

a maximum 225,000 lbs. of propamocarb hydrochloride.

The Applicant proposes to apply cymoxanil, manufactured by E.I. du Pont de Nemours and Company, as Curzate M-8, and as Manex C-8, manufactured by Griffin Corporation, at a maximum rate of 0.12 lbs. a.i. (1.5 lb. of product) per acre, by ground or air, with a maximum of 7 applications per season and a 5-day PHI. Use under this exemption could potentially amount to a maximum 42,000 lbs. of cymoxanil.

The Applicant proposes to apply dimethomorph at a maximum rate of 0.2 lbs. a.i. (2.25 lb. of product) per acre, by ground or air, with a maximum of 5 applications per season and a 5-day PHI. Use under this exemption could potentially amount to a maximum 50,000 lbs of dimethomorph.

This notice does not constitute a decision by EPA on the applications. The regulations governing section 18 require publication of a notice of receipt in the **Federal Register** for an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide) or the first food use of an active ingredient. Such notice provides for opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The official record for this notice, as well as the public version, has been established for this notice under docket number [OPP-181041] (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. 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 number [OPP-181041]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

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

#### List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: March 24, 1997.

**Stephen L. Johnson,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 97-8398 Filed 4-1-97; 8:45 am]

BILLING CODE 6560-50-F

[OPP-181038; FRL 5594-4]

#### Fenoxycarb; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received and granted specific exemption requests from the Oregon and Washington Departments of Agriculture (hereafter referred to as the "Applicants") for use of the pesticide fenoxycarb (CAS 72490-01-8) to control pear psylla *Cacopsylla pyricola* on up to 18,900, and 26,000 acres of pears, respectively. The Applicants propose the first food use of an active ingredient; therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment about granting the exemptions.

**DATES:** Comments must be received on or before April 17, 1997.

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-181038," should be submitted by mail 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. 1128, 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-181038]. 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: Pat Cimino, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail: 6th Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8328; e-mail: cimino.pat@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 Applicants have requested the Administrator to issue specific exemptions for the use of the insecticide fenoxycarb, to control pear psylla, on up to 18,900 acres of pears in Oregon, and 26,000 acres of pears in Washington. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

The Applicants state that pear psylla is a major, chronic pest of pear orchards. If the pest is left uncontrolled, it will cause dramatic yield decreases, and eventual tree debilitation. Damage is caused by honeydew, secreted by the pear psylla nymphs while feeding, which causes deformed fruit and russetting, leading to major quality problems, downgrading of fruit, and increased cullage. In addition, the honeydew causes secondary problems with black sooty mold on the fruit. Tree

vigor is reduced by the toxin introduced by the feeding of pear psyllas which ultimately reduces overall yield. The Applicants state that the need for a method of reducing the overwintering adult population before they lay appreciable numbers of eggs in the spring is critical to pear psylla control. The only effective pre-bloom materials for some years were the synthetic pyrethroids, permethrin and fenvalerate. When widespread resistance to these materials became evident in the psylla population by 1987-88, the Applicants state that cyfluthrin was used under section 18 exemptions in 1988 - 1992, and was found to be efficacious.

In 1993, this use of fenoxycarb was first requested by Washington state, who claimed that resistance to cyfluthrin was being observed. However, the toxicology data available at that time for fenoxycarb did not support this use, and cyfluthrin was again used under section 18 during the 1993 season. In the 1994, 1995 and 1996 seasons, both Washington and Oregon requested exemptions for this use. Adequate toxicology data were available to support the use under section 18, and the exemptions were subsequently granted. The Applicants claim that most of the pear psylla populations are now resistant to cyfluthrin, and are therefore again requesting this use of fenoxycarb for control of pear psylla in pears.

The Applicants wish to treat up to 18,900 acres of pear trees in Oregon, and up to 26,000 acres in Washington. This would translate to a possible total of 4,725 pounds of active ingredient [(a.i.)] (18,900 lbs. product) in Oregon, and up to 6,500 lbs. a.i. (26,000 lbs. product) in Washington. Up to two applications would be made per growing season, at a maximum rate of 2 oz. a.i. (8 oz. product) per acre, diluted in water to make a minimum spray volume of 50-400 gallons per acre. Application of fenoxycarb would not be allowed by air or through chemigation equipment. Fenoxycarb would be used pre-bloom and would not be allowed to be applied during or after pear bloom, nor to open blossoms of weeds or cover crops. Negligible residues are expected because this is a pre-bloom only use and available residue chemistry data indicate non-detectable residues will occur.

The regulations governing section 18 require publication of a notice of receipt in the **Federal Register** and solicitation of public comment on an application for a specific exemption proposing the first food use of an active ingredient. Normally, a notice of receipt shall give the public 15 days in which to file comments on the application. The

Administrator may shorten or eliminate the comment period if she determines that the time available for a decision on the application requires it (40 CFR §166.24). The comment period has been eliminated for these specific exemption requests because implementation of the Food Quality Protection Act delayed application processing, the use season had started and available data indicate that there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposure and all other exposures for which there is reliable information.

A record has been established for this notice under docket number [OPP-181038] (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.

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.

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 record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document. Accordingly, interested persons may submit written views on this subject to the Filed Operations Division at the address above.

#### List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: March 24, 1997.

**Stephen L. Johnson,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 97-8399 Filed 4-1-97; 8:45 am]

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[PF-726; FRL-5594-9]

#### ISK Biosciences Corporation; Pesticide Tolerance Petition Filing

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of filing.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of time-limited tolerances for residues of the fungicide, chlorothalonil and its metabolite, 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on non-bell peppers. This notice includes a summary of the petition that was prepared by the petitioner, ISK Biosciences Corporation.

**DATES:** Comments, identified by the docket control number [PF-726], must be received on or before, May 2, 1997.

**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 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 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by docket control number [PF-726]. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit II. of this document.

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