

0.1% sodium hypochlorite following use.

3. A Notification (70721-NMP-R) was received from Eric Triplett of the University of Wisconsin-Madison. The proposed small-scale field trial involves the introduction of a recombinant plasmid into various strains of the nitrogen-fixing bacteria *Rhizobium* and *Sinorhizobium*. The plasmid, pH2TFXPAR, has been genetically engineered to express a gene for trifoliotoxin that has pesticidal properties, i.e. it serves to inhibit the growth of competing soil bacteria. The trifoliotoxin gene is found naturally in various strains of *Rhizobium*. The plasmid was constructed to eliminate plasmid mobilization genes in order to reduce its ability to transfer into other strains of soil bacteria. The plasmid also contains a non-pesticidal gene, a hydrogenase which serves to enhance the nitrogen-fixing process.

The purpose of the proposed testing will be to evaluate the efficacy of the bacteria for yield enhancement, nodulation competitiveness, and plasmid stability by inoculating alfalfa, clover, and bean seeds. The proposed program will begin in 1997, and be followed for at least 2 years. The total acreage for all sites will not exceed 10 acres. All tests will be conducted in Wisconsin and all crops will be destroyed or used for analysis following the field tests.

Following review of these notifications and any comments received in response to this notice, EPA may approve the tests, ask for additional data, require additional modifications to the test protocols, or require EUP applications to be submitted. In accordance with 40 CFR 172.50, under no circumstances shall the proposed tests proceed until the submitters have received notice from EPA of its approval of such tests.

The official record for this notice, as well as the public version, has been established for this notice under docket control number "OPP-50829" (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 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in "ADDRESSES" at the beginning of this document.

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. Comment 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 control number OPP-50829 and the appropriate file symbol. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental protection and Genetically engineered microbial pesticides.

Dated: April 21, 1997.

Janet L. Andersen,

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

[FR Doc. 97-11021 Filed 4-29-97; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[OPP-66238; FRL-5598-1]

Voluntary Cancellation of Certain Pesticide Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), announces EPA's receipt of requests from certain registrants to voluntarily cancel registrations of certain pesticide products containing methyl parathion (O,O-dimethyl-O-(p-nitrophenyl)phosphorothioate). These requests for voluntary cancellation are the result of an agreement between the Agency and the registrants to restrict the terms and conditions for the sale and use of certain methyl parathion products in the United States in order to curb illegal use. EPA is granting the requests for voluntary cancellation effective on publication of this notice. After publication of this notice, sale, distribution, and use of canceled methyl parathion products will only be permitted if such sale, distribution, or use is consistent with the terms of the Cancellation Order contained herein.

DATES: The cancellations shall become effective on April 30, 1997.

FOR FURTHER INFORMATION CONTACT: Mark Wilhite, 7508W, Special Review and Reregistration Division, Office of Pesticide Programs, Environmental

Protection Agency, 401 M St., SW., Washington, DC 20046. Office location, telephone number, and e-mail address: Rm. 3WH2, Crystal Station, 2805 Jefferson Davis Highway, Arlington, VA. Telephone: 703-308-8586, e-mail: wilhite.mark@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This notice is divided into two units. Unit I. includes: (1) Requests for voluntary cancellations resulting from an agreement to cancel certain methyl parathion products because of the risks associated with the widespread misuse and illegal diversion of these products; and, (2) the Cancellation Order granting the requests for cancellation and establishing requirements relating to distribution, sale, and use of existing stocks of canceled methyl parathion products. Unit II. contains the agreement in its entirety.

I. Voluntary Cancellations

A. Requests for Voluntary Cancellation

By an agreement dated December 30, 1996 (the "Agreement"), EPA and certain registrants of products containing methyl parathion agreed to change the packaging, formulation, and labeling of their products to prevent illegal diversion to indoor use. The Agreement is printed in its entirety in Unit II. of this notice. Methyl parathion is an acutely toxic organophosphate pesticide registered for outdoor agricultural uses only. Recently, EPA learned of a number of incidents in which methyl parathion products were illegally used in residences, day care centers, and churches posing potentially significant health risks and resulting in significant relocation and cleanup costs. In order to make the illegal diversion of methyl parathion to indoor use more difficult and unlikely, the registrant(s) agreed to recall unopened containers of certain methyl parathion end-use products; package certain methyl parathion products in returnable, refillable containers with a tamper-resistant mechanism; place a unique identification number that will remain on the label at all times to facilitate tracking in the distribution chain; and, add a stenching agent to these products. The registrants have also agreed to educate and remind distributors, sellers, agricultural users, and occupants of indoor areas of the risks of illegal indoor use and of the importance of using methyl parathion products only for their lawfully labeled uses.

As part of the Agreement, registrants agreed to submit applications for replacement registrations containing conditions requiring recall of canceled product; packaging product in closed-

system, trackable containers; and addition of a stenching agent to the product; and to submit requests for voluntary cancellation of certain existing registrations (in order to facilitate the recall of material currently in the marketplace not complying with the new conditions of registration). EPA agreed to expedite consideration of the applications for replacement products, and to not cancel existing registrations

until applications for replacement products are granted.

Products for which cancellation was requested fall into two categories - those containing methyl parathion as the sole active ingredient in an emulsifiable concentrate formulation, and those containing multiple active ingredients. Products in the first category are listed in Table 1 below; products in the second category are listed in Table 2.

Subsequent to the December 30, 1996 agreement, some registrants withdrew

their requests to cancel their registrations for mixture products listed in Appendix D of the agreement after EPA had determined that it would accept an amendment in lieu of a voluntary cancellation for those products if the registrants agreed to certain conditions. These conditions include a requirement that these products are packaged in returnable/refillable, closed system containers with tamper resistant mechanisms.

Table 1

Company	Registration No.	Product	SLNs
Wilbur Ellis	2935-142 2935-363	Methyl Parathion 4 Methyl Parathion 5	TX910009 ID870012 ID920007 MT920004 OR920012 WA920016 NV780004
	2935-421	Methyl Parathion 7.5	
Cheminova	4787-4 4787-11 4787-18 4787-22	MP Technical Methyl Parathion 4 EC Methyl Parathion 7.5 Prentox MP Technical	TX 960013
Helena	5905-55	4 LB Methyl	ID920006 TX950012 WA920014 TX910006
	5905-414	7.5 Methyl	
Riverside Terra	9779-34	Methyl 4	ID920014 WA930015 TX940013
	9779-218	Methyl 7.2	
UAP (Platte)	34704-10	Methyl 4E	ID920009 MS820047 MT920003 ND790009 OR920018 TX830025 WA920017
	34704-72 34704-94 34704-433	Methyl 7.5 Metaspray 5E Methyl 5E	
Micro Flo	51036-18	Methyl 4	ID940005 TX940007 WA940028
	51036-42 51036-88 51036-278	Methyl Liquid 4 Prod. #909 Methyl 6 EC Technical MP	

Table 2

Company	Reg. No.	Product
Riverside Terra	9779-153 9779-207	Mal-Methyl 44E Mal-Methyl 63 ULV
	9779-323	Dithon 63

Under section 6(f)(1)(A) of FIFRA, registrants may request at any time that EPA cancel any of their pesticide registrations. Under section 6(f)(1)(C) of FIFRA, EPA must provide a 180-day opportunity for comment on a request for voluntary cancellation before granting the request, unless the registrant requests that the comment period be waived or EPA determines that waiver is necessary in order to prevent unreasonable adverse effects on the environment. The registrants have requested that the Agency waive the comment period before taking action on

their requests to cancel the registrations of the products identified in Tables 1 and 2. In light of this request, and in order to expedite the risk mitigation measures set forth in the Agreement, EPA is granting the request to waive the comment period and is canceling the registrations today as part of this Notice. As part of the Agreement negotiated with the registrants, EPA agreed to allow continued sale and distribution of existing stocks of canceled products to facilitate recall, continued use of product in containers opened before the date of the Agreement, and use of recalled products for purposes of reformulation into products conforming to the terms of the Agreement. The full terms of the existing stocks provisions are set forth in the Cancellation Order in section B of this Unit.

B. Cancellation Order

The Agency hereby cancels, pursuant to FIFRA section 6(f), the pesticide product registrations listed in Tables 1 and 2. Any distribution, sale or use of existing stocks of these canceled products that is not consistent with the provisions of this Order will be considered a violation of FIFRA section 12(a)(2)(K) and/or section 12(a)(1)(A). For purposes of this Order, existing stocks are defined as those stocks of a methyl parathion product canceled pursuant to this Order which were in the United States and were packaged, labeled, and released for shipment prior to the cancellation of the product's registration.

1. *Distribution or sale of existing stocks.* No person may distribute or sell existing stocks of canceled methyl parathion products identified in Table

1, except to facilitate: (1) Recall of product for reformulation purposes; (2) lawful disposal of the product; or (3) export of the product consistent with the provisions of FIFRA. The Agency is allowing distribution or sale of existing stocks of canceled products identified in Table 2 until such stocks are exhausted.

2. *Use of existing stocks.* No person may use existing stocks of canceled methyl parathion products identified in Table 1 unless the existing stocks are in containers opened prior to publication of this Notice. Any use of such existing stocks in open containers must be in accordance with the previously-approved labeling accompanying the product. Existing stocks may also be used for reformulation purposes, provided that the reformulated product is formulated, packaged and labeled in accordance with a replacement registration under the terms of the December 30, 1996 Agreement between EPA and certain registrants of methyl parathion products (or in accordance with a similar registration granted or amended by EPA after publication of this Order) or the reformulated product is produced, labeled, and distributed or sold for export purposes in accordance with all relevant requirements of section 17 of FIFRA. Persons may use existing stocks of canceled products identified in Table 2 until such stocks are exhausted, provided that such use is in accordance with the previously-approved labeling accompanying the product.

3. *Transportation.* The transportation of products containing canceled methyl parathion is subject to the requirements of the Department of Transportation's regulations concerning the transportation of hazardous materials.

4. *Disposal.* Any disposal of existing stocks must be in accordance with all applicable Federal, State, and local law.

II. Memorandum of Agreement Between the Environmental Protection Agency and Signatory Registrants Regarding the Registration of Pesticide Products Containing Methyl Parathion

This Memorandum sets forth the terms of an Agreement ("Agreement") between the United States Environmental Protection Agency ("EPA") and the undersigned registrants ("Registrants") regarding the registrations held by the Registrants under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") of certain pesticide products containing methyl parathion (O,O-dimethyl-O-(p-nitrophenyl) phosphorothioate) as the active ingredient.

Methyl parathion emulsifiable concentrate ("EC") products are registered for outdoor use on a number of crops, but are not registered for any indoor uses. However, during the past few years, a number of separate incidents have occurred in which

methyl parathion EC products have been illegally used indoors as an insecticide in homes and other locations, posing potentially significant health risks to persons who live in or frequent these indoor areas, and resulting in significant relocation and cleanup costs. EPA and the Registrants that have entered this Agreement are concerned about the illegal indoor use of methyl parathion EC products, and expect that the steps set forth in this Agreement will make the illegal diversion of methyl parathion EC products to indoor uses much more difficult and unlikely. While many of these steps could have been accomplished through amendments to the existing registrations, EPA requested, and the Registrants that have entered this Agreement consented to, the issuance of replacement registrations and the cancellation of existing registrations in order to allow the Agency to ensure participation in the recall and exchange program set forth in this Agreement (by allowing the Agency to prohibit the sale and use of product that does not conform to the terms of this Agreement). This Agreement and these cancellations are neither designed nor intended to affect the availability of methyl parathion EC products for existing outdoor uses, provided those products are properly packaged and formulated in order to discourage illegal diversion to indoor uses. In addition to packaging and formulation changes, this Agreement includes provisions for the recall of existing stocks of products that do not conform to the terms of this Agreement and the replacement of such stocks with conforming products, as well as provisions designed to educate and remind distributors, sellers, agricultural users, and occupants of indoor areas of the risks of illegal indoor use and of the importance of using methyl parathion EC products only for their lawfully labeled uses.

The specific terms of this Agreement are as follows:

1. Within 2 weeks of the effective date of this Agreement, any party to this Agreement that desires to continue to hold a registration for any pesticide product containing methyl parathion as the sole active ingredient in a technical (manufacturing use) product or in an emulsifiable concentrate, non micro-encapsulated, end-use product shall submit to EPA an application for registration pursuant to § 3(c)(7)(A) of FIFRA. Such an application will be consistent with the appropriate provisions of paragraphs 7 through 10 of this Agreement, and conform with the provisions of Appendix A to this Agreement. Such an application shall be deemed to be complete if it contains all the information specified in Appendix A to this Agreement. An application must be for a product that is identical to a currently-registered product in composition and labeling, except insofar as differences are dictated by the terms of this Agreement. An applicant may include in its application alternative formulations, provided that each such formulation is identical to the composition of a currently registered end-use product except insofar as differences are dictated by the terms of this Agreement. No application submitted pursuant to this Paragraph may cover any formulation which

contains more than 5 pounds of methyl parathion per gallon of end-use product.

2. Within 2 weeks of the effective date of this Agreement, each Registrant that is a party to this Agreement shall submit to EPA, pursuant to § 6(f) of FIFRA, a request for voluntary cancellation of each registration held by such Registrant identified in Appendix B and Appendix D to this Agreement. Any such request for voluntary cancellation may be expressly conditioned upon EPA's grant of any application(s) for registration made by such Registrant pursuant to Paragraph 1 of this Agreement, and its issuance of an existing stocks order(s) conforming to paragraphs [5] and [6], as appropriate.

3. EPA will, as expeditiously as possible, review any applications for registration submitted pursuant to Paragraph 1 of this Agreement, and will grant any such applications that comply with the terms of this Agreement. EPA will make a good faith effort to act on any such application within seven working days of receipt of the application.

4. EPA will, as expeditiously as possible, grant requests for voluntary cancellation submitted pursuant to Paragraph 2 of this Agreement. If a request for voluntary cancellation is conditioned upon the grant of an application(s) for registration submitted pursuant to Paragraph 1 of this Agreement, EPA will not grant such request prior to approving the application for registration. EPA will publish a cancellation order in the **Federal Register** announcing the effective date of such cancellations and establishing conditions concerning the sale, distribution and use of existing stocks of the canceled products.

5. EPA does not intend to allow any sale, distribution, or use of existing stocks of any EC product containing methyl parathion as the sole active ingredient canceled pursuant to the terms of this Agreement, except that the Agency does intend to permit sale or distribution for the purposes of facilitating the recall of canceled product pursuant to Paragraph 10, continued use of product in containers opened prior to the date of this Agreement, and use of recalled product for purposes of reformulation into products conforming with the terms of this Agreement. EPA intends to allow the continued sale, distribution, or use of the end-use products listed in Appendix D and canceled pursuant to this Agreement until such stocks are exhausted.

6. EPA does not intend to allow the use of existing stocks of any technical (manufacturing use) product canceled pursuant to this Agreement, except that the Agency does intend to permit the use of such existing stocks of technical (manufacturing use) product to formulate end-use products registered pursuant to Paragraph 3 of this Agreement and in compliance with all the terms of this Agreement or to formulate end-use products bearing EPA registration numbers 279-2149; 279-2609; 4581-292; 4787-19; 34704-183; 34704-478; 34704-715; or an end-use product that has been specifically approved by EPA or by a State under FIFRA Section 24 after the date of this Agreement, for sale, distribution and use in any or all of the United States.

7. Applications for registration of technical (manufacturing use) pesticide products submitted pursuant to Paragraph 1 must include in the Directions for Use section of the label the following statements:

"This product may not be reformulated into end-use pesticide products that contain methyl parathion as the sole active ingredient in an emulsifiable concentrate (EC), non micro-encapsulated, formulation unless the end-use products: (1) are packaged in returnable, refillable containers that contain a tamper-resistant mechanism (such as the MICRO MATIC valve system) that does not permit removal of material without specialized equipment (unless the end-use product is labeled in accordance with Paragraph 9 of the December 1996 Agreement between EPA and Registrants of Products containing Methyl Parathion); (2) contain in its formula a stenching agent approved by EPA for the purpose of discouraging indoor use; (3) are packaged in labeled containers bearing a unique identification number that will remain on the label or container at all times; and (4) do not contain more than 5 pounds of methyl parathion per gallon of end-use product. This product may only be reformulated into an end-use product that does not contain methyl parathion as the sole active ingredient in an emulsifiable concentrate, non micro-encapsulated, formulation if the end-use product either bears EPA registration numbers 279-2149; 279-2609; 4581-292; 4787-19; or 34704-183; 34704-478; 34704-715; or has been specifically approved by EPA or by a State under FIFRA Section 24(c), after the date of this Agreement, for sale, distribution and use in any or all of the United States."

8. Applications for end-use pesticide products submitted pursuant to Paragraph 1 of this Agreement must contain the following statements on the label:

(A) "SPECIAL INSTRUCTIONS FOR RESTRICTED USE PESTICIDE RETAILERS: In addition to any other required records, restricted use pesticide retailers must record at the time of sale the unique container identification number on this label or container and the identity of the purchaser of the container."

(B) [In the storage and disposal section of the label] "Returnable/Refillable Sealed Container: Do not break seals or add any material to the container. Do not rinse container or empty any residue from container. This container must be returned intact after use to the point of purchase."

(C) [Appropriate language that identifies the equipment necessary for the removal of product from the container, and how that equipment must be used in order to remove product from the container.]

9. An application for an end-use pesticide product registration with directions for use on winter wheat submitted pursuant to Paragraph 1 may include, if the Registrant desires, an alternate label which must include the following language:

"This product may be distributed, sold or used only for application to winter wheat in Kansas, Oklahoma and Texas. All distribution or sale of this product after

March 31, 1997, is prohibited unless such distribution or sale is for the sole purpose of recalling material and returning it to the Registrant, or for the purpose of proper disposal. Use of this product after March 31, 1997, is prohibited unless the product is opened and first used prior to March 31, 1997. Containers unopened on or after March 31, 1997, must be returned to the point of purchase for replacement, credit, or refund."

10. Applications for registration submitted pursuant to Paragraph 1 must include a specific request that the following conditions be accepted by EPA as conditions of registration:

(A) The applicant agrees that, as a condition of registration, the following steps will be taken to assure that existing stocks of pesticide products sold under any registrations for EC products listed in Appendix B held by such Registrant and canceled pursuant to Paragraph 4 of this Agreement are recalled:

(1) Letters to Distributors: Letters must be sent, by certified mail, return receipt requested, on or before January 31, 1997, to all persons (other than another signatory Registrant) who sell or distribute to retailers and who purchased any stocks of a registered EC product listed in Appendix B directly from the Registrant between January 1, 1994, and the date of this Agreement, informing the distributor that the registration of such product has been or will be canceled pursuant to this Agreement; that after the registration is canceled, sale or distribution of existing stocks of such product (except for purposes of facilitating a recall) will not be lawful under FIFRA; and that the Registrant is recalling all unopened containers of methyl parathion EC products down to the user level. The letter shall further state that the distributor will either receive replacement product of equal value or full credit for any material returned, and that Cheminova or the Registrant (whichever party is bearing the cost) will bear the cost of transportation of product from the distributor level to a site where such material will be collected by Cheminova or the Registrant (whichever party is collecting recalled material).

(2) Letters to Retailers: Letters must be sent by certified mail, return receipt requested, by January 31, 1997, to all other persons (other than signatory Registrants) who sold any stocks of a registered EC product listed in Appendix B between January 1, 1994, and the date of this Agreement, informing such person that the registration of such product has been or will be canceled pursuant to this Agreement; that after the registration is canceled, sale or distribution of existing stocks of such product (except for purposes of facilitating a recall) will not be lawful under FIFRA; and that the Registrant is directing a recall of all unopened containers of such products down to the user level. The letter shall request that each retailer notify every customer that purchased such product from the recipient after January 1, 1995, of this recall effort, and encourage the customer to return unopened containers to the recipient for either replacement product of equal value or full credit. The letter shall also notify the retailer that the recipient will get

either replacement product of equal value or full credit for all material returned by the recipient, and shall provide the recipient with information on how to return product to the Registrant or to some other person collecting recalled product for the Registrant.

(3) The Registrant fulfills its obligations as set forth in each of the letters described in subparagraphs (A)(1) and (A)(2) of this Paragraph.

(4) The Registrant will notify EPA within forty-five days after the effective date of this Agreement of:

(a) the location of collection sites for recalled material;

(b) the name and address of each person who was sent a letter pursuant to subparagraphs (A)(1) and (A)(2) of this paragraph, and, for each addressee, whether the letter was delivered, whether the addressee responded, whether the addressee participated or has indicated that he/she plans to participate in the recall, and the total amount returned by each addressee; and

(c) the location of the registered establishments that will carry out the reformulation.

For purposes of complying with these conditions of registration, a conforming letter will be deemed to have been sent if: (1) the letter was sent prior to the effective date of this Agreement and the letter informed the recipient of the recall effort and that returned material will be credited; and (2) the Registrant contacts on or before February 21, 1997, either by telephone or by certified mail, return receipt requested, all addressees who have neither returned any product nor communicated with the Registrant concerning the recall effort. If such contact is by telephone, the Registrant shall make a written record that shall include the date and time of call; the identity of the addressee; the name and title of the person spoken with; whether the addressee was aware of the recall effort; and whether the addressee has any material to be recalled. If the addressee was not aware of the recall effort, the Registrant shall also provide the addressee with all the information that would have been provided had a letter been sent pursuant to subparagraph (A)(1) or (A)(2), whichever letter would have been appropriate for the particular addressee. Such telephone records shall be provided to EPA on or before March 31, 1997. If a certified letter is sent, the letter shall contain all the information that must be included in any letter sent pursuant to subparagraph (A)(1) or (A)(2), whichever letter is appropriate for the particular addressee, and the Registrant shall provide to EPA on or before March 31, 1997, the information required by subparagraph (A)(4)(b).

Also for purposes of complying with this condition of registration, a Registrant may rely on any other signatory Registrant to perform any of the obligations called for in this Paragraph, provided that each Registrant understands that failure to send letters to purchasers of a particular Registrant's canceled product will be considered a violation of the condition of registration of such Registrant's replacement product granted pursuant to Paragraph 3 of this Agreement.

(B) All end-use products produced under registrations granted pursuant to Paragraph 3 of this Agreement shall contain either valeric acid or another stenching agent specifically approved by the Agency in writing for inclusion in EC products containing methyl parathion as the sole active ingredient. Neither the presence, identity, nor certified limits of such stenching agent may be changed without the prior, written approval of EPA.

(C) All end-use products produced under registrations granted pursuant to Paragraph 13 of this Agreement shall be packaged in returnable, refillable containers that bear a tamper-resistant mechanism (such as the MICRO MATIC valve system) that is designed to not permit removal of material without specialized equipment and that contain a unique identification number that appears either on the label or on the container itself, except that prior to March 31, 1997, end-use products may be packaged in fifty-five gallon drums containing a unique identification number if the product label conforms with Paragraph 9 of this Agreement.

(D) No language identified in Paragraphs 7 through 9 of this Agreement may be changed by a Registrant without first obtaining prior, written approval from EPA.

(E) The Registrant must establish a system to track all sales of all individual end-use product sold under registrations granted pursuant to Paragraph 3 of this Agreement through all levels of the distribution chain. The registrant must, upon request by EPA or an appropriate State authority, provide information from such a system regarding the particular identity of the purchaser or seller of any particular container and the date of sale.

(F) In the case of registrations held by Cheminova Agro A/S and/or Cheminova, Inc. ("Cheminova"), Cheminova will conduct an education campaign that meets the specifications set forth in Appendix C to this Agreement.

(G) The Registrant agrees that failure to comply with any of the conditions of registration set forth in this Paragraph shall be grounds for cancellation of the affected registration(s) under FIFRA section 6(e).

11. All the signatories to this Agreement agree that they will not challenge any of the provisions of this Agreement in any forum.

12. This Agreement constitutes the complete agreement reached by EPA and the Registrants.

13. EPA does not intend to require persons other than nonsignatory registrants to make any report pursuant to FIFRA section 6(g) for products canceled pursuant to this Agreement before March 15, 1997.

14. EPA does not intend at this time to grant any application for registration, or amendment to any existing registration, of any technical (manufacturing use) product containing methyl parathion as the sole active ingredient, or of any end-use product containing methyl parathion as the sole active ingredient in an EC, non micro-encapsulated formulation, unless the registration either conforms to the applicable terms of this Agreement or includes terms and conditions that provide equivalent controls designed to minimize the possibility of unlawful indoor use. If EPA does grant any registrations similar to the ones granted pursuant to Paragraph 3 of this Agreement with terms and conditions different than those set forth in this Agreement, the signatory Registrants may request (through appropriate applications for new registrations or amendments to existing registrations) registrations with similar conditions pursuant to FIFRA section 3(c)(7)(A).

15. This Agreement shall take effect if Cheminova and EPA sign the Agreement. The effective date shall be the date that the last party signs the Agreement or January 15, 1997, whichever occurs earlier.

Dated this 30th day of December 1996
Environmental Protection Agency

Signed 12/30/96
Cheminova Agro A/S

Signed 12/30/96
Helena Chemical Company
Signed 1/6/97
Riverside/Terra Corporation
Signed 1/15/97
Platte Chemical Company, Inc.
Signed 1/15/97
Micro Flo Company
Signed 1/7/97
Wilbur Ellis Company
Signed 1/15/97

Appendix A

An application for the registration of a product containing methyl parathion submitted pursuant to this Agreement shall include the following:

- * A Cover Letter
- * An Application for Pesticide Registration (8570)
- * A Confidential Statement of Formula (CSF) (8570-4)
- * A Formulator's Exemption Form (in the case of an application for an end-use product)
- * Five Copies of draft labeling which may consist of a hand edited label from an existing, similar product.

The cover letter shall state that the application is for registration of a product under the Agreement, and that the applicant relies upon data submitted to support the registration of the product(s) that the applicant voluntarily seeks to cancel. It shall also state that the labeling of the product complies with the terms of the Agreement, that maintenance of the registration is conditioned upon compliance with Paragraph 10 of the Agreement, and that failure to comply with those conditions may result in cancellation of the registration under FIFRA Section 6(e). The letter must include the EPA registration number of the product to be canceled to which this application is substantially similar, and must state that the application qualifies for expedited review under the terms of the Agreement.

Appendix B

TABLE 1

Company	Reg. No.	Product	SLNs
Wilbur Ellis	2935-142 2935-363	Methyl Parathion 4 Methyl Parathion 5	TX910009 ID870012 ID920007 MT920004 OR920012 WA920016 NV780004
	2935-421	Methyl Parathion 7.5	
Cheminova	4787-4 4787-11 4787-18 4787-22	MP Technical Methyl Parathion 4 EC Methyl Parathion 7.5 Prentox MP Technical	TX 960013
Helena	5905-55	4 LB Methyl	ID920006 TX950012 WA920014 TX910006
	5905-414	7.5 Methyl	
Riverside Terra	9779-34	Methyl 4	ID920014 WA930015 TX940013
	9779-218	Methyl	

Appendix B—Continued

TABLE 1

Company	Reg. No.	Product	SLNs
UAP (Platte)	34704-10	Methyl 4E	ID920009 MS820047 MT920003 ND790009 OR920018 TX830025 WA920017
	34704-72 34704-94 34704-433	Methyl 7.5 Metaspray 5E Methyl 5E	
Micro Flo	51036-18	Methyl 4	ID940005 TX940007 WA940028
	51036-42 51036-88 51036-278	Methyl Liquid 4 Prod. #909 Methyl 6 EC Technical MP	

Appendix C**Education Campaign to be Conducted by Cheminova**

Cheminova shall conduct an education campaign that will include the following elements:

1. Cheminova will include in its product stewardship program a campaign to educate formulators, distributors, retailers, dealers, applicators and growers about the addition of the stenching agent and the reasons for doing so. The campaign will be designed to inform the target audience that prevention of misuse of methyl parathion EC products is a priority and the target audience has an obligation to ensure that the product is not diverted for illegal uses.

The campaign will include, at a minimum,

(a) Mailings to be completed by March 31, 1997, to all United States retailers of methyl parathion EC products and to all United States national organizations representing growers of crops for which methyl parathion has a registered use;

(b) Issuance of a press statement or release; and

(c) Placement of "advertorials" which will be initiated by March 31, 1997, and will be sent to print media, including at a minimum, Pest Control Technology, Pest Management, Farm Chemicals, and The Cotton Grower.

By February 15, 1997, Cheminova will provide EPA with drafts of the materials to be used in this campaign, for review and comment. EPA will provide comments to Cheminova within fifteen calendar days of receipt of the materials. If Cheminova disagrees with any comments submitted by EPA, Cheminova and EPA shall negotiate in good faith to resolve such disagreement(s). If the parties are unable to reach agreement on any matter after such negotiations, either party may request that the Director of the Office of Pesticide Programs at EPA ("Director") resolve the matter. Upon Cheminova's request, the Director shall meet with Cheminova before reaching a decision on the matter. Cheminova shall accept the Director's decision as final, and materials used in the campaign shall be consistent with the Director's decision.

2. Cheminova will develop and distribute both a video public service announcement (PSA) and an audio PSA which provide information to the public concerning

avoiding indoor use of agricultural pesticides in general, and about methyl parathion in particular.

(a) By the end of February 1997, Cheminova will select a public relations firm to manage this effort.

(b) By March 15, 1997, Cheminova will submit the proposed PSA scripts to EPA for comment. EPA will provide comments to Cheminova within fifteen calendar days of receipt of the materials. If Cheminova disagrees with any comments submitted by EPA, Cheminova and EPA shall negotiate in good faith to resolve such disagreement(s). If the parties are unable to reach agreement on any matter after such negotiations, either party may request that the Director of the Office of Pesticide Programs at EPA ("Director") resolve the matter. Upon Cheminova's request, the Director shall meet with Cheminova before reaching a decision on the matter. Cheminova shall accept the Director's decision as final, and the PSAs shall be consistent with the Director's decision. Cheminova will complete production of the PSAs within 75 calendar days of receiving EPA comments (or, if there are any disagreements, of final resolution of such disagreements) or by June 15, 1997 (whichever is later).

(c) Cheminova will work with EPA and with staff at the U.S. Department of Agriculture's Food and Nutrition Network (to the extent that the Food and Nutrition Network judges the PSAs appropriate for its program) to identify the list of recipients of the PSAs. At a minimum, this list will include (1) major radio and television stations throughout U.S. cotton growing states as well as the states of Michigan, Ohio, and Illinois, and (2) state agencies and local or national organizations which are appropriate for disseminating the PSAs.

(d) Cheminova will produce sufficient copies of the PSAs for those recipients identified pursuant to subparagraph (c), and will distribute copies to these groups by July 15, 1997, or by the date 30 days after completing production of the PSAs, whichever is later.

3. Cheminova will assume the responsibility for developing the newly added component on deterrence of misuse for the Best Management Practices Task Force's educational and training program. The Task Force has agreed that the training

will be conducted by the sales forces of the eight agrochemical companies which are members of the Task Force.

(a) The education program will target formulators/distributors, dealers/retailers, certified applicators (e.g., custom applicators), and growers.

(b) The materials to be used in the program will include brochures, point-of-purchase displays for dealerships, advertisements in dealer magazines, or other written material. The main forum for the misuse component discussed in subparagraph (c) will be meetings with distributors, retailers, applicators, and growers.

(c) The misuse component will focus on the importance of keeping restricted use materials out of the hands of uncertified applicators and will specifically mention the prevention of illegal diversion of agricultural pesticides for household use, as well as specific responsibilities and actions these target groups can take in helping to prevent such diversions. The program will include a discussion of the potential civil and criminal penalties that are implicated by sale to uncertified applicators, the risks to human health and the environment, and the stake which distributors, retailers, and farmers have in ensuring that the availability of valuable crop protection tools are not jeopardized by misuse.

(d) Cheminova will include key grower organizations (e.g., National Cotton Council, Delta Council) in the development of the materials for the deterrence component through review and comments on drafts.

Appendix D

Company	Reg. No.	Product
Wilbur Ellis	2935-482	Ethyl-Methyl Parathion 6-3
Helena	5905-198 5905-515	Malathion-Methyl Parathion Parathion-Methyl P 6-3
Riverside Terra	9779-153 9779-207 9779-323	Mal-Methyl 44E Mal-Methyl 63 ULV Dithion 63

List of Subjects

Environmental protection, Pesticides, Voluntary cancellations.

Dated: April 15, 1997.

Lois A. Rossi,

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

[FR Doc. 97-11019 Filed 4-29-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[PF-728; FRL-5600-8]

Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

DATES: Comments, identified by the docket control number PF-728, must be received on or before May 30, 1997.

ADDRESSES: By mail submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7505C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under "SUPPLEMENTARY INFORMATION." No confidential business information should be submitted through e-mail.

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). CBI should not be submitted through e-mail. Information marked as CBI 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. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail, George LaRocca, Product Manager,

(PM 13), Registration Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460. Office location, telephone number and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, 703-305-6100; e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various raw agricultural commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice, as well as the public version, has been established for this notice of filing under docket control number PF-728 (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 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in "ADDRESSES" at the beginning of this document.

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. Comment 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 control number (PF-728) and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Authority: 21 U.S.C. 346a.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 10, 1997.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Below summaries of the pesticide petitions are printed. The summaries of the petitions were prepared by the petitioners. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

1. Gowan Company

PP 6F4738

EPA has received a pesticide petition (PP 6F4738) from Gowan Company, P. O. Box 5569, Yuma, AZ 85366-5569. The petition proposes, pursuant to section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish tolerances for the acaricide hexythiazox (The chemical name of hexythiazox is trans-5-(4-chlorophenyl)-N-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide.) and its metabolites (Metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety are included in the tolerance expression.) in or on the raw agricultural commodities stone fruits (except plums) at 1 part per million (ppm), almonds at 0.2 ppm and almond hulls at 10 ppm, and also in milk, cattle meat and cattle fat at 0.05 ppm and cattle meat byproducts at 0.1 ppm. The proposed analytical method is high performance liquid chromatography with an ultraviolet detector (HPLC with UV detection).

A. Residue Chemistry

1. *Plant metabolism.* The metabolism of hexythiazox in apples, pears, grapes and citrus has been studied. The major portion of the residue is parent compound. The metabolites are hydroxycyclohexyl and ketocyclohexyl analogs of hexythiazox and the amide formed by loss of the cyclohexyl ring.

2. *Animal metabolism.* The metabolism of hexythiazox in goats, hens and rats has been studied. Metabolic pathways in animals are similar to those in plants.

3. *Analytical method.* An adequate analytical method (HPLC with UV detection) is available for enforcement purposes. Parent compound and all of its metabolites are converted to a common moiety before analysis.