

use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

List of Subjects

Environmental protection, Test guidelines.

Dated: August 23, 1995.

Stephanie R. Irene,

Acting Director, Health Effects Division,
Office of Pesticide Programs.

[FR Doc. 95-21413 Filed 8-29-95; 8:45 am]

BILLING CODE 6560-50-F

[FRL-5288-5]

Proposed Settlement Agreement, Clean Air Act Petition for Judicial Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement in the following case: *Geneva Steel Company v. Carol Browner, Administrator United States Environmental Protection Agency*, No. 94-9554 (10th Cir. petition filed Sept. 6, 1994). This petition for judicial review was filed under section 307(b) of the Clean Air Act, 42 U.S.C. 7607(b), contesting various aspects of EPA's final approval of State implementation plan revisions submitted by the State of Utah addressing, among other planning requirements, the control of particulate matter emissions in Utah and Salt Lake Counties. See 59 FR 35036 (July 8, 1994).

For a period of thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement agreement from persons who are not parties or intervenors to the litigation specified above. EPA or the U.S. Department of Justice may withhold or withdraw consent to the proposed settlement agreement if the comments disclose facts or

circumstances that indicate that such agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Clean Air Act.

A copy of the proposed settlement agreement is available from: (1) Phyllis Cochran, Air and Radiation Division (Mailcode 2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260-7606; or (2) Jonah Staller, Office of Regional Counsel (Mailcode 8RC), U.S. Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202, (303) 294-7190.

Written comments should be sent to: Vickie Patton, Air and Radiation Division (Mailcode 2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, and must be received by September 29, 1995.

Dated: August 24, 1995.

Jonathan Z. Cannon,

Assistant Administrator (General Counsel),

[FR Doc. 95-21526 Filed 8-29-95; 8:45 am]

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[OPP-180979; FRL 4974-5]

Bifenthrin; 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 Arizona Department of Agriculture (hereafter referred to as the "Applicant") for use of the pesticide, bifenthrin (Capture), to control sweetpotato whitefly (SWF) on up to 5,500 acres of leaf lettuce and 6,100 acres of cauliflower in Arizona. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before September 14, 1995.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180979," should be submitted by mail to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending

electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-180979]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain (CBI) must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Margarita Collantes, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station I, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8347; Internet address:

collantes.margarita@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, 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 bifenthrin, available as Capture 2EC from FMC Corporation, to control sweetpotato whitefly on up to 5,500 acres of leaf lettuce and 6,100 acres of cauliflower per season in Arizona. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, the lack of hard freezes during the past winter

has allowed a large number of whiteflies to survive. Although imidacloprid was recently registered as an alternative to control the SWF, a single soil application of imidacloprid will not adequately protect the crop throughout the full production cycle. Imidacloprid is systemic and can be taken up by the seedling as it emerges through the soil, and will have minimal impact on beneficial predators and parasites of the whitefly. Foliar application will be needed to provide additional control of whiteflies later in the season. It might be possible to utilize imidacloprid for these foliar applications, but its mode of action is such that development of resistance is a major concern. The mode of action of this product depends on its ability to interact with a specific neuroreceptor of the pest. Should pest populations develop in which this neuroreceptor is altered, resistance would result. Bayer is well aware of this fact and will not support continued use of their product later into the vegetable growing season. The Applicant believes the use of bifenthrin as a foliar spray in combination with imidacloprid at planting will provide excellent control of whiteflies. Without the use of bifenthrin, the Applicant claims that growers will suffer significant economic loss this growing season.

Under the proposed exemption, a maximum of four applications per crop season for lettuce, and a maximum of 5 applications per crop season for cauliflower would be made at [0.08 to 0.1 lb of active ingredient (a.i./A)] (5.2 to 6.4 fl. ozs. of product per acre) by ground or air equipment. Not to apply within 20 days of harvest. Do not apply by ground equipment within 25 feet or by air within 150 feet of lakes, reservoirs, rivers, permanent streams or natural ponds estuaries and commercial fish farms. A 200-yard buffer shall be observed around aquatic habitats containing endangered species (desert pupfish, woundfin and Gila topminnow).

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 if an emergency exemption has been requested or granted for that use in any 3 previous years, and a complete application for registration of that use has not been submitted to the Agency [40 CFR 166.24(a)(6)]. Exemptions for the use of bifenthrin on lettuce have been requested and granted for the past 3 years, and an application for registration

of this use has not been submitted to the Agency.

A record has been established for this notice under docket number "[OPP-180979]" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

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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 Arizona Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: August 18, 1995.

Susan Lewis,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95-21412 Filed 8-29-95; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the

following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-011511

Title: PISCES Service Agreement

Parties: Members of the Asia North America Eastbound Rate Agreement ("ANERA"):

A.P. Moller-Maersk Line

American President Lines, Ltd.

Hapag Lloyd AG

Kawasaki Kisen Kaisha Ltd.

Mitsui O.S.K. Lines, Ltd.

Nedlloyd Lijnen B.V.

Neptune Orient Lines Ltd.

Nippon Yusen Kaisha

Orient Overseas Container Line, Inc.

Sea-Land Service, Inc.

Parties to PISCES, Limited Liability Company ("PISCES"):

American President Lines, Ltd.

Combined Data Resource, Inc.

"K" Line America, Inc.

OOCL (USA) Inc.

Synopsis: The proposed Agreement would permit PISCES, a limited liability company formed pursuant to the Pacific Information Systems Agreement, FMC Agreement No. 203-011399, to provide information systems to ANERA, its members, and their customers. The parties would be authorized to agree upon the purchase, lease, sale, maintenance and repair, etc. of information systems among themselves or others as appropriate to implement the Agreement. The parties have requested a shortened review period.

Dated: August 24, 1995.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95-21462 Filed 8-29-95; 8:45 am]

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