

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA Company Number.

TABLE 2. --REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

| EPA Company No. | Company Name and Address |
|-----------------|--|
| 000070 | Wilbur-Ellis Co., Box 16458, Fresno, CA 93755. |
| 000241 | American Cyanamid Co., Agri Research Div - U.S. Regulatory Affairs, Box 400, Princeton, NJ 08543. |
| 000303 | Huntington Laboratories, Inc., 968-970 E. Tipton St., Huntington, IN 46750. |
| 000352 | E. I. Du Pont De Nemours & Co, Inc., Barley Mill Plaza, Walker's Mill, Wilmington, DE 19880. |
| 000655 | Prentiss Inc., 21 Vernon Street, C.B. 2000, Floral Park, NY 11001. |
| 001677 | Ecolab Inc., 370 Wabasha St. Ecolab Center, St Paul, MN 55102. |
| 001769 | CH Corp., 2727 Chemsearch Blvd., Irving, TX 75062. |
| 003125 | Bayer Corp., Agriculture Division, 8400 Hawthorn Rd., Box 4913, Kansas City, MO 64120. |
| 004581 | Elf Atochem North America Inc., Agrichemicals Div, 2000 Market St, 21st Floor, Philadelphia, PA 19103. |
| 005197 | Systems General, Inc., Box 152170, Irving, TX 75015. |
| 006218 | Summit Chemical Co, 7657 Canton Center Dr, Baltimore, MD 21224. |
| 006378 | Lab Automated Chemicals, Division of Systems General Inc., Box 152170, Irving, TX 75015. |
| 006962 | Madison Bionics, Division of Systems General, Inc., 1630 E. Northgate, Irving, TX 75062. |
| 007401 | Voluntary Purchasing Group Inc., Box 460, Bonham, TX 75418. |
| 007969 | BASF Corp., Agricultural Products, Box 13528, Research Triangle Park, NC 27709. |
| 010370 | Agrevo Environmental Health, 95 Chestnut Ridge Rd, Montvale, NJ 07645. |
| 019713 | Drexel Chemical Co, Box 13327, Memphis, TN 38113. |
| 064296 | Ecoscience Corp., 377 Plantation Dr, Worcester, MA 01605. |

III. Loss of Active Ingredients

Unless the requests for cancellation are withdrawn, one pesticide active ingredients will not longer appear in any registered products. Those who are concerned about the potential loss of this active ingredient for pesticidal use are encouraged to work directly with the registrant to explore the possibility of their withdrawing the request for

cancellation. The active ingredient is listed in the following Table 3, with the EPA Company and CAS Number.

TABLE 3. -- ACTIVE INGREDIENTS WHICH WOULD DISAPPEAR AS A RESULT OF REGISTRANTS' REQUESTS TO CANCEL

| Cas No. | Chemical Name | EPA Company No. |
|-------------|--------------------------|-----------------|
| 52704-98-0. | Ammonium 2-phenylphenate | 005197 |

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before October 31, 1995. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for one year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in **Federal Register** No. 123, Vol. 56, dated June 26, 1991. Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such

further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: July 13, 1995.

Frank Smith,

Director, Program Management and Support Division, Office of Pesticide Programs.

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[OPP-64027; FRL-4965-5]

Cancellation of Pesticides for Non-Payment of 1995 Registration Maintenance Fees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Since the amendments of October, 1988, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) has required payment of an annual maintenance fee to keep pesticide registrations in effect. The fee due last January 15 has gone unpaid for about 1,215 registrations. Section 4(i)(5)(D) of FIFRA provides that the Administrator may cancel these registrations by order and without a hearing; orders to cancel all but a few of them have been issued within the past few days. The Agency is deferring cancellation for certain of these registrations, however, to permit time for affected users to explore alternatives to cancellation directly with the registrants.

DATES: Reports of agreements to support continued registration or transfer of the registrations for which cancellation is being deferred must be received by October 31, 1995.

FOR FURTHER INFORMATION CONTACT: To report agreements to support continued registration of any of the products for which cancellation has been deferred, for instructions on payment of delinquent maintenance fees for these products, or for further information on the maintenance fee program in general, contact by mail: John Jamula, Office of Pesticide Programs (7504C), Environmental Protection Agency, 401

M St., SW., Washington, DC 20460.
Office location and telephone number:
Rm. 226, Crystal Mall No. 2, 1921
Jefferson Davis Highway South,
Arlington, VA 22202, (703) 305-6426. e-
mail jamula.john@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 4(i)(5) of FIFRA, as amended in October, 1988 and again in December, 1991 requires that all pesticide registrants pay an annual registration maintenance fee, due by January 15 of each year, to keep their registrations in effect. This requirement applies to all registrations granted under section 3 as well as those granted under section 24(c) to meet special local needs. Registrations for which the fee is not paid are subject to cancellation by order and without a hearing.

The 1990 Farm Bill amended FIFRA to allow the Administrator to reduce or waive maintenance fees for minor agricultural use pesticides when she determines that the fee would be likely to cause significant impact on the availability of the pesticide for the use. The Agency has waived the fee for 52 minor agricultural use registrations at the request of the registrants.

In late November, 1994, all holders of either section 3 registrations or section 24(c) registrations were sent lists of their active registrations, along with forms and instructions for responding. They were asked to identify which of their registrations they wished to maintain in effect, and to calculate and remit the appropriate maintenance fees. Most responses were received by the statutory deadline of January 15. A notice of intent to cancel was sent in mid-March to companies who did not respond and to companies who responded, but paid for less than all of their registrations. Late payments of the fees were accepted until April 15, when the actual process of cancellation was begun.

Since mailing the notices, EPA has maintained a toll-free inquiry number through which the questions of affected registrants have been answered.

Maintenance fees have been paid for about 16,704 section 3 registrations, or about 95 percent of the registrations on file in December, 1994. Fees have been paid for about 2,574 section 24(c) registrations, or about 90 percent of the total on file in November, 1994. Cancellations for non-payment of the maintenance fee affect about 940 section 3 registrations and about 275 section 24(c) registrations.

II. Product Cancellations not affecting status of Active Ingredient

In the case of all but four section 3 registrations discussed in Section III below, the active ingredients will remain available in other registered products. We anticipate two types of impact for the bulk of these cancellations. First, some of these disappearing registrations will be survived in the market by substantially identical registrations. These substantially identical products may not, however, be readily available wherever a disappearing product was sold, so there may be local or regional disruptions while distribution patterns are adjusted. We expect these disruptions to be minor and temporary.

The cancellation orders generally permit registrants to continue to sell and distribute existing stocks of the canceled products until January 15, 1996, the due date for the next annual registration maintenance fee. Existing stocks already in the hands of dealers or users, however, can generally be distributed, sold or used legally until they are exhausted. Existing stocks are defined as those stocks of a registered pesticide product which are currently in the U.S. and which have been packaged, labeled and released for shipment prior to the effective date of the order.

The exceptions to these general rules are cases where more stringent restrictions on sale, distribution, or use of the products have already been imposed, through Special Reviews or other Agency actions. These general provisions for disposition of stocks

should serve in most cases to cushion the impact of these cancellations while the market adjusts.

Second, in some cases unique non-agricultural uses will disappear, although the active ingredients will remain available for different uses in other products. When this situation occurs, there may be more serious impacts on users of the canceled products. Once again, existing stocks of the canceled products already in channels of trade will be usable to mitigate these impacts in the short term. For the longer term the mechanisms of section 3 amendments and 24(c) registrations will remain available to obtain replacement registrations.

Neither of these types of impact leaves users without the means to replace lost registrations; neither is considered to justify further deferral of cancellations for non-payment of the maintenance fee. Thus all these registrations for which the active ingredient will remain in other products have been canceled.

III. Cancellations Leading to Disappearance of Active Ingredients

A second type of impact arises if an active ingredient that is now or has recently been available in the marketplace disappears. The Agency believes there are four registered active ingredients in this category. Of these four active ingredients, none has been subject to prior regulatory action and all are likely to disappear as a consequence of these cancellations. One is a plant growth regulator; one is a microbial; one is a microbiocide, and one is a bacteriostat. If the last section 3 registration for an ingredient disappears, the section 24(c) registration process is unlikely to be able to compensate for the loss.

These four ingredients, grouped by these same general categories of use patterns, are listed along with the EPA Company Number of their registrants in the following Table 1.

TABLE 1. -- ACTIVE INGREDIENTS WITH RECENT PRODUCTION PENDING CANCELLATION OF ALL PRODUCTS FOR NON-PAYMENT OF 1995 REGISTRATION MAINTENANCE FEES, IN SEQUENCE BY BROAD USE PATTERN

| Chemical Name | Registration No. | Product Name |
|--|------------------|------------------------------------|
| A. Plant Growth Regulator. Glyphosate, Sesquisodium | 000524-00332 | Polado Plant Growth Salt Regulator |
| B. Microbial Pesticide. Bacillus Thuringiensis subsp. san diego | 053219-00001 | M-ONE Insecticide |
| C. Microbiocide. Amines, N-coco alkyl-trimethylenedi-, adipates ... | 010349-00014 | NALCO VISCO 1151 |
| D. Bacteriostat. Quaternary ammonium compounds, benzyl-C10- 18-alkylbis(hydroxy ethyl)-, chloride. | 010349-00003 | NALCO ADOMALL |

Because these active ingredients are likely to disappear with their product registration, the Agency has deferred for 90 days the cancellation of these 4 registrations. During that time those registrants or other affected persons may make arrangements to continue the registration.

We encourage individual users or user groups who are concerned about the potential loss of these active ingredients to work directly with the registrant identified by the first 6 digits of the Reg. No. in Table 1 to persuade them to

continue to support the ingredient, or to identify third parties who would be willing to support the ingredient if the registration were transferred to them. The full names and addresses of current registrants appear in Table 2 below. We also encourage users to consult with the Cooperative Extension Service or other local sources to identify alternatives to these active ingredients.

If the Agency is notified within 90 days of this notice at the address given above either (1) that the registrant will continue to support the registration, or

(2) that an agreement has been reached to transfer the registration to another party, we will reinstate the registration to full active status as soon as the delinquent maintenance fee payment is received. It should be emphasized, however, that any such registrations would still be subject to all requirements for reregistration, including reregistration fees (except as they may be reduced through the statutory provisions for small businesses or low volume uses).

TABLE 2. -- REGISTRANTS OF SELECTED REGISTRATIONS PENDING CANCELLATION FOR NON-PAYMENT OF 1995 REGISTRATION MAINTENANCE FEE

| EPA Company No. | Company Name and Address |
|-----------------|---|
| 000524 | Monsanto Co., 700 14th St., N.W., Suite 1100, Washington, DC 20005. |
| 010349 | NALCO Chemical Co., One NALCO Center, Box 87, Naperville, IL 60563. |
| 053219 | MYCOGEN Corp., 4980 Carroll Canyon Rd., San Diego, CA 92121. |

In addition to publishing this notice in the **Federal Register**, we are sending it directly to the States, to the U.S. Department of Agriculture, and to other parties who have previously expressed concern for minor uses. They should be receiving the notice at approximately the same time it is published. We hope that this extraordinary notification effort, and the deferral of cancellations for the most sensitive registrations, will serve to prevent any avoidable loss of critical minor use pesticides.

Because so many registrations are involved, it would be impractical to list those which have been canceled in this notice. Complete lists of registrations canceled for non-payment of the maintenance fee will, however, be available for reference during normal business hours in the OPP Public Docket, Room 1128, Crystal Mall 2, 1921 Jefferson Davis Highway South, Arlington VA, and at each EPA Regional Office. Product-specific status inquiries may be made by telephone by calling toll-free 1-800-444-7255.

List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: July 19, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

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[FRL-5269-2]

42 U.S.C. Section 122(h) Proposed Administration Agreement

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed settlement.

SUMMARY: USEPA is proposing to settle a claim under section 107 of CERCLA for response costs incurred during removal activities at the Nelson McCoy Pottery site in Roseville, OH. Respondents have agreed to reimburse USEPA in the amount of \$125,000. USEPA today is proposing to approve this settlement offer because it reimburses USEPA, in part, for costs incurred during USEPA's removal action.

DATES: Comments on this proposed settlement must be received by September 1, 1995.

ADDRESSES: Copies of the proposed settlement are available at the following address for review: (It is recommended that you telephone Ms. Cheryl Allen at (312) 353-6196 before visiting the Region V Office). U.S. Environmental Protection Agency, Region V, Office of Superfund, Removal and Enforcement Response Branch, 77 W. Jackson Blvd. Chicago, Illinois 60604.

Comments on this proposed settlement should be addressed to: (Please submit an original and three copies, if possible) Cheryl Allen, Community Relations Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P-19J), Chicago Illinois 60604, (312) 353-6196.

FOR FURTHER INFORMATION CONTACT: Cheryl Allen, Office of Public Affairs, at (312) 353-6196.

SUPPLEMENTARY INFORMATION: The Nelson McCoy Pottery site, an abandoned pottery production plant located in a rural/residential area in Roseville, Ohio (Muskingum County), is not on the National Priorities List. In response to a request from the State of Ohio, USEPA investigated the Nelson McCoy site and undertook response actions designed to minimize the immediate threat, test the materials involved and properly dispose of the hazardous waste.

Respondents are a number of individuals and a corporation that generated hazardous substances at the site in the form of lead contaminated water, flammable wastes and hazardous solid wastes, as well as another party seeking to purchase the site for future use. A 30-day period, beginning on the date of publication, is open pursuant to section 122(i) of CERCLA for comments on the proposed settlement.

Comments should be sent to Ms. Cheryl Allen of the Office of Public Affairs (P-19J), U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

William E. Munro,

Associate Director for Superfund.

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