

EPA authorized the use of sulfentrazone on chick peas to control kochia; April 1, 2003 to June 30, 2003. Contact: (Andrew Ertman)

EPA authorized the use of sulfentrazone on dry peas to control kochia; April 1, 2003 to June 30, 2003. Contact: (Andrew Ertman)

#### **Tennessee**

Department of Agriculture

*Specific:* EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; March 4, 2003 to February 1, 2004. Contact: (Barbara Madden)

#### **Texas**

Department of Agriculture

*Specific:* EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; February 12, 2003 to February 1, 2004. Contact: (Barbara Madden)

EPA authorized the use of sulfentrazone on sunflowers to control broadleaf weeds; March 20, 2003 to June 30, 2003. Contact: (Andrew Ertman)

#### **Utah**

Department of Agriculture

*Specific:* EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; March 4, 2003 to February 1, 2004. Contact: (Barbara Madden)

#### **Vermont**

Department of Agriculture

*Specific:* EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; March 30, 2003 to February 1, 2004. Contact: (Barbara Madden)

#### **Virginia**

Department of Agriculture and Consumer Services

*Specific:* EPA authorized the use of s-metolachlor on tomatoes to control eastern black nightshade and yellow nutsedge; February 12, 2003 to December 1, 2003. Contact: (Andrew Ertman)

EPA authorized the use of s-metolachlor on tomatoes to control weeds; February 12, 2003 to December 31, 2003. Contact: (Andrew Ertman)

EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; February 14, 2003 to February 1, 2004. Contact: (Barbara Madden)

#### **Washington**

Department of Agriculture

*Specific:* EPA authorized the use of pendimethalin on mint to control kochia and redroot pigweed; February 7, 2003 to December 31, 2003. Contact: (Libby Pemberton)

EPA authorized the use of propiconazole on blueberry to control mummy berry; March 5, 2003 to June 10, 2003. Contact: (Andrea Conrath)

EPA authorized the use of sulfentrazone on strawberries to control broadleaf weeds; March 15, 2003 to February 28, 2004. Contact: (Andrew Ertman)

EPA authorized the use of carfentrazone-ethyl on hops to control hop suckers to indirectly control powdery mildew; March 20, 2003 to August 15, 2003. Contact: (Barbara Madden)

EPA authorized the use of fluroxypyr on sweet corn and field corn to control volunteer potatoes; April 15, 2003 to August 1, 2003. Contact: (Andrew Ertman)

#### **West Virginia**

Department of Agriculture

*Specific:* EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; March 17, 2003 to February 1, 2004. Contact: (Barbara Madden)

#### **Wisconsin**

Department of Agriculture, Trade, and Consumer Protection

*Specific:* EPA authorized the use of mancozeb on ginseng to control stem and leaf blight; January 17, 2003 to October 15, 2003. Contact: (Libby Pemberton)

EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; February 2, 2003 to February 1, 2004. Contact: (Barbara Madden)

EPA authorized the use of dimethenamid-p on dry bulb onions grown on muck soils to control yellow nutsedge and other broadleaf weeds; April 1, 2003 to July 31, 2003. Contact: (Barbara Madden)

EPA authorized the use of sulfentrazone on horseradish to control broadleaf weeds; April 15, 2003 to July 15, 2003. Contact: (Andrew Ertman)

EPA authorized the use of sulfentrazone on strawberries to control common groundsel; June 20, 2003 to December 15, 2003. Contact: (Andrew Ertman)

#### **Wyoming**

Department of Agriculture

*Specific:* EPA authorized the use of coumaphos in beehives to control varroa mites and small hive beetles; March 13, 2003 to February 1, 2004. Contact: (Barbara Madden)

EPA authorized the use of dimethenamid-p on sugar beets to control ALS-resistant broadleaf weeds; April 10, 2003 to July 31, 2003. Contact: (Barbara Madden)

EPA authorized the use of sulfentrazone on sunflowers to control broadleaf weeds; April 15, 2003 to June 30, 2003. Contact: (Andrew Ertman)

#### **List of Subjects**

Environmental protection, Pesticides and pest.

Dated: April 28, 2003.

**Debra Edwards,**

*Director, Registration Division, Office of Pesticide Programs.*

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BILLING CODE 6560-50-S

## **ENVIRONMENTAL PROTECTION AGENCY**

[OPP-2003-0150; FRL-7304-8]

### **Myclobutanil; Receipt of Application for Emergency Exemption, Solicitation of Public Comment**

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a specific exemption request from the California Environmental Protection Agency to use the pesticide myclobutanil (CAS No. 88671-89-0) to treat up to 7,000 acres of artichokes to control powdery mildew (*Leveillula taurica*). The applicant proposes a use which has been requested in 3 or more previous years, and a petition for tolerance has not yet been submitted to the Agency.

**DATES:** Comments, identified by docket ID number OPP-2003-0150, must be received on or before May 22, 2003.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

#### **FOR FURTHER INFORMATION CONTACT:**

Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6463; fax number: (703) 308-5433; e-mail address: [madden.barbara@epa.gov](mailto:madden.barbara@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

##### *A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are a Federal or State Government Agency involved in administration of environmental quality programs.

Other types of entities not listed in this unit could also be affected. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0150. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket.

Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket

facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

*C. How and To Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the

comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2003-0150. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to [opp-docket@epa.gov](mailto:opp-docket@epa.gov), Attention: Docket ID number OPP-2003-0150. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID number OPP-2003-0150.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm.

119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID number OPP-2003-0150. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

*D. How Should I Submit CBI to the Agency?*

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

## II. Background

### A. What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State Agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The California Environmental Protection Agency, Department of Pesticide Regulation has requested the Administrator to issue a specific exemption for the use of myclobutanil on artichokes to control powdery mildew. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts artichoke growers in California have suffered from infestations of powdery mildew, which has resulted in EPA's authorization of section 18 exemptions for use of triadimefon between 1988-1997 to control the

disease. In 1998, the State began to request use of myclobutanil. *Leveillula tauruca* was first recognized as a disease on artichoke in 1985. The disease initially infects older leaves that are close to the ground and well shaded. If left untreated the disease destroys the affected leaf, causing it to collapse and dry up prematurely, thereby reducing the amount of photosynthetic area available to the plant. Overall effects of the disease include smaller, poor quality buds, and delayed yield which can cause an oversupply of artichokes on the market, thereby reducing prices to growers. In the past the Agency has determined that the situation is urgent and non-routine and that without myclobutanil growers are likely to suffer significant economic losses. To date, the State claims the situation is the same and no new products are available to control powdery mildew on artichokes.

The Applicant proposes to make no more than four applications of myclobutanil, using Rally 40 W, EPA Registration No. 707-215, applied at 0.1 pounds active ingredient per acre. Up to 7,000 acres of artichokes grown in California may be treated. Applications will be made from August 18, 2003 through August 17, 2004. Based on the maximum number of applications at the highest application rate, up to 2,800 pounds of myclobutanil could be applied.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing a use which has been requested in 3 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the California Environmental Protection Agency, Department of Pesticide Regulation.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 21, 2003.

**Debra Edwards,**

*Director, Registration Division, Office of Pesticide Programs.*

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**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7494-8]

### Proposed CERCLA Administrative Cost Recovery Settlement; Franklin Street Superfund Site

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Franklin Street Superfund site in Malden, Massachusetts with the following settling parties: Robert M. Trager, Steven J. Trager, Ada Trager, Carol Shaloo Trager, and Ada Trager as Trustee of the Twenty Two Realty Trust. The settlement requires the settling parties to pay \$125,000 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at Superfund Reading Room, U.S. Environmental Protection Agency Regional Office, located at One Congress Street, Suite 1100, Boston, Massachusetts 02114.

**DATES:** Comments must be submitted on or before June 6, 2003.

**ADDRESSES:** The proposed settlement is available for public inspection at the Superfund Reading Room, U.S. Environmental Protection Agency Regional Office, located at One Congress Street, Suite 1100, Boston, Massachusetts 02114.

**FOR FURTHER INFORMATION CONTACT:** A copy of the proposed Agreement and Covenant Not to Sue can be obtained from Rona H. Gregory, Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RAA, Boston, Massachusetts 02214,