

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, D.C. 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." 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 Confidential Business Information 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 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, D.C. 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8791.

**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 Applicants have requested the Administrator to issue specific exemptions for the use of bifenthrin on cucurbits to control the sweet potato whitefly. Information in accordance with 40 CFR part 166 was submitted as part of this request. The sweet potato whitefly (SPWF) is a relatively new pest on cucurbits. The SPWF has caused severe economic damage to several other commodities nationwide including cotton, lettuce, squash, beans, peanuts, and ornamentals. SPWF causes damage through feeding activities, and also indirectly through the production of a honeydew, which encourages growth of sooty mold and other fungi. This pest also causes a physiological disorder resulting in irregular ripening of fruit,

believed to be caused by transmission of a geminivirus. The Applicants claim that adequate control of the SPWF is not being achieved with the currently registered compounds. The Applicants claim that significant economic losses are expected in California and Texas cucurbit production if the SPWF is not adequately controlled, and are therefore requesting this use of bifenthrin.

The Applicants propose to apply bifenthrin at a maximum rate of 0.1 lb. active ingredient (a.i.) (6.4 oz. of product) per acre with up to three applications allowed, and a maximum of 0.3 lb. a.i. per acre per season, on a total of 200,000 acres of cucurbits in California, and 36,000 acres of cucurbits in Texas. It is possible to produce two cucurbit crops per calendar year on a given acre, and therefore, the acreage could potentially receive 6 applications, (maximum of 0.6 lb. a.i. per acre) per calendar year. Therefore, use under these exemptions could potentially amount to a maximum total of 120,000 lbs. of active ingredient in California and 21,600 lbs. of active ingredient in Texas.

This notice does not constitute a decision by EPA on the applications themselves. This is the fifth year that this use has been requested under section 18. 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 proposing use of a pesticide 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 and/or a petition for tolerance for residues in or on the commodity has not been submitted to the Agency [40 CFR 166.24(a)(6)].

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 exemptions requested by the California Environmental Protection Agency and the Texas Department of Agriculture.

#### List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: January 4, 1995.

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

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[FRL-5138-4]

#### Proposed CERCLA Section 122(h)(1) Administrative Cost Recovery Settlement for the Carrico Drum Site

**AGENCY:** U.S. Environmental Protection Agency ("U.S. EPA").

**ACTION:** Proposal of CERCLA Section 122(h)(1) Administrative Cost Recovery Settlement for the Carrico Drum Site.

**SUMMARY:** U.S. EPA proposes to address the potential liability of Hoover Precision Products, Inc., Hoover Group, Inc., Hoover Universal, Inc., Johnson Controls, Inc., and Lydall, Inc. (collectively referred to as "the Settling Parties") under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Pub. L. 99-499, for past costs incurred in connection with a federal fund lead removal action conducted at the Carrico Drum Site ("the Site"). The U.S. EPA proposes to address the potential liability of the Settling Parties by execution of a CERCLA Section 122(h)(1) Administrative Cost Recovery Settlement ("AOC") prepared pursuant to 42 U.S.C. 9622(h)(1). The key terms and conditions of the AOC may be briefly summarized as follows: (1) The Settling Parties agree to pay U.S. EPA \$73,333.33 in satisfaction of claims for past costs incurred at the Site; (2) the Settling Parties agree to waive all claims against the United States that arise out of response activities conducted at the Site; and (3) U.S. EPA affords the Settling Parties a covenant not to sue for past costs incurred during the removal action upon satisfactory completion of obligations under the Settlement, however U.S. EPA is free to pursue any other necessary and appropriate judicial and administrative relief against the Settling Parties. The Site is not on the NPL, and no further response activities at the Site are anticipated at this time. Because the total response costs that were incurred at the Site are less than \$500,000, approval of the settlement by the Attorney General is not required.

**DATES:** Comments on the proposed AOC must be received by U.S. EPA within