

the Food Quality Protection Act (FQPA), EPA issued approximately 20 EUPs and established corresponding tolerances each year. Since passage of FQPA, however, the Agency has issued only approximately three EUPs for food uses each year. Information gathered under EUPs can be extremely useful and allow growers and others to gain a better understanding of new and emerging pesticide technologies prior to full market introduction, providing opportunity to refine the product's use. The Agency gains valuable information as well on pesticide alternatives for higher-risk pesticides. This information can be used to support both registration and reregistration decisions EPA must make. In response to requests from interested parties, the Agency undertook an effort to ascertain what conditions and criteria could be developed that would allow for more EUPs, while maintaining EPA's ability to meet the applicable safety findings under FIFRA and FFDCA, resulting in the proposed PR Notice.

*B. What Questions/Issues Should You Consider and Provide Specific Comments On and/or Data/Information to Explain Why the Agency Should Make Changes?*

1. The Agency is proposing certain acreage limitations based upon a determination that crops treated on these limited acreages would have a marginal impact on both acute and chronic dietary risk. The criteria have been developed in such a way that, if the criteria are satisfied, the Agency can easily determine, based upon existing Agency assessments, that the requisite FIFRA and FFDCA safety findings can be met. How might the Agency expand these limitations, while utilizing existing risk assessments, to ensure that the statutory findings are satisfied? Should the Agency consider a sliding scale of acres per total acres planted of a minor crop? If so, what should that scale be to cover all of the diverse micro-climates, soils, growing seasons and cropping practices for the various commodities across the United States?

2. The Agency is proposing no more than 100 acres per watershed using the U.S. Geological Survey's (USGS) watershed definition as one of the "risk criteria" in this proposal. What might EPA consider as other options, to ensure that this criteria is not too confusing and/or too limiting for certain commodity grower industries and/or in certain states so as not to eliminate the possibility of conducting larger scale EUPs under this program?

3. The Agency has proposed several active ingredient criteria for this

program, choosing to initially limit the program to those active ingredients which need evaluation prior to registration to ensure growers that the products are effective alternatives to already registered products they know. Along with those criteria, the Agency has proposed other criteria for this program that, if met, could result in a greater number of food use EUPs being issued on an expedited basis. What other criteria might the Agency consider (i.e., "minor crop priorities" being added to the active ingredient criteria), and why?

4. What else, if anything, might the Agency consider incorporating into the proposed program to ensure that the field efficacy and crop tolerance data for minor crops, needed by registrants to add minor crop uses to their labels after tolerances are granted, are provided?

5. What other conventional chemicals might the Agency consider adding to the proposed "eligible pesticides" listing up front (besides those that will be considered, if submitted, on a case-by-case basis)?

*C. PR Notices are Guidance Documents*

The PR Notice discussed in this notice is intended to provide guidance to EPA personnel and decision-makers and to pesticide registrants. This notice is not binding on either EPA or pesticide registrants, and EPA may depart from the guidance where circumstances warrant and without prior notice. Likewise, pesticide registrants may assert that the guidance is not appropriate generally or not applicable to a specific pesticide or situation.

**List of Subjects**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: December 6, 2001.

**Peter Caulkins,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 01-31250 Filed 12-18-01; 8:45 am]

**BILLING CODE 6560-50-S**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7120-1]

**Lorentz Barrel & Drum Superfund Site Notice of Proposed Administrative Settlement**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. 9600 *et seq.*, notice is hereby given that a proposed Agreement and Covenant Not to Sue (Prospective Purchaser Agreement) associated with the Lorentz Barrel & Drum National Priorities List Superfund Site was executed by the United States Environmental Protection Agency (EPA) on November 20, 2001. The proposed Prospective Purchaser Agreement would resolve certain potential claims of the United States under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a) against 10th Street Land Management, a California corporation, (the Purchaser). The Purchaser plans to acquire the 5-acre parcel constituting the Superfund Site, located at the intersection of S. 10th Street and Alma Avenue, San Jose, California, and operate it as a parking and storage facility for commercial trucks, other vehicles and equipment.

In exchange for the settlement, 10th Street Land Management has agreed to pay EPA \$408,000 in cash that will be placed in a special account for use at the Site. In addition, 10th Street Land Management has agreed to maintain the asphalt cap.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement. If requested prior to the expiration of this public comment period, EPA will provide an opportunity for a public meeting in the affected area. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

**DATES:** Comments must be submitted on or before January 18, 2002.

**ADDRESSES:** The proposed Prospective Purchaser Agreement and additional background documents relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement may be obtained from William Keener, Assistant Regional Counsel (ORC-1), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Comments should reference "10th Street Land Management PPA, Lorentz Barrel &

Drum Superfund Site" and "Docket No. 2002-04" and should be addressed to William Keener at the above address.

**FOR FURTHER INFORMATION CONTACT:**

William Keener, Assistant Regional Counsel (ORC-1), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 972-3940; fax: (415) 947-3570; e-mail: [keener.bill@epa.gov](mailto:keener.bill@epa.gov).

Dated: December 12, 2001.

**Jane Diamond,**

*Acting Director, Superfund Division, U.S. EPA, Region IX.*

[FR Doc. 01-31241 Filed 12-18-01; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7119-9]

**Whitehouse Waste Oil Pits Superfund Site Notice of Proposed De Minimis Settlement**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed *de minimis* settlement.

**SUMMARY:** Under Section 122(g)(4) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has offered a *de minimis* settlement under an Administrative Order on Consent (AOC) to settle claims for past and future response costs at the Whitehouse Waste Oil Pits Superfund Site (Site) located in Whitehouse, Duval County, Florida. Forty-two (42) parties have returned signature pages accepting EPA's settlement offer. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, CERCLA Program Services Branch, Waste Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-8887.

Written comments may be submitted to Mr. Ray Strickland at the above address within 30 days of the date of publication.

Dated: November 28, 2001.

**Franklin E. Hill,**

*Chief, CERCLA Program Services Branch, Waste Management Division.*

[FR Doc. 01-31242 Filed 12-18-01; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[OPPTS-59380; FRL-6816-9]

**Approval of Test Marketing Exemption for Certain New Chemicals; With Comment Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of applications for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated these applications as TME-02-01, TME-02-02, and TME-02-03. The test marketing conditions are described in the TME applications and in this notice.

**DATES:** Approval of these TMEs are effective December 12, 2001. Written comments will be received until January 3, 2002.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS-59380 and the TME numbers TME-02-01, TME-02-02, and TME-02-03 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** *For general information contact:* Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

*For technical information contact:* Miriam Wiggins-Lewis, New Chemicals Prenotice Branch, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-9373; e-mail address: [Wigginslewis.Miriam@epa.gov](mailto:Wigginslewis.Miriam@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Does this Action Apply to Me?**

This action is directed in particular to the chemical manufacturer and/or importer who submitted the TMEs to EPA. This action may, however, be of interest to the public in general. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

**II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?**

A. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

B. *In person.* The Agency has established an official record for this action under docket control number OPPTS-59380. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260-7099.

**III. How and to Whom Do I Submit Comments?**

The notice of receipt was published late in the 45-day review period; however, an opportunity to submit comments is being offered at this time.