

of the chronic RfD of 0.03 milligram/kilogram body weight/day (mg/kg bwt/day). Since the benchmark MOE for this assessment was 100 and since EPA generally has no concern for exposures below 100% of the RfD, Syngenta Crop Protection, Inc., believes that there is a reasonable certainty that no harm will result from dietary (food) exposure to residues arising from the current and proposed uses for cyprodinil.

iv. Drinking water. The degradation of cyprodinil is microbially mediated with an aerobic soil metabolism half-life of less than 46 days. Cyprodinil Koc's vary from 1,550 to 2,030 and cyprodinil exhibits a strong binding affinity for soil. Cyprodinil is stable to hydrolysis but degrades rapidly under photolytic conditions.

Estimated Environmental Concentrations (EECs) of cyprodinil in drinking water were determined by EPA. EPA Screening Concentration in Groundwater (SCI-GROW) model was used to determine acute and chronic EECs in ground water and the Agency's surface water model Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) was used to determine acute and chronic EECs in surface water. Based on the model outputs, the EECs of cyprodinil are 0.04 part per billion (ppb) for acute and chronic exposure to ground water and 32 ppb and 6 ppb for acute and chronic exposure, respectively, to surface water.

2. Non-dietary exposure. There is a potential residential post-application exposure to adults and children entering residential areas treated with cyprodinil. Since the Agency did not select a short-term endpoint for dermal exposure, only intermediate dermal exposures were considered. Based on the residential use pattern, no long-term post-application residential exposure is expected.

3. Chronic aggregate exposure. Based on the completeness and reliability of the toxicity data supporting these petitions, Syngenta Crop Protection, Inc., believes that there is a reasonable certainty that no harm will result from aggregate exposure to residues arising from all current and proposed cyprodinil uses, including anticipated dietary exposure from food, water, and all other types of non-occupational exposures.

D. Cumulative Effects

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of particular pesticide's residues

and "other substances that have a common mechanism of toxicity." EPA does not have, at this time, available data to determine whether cyprodinil has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. For the purposes of this tolerance action, EPA has not assumed that cyprodinil has a common mechanism of toxicity with other substances.

E. Safety Determination

The chronic dietary exposure analysis (food only) showed that exposure from all established and proposed cyprodinil uses would be 7.48% of the chronic RfD for the most sensitive subpopulation, children 1 and 2 years old. EPA has determined that reliable data support using the standard MOE and uncertainty factor (100 for combined interspecies and intraspecies variability) for cyprodinil and that an additional safety factor of 10 is not necessary to be protective of infants and children.

Acute drinking water levels of comparison (DWLOC) were calculated based on an acute population adjusted dose (PAD) of 1.5 mg/kg/day. For the acute assessment, the females (13–50 years) subpopulation generated an acute DWLOC of approximately 44,600 ppb. The acute EEC of 32 ppb is considerably less than 44,600 ppb. For the chronic assessment, the children 1 and 2 years old subpopulation generated the lowest chronic DWLOC of approximately 280 ppb. Thus, the chronic DWLOC of 280 ppb is considerably higher than the chronic EEC of 6 ppb.

Syngenta Crop Protection, Inc., has considered the potential aggregate exposure from food, water, and non-occupational exposure routes, and concluded that aggregate exposure is not expected to exceed 100% of the chronic RfD and that there is a reasonable certainty that no harm will result to infants and children from the aggregate exposure to cyprodinil.

F. International Tolerances

There are no Codex maximum residue levels established for cyprodinil.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0355; FRL-7333-2]

Issuance of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

FOR FURTHER INFORMATION CONTACT: Dani Daniel, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5409; e-mail address: daniel.dani@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, 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 information in this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies Of this Document and Other Related Information?

1. Docket. EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0355. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. Electronic access. You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA

Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

II. EUP

EPA has issued the following EUP:
 432-EUP-7. Issuance. Bayer Environmental Science, a business group of Bayer CropScience, LP, 95 Chestnut Ridge Road Montvale, NJ 07645. This EUP allows the use of 312.84 pounds of the insecticide Imidacloprid on 825 structures to evaluate the control of subterranean termites, drywood termites, dampwood termites, carpenter ants, and other wood-infesting insects. The program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Hawaii, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. The EUP is effective from November 1, 2003 to December 31, 2005.

Authority: 7 U.S.C. 136c.

List of Subjects

Environmental protection,
 Experimental use permits.

Dated: November 4, 2003.

Debra Edwards,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 03-28311 Filed 11-10-03; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7585-5]

Proposed Third Administrative Cashout Settlement Under Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act; in Re: Beede Waste Oil Superfund Site, Plaistow, NH

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed third administrative settlement and request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9622(i), notice is hereby given of a proposed third administrative settlement for recovery of past and projected future response costs concerning the Beede Waste Oil Superfund Site in Plaistow, New Hampshire with the settling parties listed in the Supplementary Information portion of this notice. The U.S. Environmental Protection Agency—Region I (EPA) is proposing to enter into a third *de minimis* settlement agreement to address claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9601 *et seq.* The Beede Third *De Minimis* Settlement Administrative Order on Consent ("AOC") is modeled on the same or substantially similar terms and conditions as the Beede Second *De Minimis* Settlement of 2002, including reliance on the same cost basis. This third settlement addresses the 17 parties who raised, and submitted the necessary documentation for, an Ability to Pay ("ATP") claim in response to the second settlement, and it includes reduced cashout amounts for 10 of the 17 parties who demonstrated an inability to pay. For each party who submitted an ATP claim, EPA sought to determine whether there was a valid basis for finding the PRP unable to pay the full cashout amount without suffering severe undue financial hardship. Notice is being published to inform the public of the proposed third settlement and of the opportunity to comment. This third settlement, embodied in a CERCLA section 122(g) Administrative Order on Consent ("AOC"), is designed to resolve each settling party's liability at the Site for past work, past response costs and specified future work and response costs through covenants under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, as well as to resolve each such settling party's liability at the Site for past response costs and estimated future response costs by the State of New Hampshire, through its Department of Environmental Services. The proposed AOC requires the settling parties listed in the Supplementary Information section below to pay an aggregate total of approximately \$45,037.44. For thirty (30) days following the date of publication of this notice, the EPA will receive written

comments relating to this third settlement. The EPA 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 EPA's response to any comments received will be available for public inspection at the EPA Records Center, 1 Congress Street, Boston, MA 02114-2023 (Telephone Number: 617-918-1440).

DATES: Comments must be submitted on or before December 12, 2003.

ADDRESSES: The proposed third settlement is available for public inspection at the EPA Records Center, 1 Congress Street, Boston, MA 02114-2023. Please call 617-918-1440 to schedule an appointment. A copy of the proposed third settlement may be obtained from Kristin Balzano, U.S. Environmental Protection Agency, Region I, 1 Congress Street, Suite 1100 (SES), Boston, MA 02114-2023 (Telephone Number: 617-918-1772). Comments should reference the Beede Waste Oil Superfund Site in Plaistow, New Hampshire and EPA Docket No. CERCLA-01-2003-0038 and should be addressed to Kristin Balzano, U.S. Environmental Protection Agency, Region I, 1 Congress Street, Suite 1100 (SES), Boston, MA 02114-2023.

FOR FURTHER INFORMATION CONTACT: Cindy Lewis, U.S. Environmental Protection Agency, Region I, 1 Congress Street, Suite 1100 (SES), Boston, MA 02114-2023 (Telephone Number: 617-918-1889).

SUPPLEMENTARY INFORMATION: This section contains a list of the 12 settling parties. Each party name is accompanied by its 4-digit PRP identification number, a party-specific identifier uniquely associated with the PRP to which it refers. The following is a list of the settling parties to the proposed third settlement: A.J. Gagnon & Sons, Inc. (PRP #2195), Auto Radiator Service, Inc. (PRP #0401), Cargo Transport, Inc. (PRP #1787), Christie Transfer, Inc. (PRP #1924), City of Quincy (GRP #404), Internal Combustion, Ltd. (PRP #2691), James R. Nicholson, Individually (PRP #3716), LBJ Inc. (PRP #3043), New England Transmission Co., Inc. (PRP #3679), New Tern Harbor Marina, Inc. (PRP #3689), Roberts Motor Sales, Inc. (PRP #4344) and Wakefield Auto Service, Inc. (PRP #5235).

In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*, notice is hereby given of a