

Mill, Barley Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, had submitted an application to conditionally register the fungicide product Cymoxanil Technical (EPA File Symbol 352-LOR) containing the active ingredient Cymoxanil, 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino) acetamide at 96.8%, an active ingredient not included in any previously registered pesticide product.

EPA subsequently received an application from E.I. DuPont to register the pesticide product Curzate 60DF (EPA File Symbol 352-LOE), containing the active ingredient cymoxanil at 60 percent. However, since the notice of receipt of this application to register the product as required by section 3(c)(4) of FIFRA, as amended did not publish in the **Federal Register**, interested parties may submit comments within 30 days from the date of publication of this notice for this product only. Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov.

The applications were approved on May 6, 1998, for the products listed below:

1. Cymoxanil Technical for formulation into end-use products for potatoes (EPA Registration Number 352-591).

2. Curzate 60DF, as seed treatment to suppress infection of emerging plant tissue by seed borne *Phytophthora infestans* (EPA File Registration Number 352-592).

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest. The Agency has considered the available data on the risks associated with the proposed use of cymoxanil, and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of cymoxanil during the period of conditional registration will not cause any unreasonable adverse effect on the

environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C), the Agency has determined that these conditional registrations are in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

More detailed information on these conditional registrations is contained in an EPA Pesticide Fact Sheet on cymoxanil.

A paper copy of this fact sheet, which provides a summary description of the chemical, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, CM #2, Arlington, VA 22202 (703-305-5805). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St., SW., Washington, DC 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: September 3, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6162-5]

Proposed Agreement and Covenant Not To Sue Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA),—Murray Smelter Site, Murray, UT

AGENCY: Environmental Protection Agency.

ACTION: Notice and request for public comment.

SUMMARY: Notice is hereby given of a proposed settlement pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) concerning the Murray Smelter Site, Murray, Utah (the "Site"). Under the Agreement and Covenant Not To Sue (Agreement), Chimney Ridge L.C. and IHC Health Services, Inc. will pay \$48,000 to the United States, participate in limited remedial activities at the Site and assist in the implementation of institutional controls at the Site.

DATES: Comments must be submitted on or before October 19, 1998.

ADDRESSES: The Agreement is available for public inspection at the EPA Superfund Records Center, 999 18th Street, 5th Floor, North Tower, Denver, Colorado. Comments should be addressed to Matthew Cohn, Legal Enforcement Program, (8ENF-L), U.S. Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado, 80202-2405, and should reference the Murray Smelter Site Agreement and Covenant Not To Sue, EPA Docket No. CERCLA-VIII-98-17.

FOR FURTHER INFORMATION CONTACT: Matthew Cohn, Legal Enforcement Program, at 303/312-6853.

For a period of thirty (30) days from the date of this publication, the public may submit comments to EPA relating to the Agreement. Copies of the Agreement may be obtained from the Superfund Records Center at the address listed above.

Dated: August 31, 1998.

Carol Rushin,

Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region VIII.

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