

registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1132, CM #2, Arlington, VA 22202 (703-305-5805). Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: July 17, 1996.

Janet L. Andersen,

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

[FR Doc. 96-19077 Filed 7-30-96; 8:45 am]

BILLING CODE 6560-50-F

[OPP-64030; FRL 5383-7]

Cancellation of Pesticides for Non-Payment of 1996 Registration Maintenance Fees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Since the amendments of October, 1988, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) has required payment of an annual maintenance fee to keep pesticide registrations in effect. The fee due last January 15 has gone unpaid for about 1,126 registrations. Section 4(i)(5)(D) of FIFRA, provides that the Administrator may cancel these registrations by order and without a hearing; orders to cancel all but a few of them have been issued within the past few days. The Agency is deferring cancellation for certain of these registrations, however, to permit time for affected users to explore

alternatives to cancellation directly with the registrants.

DATES: Reports of agreements to support continued registration or transfer of the registrations for which cancellation is being deferred must be received by October 29, 1996.

FOR FURTHER INFORMATION CONTACT: To report agreements to support continued registration of any of the products for which cancellation has been deferred, for instructions on payment of delinquent maintenance fees for these products, or for further information on the maintenance fee program in general, contact by mail: John Jamula, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Room 226, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-6426; e-mail: jamula.john@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 4(i)(5) of FIFRA as amended in October, 1988, and again in December, 1991 requires that all pesticide registrants pay an annual registration maintenance fee, due by January 15 of each year, to keep their registrations in effect. This requirement applies to all registrations granted under section 3 as well as those granted under section 24(c) to meet special local needs. Registrations for which the fee is not paid are subject to cancellation by order and without a hearing.

The 1990 Farm Bill amended FIFRA to allow the Administrator to reduce or waive maintenance fees for minor agricultural use pesticides when she determines that the fee would be likely to cause significant impact on the availability of the pesticide for the use. The Agency has waived the fee for 63 minor agricultural use registrations at the request of the registrants.

In late November, 1995, all holders of either section 3 registrations or section 24(c) registrations were sent lists of their active registrations, along with forms and instructions for responding. They were asked to identify which of their registrations they wished to maintain in effect, and to calculate and remit the appropriate maintenance fees. Most

responses were received by the statutory deadline of January 15. A notice of intent to cancel was sent in mid-March to companies who did not respond and to companies who responded, but paid for less than all of their registrations. Late payments of the fees were accepted until May 15, when the actual process of cancellation was begun.

Since mailing the notices, EPA has maintained a toll-free inquiry number through which the questions of affected registrants have been answered. Maintenance fees have been paid for about 16,493 section 3 registrations, or about 94 percent of the registrations on file in November. Fees have been paid for about 2,466 section 24(c) registrations, or about 86 percent of the total on file in November. Cancellations for non-payment of the maintenance fee affect about 812 section 3 registrations and about 314 section 24(c) registrations.

II. Product Cancellations not Affecting Status of Active Ingredient

In all cases but five section 3 registrations discussed in Section III below, the active ingredients will remain available in other registered products. We anticipate two types of impact for the bulk of these cancellations. First, some of these disappearing registrations will be survived in the market by substantially identical registrations. These substantially identical products may not, however, be readily available wherever a disappearing product was sold, so there may be local or regional disruptions while distribution patterns are adjusted. We expect these disruptions to be minor and temporary.

The cancellation orders generally permit registrants to continue to sell and distribute existing stocks of the canceled products until the due date for the next annual registration maintenance fee, January 15, 1997. Existing stocks already in the hands of dealers or users, however, can generally be distributed, sold or used legally until they are exhausted. Existing stocks are defined as those stocks of a registered pesticide product which are currently in the U.S. and which have been packaged, labeled and released for shipment prior to the effective date of the action.

The exceptions to these general rules are cases where more stringent restrictions on sale, distribution, or use of the products have already been imposed, through Special Reviews or other Agency actions. These general provisions for disposition of stocks should serve in most cases to cushion the impact of these cancellations while the market adjusts.

Second, in some cases unique non-agricultural uses will disappear, although the active ingredients will remain available for different uses in other products. When this situation occurs, there may be more serious impacts on users of the canceled products. Once again, existing stocks of the canceled products already in channels of trade will be usable to mitigate these impacts in the short term. For the longer term the mechanisms of section 3 amendments and 24(c) registrations will remain available to obtain replacement registrations.

Neither of these types of impact leaves users without the means to replace lost registrations; neither is

considered to justify further deferral of cancellations for non-payment of the maintenance fee. Thus all these registrations for which the active ingredient will remain in other products have been canceled.

III. Cancellations Leading to Disappearance of Active Ingredients

A second type of impact arises if an active ingredient that is now or has recently been available in the marketplace disappears. The Agency believes there are five registered active ingredients in this category. Of these five active ingredients—none subject to prior regulatory action, and all likely to disappear as a consequence of these cancellations—one is a fungicide; one is a disinfectant; one is a microbiocide, and two are an insecticide. If the last section 3 registration for an ingredient disappears, the section 24(c) registration process cannot be used to bring back the canceled ingredient.

All active ingredients can potentially have registered uses which are critical minor uses. Determining whether a use

is a critical minor use is a fact specific exercise that requires gathering substantial information and doing use and economic analyses, all of which would consume significant Agency resources. EPA has determined that high cost of conducting such analyses are not justified. Accordingly, the Agency has decided to defer cancellation in all instances of active ingredients that will disappear as a result of non-payment of maintenance fees. In this way the Agency can ensure that no critical minor use pesticides will be lost unnecessarily. In order to ensure that the public health and environment are not adversely affected by this policy, the Agency will not defer cancellations of products that the Agency has concerns that continued use may cause unreasonable adverse effects on the environment.

These five ingredients, grouped by these same general categories of use patterns, are listed along with the EPA Company Number of their registrants in the following Table 1.

TABLE 1. — ACTIVE INGREDIENTS WITH RECENT PRODUCTION PENDING CANCELLATION OF ALL PRODUCTS FOR NON-PAYMENT OF 1996 REGISTRATION MAINTENANCE FEES, IN SEQUENCE BY BROAD USE PATTERN

Chemical Name	Registration No.	Product Name
A. Fungicide:.		
Pseudomonas Fluorescens	055638-00005	Dagger G Biofungicide
EG1053	055638-00006	Dagger Manufacturing Concentrate
B. Disinfectant:.		
Octylphenoxypolyethoxy-ethanol - iodine complex.	010807-00105	REPCO Dyne Bowl Cleaner and Disinfectant
C. Microbiocide:.		
Cocoamine Acetate	010445-00019	X-2 Corrosion Inhibitor and Microbiocide
D. Insecticide:.		
Butoxycarboxim	035902-00001	Plant Pin
Sodium Carboxymethyl Cellulose	065262-00001	CELL-U-WET Insecticide

Because these active ingredients are likely to disappear with their product registration, the Agency has deferred for 90 days the cancellation of these 6 registrations. During that time those registrants or other affected persons may make arrangements to continue the registration.

We encourage individual users or user groups who are concerned about the potential loss of these active ingredients to work directly with the registrant identified by the first 6 digits of the Reg. No. in Table 1 to persuade them to

continue to support the ingredient, or to identify third parties who would be willing to support the ingredient if the registration were transferred to them. The full names and addresses of current registrants appear in Table 2 below. We also encourage users to consult with the Cooperative Extension Service or other local sources to identify alternatives to these active ingredients.

If the fee is paid and the Agency is notified within 90 days of this notice at the address given above either (1) that the registrant will continue to support

the registration, or (2) that an agreement has been reached to transfer the registration to another party, we will retain the registration in full active status. It should be emphasized, however, that any such registrations would still be subject to all requirements for reregistration, including reregistration fees (except as they may be reduced through the statutory provisions for small businesses or low volume uses).

TABLE 2. — REGISTRANTS OF SELECTED REGISTRATIONS PENDING CANCELLATION FOR NON-PAYMENT OF 1996 REGISTRATION MAINTENANCE FEE

EPA Com- pany No.	Company Name & Address
010445	Calgon Corp., Calgon Center - P.O. Box 1346, Pittsburgh, PA 15230.
010807	AMREP Inc., 990 Industrial Dr., Marietta, GA 30062.
035902	Wacker Chemie GMBH, HANNS-SEIDEL-PLATZ 4, D-81737 MUNICH.
055638	ECOGEN Inc., 2005 Cabot Blvd., West Langhorne, PA 19047.
065262	Creative Services Inc., 22 Bay Brook Lane, Oak Brook, IL 60521.

In addition to publishing this notice in the Federal Register, we are sending it directly to the States, to the U.S. Department of Agriculture, and to other parties who have previously expressed concern for minor uses. They should be receiving the notice at approximately the same time it is published. We hope that this extraordinary notification effort, and the deferral of cancellations for the most sensitive registrations, will serve to prevent any avoidable loss of critical minor use pesticides.

Because so many registrations are involved, it would be impractical to list those which have been canceled in this notice. Complete lists of registrations canceled for non-payment of the maintenance fee will, however, be available for reference during normal business hours in the OPP Public Docket, Room 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington VA, and at each EPA Regional Office. Product-specific status inquiries may be made by telephone by calling toll-free 1-800-444-7255.

List of Subjects

Environmental protection,
Agricultural commodities, Pesticides
and pests.

Dated: July 15, 1996.

Daniel M. Barolo,
*Director, Registration Division, Office of
Pesticide Programs.*

[FR Doc. 96-19457 Filed 7-30-96; 8:45 am]

BILLING CODE 6560-50-F

[PF-664; FRL-5384-7]

Pesticide Tolerance Petition; Notice of Filing by AgrEvo USA Company

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 number [PF-664], must be received on or before August 30, 1996.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources 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, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. Information submitted and any comment(s) concerning this notice 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(s) 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 to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

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-664]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne Miller, Product Manager (PM) 23, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, 703-305-6224; e-mail: miller.joanne@epamail.epa.gov.