

cPAD and corresponding margins of exposure MOE for the overall U.S.

population, and infants/children, as presented in Table 2.

TABLE 2.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO AZOXYSTROBIN

Population Sub-group <sup>1</sup>	cPAD (mg/kg/day)	Percent cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Acute DWLOC (ppb)
U.S. population	0.18	14	33	0.06	5,600
Children (1 to 6 years old)	0.18	24	33	0.06	1,300

<sup>1</sup>Within each of these categories, the subgroup with the highest food exposure was selected.

ii. *From drinking water.* There is no established maximum concentration level (MCL) for residues of azoxystrobin in drinking water. No health advisory levels for azoxystrobin in drinking water have been established. The concentration of azoxystrobin in surface water based on generic estimated environmental concentration (GENEEC) modeling and in ground water based on screening concentration in ground water (SCI-GROW) modeling.

2. *From non-dietary uses.* Azoxystrobin is registered for residential use on ornamentals and turf. The Agency evaluated the existing toxicological data base for azoxystrobin and assessed appropriate toxicological endpoints and dose levels of concern that should be assessed for risk assessment purposes. Dermal absorption data indicate that absorption is less than or equal to 4%. Syngenta agrees with previous EPA short-term and intermediate-term risk assessments for residential exposure which show an aggregate MOE >450 for short-term exposure and MOE of >550 for intermediate-term exposure.

#### D. Cumulative Effects

Azoxystrobin is related to the naturally occurring strobilurins. Syngenta concluded that further consideration of a common mechanism of toxicity is not appropriate at this time since there are no data to establish whether a common mechanism exists with any other substance.

#### E. Safety Determination

1. *U.S. population.* The acute dietary exposure analysis showed that exposure from the proposed new tolerances the general U.S. population would be 12% of the aPAD.

2. *Infants and children.* The acute dietary exposure analysis showed that exposure from the proposed new tolerances for children 1 to 6 years old (the subgroup with the highest exposure) would be 19% of the aPAD.

The chronic dietary exposure analysis showed that exposure from the proposed new tolerances for children 1

to 6 years old (the subgroup with the highest exposure) would be 24% of the cPAD.

FFDCA section 408 provides that EPA shall apply an additional ten-fold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. In either case, EPA generally defines the level of appreciable risk as exposure that is greater than 1/100 of the no observed effect level in the animal study appropriate to the particular risk assessment. This hundred-fold uncertainty (safety) factor/margin of exposure (safety) is designed to account for combined interspecies and intraspecies variability. EPA believes that reliable data support using the standard hundred-fold margin/factor not the additional ten-fold margin/factor when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard margin/factor. The Agency ad hoc Food Quality Protection Act (FQPA) safety factor committee removed the additional 10x safety factor to account for sensitivity of infants and children.

Syngenta has considered the potential aggregate exposure from food, water and non-occupational exposure routes and conclude that aggregate exposure is not expected to exceed 100% of the aPAD or cPAD and there is a reasonable certainty that no harm will result to infants and children from the aggregate exposure to azoxystrobin residues.

#### F. International Tolerances

There are no Codex MRLs established for azoxystrobin.

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### ENVIRONMENTAL PROTECTION AGENCY

[FRL-7204-3]

#### Gurley Pesticide Burial Superfund Site/Selma, NC, Notice of Proposed Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement.

**SUMMARY:** Under Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), NSEW Corporation (Settling Respondent) entered into a Prospective Purchaser Agreement (PPA) with the Environmental Protection Agency (EPA), whereby the Respondent agrees to reimburse EPA a portion of its response costs incurred at the Gurley Pesticide Burial Superfund Site (Site) located in Selma, Johnston County, North Carolina. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, CERCLA Program Services Branch, Waste Management Division, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-8887.

Written comment may be submitted to Mr. Greg Armstrong at the above address within 30 days of the date of publication.

Dated: April 19, 2002.

**James T. Miller,**

*Acting Chief, CERCLA Program Services  
Branch, Waste Management Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7204-2]

### Notice of Proposed Administrative Settlement Under Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9622, Taylor Lumber & Treating Superfund Site

**AGENCY:** Environmental Protection  
Agency.

**ACTION:** Notice; request for public  
comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601 *et seq.*, and by order of the United States Bankruptcy Court for the District of Oregon, notice is hereby given of a proposed Settlement Agreement concerning the Taylor Lumber & Treating National Priorities List Superfund Site. The proposed Settlement Agreement would resolve claims of the United States under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and section 3008(h) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6928(h), against Taylor Lumber & Treating, Inc. Taylor Lumber & Treating was authorized to enter into this settlement by an order of the United States Bankruptcy Court, District of Oregon, where Taylor Lumber & Treating has filed a Chapter 11 bankruptcy petition.

EPA will receive \$500,000 in cash from the proceeds of the sale of the Taylor Lumber treating plant, which will be placed in a special account for use at the Site. EPA may also receive

additional payments if the total amount of funds in the bankruptcy estate available for distribution to general unsecured creditors other than EPA is greater than \$350,000. EPA will release its liens on Taylor Lumber's real property and will grant covenants not to sue to the company and its bankruptcy estate.

Because of the schedule in the bankruptcy proceeding, the Bankruptcy Court has ordered a fourteen-day period for public comments. For fourteen calendar days following the date of publication of this notice, EPA will accept written comments relating to the proposed Settlement Agreement. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 1200 Sixth Ave., Seattle, WA 98101.

**DATES:** Comments must be submitted on or before fourteen days.

**ADDRESSES:** A copy of the proposed settlement may be obtained from Jennifer Byrne, Assistant Regional Counsel (ORC-158), Office of Regional Counsel, U.S. EPA Region 10, 1200 Sixth Ave., Seattle, WA 98101. Comments should reference "Taylor Lumber & Treating Settlement Agreement" and "Docket No. CERCLA-10-2002-0034" and should be addressed to Jennifer Byrne at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Byrne, Assistant Regional Counsel (ORC-158), Office of Regional Counsel, U.S. EPA Region 10, 1200 Sixth Ave., Seattle, WA 98101; phone: (206) 553-0050; fax: (206) 553-0163; e-mail: [byrne.jennifer@epa.gov](mailto:byrne.jennifer@epa.gov).

Dated: April 23, 2002.

**L. John Iani,**

*Regional Administrator.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7203-4]

### Clean Water Act Section 303(d): Final Agency Action on 45 Total Maximum Daily Loads (TMDLs)

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces final agency action on 45 TMDLs prepared by EPA Region 6 for waters listed in Louisiana's Mermentau and Vermilion/Teche river basins, under section 303(d) of the Clean Water Act (CWA). EPA evaluated these waters and prepared the 45 TMDLs in response to the lawsuit styled *Sierra Club, et al. v. Clifford et al.*, No. 96-0527, (E.D. La.). Documents from the administrative record files for the final 45 TMDLs, including TMDL calculations and responses to comments, may be viewed at [www.epa.gov/region6/water/tmdl.htm](http://www.epa.gov/region6/water/tmdl.htm). The administrative record files may be obtained by calling or writing Ms. Caldwell at the above address. Please contact Ms. Caldwell to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Ellen Caldwell at (214) 665-7513.

**SUPPLEMENTARY INFORMATION:** In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the United States Environmental Protection Agency (EPA), styled *Sierra Club, et al. v. Clifford et al.*, No. 96-0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner.

### EPA Takes Final Agency Action on 45 TMDLs

By this notice EPA is taking a final agency action on the following 45 TMDLs for waters located within the Mermentau and Vermilion/Teche basins:

Subsegment	Waterbody Name	Pollutant
050103 .....	Bayou Mallet .....	Ammonia.
050402 .....	Lake Arthur and Lower Mermentau River to Grand Lake .....	Ammonia.
050103 .....	Bayou Mallet .....	Nutrients.
050402 .....	Lake Arthur and Lower Mermentau River to Grand Lake .....	Nutrients.
050701 .....	Grand Lake .....	Nutrients.
050702 .....	Intracoastal Waterway .....	Nutrients.
050901 .....	Mermentau River Basin Coastal Bays and Gulf Waters to State 3-mile limit.	Nutrients.
050103 .....	Bayou Mallet .....	Organic enrichment/low DO.
050402 .....	Lake Arthur and Lower Mermentau .....	Organic enrichment/low DO.
050602 .....	Intracoastal Waterway .....	Organic enrichment/low DO.
050603 .....	Bayou Chene—includes Bayou Grand Marais .....	Organic enrichment/low DO.