

Commission, 810 First Street, NE., Washington, DC 20426.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's Regulations (18 CFR 385.214).

For additional information, please contact Arnold H. Meltz at (202) 208-2161 or Donald A. Heydt at (202) 208-0740.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95-19587 Filed 8-8-95; 8:45 am]

BILLING CODE 6717-01-M

### Office of Fossil Energy

[FE Docket No. 95-51-NG]

#### **Sandoval Energy Corp.; Order Granting Blanket Authorization to Import and Export Natural Gas From and to Canada and Mexico**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of order.

**SUMMARY:** The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Sandoval Energy Corporation (Sandoval) authorization to import and export a combined total of up to 100 Bcf of natural gas from and to Canada and Mexico. This import/export authorization shall extend for a period of two years beginning on the date of the initial import or export delivery, whichever occurs first.

Sandoval's order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., July 20, 1995.

**Clifford P. Tomaszewski,**

*Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.*

[FR Doc. 95-19691 Filed 8-8-95; 8:45 am]

BILLING CODE 6450-01-P

### Office of Hearings and Appeals

#### **Implementation of Special Refund Procedures**

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Notice of Proposed Implementation of Special Refund Procedures.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy announces proposed procedures for the disbursement of \$592,001 (plus accrued interest) collected pursuant to a consent order with Macmillian Oil Company and \$15,822 (plus accrued interest) collected pursuant to a consent order with Kenny Larson Oil Company. The funds will be distributed in accordance with the DOE's special refund procedures, 10 C.F.R. Part 205, Subpart V.

**DATE AND ADDRESS:** Comments must be filed in duplicate within 30 days of the date of publication in the **Federal Register** and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585. All comments concerning the Kenny Larson proceeding should conspicuously display reference to Case Number LEF-0046 and those concerning the Macmillian proceeding should display reference to Case Number VEF-0002.

**FOR FURTHER INFORMATION CONTACT:**

Bryan F. MacPherson, Assistant Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586-5405.

**SUPPLEMENTARY INFORMATION:** In accordance with Section 205.282(b) of the procedural regulations of the Department of Energy (DOE), 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute monies that have been collected by the DOE pursuant to a consent orders with Macmillian Oil Company (Macmillian) and Kenny Larson Oil Company (Larson). The consent order with Macmillian settled possible pricing violations with respect to Macmillian's sales of propane, No. 2 fuel oil and Nos. 5 and 6 residual fuel oil. The DOE has collected \$592,001 from Macmillian. The consent order with Larson settled possible pricing violations with respect to Larson's sales of motor gasoline. The DOE has collected \$15,822 from Larson. The DOE is holding the funds in interest-bearing escrow accounts pending distribution.

Applications for Refund should not be filed at this time. Appropriate public notice will be given when the

submission of claims is authorized. Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of the publication of this notice in the **Federal Register** and should be sent to the address provided at the beginning of the notice. All comments received will be available for public inspection between the hours of 1:00 p.m. and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Dated: August 2, 1995.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

#### **Proposed Decision and Order of the Department of Energy**

##### *Special Refund Procedures*

August 2, 1995.

Name of Firms:

Macmillian Oil Company  
Kenny Larson Oil Company

Dates of Filings:

June 5, 1992  
October 18, 1994

Case Numbers:

LEF-0046  
VEF-0002

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR Part 205, Subpart V, the Economic Regulatory Administration (ERA) of the DOE filed Petitions for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on June 5, 1992 and on October 18, 1994. The petitions request that the OHA formulate and implement procedures for the distribution of funds received pursuant to consent orders entered into between the DOE and Kenny Larson Oil Company (Larson) of Oregon City, Oregon, and Macmillian Oil Company (Macmillian) of Des Moines, Iowa.

#### **I. Background**

Larson and Macmillian were "reseller-retailers" as defined in 6 CFR 150.352 and 10 CFR 212.31. During the period from August 1973 to January 28, 1981, these companies were subject to the Mandatory Petroleum Price Regulations, 10 CFR Part 212, Subpart F, and antecedent regulations at 6 CFR Part 150, Subpart L. An ERA audit of Larson's business records revealed possible pricing violations with respect to the firm's sales of motor gasoline during the period May through

December 1979. An ERA audit of Macmillan's business records revealed possible pricing violations with respect to the firm's sales of propane, No. 2 fuel oil, and Nos. 5 and 6 residual fuel oil during the period November 1, 1973, through April 30, 1974. In order to settle all claims and disputes between these companies and the DOE regarding their compliance with the price regulations, the DOE entered into consent orders with Larson and Macmillan on September 21, 1981, and March 7, 1988, respectively.

In the Larson consent order, the firm agreed to remit a total of \$7,415, approximately 38 percent of the amount of the overcharges alleged by the DOE, plus installment interest. Of the principal amount, \$5,842 was to be remitted to the DOE, and \$1,573 was to be paid directly to six of Larson's customers. Larson failed to comply with the Consent Order and remitted no funds to either the DOE or the six customers.<sup>1</sup> On August 29, 1994, we granted Larson a refund of \$15,822 in the Texaco special refund proceeding. *Texaco Inc./Kenny Larson Oil Company*, 24 DOE ¶ 85,081 (1994) (*Texaco/Larson*). At that time, Larson was in default in the amount of \$26,168 (\$7,415 principal plus \$18,753 interest) in its obligations pursuant to the Consent Order. Accordingly, in *Texaco/Larson*, we determined that the Texaco refund should be used to fund Larson's consent order escrow account, in satisfaction of the firm's principal settlement amount and partial satisfaction of its debt for interest accrued. Accordingly, the \$15,822 Texaco refund was deposited into the Kenny Larson Oil Company escrow account maintained at the Department of the Treasury, Consent Order No. 000H00439. This is the amount which is available for distribution in this proceeding.

On February 1, 1983, a Proposed Remedial Order was issued to Macmillan which alleged that the firm violated the price regulations with respect to its sales of propane, No. 2 fuel oil, and Nos. 5 and 6 residual fuel oil. Macmillan contested the PRO before the OHA (Case No. HRO-0122). During the course of that proceeding, the ERA reduced the amount of the alleged overcharges from \$383,268 to \$333,853. See Letter from Ann C. Grover, Associate Solicitor, ERA, to Richard T.

<sup>1</sup> On October 13, 1983, ERA filed a Subpart V petition with respect to the Larson Consent Order (Case No. HEF-0104). However, because of Larson's failure to remit the settlement amount, that petition was dismissed without prejudice. See Memorandum from Richard T. Tedrow, OHA Deputy Director, to Rayburn Hanzlik, ERA Administrator (July 3, 1985).

Tedrow, OHA Deputy Director (October 5, 1987). On March 7, 1988, Macmillan and DOE entered into a consent order that settled the PRO's allegations. Pursuant to the consent order obligation, Macmillan remitted a total amount of \$592,001 (including pre-settlement interest) to the DOE in full satisfaction of the amount owed. The audit workpapers identify the customers that Macmillan allegedly overcharged.

## II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the OHA may formulate and implement plans of distribution for funds received as a result of enforcement proceedings. 10 CFR Part 205, Subpart V. It is DOE policy to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds obtained as part of settlement agreements, see *Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981). After reviewing the records in the present cases, we have concluded that a Subpart V proceeding is an appropriate mechanism for distributing the Larson and Macmillan consent order funds. We therefore propose to grant the ERA's petitions and assume jurisdiction over distribution of the funds.

## III. Proposed Refund Procedures

### A. Refund Claimants

In the first stage, refund monies will be distributed to those parties which were directly injured in transactions with Larson and Macmillan during the audit periods. We believe that the Larson and Macmillan customers who were adversely affected by the alleged overcharges are primarily those purchasers specifically identified in the consent orders and in the audit papers. In addition, customers who purchased motor gasoline from the three retail outlets operated by Larson were referred to as a class in the ERA audit files but could not be individually identified.<sup>2</sup> These parties may also file for refunds in this proceeding.

Based on the information we have about Larson's business, we expect that all applicants in the Larson proceeding and most applicants in the Macmillan proceeding will be ultimate consumers. As in many other refund proceedings, we are making a finding that end-users or ultimate consumers whose businesses

are unrelated to the petroleum industry were injured by the alleged overcharges covered by the Consent Order. Unlike regulated firms in the petroleum industry, members of this group were generally not subject to price controls during the audit period and were not required to keep records which justified selling-price increases by reference to cost increases. See, e.g., *Marion Corp.*, 12 DOE ¶ 85,014 (1984); *Thornton Oil Corp.*, 12 DOE ¶ 85,112 (1984). For these reasons, an analysis of the impact of the increased cost of petroleum products on the final prices of non-petroleum goods and services would be beyond the scope of this special refund proceeding. See *Office of Enforcement*, 10 DOE ¶ 85,072 (1983); see also *Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984). We therefore propose that the end-users of Larson and Macmillan petroleum products named in the consent orders or workpapers be presumed injured by the alleged overcharges. Other end-user applicants in the Larson proceeding, if any, need only demonstrate that they purchased from Larson and document their purchase volumes to make a sufficient showing that they were injured by the alleged overcharges.<sup>3</sup>

We expect some of the applicants in the Macmillan proceeding to be resellers or retailers. With respect to such applicants, we shall adopt a small-claims threshold of \$5,000. Reseller or retailer applicants seeking refunds of \$5,000 or less will not be required to demonstrate that they were injured by Macmillan's alleged overcharges. In addition, one former customer of Macmillan, E.L. Bride, appears to be a reseller whose potential refund amount is \$141,986. Consistent with prior cases, it will be able to obtain a refund of \$50,000 without making a demonstration that it was injured by Macmillan's overcharges. In order to obtain a refund of its full overcharge amount, it would have to show that it was injured by the overcharges. See *Gulf Oil Corporation*, 16 DOE ¶ 85,381 at 88,738 (1987); *Marathon Petroleum Company*, 14 DOE ¶ 85,269 at 88,510 (1986).

<sup>3</sup> One of the named Larson customers (Portland General Electric) and three Macmillan customers (Iowa Power & Light, Atlantic Municipal Utilities, and Iowa South Utilities) are public utilities. As in other Subpart V proceedings, we will treat the utilities as end-users. Moreover, because each of their potential refunds is less than \$5,000, we will not require them to submit the type of certification of pass-through required of public utilities that receive refunds in excess of the \$5,000 small claims threshold. See, e.g., *Placid Oil Co.*, 18 DOE ¶ 85,176 at 88,290 (1988).

<sup>2</sup> See Memorandum from Leslie Adams, Director of the Case Settlement Division, ERA, to Milton Lorenz, Special Counsel, ERA, Case No. HEF-0104 (June 24, 1982).

**B. Calculation of Refund Amounts**

As stated above, the audits which gave rise to the Macmillan Consent Order identified all of the customers allegedly overcharged during the audit period. In total, there are 66 identified customers who were allegedly overcharged by Macmillan during its refund period. The Larson audit identified six customers which account for 21.2 percent of the alleged overcharges, while the remaining 78.8 percent of the alleged overcharges were attributed to Larson's sales to customers at its retail stations. With respect to the identified customers of Larson and Macmillan, we have determined that the use of the audit results to establish potential refunds on a firm-specific basis is more accurate than any other method to relate probable injury to refund amount.

We shall therefore base the identified customers—potential refunds on the amount that each of these firms was allegedly overcharged, as determined by the ERA audit. Thus, the principal amount of each firm's maximum refund is 100 percent of the amount designated for that firm in the Consent Order plus a pro rata share of the interest that the DOE has collected on that amount. (For Larson, the latter is approximately 45 percent of the interest that Larson actually owed at the time the money was placed in the escrow account.) The firms and their potential refund amounts are listed in the Appendices to this Decision.

We propose to use a volumetric methodology to distribute that portion of the consent order fund attributable to transactions with members of Larson's retail class of purchaser. The volumetric refund presumption assumes that the alleged overcharges by a firm were spread equally over all gallons of product marketed by that firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. This

presumption is rebuttable, however. A retail customer claimant which believes that it suffered a disproportionate share of the alleged overcharges may submit evidence proving this claim in order to receive a larger refund. See *Sid Richardson Carbon and Gasoline Co./Siouxland Propane Co.*, 12 DOE 85,054 (1984).

Under the volumetric methodology we plan to adopt for the Larson proceeding, a retail customer claimant will be eligible to receive a refund equal to the number of gallons of motor gasoline purchased from Larson from May through December 1979 multiplied by the volumetric factor. The volumetric factor for Larson is equal to \$0.0123.<sup>4</sup> We also propose to establish a minimum amount of \$15 for refund claims. We have found that the cost of processing claims in which refunds are sought for amounts less than \$15 outweighs the benefits of restitution in those situations. See, e.g., *Uban Oil Co.*, 9 DOE ¶ 82,541 at 82,225 (1982); see also 10 CFR 205.286(b). Therefore, a claimant must have purchased at least 1,220 (\$15/\$0.0123) gallons of Larson motor gasoline during the Larson audit period in order to be eligible for a refund.

In addition, each successful claimant will receive a pro rata share of the interest accrued on the consent order funds between the date the funds were placed in the Larson and Macmillan escrow accounts and the date the applicant's refund is disbursed.

**IV. Conclusion**

Refund applications in this proceeding should not be filed until the issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim.

Any funds that remain after all first-stage claims have been decided will be distributed in accordance with the

provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. § 4501-07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated these responsibilities to OHA. Any funds in the Larson and Macmillan escrow account that OHA determines will not be needed to effect direct restitution to injured Larson and Macmillan customers will be distributed in accordance with the provisions of PODRA.

*It Is Therefore Ordered That*

(1) The refund amount remitted to the Department of Energy by Kenny Larson Oil Company pursuant to the September 21, 1981 Consent Order will be distributed in accordance with the foregoing Decision.

(2) The refund amount remitted to the Department of Energy by Macmillan Oil Company pursuant to the March 7, 1988 Consent Order will be distributed in accordance with the foregoing Decision.

**APPENDIX A—LARSON CUSTOMERS AND THEIR POTENTIAL REFUND AMOUNTS**

Customer name	Consent order amount	Interest collected	Potential principal refund
Schultz Sanitary Service	\$416	\$471	\$887
B & C Towing	96	109	205
D & A Supply	91	101	192
Portland General Electric	685	773	1,458
Larry Hepler ..	93	109	202
Skig Nagal Farms .....	192	219	411
Retail Customers .....	5,842	6,625	12,467
Total .....	7,415	8,407	15,822

**APPENDIX B—MACMILLAN CUSTOMERS AND THEIR POTENTIAL REFUND AMOUNTS**

Customer name	Overcharge amount	Pre-settlement interest	Potential refund amount
Ace Lines, Inc .....	\$223	\$172	\$395
Armstrong Rubber .....	17,982	13,904	31,886
Associated Milk Producers .....	635	491	1,126
Atlantic Municipal Utilities .....	694	537	1,231
Bankers Life .....	2,068	1,599	3,667

<sup>4</sup>The volumetric factor was computed by dividing \$12,467 (78.8 percent of the \$15,822 collected for the Larson escrow account) by 1,016,250 (the

approximate number of gallons of motor gasoline sold by Larson to its retail customers during the audit period). The latter figure was obtained using

information provided by Larson and by its primary supplier, Texaco Inc.

## APPENDIX B—MACMILLAN CUSTOMERS AND THEIR POTENTIAL REFUND AMOUNTS—Continued

Customer name	Over-charge amount	Pre-settlement interest	Potential refund amount
Beaver Valley Canning .....	4,922	3,806	8,728
Bell Watcher .....	1,834	1,418	3,252
Bitucote Products .....	14	11	25
Boesen the Florist .....	285	220	505
Booker Packing .....	843	652	1,495
C&K Enterprises .....	360	278	638
Charles Krizan .....	556	430	986
City of Pleasant Hill .....	7	5	12
College Osteopath Medicine .....	222	172	394
Crees Enterprises .....	1,015	785	1,800
Crouse Cartage .....	414	320	734
Dakota Oil Co .....	650	503	1,153
Dept. General Services .....	3,092	2,391	5,483
Des Moines Community College .....	411	318	729
Des Moines Independent Schools .....	10,035	7,759	17,794
E.L. Bride Company .....	80,066	61,920	141,986
Elview Construction .....	1,345	1,040	2,385
Equitable Life Insurance Co .....	4,736	3,662	8,398
Everds Bros .....	213	165	378
Exco Industries .....	520	402	922
Fidelity Warehouse .....	\$3,146	2,432	5,578
Firestone .....	196	152	348
Fort Dodge Transport .....	517	400	917
George A. Hormel & Co .....	11,756	9,090	20,846
H. West Construction .....	25	19	44
Hotel Des Moines .....	325	251	576
Hotel Ft. Des Moines .....	3,494	2,702	6,196
Howe Laundry .....	1,093	845	1,938
Inland Mills .....	2,565	1,983	4,548
Iowa Road Builders .....	4,379	3,386	7,765
Iowa South Utilities .....	409	316	725
Iowa Power and Light .....	4,352	3,365	7,717
Keck, Inc .....	1,071	828	1,899
Little Giant Crane .....	652	504	1,156
Local 334 .....	99	77	176
Matt Construction .....	523	404	927
Maytag .....	88,470	68,405	156,875
Meredith Publishing Co .....	2,721	2,104	4,825
National Gypsum .....	508	393	901
New Monroe Community Schools .....	2,111	1,632	3,743
Parker Oil Co .....	746	577	1,323
Pepsi Cola Bottlers .....	957	740	1,697
Ralston Purina .....	1,281	990	2,271
Savory Hotel .....	3,617	2,797	6,414
Sender Stone Products .....	193	149	342
Shaver Oil Co .....	582	450	1,032
Stark Heating .....	761	588	1,349
State of Iowa Bldg .....	183	141	324
State of Iowa .....	1,222	945	2,167
Swift & Co .....	1,766	1,365	3,131
Swift Edible Oil Co .....	8,054	6,227	14,281
Target Ready Mix .....	18,175	14,053	32,228
Univ of N. Iowa .....	4,519	3,494	8,013
Univ of Iowa .....	21,616	16,713	38,329
VA Hospital .....	12	9	21
Veterans Memorial Auditorium .....	1,009	780	1,789
West Towers .....	3,406	2,634	6,040
Western Electric .....	952	736	1,688
Wilson & Co .....	1,822	1,409	3,231
Younkers (Dan Thomas) .....	407	315	722
[Illegible] Oil .....	1,019	788	1,807
Total .....	333,853	258,148	592,001

[FR Doc. 95-19689 Filed 8-8-95; 8:45 am]  
BILLING CODE 6450-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-180978; FRL 4969-1]

### Carbofuran; Notice of Issuances and Receipt of Application for Emergency Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has issued specific exemptions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, to the Texas Department of Agriculture, the Oklahoma Department of Agriculture, and the Mississippi Department of Agriculture and Commerce (hereafter referred to as the "Applicants") for use of the insecticide, flowable carbofuran, to control aphids on cotton. Due to the unique nature of these emergency situations, in which the time to review the conditions of these situations was short, it was not possible to issue a solicitation for public comment, in accordance with 40 CFR 166.24, prior to the Agency's decision to grant these exemptions. EPA is also announcing the receipt of a request from the Louisiana Department of Agriculture and Forestry for an emergency exemption to use flowable carbofuran on 300,000 acres of cotton.

**DATES:** EPA is waiving the public comment period, as allowed in 40 CFR 166.24, due to the short period of time available with which to review this situation and render a timely decision. However, comments may still be submitted and will be evaluated.

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-180978," should be 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.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1

file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-180978]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as CBI. 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 CBI 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 #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Dave Deegan, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: 6th Floor, Crystal Station I, 2800 Jefferson Davis Highway, Arlington VA, (703) 308-8417; Internet address: deegan.dave@epamail.epa.gov.

**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 requested that the Administrator issue specific exemptions for the use of the insecticide, carbofuran, formulated as Furadan 4F Insecticide-Nematicide, EPA Reg. No. 279-2876, manufactured by FMC Corporation, to control aphids. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

According to the Applicants, carbofuran is the only insecticide that could provide effective control of aphids. The applicants submitted data indicating that other currently registered insecticides either are showing signs of diminishing efficacy due to development of resistance in pest populations, or whose efficacy is not

consistently reliable enough to control this pest infestation.

Under the uses requested and/or authorized in these specific exemptions, Furadan 4F was requested to be used at a rate of 0.25 lb. of active ingredient (a.i.) per acre per application, applied as a foliar spray using ground or aerial equipment. A maximum of two applications per acre were requested. If two applications are made, a maximum total rate of 0.5 lbs. of carbofuran may not be exceeded per acre.

Under the exemptions which have been granted, the Texas Department of Agriculture was authorized use of up to 100,000 lbs. of carbofuran to treat up to 400,000 acres of cotton; the Oklahoma Department of Agriculture was authorized use of up to 10,000 lbs. of carbofuran to treat up to 40,000 acres of cotton; and the Mississippi Department of Agriculture and Commerce was authorized use of up to 50,000 lbs. of carbofuran to treat up to 200,000 acres of cotton. These states were granted use of these amounts of carbofuran following the requested application rates.

The granted specific exemptions expire on September 15, 1995. In the event that it is granted, the proposed exemption from Louisiana would expire on September 15, 1995 as well.

The regulations governing section 18 [40 CFR 166.24(a)(5)] require that the Agency publish a notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption if the applicant proposes use of a chemical which has been the subject of a special review within the Agency. In the case of these states', and the situation found in their cotton producing areas, there was not adequate time to publish a notice of receipt and solicit public comments on these applications prior to the Agency reviewing the submitted data, and making and issuing its decisions. Therefore, as allowed for by 40 CFR 166.24(c), the comment period following a notice of receipt was eliminated, since the time available to make a decision required this.

A record has been established for this notice under docket number "[OPP-180978]" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division