in western North America and so profuse they resemble "a heavy sprinkling of ground pepper" (Behnke 1992).

Although Behnke (1992) considers the YCT and finespotted Snake River cutthroat trout distinct taxonomic entities, for the purposes of the finding described in this notice we will follow the position taken in the petition and consider the YCT and finespotted Snake River cutthroat trout to be a single taxonomic entity, the YCT. However, that position should not be considered the opinion of the Federal government with regard to the taxonomic validity of the finespotted Snake River cutthroat trout. Validation of such taxonomic classifications remains altogether within the domain of taxonomists, geneticists, and other qualified scientists. Furthermore, that position should not be interpreted as our criticism of, or lack of support for, ongoing management actions that treat the finespotted Snake River cutthroat trout as a unique taxonomic entity (e.g., Wichers 2000a).

The historic range of YCT generally consists of the waters of the Snake River drainage (Columbia River basin) upstream from Shoshone Falls, Idaho, and those of the Yellowstone River drainage (Missouri River basin) upstream from and including the Tongue River, in eastern Montana (Behnke 1992). Historic range in the Yellowstone River drainage thus includes large regions of Wyoming and Montana, whereas that of the Snake River drainage includes large regions of Wyoming and Idaho and small parts of Utah and Nevada (Behnke 1992). During their evolutionary history, YCT diverged genetically and morphologically from the other subspecies of cutthroat trout while YCT inhabited only the waters of the Columbia River basin. Soon after the ice of the last glacial period (i.e., the Pleistocene Epoch) receded, about 8,000 years ago, YCT from the Snake River drainage gained entry into the Yellowstone River drainage via connected headwater streams in Two Ocean Pass, south of present-day Yellowstone National Park (Behnke 1992; Trotter 1987). Subsequently, YCT spread downstream in the Yellowstone River drainage. Today, various YCT stocks remain in each of those major river drainages in Montana, Wyoming, Idaho, Utah, and Nevada.

On September 18, 1998, we notified the petitioners that our Listing Priority Guidance, published in the **Federal**