

EPA has considered procedural options under FIFRA which would allow plant-pesticides to be propagated for the production of reproductive plant materials under limited acreage and conditions in instances where the Agency has determined that such plant propagation will not result in unreasonable adverse effects to humans or the environment. EPA has determined that a limited registration under section 3(c)(5) is an appropriate regulatory vehicle for pesticides produced in plants grown for the purposes of plant propagation/seed increase. A limited registration will stipulate the conditions under which the plantings could occur and may include such restrictions as the acreage to be planted, the design of the field sites to ensure adequate containment, the locations of the field sites, and any other restrictions deemed necessary including restrictions on the sale and distribution of the crop. The Agency, in making its finding of no unreasonable adverse effects, will rely in part upon the restrictions set in the limited registration. The limited registration will also stipulate that the company acquiring the registration is liable for the actions of its cooperators in terms of meeting the conditions of the registration. Companies that wish to make applications for a limited registration under FIFRA section 3(c)(5) for the purposes of plant propagation/seed production should be cognizant of tolerance requirements under the Federal Food, Drug, and Cosmetic Act (FFDCA). Where food or feed crops are involved, crop destruction or other actions to prevent the introduction of the resulting crop into commerce will be a necessary condition of a limited registration in the absence of a tolerance or exemption from the requirement of a tolerance. Moreover, seeds or other plant parts may be restricted in their sale or distribution.

Monsanto has requested a limited registration for plant propagation and has proposed certain conditions for the registration. The Agency has evaluated the information and data that have been submitted by Monsanto concerning the potential risks from planting cotton producing *Bacillus thuringiensis* var. *kurstaki* (B.t.k.) delta endotoxin for the purpose of increasing propagative materials. The information and data evaluated by the Agency to date has led EPA to preliminarily conclude that, under the restrictions of the limited registration, there are no foreseeable unreasonable adverse effects to humans or the environment.

Copies of information submitted to the Agency in support of this

registration will be available from the public docket. The release of data is subject to section 10(g) of FIFRA; disclosure requires submission of a signed Affirmation of Non-multinational Status form. To receive a copy of the form contact the OPP docket staff at the address or telephone number listed under the ADDRESSES unit. Due to the volume of data, callers will receive the data on microfiche. A papercopy of the data is available for viewing in the docket.

Therefore, EPA is proposing to issue the following limited registration:

524-UTI. Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198. The approved limited registration for plant propagation would allow the use of the *Bacillus thuringiensis* var. *kurstaki* delta endotoxin as produced by the Cry 1 A(c) gene and its controlling sequences in cotton plants over a total of 36,850 acres. Planting of the product would be limited to the states of Arizona, Arkansas, California, Mississippi, South Carolina, and Texas and the territory of Puerto Rico. The registration would be limited to plantings from March 15, 1995 through December 15, 1995, and would include associated agronomic activities such as the harvesting and processing of plant propagative material. Sale or distribution of the crop or plant propagative materials would be prohibited. This registration would be limited in that containment of the field sites to prevent outcrossing to other cotton would consist of the use of isolation distances and/or buffer rows of non-transgenic cotton. This registration would be also be limited in that all crops would either be destroyed or stored for future plantings or research. The field sites would be monitored for 12 months for germinating seed which would be destroyed.

Interested parties should note that in the **Federal Register** of January 25, 1995 (60 FR 4910), and February 8, 1995 (60 FR 7538), EPA announced a March 1, 1995 meeting of the Scientific Advisory Panel for consideration of scientific issues related to this registration.

List of Subjects

Environmental protection, Biotechnology, Plant-pesticide, Pesticides, Plants, Registration.

Dated: February 8, 1995.

Janet L. Andersen,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

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[PP 4G44409 and 5G4448/T668; FRL 4935-8]

Northrup King Co. and Ciba-Geigy Corp.; Initial Filings of Exemptions from the Requirement of Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established exemptions from the requirement of tolerances for the delta endotoxin protein produced in field corn by a CryIA(b) gene from *Bacillus thuringiensis* subsp. *kurstaki* HD-1 and inserted in the plant expression vector pZ01502 and for the plant pesticide *Bacillus-thuringiensis* subsp. *kurstaki* CryIA (b) insect control protein as produced in corn plants and the genetic material necessary for its production.

FOR FURTHER INFORMATION CONTACT: By mail: Michael Mendelsohn, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. Crystal Station, 5th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703) 308-8712; e-mail: Mendelsohn.Mike@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA gives notice that it has established exemptions from the requirement of tolerances relating to the initial filing of tolerances in or on certain raw agricultural commodities as follows:

Initial Filings

1. *PP 4G4409.* Northrup King Co., 7500 Olson Memorial Highway, Golden Valley, MN 55427, has requested in pesticide petition (PP) 4G4409, the establishment of an exemption from the requirement of a tolerance for the delta endotoxin protein produced in field corn by a CryIA(b) gene from *Bacillus thuringiensis* subsp. *kurstaki* HD-1 and inserted in the plant expression vector pZ01502.

2. *PP 5G4448.* Ciba-Geigy Corp., P.O. Box 12257, Research Triangle Park, NC 27709-2257, has requested in pesticide petition (PP) 5G4448, the establishment of an exemption from the requirement of a tolerance for the plant pesticide *Bacillus thuringiensis* subsp. *kurstaki* CryIA(b) insect control protein as produced in corn plants and the genetic material necessary for its production.

These temporary exemptions from the requirements of tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permits 67979-EUP-1

(Northrup) and 66736-EUP-1 (Ciba), which are being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that the exemptions from the requirement of tolerances will protect the public health. Therefore, the temporary exemptions from the requirement of tolerances have been established on the condition that the pesticides be used in accordance with the experimental use permits and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permits.

2. Northrup King Co. and Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use permit that have a bearing on safety. Each company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

Residues remaining in or on all raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permits and temporary exemptions from the requirement of tolerances. These temporary exemptions from the requirement of tolerances may be revoked if the experimental use permits are revoked or if any experience with or scientific data on these pesticides indicate that such revocation is necessary to protect the public health.

The Office of Management and Budget has exempted this notice from the requirement of section 3 of Executive Order 12866.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Authority: 21 U.S.C. 346a(j).

List of Subjects

Environmental protection,
Administrative practice and procedure,

Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 2, 1995.

Janet L. Andersen,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

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[FRL-5155-4]

Report on the Status of Visibility Research

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the public availability of an EPA report titled "Interim Findings on the Status of Visibility Research." The Clean Air Act calls for EPA to produce this report.

DATES: This report will be available at the addresses indicated below on February 15, 1995.

ADDRESSES: Copies of the report may be obtained by writing or phoning: February 15, 1995 to March 15, 1995.

Ms. Gloria J. Koch, Technical Information Officer, Atmospheric Research and Exposure Assessment Laboratory (MD-75), U.S. Environmental Protection Agency, Research Triangle park, NC 27711, Telephone: 919-541-4109.

After March 15, 1995: U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22164.

FOR FURTHER INFORMATION CONTACT:

Mr. Johnnie L. Pearson, Acting Associate Director, Atmospheric Research and Exposure Assessment Laboratory (MD-75), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, Telephone: 919-541-0572.

SUPPLEMENTARY INFORMATION: EPA is announcing the public availability of a report titled "Interim Findings on the Status of Visibility Research." The report was called for under section 169B(a) of the Clean Air Act, 42 U.S.C. 7492(a). Issuance of the report does not represent final agency action.

The report summarizes visibility research findings previously reported. The report also summarizes visibility research currently being performed, based on information provided by the organizations conducting the research.

The report does not evaluate or otherwise address the merits of the visibility research information

presented. Moreover, the report does not make EPA policy determinations about visibility protection and does not affect any legal rights or impose any obligations.

Dated: February 9, 1995.

Henry L. Longest II,

Acting Assistant Administrator, Research and Development.

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[FRL-5151-7]

Hillsdale Drum Superfund Site: Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Under Section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has agreed to settle claims for past response at the Hillsdale Drum Superfund Site in St. Helena Parish, Louisiana, with the following parties:

Our Lady of the Lake Hospital
St. Louis County Highway Department
University of Texas System
W.R. Grace & Co.
York International Corporation (formerly Borg Warner Air Conditioning, Inc.)
Castrol North American Specialty Products Division (formerly Bray Oil)
Chemed Corporation
Chrysler Corporation
Immunex Corporation
National Casein Company
University of Iowa
University of Utah
Racon, Inc. (n/k/a Elf Atochem, Inc.)
IMC—Agrico Company
Pan Am World Services, Inc. (n/k/a Johnson Controls World Services, Inc.)
Chemical Compounding Corp. (n/k/a Truetech, Inc.)
Glidden Company
Anderson Chemical Company, Inc.
Coastal Fluid Technologies, Inc.
E.I. du Point de Nemours and Company
Georgia Institute of Technology
Inspectorate American Corporation
Pennwalt Corp. (n/k/a Elf Atochem, Inc.)
Martin Marietta
Betz Entec, Inc.
Betz Laboratories, Inc.
Lane County School District 4-J (a/k/a Eugene Public Schools)
Kaiser Aluminum and Chemical Corporation
University of Alabama
University of Southern Alabama
Southern University
University of Arkansas
Missouri Southern State College
University of California, Riverside
Trident Chemical Company, Inc.
Texas Tech University
U.S. Department of Veterans Affairs