

119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID number OPP-2003-0150. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. Background

A. What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State Agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The California Environmental Protection Agency, Department of Pesticide Regulation has requested the Administrator to issue a specific exemption for the use of myclobutanil on artichokes to control powdery mildew. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts artichoke growers in California have suffered from infestations of powdery mildew, which has resulted in EPA's authorization of section 18 exemptions for use of triadimefon between 1988-1997 to control the

disease. In 1998, the State began to request use of myclobutanil. *Leveillula tauruca* was first recognized as a disease on artichoke in 1985. The disease initially infects older leaves that are close to the ground and well shaded. If left untreated the disease destroys the affected leaf, causing it to collapse and dry up prematurely, thereby reducing the amount of photosynthetic area available to the plant. Overall effects of the disease include smaller, poor quality buds, and delayed yield which can cause an oversupply of artichokes on the market, thereby reducing prices to growers. In the past the Agency has determined that the situation is urgent and non-routine and that without myclobutanil growers are likely to suffer significant economic losses. To date, the State claims the situation is the same and no new products are available to control powdery mildew on artichokes.

The Applicant proposes to make no more than four applications of myclobutanil, using Rally 40 W, EPA Registration No. 707-215, applied at 0.1 pounds active ingredient per acre. Up to 7,000 acres of artichokes grown in California may be treated. Applications will be made from August 18, 2003 through August 17, 2004. Based on the maximum number of applications at the highest application rate, up to 2,800 pounds of myclobutanil could be applied.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing a use which has been requested in 3 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the California Environmental Protection Agency, Department of Pesticide Regulation.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 21, 2003.

Debra Edwards,

Director, Registration Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7494-8]

Proposed CERCLA Administrative Cost Recovery Settlement; Franklin Street Superfund Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Franklin Street Superfund site in Malden, Massachusetts with the following settling parties: Robert M. Trager, Steven J. Trager, Ada Trager, Carol Shaloo Trager, and Ada Trager as Trustee of the Twenty Two Realty Trust. The settlement requires the settling parties to pay \$125,000 to the Hazardous Substance Superfund. The settlement includes a covenant not to sue the settling parties pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at Superfund Reading Room, U.S. Environmental Protection Agency Regional Office, located at One Congress Street, Suite 1100, Boston, Massachusetts 02114.

DATES: Comments must be submitted on or before June 6, 2003.

ADDRESSES: The proposed settlement is available for public inspection at the Superfund Reading Room, U.S. Environmental Protection Agency Regional Office, located at One Congress Street, Suite 1100, Boston, Massachusetts 02114.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed Agreement and Covenant Not to Sue can be obtained from Rona H. Gregory, Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Mailcode RAA, Boston, Massachusetts 02214,