

Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for use of the herbicide, pyriithiobac-sodium, available as Staple from DuPont Agricultural Products, to control morningglory and cocklebur on up to 500,000 acres of cotton in Arkansas. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, the registered alternative herbicides Command and Cotoran, provide only fair control unless environmental conditions are perfect. If no rainfall occurs for activation of the soil applied herbicide, no height difference is established for the post-directed spray. This is often compounded by wet weather preventing the directed application to be made. Command was used last year by over one-half of the Arkansas cotton growers for morningglory control. Command provides good control of pitted morningglory, but poor control of the entire leaf and ivyleaf species. In addition, off-target movement problems have created a controversy in Arkansas and the long-term future of this herbicide remains clouded. Even with Command, an emergency situation exists for an over-the-top herbicide for morningglory control. In addition, a second weed that is rapidly increasing is the cocklebur which is resistant to MSMA and DSMA. The arsenical herbicides have been Arkansas primary means of cocklebur control and resistance is fast rendering them useless. The applicant estimates a yield loss ranging from 17 to 66 percent due to cocklebur and a 72 percent yield loss due to pitted morningglory.

Under the proposed exemption, a maximum of two ground or air applications of Staple would be made at 1.0 fluid ounces of product (or 1.18 to 2.35 ozs 85 percent SP/A) per acre. Not to exceed 2.0 fluid ounces of product per acre. No applications would be made within 45 days of harvest.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide) [40 CFR 166.24 (a)(1)].

Pyriithiobac-sodium is a new chemical. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Arkansas State Plant Board.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: March 17, 1995.

Lois Rossi,

Acting Director, Registration Division, Office of Pesticide Programs.

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[OPP-50805; FRL-4934-5]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR part 172, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

241-EUP-128. Issuance. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08543-0400. This experimental use permit allows the use of 300 pounds of the insecticide/miticide 4-bromo-2-(4-chlorophenyl)-1-(ethoxymethyl)-5-(trifluoromethyl)-1H-pyrrrole-3-carbonitrile on 150 acres of greenhouse and shadehouse ornamentals to evaluate the control of various insect pests. The program is authorized only in the States of Alabama, Arkansas, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North

Carolina, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from January 18, 1995 to January 18, 1997. (Dennis Edwards, Jr., PM 19, CM #2, Rm. 207, (703-305-6386))

524-EUP-85. Issuance. Monsanto Company, 700 14th St., NW., Suite 1100, Washington, DC 20005. This experimental use permit allows the use of 556.875 pounds of the herbicide glyphosate on 500 acres of soybeans to evaluate the control of various weeds. The program is authorized only in the States of Alabama, Arkansas, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin. The experimental use permit is effective from January 19, 1995 to January 19, 1996. This permit is issued with the limitation that all treated crops are destroyed or used for research purposes only. (Robert Taylor, PM 25, CM #2, Rm. 241, (703-305-6800))

54555-EUP-6. Issuance. SKW Trostberg, AG., c/o Siemer and Associates, Inc., 4672 W. Jennifer, Suite 103, Fresno, CA 93722. This experimental use permit allows the use of 28,531 pounds of the growth regulator hydrogen cyanamide on 2,437.9 acres of top fruits to evaluate control of diseases and maturation of fruit. The program is authorized only in the States of Alabama, Arizona, California, Florida, Georgia, and Texas. The experimental use permit is effective from January 12, 1995 to January 12, 1996. (Joanne I. Miller, PM 23, CM #2, Rm. 237, (703-305-7830))

707-EUP-122. Issuance. Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105. This experimental use permit allows the use of 321 pounds of the active ingredient α -butyl- α -(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile on 535 acres of cucurbits to evaluate the control of various fungi. The program is authorized only in the States of Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from July 1, 1994 to June 30, 1995. A temporary tolerance for residues of the active ingredient in or on cucurbits has

been established. (Steve Robbins, PM 21, CM #2, Rm. 259, (703-305-6900))

Persons wishing to review these experimental use permits are referred to the designated product manager. Inquires concerning these permits should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

Dated: March 7, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

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[FRL-5179-8]

Notice of Proposed Administrative Settlement; Lorentz Barrel and Drum Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; Request for public comment.

SUMMARY: In accordance with Section 122(i)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA," commonly referred to as Superfund), 42 U.S.C. 9622(i) and Section 7003(d) of the Resource Conservation and Recovery Act, as amended ("RCRA"), 42 U.S.C. § 6973, notice is hereby given of a proposed cost recovery administrative settlement concerning the Lorentz Barrel and Drum Superfund Site in San Jose, California (the "Site"). The United States Environmental Protection Agency ("EPA") is proposing to enter into a *de minimis* settlement pursuant to Section 122(g)(4) of CERCLA. This proposed settlement is intended to resolve the liabilities under CERCLA and RCRA of 88 *de minimis* parties for all past and future response costs associated with the Lorentz Barrel and Drum Site. The names of the settling parties are listed below in the Supplementary Information section. These 88 parties collectively have agreed to pay \$1,853,545.51 to EPA and \$1,273,062.71 to the California Department of Toxic Substances Control ("California DTSC").

EPA is entering into this agreement under the authority of Section 122(g)(4) of CERCLA. Section 122(g) authorizes early settlements with *de minimis* parties to allow them to resolve their

liabilities at Superfund sites without incurring substantial transaction costs. A *de minimis* party is one that contributed a minimal amount of hazardous substances to a site in comparison to other hazardous substances at a site, and contributed hazardous substances that are not significantly more toxic or of significantly greater hazardous effect than other hazardous substances at a site. Under the authority granted by Section 122(g), EPA proposes to settle with 88 potentially responsible parties at the Lorentz Barrel and Drum Superfund Site, each of whom is responsible for no more than one percent of the barrels or drums that may have contained hazardous substances sent to the Site, as reflected on the waste-in list developed by EPA.

De minimis settling parties will be required to pay their allocated share of all part response costs and the estimated future response costs at the Lorentz Barrel and Drum Site, including all federal and state response costs, and a premium to cover the risks of remedy failure and cost overruns. Fifteen of the settling *de minimis* parties were parties to earlier settlements with EPA in which they conducted cleanup work at the Site. EPA has calculated the value of the prior settlers' work and has arrived at an equitable amount which the 15 prior settlers have agreed to pay in this settlement to resolve their liabilities to EPA and the California DTSC for the Site.

EPA may withdraw or withhold its consent to this settlement if comments received during the 30 day public comment period disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate.

DATES: Pursuant to Section 122(i)(1) of CERCLA and Section 7003(d) of RCRA, EPA will receive written comments relating to this proposed settlement for thirty (30) days following the date of publication of this Notice. If EPA receives a request for a public hearing within thirty (30) days following the date of publication of this Notice, pursuant to Section 7003(d) of RCRA, EPA will hold a public hearing to afford the public an opportunity to comment on the proposed settlement.

ADDRESSES: Comments and requests for a public hearing should be addressed to the Docket Clerk, U.S. EPA Region IX (RC-1), 75 Hawthorne Street, San Francisco, CA 94105 and should refer to: Lorentz Barrel and Drum Superfund Site, San Jose, California, U.S. EPA Docket No. 95-01. A copy of the proposed Administrative Order on

Consent may be obtained from the Regional Hearing Clerk at the address provided above. EPA's response to any comments received will be available for inspection from the Regional Hearing Clerk; at the Dr. Martin Luther King, Jr. Public Library, Reference Desk, 180 W. San Carlos Street, San Jose, CA 95113; and at San Jose State University, Clark Library, Government Publications Desk, One Washington Square, San Jose, CA 95192.

FOR FURTHER INFORMATION CONTACT:

Mary S. Andrews, Senior Associate, (202) 260-3109, U.S. Environmental Protection Agency, Office of Site Remediation Enforcement (2244), Room 3105, 401 M Street SW., Washington, DC 20460, or Randa Bishlawi, Assistant Regional Counsel, (415) 744-1345, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

SUPPLEMENTARY INFORMATION: The proposed *de minimis* settlement resolves EPA and California DTSC's claims under Section 107 of CERCLA and Section 7003 of RCRA against the following Respondents: A.J. Raisch Paving Company, Albuquerque Enterprises, Allgood Industries, Amchem Products Inc., American National Can Company, Ampex Corporation, Ashland Chemical Company, Auto Body Supply Warehouse, Bayday Chemical, Boise Cascade Company, Central Valley Beverage, Conoco Inc., Consolidated Freightways, Container Corporation of America, Continental Can Company Inc., Cul Mar, Daw Printing Ink Company, Day-Brite Lighting Inc., Defense Logistics Agency, Dymo Industries Inc., Eastman Kodak Company, El Camino Hospital, Exchange Linen Services, Fiberglass Representatives Inc., Firestone Tire & Rubber Company, Fletco Paint Company, General Electric Company, Georgia Pacific Corporation, Getty Oil, Gilroy Foods Inc., Great Western Chemical Company, Green Giant Company, Guardian Sanitary Supply Company, H & H Robertson Company, Holly Sugar Refinery, Hewlett Packard Company, I.B.M., Inland Container, International Rotex, IT Transportation, Jasco Chemical Company, Jones Hamilton Company, Kern Food Inc., KTI Chemical Inc., L. & N. Uniform Supply Company, Lockheed, Minwax Company Inc., Morton Paint Company, Nasa Ames Research Center, National Fiberglass Corporation, National Semiconductor Corporation, National Starch & Chemical Company, State of Nevada Department of Highways, Norton Company, Olin Corporation, Pacific Gas