List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: April 3, 1996.

Frank Sanders,

Director, Program Management and Support Division, Office of Pesticide Programs.

[FR Doc. 96–9283 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

[PF–650; FRL–5362–7]

Conversion of Tolerances for Fenvalerate to Esfenvalerate; Notice of Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt by EPA of an initial filing of a food additive petition (FAP) and it announces two amendments to a previously published filing of a pesticide petition (PP).

DATES: Written comments, identified by the docket number [PF–650], should be submitted to EPA by May 17, 1996.

ADDRESSES: By mail, comments should be forwarded to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (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 submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PF–650]. No CBI should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Library. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 200, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703) 305–6100; e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received the following pesticide petitions and food additive petitions:

Amended Filings

1. *PP 4F4329.* DuPont Agricultural Products, PO Box 80038, Wilmington, DE, 19880-0038 has submitted a petition to EPA that proposes conversion of tolerances for fenvalerate (40 CFR 180.379) to esfenvalerate (*S*-alpha-cyano(3-phenoxyphenyl)methyl *S*-4-chloro- alpha-(1-methylethyl)benzecate) tolerances. The original notice of filing was published in the Federal Register on July 13, 1994 (59 FR 35719). The following are amendments to that filing:

a. The following raw agricultural commodities (RAC) (current fenvalerate tolerance followed by proposed esfenvalerate tolerance in parts per million) were not included in the original filing: meat, meat fat, and meat-by-products of cattle, hogs, horses, goats, and sheep at 1.5, 1.5; milk 0.3, 0.3; milk fat 7.0, 7.0.

b. DuPont also proposes esfenvalerte tolerances (in parts per million) for the following RAC's that never had established fenvalerate tolerances: soybean forage 10 and soybean hay 15.

c. The RAC turnip roots is amended to: ''turnip roots 0.5, 0.5''. The RAC radish tops was omitted and should be added as follows: ''radish tops 8.0, 3.0.''

d. The word ''walnuts'' was omitted and should be added as follows: ''English walnuts 0.2, 0.2.''

e. The following tolerance with regional registration (current fenvalerate tolerance followed by proposed esfenvalerate tolerance) is proposed: Okra 0.1, 0.1.

Initial Filings

1. *FAP 6H5750.* DuPont Agricultural Products, P.O. Box 80038, Wilmington, DE 19880-0038 submitted on January 26, 1994 a petition (PP 4F4329) for the conversion of tolerances for fenvalerate (40 CFR 180.379) to esfenvalerate (*S*-alpha-cyano(3-phenoxyphenyl)methyl *S*-4-chloro-alpha-(1-methylethyl)benzecate). On March 9, 1994 DuPont also proposed to amend 40 CFR 186.1300 by converting feed additive tolerances from fenvalerate to esfenvalerate. This petition was amended February 28, 1995 to propose a tolerance of 4 ppm for wet apple pomace and on March 8, 1996 to propose a tolerance of 0.5 ppm on soybean hulls.

2. *PP 4F3003.* Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW., Washington, DC 20036, submitted on November 29, 1983 a pesticide petition to EPA that proposed to amend 40 CFR 180.379 by establishing tolerances for residues of the insecticide fenvalerate (cyano(3-phenoxyphenyl)methyl *S*-4-chloro-alpha-(1-methylethyl)benzecate)) for sorghum and poultry. These proposed tolerances were published in the Federal Register of January 4, 1984 (49 FR 503). On November 3, 1989, DuPont Agricultural Products, P.O. Box 80038, Wilmington, DE, 19880-0038 amended the petition by switching the proposed tolerances from fenvalerate to esfenvalerate (*S*-alpha- cyano(3-phenoxyphenyl)methyl *S*-4-chloro-alpha-(1-methylethyl)benzecate). On December 10, 1991 DuPont Agricultural Products amended the petition for esfenvalerate by changing the tolerance in/on the following food commodities: sorghum grain 5 ppm (parts per million), sorghum forage 10 ppm, sorghum fodder 10 ppm, whole eggs 0.03 ppm, poultry meat 0.03, poultry fat 0.3 ppm, poultry meat by-products 0.3 ppm, poultry liver 0.03 ppm.

2. *FAP 4H5419.* Shell Oil Co., Suite 200, 1025 Connecticut Ave., NW., Washington, DC 20036, submitted on November 29, 1983 a food additive petition to EPA that proposed tolerances for sorghum milling products. FAP 4H5419 will be withdrawn because the Agency is no longer requiring tolerances for sorghum milled products.

A record has been established for this notice of receipt under docket number [PF–650] (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 (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

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.

The official record for this notice of receipt, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record mintained at the Virginia address in ''ADDRESSES'' at the beginning of this document.

List of subjects

Environmental protection, Temporary tolerances, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 3, 1996.

Susan Lewis,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96–9285 Filed 4–16–96; 8:45 am]

BILLING CODE 6560–50–F

[OPP–181008; FRL 5362–4]

Propazine; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Colorado and Oklahoma Departments of Agriculture (hereafter referred to as the ''Applicant'') to use the pesticide propazine (CAS 139–40–2) to treat up to 272,000 and 280,000 acres, respectively, of sorghum to control pigweed. The Applicants propose the use of a new (unregistered) chemical; additionally, an emergency exemption for this use has been requested for the previous 3 years, and a complete application for registration of this use and a tolerance petition has not been submitted to the Agency. Therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

DATES: Comments must be received on or before May 2, 1996.

ADDRESSES: Three copies of written comments, bearing the identification notation ''OPP–181008,'' should be submitted by mail to: Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 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–181008]. 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 No. 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: Andrea Beard, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8791; e-mail: beard.andrea@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 have requested the Administrator to issue specific exemptions for the use of propazine on sorghum to control pigweed. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

Sorghum is grown as a rotational crop with cotton and wheat, in order to comply with the soil conservation requirements. Propazine, which was formerly registered for use on sorghum, was voluntarily canceled by the former Registrant, who did not wish to support its re-registration. The Applicants claim that this has left sorghum growers with no pre-emergent herbicides that will adequately control certain broadleaf weeds, especially pigweed. Until 1993–4, the first season an exemption was requested, growers were using existing stocks of propazine. The Applicants state that other available herbicides have serious limitations on their use, making them unsuitable for control of pigweed in sorghum. Although the original Registrant of propazine has decided not to support this chemical through re-registration, another company has committed to support the data requirements for this use. Propazine was once registered for this use, but has now been voluntarily canceled and is therefore considered to be a new chemical. The Applicants claim that significant economic losses will occur without the availability of propazine.

The Applicants propose to apply propazine at a maximum rate of 1.2 lbs. a.i. (2.4 pts. of product) per acre, by ground or air, with a maximum of one application per crop growing season. Therefore, use under this exemption could potentially amount to a maximum total of 326,400 lbs. of active ingredient (81,600 gal. of product) in Colorado, and 336,000 lbs. of active ingredient (84,000 gal. of product) in Oklahoma. This is the third year that Colorado and Oklahoma have applied for this use of propazine on sorghum, and the fourth year that this use has been requested under section 18 of FIFRA. Colorado and Oklahoma were issued exemptions for this use for last growing season.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide), or if an emergency exemption for a use has been requested in any 3 previous years, and a complete application for registration of the use and/or a tolerance petition has not been submitted to the Agency. Such notice provides for opportunity for public comment on the application.