

must be identified by the docket number [OPP-180983]. 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. 1132, Crystal Mall No. 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: Andrea Beard, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8791; e-mail: beard.andrea@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 the use of propazine on sorghum to control pigweed. Information in accordance with 40 CFR part 166 was submitted as part of this request.

Sorghum is grown as a rotational crop with cotton and wheat, in order to comply with the soil conservation requirements. Propazine, which was formerly registered for use on sorghum, was voluntarily canceled by the former Registrant, who did not wish to support its re-registration. The Applicants claim that this has left sorghum growers in most of Texas with no pre-emergent herbicides that will adequately control certain broadleaf weeds, especially pigweed. Until 1993, the year an exemption was first requested, growers were using existing stocks of propazine.

The Applicant states that other available herbicides have serious limitations on their use, making them unsuitable for control of pigweed in sorghum. Although the original Registrant of propazine has decided not to support this chemical through re-registration, another company has committed to support the data requirements for this use. Propazine was once registered for this use, but has now been voluntarily canceled and is therefore considered to be a new chemical.

The Applicant states that, since growers used existing stocks of propazine between the time of its voluntary cancellation and the availability of propazine under an emergency exemption, yields have not shown a decrease. However, the Applicant claims that significant economic losses will occur without the availability of propazine.

The Applicant proposes to apply propazine at a maximum rate of [1.2 lbs. active ingredient (a.i.)] (2.4 pts. of product) per acre, by ground or air, with a maximum of one application per crop growing season, on up to 1,823,000 acres of grain sorghum. Therefore, use under this exemption could potentially amount to a maximum total of 2,187,600 lbs. of active ingredient (546,900 gal. of product) in Texas. This is the fourth time that Texas has applied for this use of propazine on sorghum under section 18 of FIFRA. Texas was issued exemptions for this use for the past three growing seasons.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide), or if an emergency exemption for a use has been requested in any 3 previous years, and a complete application for registration of the use and/or a tolerance petition has not been submitted to the Agency. Such notice provides for opportunity for public comment on the application.

A record has been established for this notice under docket number [OPP-180983] (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 Resource 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.

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. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Texas Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: November 6, 1995.

Stephen L. Johnson,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95-29252 Filed 12-5-95; 8:45 am]

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[FRL-5340-9]

Notice of Proposed Administrative Cost Recovery Agreement Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, Regarding the Slattery Gas Stove Site, Brooklyn, NY

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative agreement and opportunity for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9622(i), the U.S. Environmental Protection Agency ("EPA") Region II

announces a proposed administrative settlement pursuant to Section 122(h)(1) of CERCLA, 42 U.S.C. § 9622(h)(1), relating to the Slattery Gas Stove Site ("Site") in Brooklyn, Kings County, New York. This Site is not on the National Priorities List established pursuant to Section 105(a) of CERCLA. This notice is being published to inform the public of the proposed settlement and of the opportunity to comment.

The settlement, memorialized in an Administrative Cost Recovery Agreement ("Agreement"), is being entered into by EPA and Datsun Realty Corp.; J.B. Slattery & Bros., Inc.; Abraham Leser; and Solomon Obstfeld (collectively, the "Respondents"). Under the Agreement, the Respondents shall pay EPA the sum of \$95,000.00, in partial reimbursement of EPA's claim for response costs incurred with respect to the Site on or prior to November 3, 1994.

DATES: EPA will accept written comments relating to the proposed settlement on or before January 5, 1996.

ADDRESSES: Comments should be sent to: Eric Schaaf, Chief, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, N.Y. 10007-1866. Comments should reference the Slattery Gas Stove Site and EPA Index No. II-CERCLA-95-0208. For a copy of the Agreement, contact the individual listed below.

FOR FURTHER INFORMATION CONTACT: Juan M. Fajardo, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 290 Broadway, 17th Floor, New York, New York, 10007-1866, telephone: (212) 637-3179.

Dated: October 30, 1995.
William Muszynski,
Acting Regional Administrator.
[FR Doc. 95-29741 Filed 12-5-95; 8:45 am]
BILLING CODE 6560-50-P

[FRL-5340-5]

Superfund Program; Final Model CERCLA Past Costs Consent Decree and Administrative Agreement

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Agency is publishing today the final "Model CERCLA Section 107 Consent Decree for Recovery of Past Response Costs" and the final "Model CERCLA Section 122(h)(1) Agreement

for Recovery of Past Response Costs." These models, developed by the Agency and the U.S. Department of Justice, provide guidance for Agency and Department staff when negotiating settlement of CERCLA Section 107 claims for recovery of purely past response costs. The model consent decree is designed for judicially-approved CERCLA Section 107 settlements, and the model agreement is designed for administrative CERCLA Section 122(h)(1) settlements. The Agency is publishing the models in their entirety, along with the September 29, 1995 joint memorandum of the EPA and the U.S. Department of Justice announcing their issuance, to inform affected members of the public of their existence and content.

FOR FURTHER INFORMATION CONTACT: Janice C. Linett, Mail Code 2272, Office of Enforcement and Compliance Assurance, Regional Enforcement Division, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 260-7116.

Dated: October 26, 1995.

Susan Brown,
Acting Director, Office of Site Remediation Enforcement.

Memorandum

Subject: Issuance of "Model CERCLA Section 107 Consent Decree for Recovery of Past Response Costs" and "Model CERCLA Section 122(h)(1) Agreement for Recovery of Past Response Costs"

From:

Jerry Clifford, Director,
Office of Site Remediation
Enforcement,
U.S. Environmental Protection
Agency
Bruce S. Gelber, Acting Chief,
Environmental Enforcement Section,
Environment and Natural Resources
Division,
U.S. Department of Justice

To:

Regional Counsel, Regions I—X
Regional Waste Management Division
Directors, Regions I—X
Financial Management Officers,
Regions I—X
Assistant Chiefs, Environmental
Enforcement Section

September 29, 1995.

We are pleased to issue the final versions of two model CERCLA cost recovery settlement documents: 1) "Model CERCLA Section 107 Consent Decree for Recovery of Past Response Costs" ("Model CD"); and 2) "Model CERCLA Section 122(h)(1) Agreement for Recovery of Past Response Costs"

("Model Agreement"). The Model CD is to be used as guidance for EPA and DOJ staff when negotiating CERCLA Section 107 judicial consent decrees for recovery of past response costs. The Model Agreement is to be used as guidance for EPA and DOJ staff when negotiating CERCLA Section 122(h) administrative agreements for recovery of past response costs. Both models are designed for resolution of purely past cost claims and are not intended to be used to resolve claims for future work or payment of future response costs ("cashout" settlements). Cashout settlement terms will be provided in subsequent models.

We encourage our staffs to adhere as closely as possible to the terms of these models, subject to modifications needed to reflect site-specific circumstances. We believe use of these models will reduce negotiation timeframes, achieve nationally consistent settlements, promote compliance with current settlement practices and procedures, and increase the speed of management review and approval. When seeking approval of any settlement based upon one of these models, staff should identify any significant deviation from the relevant model and the basis for the departure. For DOJ staff, these models are available electronically on the Section's work product directory, EESINDEX, as N:/NET/SS52/UDD/EESINDEX/CERMODEL/PASTCOST.CD or PASTCOST.AOC.

We would like to thank all EPA and DOJ staff who assisted in the development of these models. If you have any questions about these models, please contact Janice Linett of the Regional Support Division at (703) 978-3057 or Tom Mariani of the Environmental Enforcement Section at (202) 514-4620.

Attachments

cc: Lawrence E. Starfield, Acting Associate General Counsel, Solid Waste and Emergency Response Division,
Stephen D. Luftig, Director, Office of Emergency and Remedial Response
Jack L. Shipley, Director, Financial Management Division
Letitia Grishaw, Chief, Environmental Defense Section

Environmental Protection Agency and Department of Justice Model Cercla Section 107 Consent Decree for Recovery of Past Response Costs

This model and any internal procedures adopted for its implementation and use are intended as guidance for employees of the U.S. Department of Justice and the U.S.