

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2003-0168.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP-2003-0168. 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**

### *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 Oregon Department of Agriculture and the Washington State Department of

Agriculture have requested the Administrator to issue specific exemptions for the use of (Z,E)-3,13-octadecadienyl and (Z,Z)-3,13-octadecadienyl on hybrid poplar grown for pulp and saw timber to control poplar clearwing moth (WPCM). Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicants assert that higher trap captures of male WPCM have been observed in areas where poplar trees are being harvested. WPCMs have become the number one pest in poplar plantings in Oregon and Washington. WPCM spend most of their life cycle in the heartwood of trees, away from contact of even systemic insecticides. Repeated use of registered pesticides has failed to control adult males. However, males are exceptionally responsive to sex pheromones. The greatest damage to pulp wood production is damage in the newly planted trees. Young trees and limbs of larger trees damaged by the burrowing activity of WPCM larvae are very prone to wind-throw. Trees less than 2 years old will need to be replaced. Burrowing activity of the larvae downgrades the value of the pulp from quality bond paper to discolored, less valuable product. Net losses are estimated to be 22% in 2003 and future losses could reach 41% to 56%.

The Applicant proposes to use three different formulations containing the same active ingredients (ai) (Z,E)-3,13-octadecadienyl and (Z,Z)-3,13-octadecadienyl. A stationary, retrievable, hand applied dispenser to protect newly planted trees; a battery operated puffer-type dispenser to protect 2 and 3-year old trees up to 15 meters tall, and a flowable pheromone formulation will be used to protect mature trees (greater than 15 meters in height). All three formulations are a 4:1 ratio of Z,E:Z,Z-3,13-octadecadienyl straight-chain 18 carbon alcohols that serves as the sex pheromone of the WPCM. The dispensers are placed in 1-year old plantings at one dispenser per five trees. Each dispenser contains approximately 24 milligrams (mg) active ingredient. A maximum of three applications may be made to newly planted trees. The puffers will be applied by placing two dispensers per acre. Each dispenser will be loaded with a canister containing 2.5 gal ai and releasing mg quantities per day. After the initial placement of the puffer dispensers there may be a need for one replacement. The flowable formulation will be applied at a rate of 1.25 gal ai per acre per application with sequential applications being made 30 days apart

between May 1 and October 1, 2003, with a maximum of six applications. Up to 32,000 acres of poplar trees in Oregon and Washington may be treated.

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 use of new chemicals (i.e., active ingredients) which have not been registered by EPA. 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 Oregon Department of Agriculture and the Washington Department of Agriculture.

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: May 6, 2003.

**Debra Edwards,**

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

[FR Doc. 03-12361 Filed 5-15-03; 8:45 am]

**BILLING CODE 6560-50-S**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7499-5]

### **Notice of Proposed Administrative Order on Consent Pursuant to Section 122(g)(4) and (7) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), PCB Treatment, Inc., Kansas City, KS, and Kansas City, MO, Docket No. CERCLA 07-2002-0209**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Proposed Administrative Order on Consent, PCB Treatment, Inc. Superfund Site, Kansas City, Kansas, and Kansas City, Missouri

**SUMMARY:** Notice is hereby given that a proposed administrative order on consent between Transformer Services, Inc. and the United States Environmental Protection Agency (EPA) was signed by the United States Environmental Protection Agency (EPA) on March 21, 2003 and approved by the United States Department of Justice (DOJ) on April 16, 2003. This settlement relates to the PCB Treatment Inc. Superfund Site (Site).

**DATES:** EPA will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed agreement.

**ADDRESSES:** Comments should be addressed to Audrey Asher, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 N. Fifth Street, Kansas City, Kansas 66101 and should refer to *the PCB Treatment, Inc. Superfund Site Administrative Order on Consent, CERCLA Docket No. 07-2002-0209*.

The proposed agreement may be examined or obtained in person or by mail at the office of the United States Environmental Protection Agency, Region VII, 901 North Fifth Street, Kansas City, KS 66101 (913) 551-7255.

**SUPPLEMENTARY INFORMATION:** The Site consists of two facilities, about two miles apart, located in the industrial areas of Kansas City, Kansas at 45 Ewing Street and Kansas City, Missouri at 2100 Wyandotte Street. The facilities were formerly operated by PCB Treatment Inc., now a defunct corporation. Between 1982 and 1987, PCB Treatment, Inc. and its subsidiaries or affiliates treated and stored PCBs contained in used transformers, capacitors, oil, equipment, and other materials at the Wyandotte facility and the Ewing facility. During its period of operations, spills of PCB contaminated waste occurred.

Samples collected at the Site in the late 1990s indicated that the PCB contamination at Ewing Street exceeded 1,790 parts per million (ppm) in the building and 1,450 ppm in the soils. At Wyandotte Street, the PCB contamination exceeded 23,800 ppm in the building and 800 ppm in the soils.

Over 1000 parties arranged for disposal of PCB wastes at the Site. EPA identified a large number of these parties, including Transformer Services, Inc., as *de minimis* parties. EPA offered settlements to the *de minimis* parties based on their allocated share of the waste plus a premium. The payments by the *de minimis* parties have been placed in a Special Account that will be used towards the cleanup of the Site, estimated to cost \$35,000,000. Based on financial information submitted by Transformer Services, Inc., EPA determined that Transformer Services, Inc. demonstrated an inability to pay its allocated share, and qualifies for a reduction in the settlement amount. This proposed settlement requires Transformer Services, Inc. to pay \$44,000 to resolve its liability at the Site. Through this settlement, and subject to certain reopeners, EPA covenants not to sue Transformer Services, Inc. for injunctive relief or response costs concerning the Site. In addition, Transformer Services, Inc.

receives contribution protection for matters addressed in the settlement.

Dated: May 2, 2003.

**Gale Hutton,**

*Acting Regional Administrator, United States Environmental Protection Agency, Region VII.*

[FR Doc. 03-12352 Filed 5-15-03; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7499-4]

### Notice of Proposed Administrative Order on Consent Pursuant to Section 122(g)(4) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), PCB Treatment, Inc. Superfund Site, Kansas City, KS, and Kansas City, MO, Docket No. CERCLA 07-2002-0003

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed administrative order on consent, PCB Treatment, Inc. Superfund Site, Kansas City, Kansas, and Kansas City, Missouri.

**SUMMARY:** Notice is hereby given that a proposed administrative order on consent between Denton County Electric Cooperative, Inc. and the United States Environmental Protection Agency (EPA) was approved by the United States Department of Justice (DOJ) on April 16, 2003 and signed by the United States Environmental Protection Agency (EPA) on April 28, 2003. This settlement relates to the PCB Treatment Inc. Superfund Site (Site).

**DATES:** EPA will receive, until June 16, 2003, comments relating to the proposed agreement.

**ADDRESSES:** Comments should be addressed to Audrey Asher, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 N. Fifth Street, Kansas City, Kansas 66101 and should refer to *the PCB Treatment, Inc. Superfund Site Administrative Order on Consent, CERCLA Docket No. 07-2002-0003*.

The proposed agreement may be examined or obtained in person or by mail at the office of the United States Environmental Protection Agency, Region VII, 901 North Fifth Street, Kansas City, KS 66101 (913) 551-7255.

**SUPPLEMENTARY INFORMATION:** The Site consists of two facilities, about two miles apart, located in the industrial areas of Kansas City, Kansas at 45 Ewing

Street and Kansas City, Missouri at 2100 Wyandotte Street. The facilities were formerly operated by PCB Treatment, Inc., now a defunct corporation. Between 1982 and 1987, PCB Treatment, Inc. and its subsidiaries or affiliates treated and stored PCBs contained in used transformers, capacitors, oil, equipment, and other materials at the Wyandotte facility and the Ewing facility. During its period of operations, spills of PCB contaminated waste occurred.

Samples collected at the Site in the late 1990s indicated that the PCB contamination at Ewing Street exceeded 1,790 parts per million (ppm) in the building and 1,450 ppm in the soils. At Wyandotte Street, the PCB contamination exceeded 23,800 ppm in the building and 800 ppm in the soils.

Over 1000 parties arranged for disposal of PCB wastes at the Site. EPA identified a large number of these parties, including Denton County Electric Cooperative, Inc., as *de minimis* parties. EPA offered settlements to the *de minimis* parties based on their allocated share of the waste plus a premium. The payments by the *de minimis* parties have been placed in a Special Account that will be used towards the cleanup of the Site, estimated to cost \$35,000,000.

Denton County Electric Cooperative, Inc. filed for protection under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Texas and subsequently accepted EPA's offer to settle as a *de minimis* party, subject to approval of the United States Bankruptcy Court.

Through this settlement, and subject to the Bankruptcy Court approval, Denton County Electric Cooperative, Inc. will pay \$6,742.19 to the EPA Hazardous Substance Superfund, PCB Treatment, Inc. Special Account. Subject to certain reopeners, EPA covenants not to sue Denton County Electric Cooperative, Inc. for injunctive relief or response costs concerning the Site. In addition, Denton County Electric Cooperative, Inc. receives contribution protection for matters addressed in the settlement.

Dated: May 2, 2003.

**Gale Hutton,**

*Acting Regional Administrator, United States Environmental Protection Agency, Region VII.*

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**BILLING CODE 6560-50-P**