

ENVIRONMENTAL PROTECTION AGENCY**[OPP-181066; FRL 6063-1]****Diclosulam; Receipt of Application for Emergency Exemption, Solicitation of Public Comment****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has received a specific exemption request from the Texas Department of Agriculture hereafter referred to as the "Applicant" to use the new chemical diclosulam (Strongarm Agriculture Herbicide, EPA File Symbol 62719-EII) to treat up to 184,000 acres of peanuts, to control broadleaf weeds. The Applicant proposes the use of a new chemical which has not been registered by the EPA. Therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before March 11, 1999.

ADDRESSES: Three copies of written comments, bearing the identification notation (OPP-181066) should be submitted by mail to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 119, 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. Follow the instructions under SUPPLEMENTARY INFORMATION. No Confidential Business Information (CBI) should be submitted through e-mail.

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. The docket is available for public inspection at the Virginia address given above, from 8:30

a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-305-6463); e-mail: madden.barbara@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 federal or state agency from any provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicant has requested the Administrator to issue a specific exemption for the use of diclosulam on peanut to control broadleaf weeds. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that diclosulam is the only herbicide available that can be applied preplant incorporated and provide excellent control of purple nutsedge, eclipta, and golden crownbeard. Also it is the only herbicide available for the control of purple nutsedge that allows for cotton to be planted the following year. According to the Applicant once nutsedge is established in a field the production and profitability of that field declines year by year. Diclosulam herbicide has the potential to turn that process around and thus allow the grower to reclaim unproductive fields that have been unusable for years. In addition the use of diclosulam will help to eliminate the two or more year continuous peanut cropping scheme. This is an economic problem in that it degrades the productivity of the land through unsound agronomic practice. These effects include proliferation of difficult to control weeds, increased disease potential and nematode problems. All of this can result in economic loss.

The applicant proposes to make no more than one application of granular or water soluble packets of diclosulam on peanuts at the rate of 0.38 ounces of active ingredient (a.i.) per acre. The total maximum proposed use during the 1999 growing season (March 15, 1999 until July 15, 1999) would be 0.38 ounces of a. i. per acre. The applicant proposes that the maximum acreage which could

be treated under the requested exemption would be 184,000 acres. If all the proposed acres were treated at the maximum proposed rate, then 4,370 lbs., a.i. would be used in Texas.

This notice does not constitute a decision by EPA on the application itself. 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) which has not been registered by the EPA. Such notice provides for opportunity for public comment on the application.

The official record for this notice, as well as the public version, has been established under docket number (OPP-181066) (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 notice 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. Comments and data will also be accepted on disks in WordPerfect in 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket number (OPP-181066). Electronic comments on this notice may be filed online at many Federal Depository Libraries.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Texas Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: February 16, 1999

James Jones,

Director, Registration Division, Office of Pesticide Programs.

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