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Dated: March 10, 1999.

Donald G. Barnes,

Staff Director, Science Advisory Board.

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-66265; FRL-6067-8]

Oxythioquinox; Voluntary Termination of Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of request to terminate uses.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by Bayer Corporation to voluntarily cancel products containing oxythioquinox (Morestan), 6-methyl-1,3-dithiolo [4,5-b] quinoxalin-2-one or chinomethionate, to terminate uses.

DATES: Unless the request is withdrawn by September 13, 1999, orders will be issued canceling these registrations.

FOR FURTHER INFORMATION CONTACT: By mail: Jamil Mixon, Reregistration Branch I, (7508C), Special Review and Reregistration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20046. Office location for commercial courier, Reregistration Branch I, 3rd floor, 2800 Crystal Drive, Arlington, VA; telephone number: (703) 308-8032.

SUPPLEMENTARY INFORMATION:

I. Background Information

Oxythioquinox (trade name Morestan) is an insecticide/miticide/fungicide first registered in 1968, to control mites, mite eggs on ornamental plants in green houses, nurseries and landscapes. On October 17, 1996, Bayer requested voluntary cancellation of all food uses but citrus. Bayer also requested cancellation of all but two of the 24(c) registrations (California and Louisiana). Subsequently, on June 4, 1997, the Agency received a request from Bayer to cancel registration of the remaining food-use products: Morestan 25WP (3125-117) and Morestan Solupak 25

WP 9 (3125-302). These cancellations were announced in the **Federal Register** of August 27, 1997 (62 FR 45416) (FRL-5737-4), and became final March 9, 1998. Initiation of the exiting stocks period began when the Agency received the request for cancellations and ran for 18 months. On February 1, 1999, Bayer requested cancellation of its remaining oxythioquinox registrations. After cancellation orders for these products are issued, there will be no remaining registered products containing oxythioquinox.

II. Terminations Pursuant to Voluntary Requests

Under section 6(f)(1) of FIFRA, registrants may request at any time that "a pesticide registration of the registrant be canceled or amended to terminate one or more pesticide uses." (7 U.S.C. 136d(f)(1)). Consistent with 6(f)(1) of FIFRA, EPA is issuing a notice of receipt of the request.

III. Termination Intent to Cancel

This notice announces receipt of request for voluntary cancellation of EPA registrations listed in Table 1 below. Unless this request is withdrawn, oxythioquinox (Morestan) will no longer appear in any registered products.

Table 1.—6(F) Notice for Voluntary Cancellation

Product Name	EPA Registration Number
Morestan 4 Ornamental Miticide	3125-381
Morestan 4 Nursery Miticide	3125-437
Morestan 4 Technical	3125-205

IV. Procedures for Withdrawal of Request

For Bayer to withdraw a request for use termination the company must submit such withdrawal in writing to Jamil Mixon, at the address given above, postmarked before September 13, 1999. This written withdrawal of the request for use termination will apply only to the applicable 6(f)(1) request listed in this notice. The notice must include a commitment to pay any maintenance fees and to fulfill any unsatisfied data requirements.

V. Existing Stocks Provision

EPA proposes to accept the registrants' request for amendment to terminate all products listed in Table 1 in Unit III. of this notice. It is EPA's

general practice to accept registrant's requests for cancellation of registrations or specific registered uses.

Notice of the request for cancellation is published primarily for the purpose of alerting affected parties so that they may either attempt to convince the registrant to maintain the registration or apply to register the product themselves. EPA proposes to approve these cancellations expeditiously after the close of the comment period unless the registrant withdraws its request or a compelling reason opposing termination is presented in public comments. If the requests are granted, any use of the above mentioned chemicals would be permitted only if the products are used in accordance with the terms and conditions specified on the label.

EPA also proposes to accept the registrants' requests for existing stocks provisions. Under FIFRA section 6(a)(1), EPA may permit the continued sale and use of a canceled pesticide if such sale or use "is not inconsistent with the purposes of this Act." For each of the chemicals listed in this notice: Morestan 4 Ornamental Miticide, Morestan 4 Nursery Miticide, and Morestan Technical, the Agency has concluded that the limited short-term continued use of these pesticides, when used in accordance with the label, will not result in unreasonable risk or adverse effects to human health or the environment.

If EPA grants any or all of the requested cancellations, it is likely that the Agency will establish an existing stocks provision consistent with the following schedule. The distributors of products containing the active ingredients, as listed in Table 1 in Unit III. of this notice, have requested an 18-month existing stocks provision from the effective date of cancellation as a condition of its termination, so that existing supplies of oxythioquinox (Morestan) can be exhausted. EPA agrees to registrant's request and will permit sale and distribution of these products for 18 months after the effective date of cancellation. The end-users will then be allowed an additional year (for a total of 2 years beyond the registrant requested date) for the use of existing stocks for each of these chemicals.

Dated: March 3, 1999.

Jack E. Housenger,

Acting Director, Special Review and Reregistration, Office of Pesticide Programs.

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