

Maximum Residue Contributions (TMRC) calculated from the tolerances and estimated consumption data for various populations (very conservative estimates) a value of 0.019213 is obtained for the TMRC which represents 64.0 percent of the established reference dose was reached for the overall U.S. population. The Dietary Analysis for the Proposed Use of thiodicarb on broccoli, cabbage and cauliflower has been run by EPA and summarized in a document dated July 9, 1990 (Briggs, R.). Using the TMRC calculated from the tolerances and estimated consumption data for various populations (very conservative estimates). A value of 0.015225 is obtained for the TMRC which represents 50.8 percent of the established reference dose utilized for the overall U.S. population. None of the population subgroups exceeded the 100 percent level of the reference dose. This value includes all pending and published tolerances, including apples, tomatoes and peppers for which Rhone-Poulenc Ag Company does not currently have a registration. This is a large overestimation of the actual dietary exposure to thiodicarb because it assumes 100 percent of crops treated and maximum residue levels present.

The FQPA of 1996 lists three other potential sources of exposure to the general population that must be addressed, these are pesticides in drinking water, exposure from non-occupational sources, and the potential cumulative effect of pesticides with similar toxicological modes of action. Based on the available studies of thiodicarb in the environment which show a short half-life in soil (1.5 days), Rhone-Poulenc Ag Company does not anticipate residues of thiodicarb in drinking water. There is no established Maximum Concentration Level or Health Advisory Level for thiodicarb under the Safe Drinking Water Act.

The potential for non-occupational exposure to the general public is also insignificant. There are no residential lawn or garden uses for thiodicarb products where the general population may be exposed via inhalation or dermal routes.

Rhone-Poulenc concludes that consideration of a common mechanism of toxicity is not appropriate at this time since there is no reliable data to indicate that the toxic effects caused by thiodicarb would be cumulative with those of any other compound. Based on this point, Rhone-Poulenc has considered only the potential risks of thiodicarb in its exposure assessment.

D. Safety Determinations

1. *U.S. population in general.* Using the very conservative exposure estimates described above, the conclusion reached is that aggregate exposure to thiodicarb will utilize no more than 64 percent of the established reference dose. Rhone-Poulenc Ag Company has conducted a preliminary Dietary Risk Exposure Study (DRES) with TAS, Inc. which utilizes actual data (where available) for percent crops treated and residue data from FDA and Cal-EPA monitoring programs (no detectable residues of thiodicarb were observed in these databases, so as a conservative estimate, all methomyl residues were assumed to result from thiodicarb use). Only registered and conditionally registered uses (including leafy vegetables, broccoli, cabbage and cauliflower) were included in the analysis. The study concluded that chronic exposure estimates are well below the endpoints of concern. Chronic exposure estimates are 0.1 percent of the RfD or less for all population groups. Based on this study and the above points, Rhone-Poulenc Ag Company believes there is a reasonable certainty that no harm will result from aggregate exposure to thiodicarb.

2. *Infants and children.* Referring to the conclusions and summary in the Developmental and Reproductive Toxicity section stated above, Rhone-Poulenc Ag Company believes there is no additional sensitivity for infants and children and that an additional safety factor for infants and children is not warranted. The RfD of 0.03 mg/kg/day is appropriate for assessing aggregate risk to this subpopulation. For the infant and children (1 to 6 years of age) populations only 0.1 percent of the reference dose was used in the DRES study discussed above.

Based on the completeness and reliability of the toxicology data and the dietary analysis Rhone-Poulenc Ag Company concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to thiodicarb residues.

E. International Tolerances

There are no Codex maximum residue levels established for thiodicarb on leafy vegetables, broccoli, cabbage or cauliflower.

II. Public Record

EPA invites interested persons to submit comments on this notice of filing. Comments must bear a notification indicating the docket control number [PF-700].

A record has been established for this notice under docket control number [PF-700] (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 public record is located in Rm. 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 ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, 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 notice record which will also include all comments submitted directly in writing. The official notice record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

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

List of Subjects

Environmental Protection, Administrative practice and procedure, Agricultural commodities, Pesticide and pest, Reporting and recordkeeping requirements.

Dated: February 10, 1997.

Stephen L. Johnson,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 97-4879 Filed 3-4-97; 8:45 am]

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[OPP-181034; FRL 5591-2]

Bifenthrin; 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 Washington

Department of Agriculture (hereafter referred to as the "Applicant") to use the pesticide bifenthrin (CAS 82657-04-3 *cis* and 83322-02-5 *trans*), formulated as Brigade WSB, to treat up to 9,500 acres of raspberries to control weevils. This is the fifth year this use has been requested, and it has been allowed under section 18 for the past 4 years. Since this request proposes a use which has been requested or granted in any 3 previous years, and a complete application for registration and petition for tolerance has not yet been submitted to the Agency, EPA is soliciting public comment before making the decision whether or not to grant the exemption, in accordance with 40 CFR 166.24(a)(6). **DATES:** Comments must be received on or before March 20, 1997.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-181034," 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-181034]. 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 8:30 a.m. to 4 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, telephone number and e-mail: 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 Applicant has requested the Administrator to issue a specific exemption for the use of bifenthrin on raspberries to control weevils. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, this emergency exists because of the loss of the chlorinated hydrocarbon insecticides. Initially, raspberry growers obtained some relief through use of carbofuran under an exemption; however, that use was later disallowed due to groundwater concerns. Exemptions were then issued for several years for use of permethrin, but discontinued as the Applicant opted to request bifenthrin instead, due to claims that use of permethrin disrupted natural controls of other raspberry pests, leading to population flare-ups of these pests (primarily mites). This use of bifenthrin has been allowed under section 18 for the past four years, and the Applicant states that alternative controls are not adequate to prevent significant economic losses due to damage and contamination problems from weevils.

Under the proposed exemption, bifenthrin would be applied at a rate of 0.1 lb. a.i. per acre, with no more than 2 applications during the growing season, not to exceed the rate of 0.2 lb. a.i. per acre using ground equipment only. If all 9,500 acres are treated at this maximum rate, this could potentially result in a total use of 1,900 lb. a.i.

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 a use which has been requested or granted in any 3

previous years, and a complete application for registration and/or tolerance petition has not been submitted to the Agency [40 CFR 166.24(a)(6)]. Such notice provides for opportunity for public comment on the application.

A record has been established for this notice under docket number [OPP-181034] (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 public record is located in Room 1132 of the Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: February 19, 1997.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

[FR Doc. 97-5199 Filed 3-4-97; 8:45 am]

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