

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 broccoli, cauliflower, cabbage, lettuce, and rapini to control whiteflies. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, materials are still not available to growers which will provide them with satisfactory late season control of the silverleaf whitefly. An alternative is available for early season control (imidacloprid), which the registrant (Bayer, Inc.) does not want used throughout the growing season, in order to avoid potential for the whitefly to develop resistance to imidacloprid. The Applicant states that when used in a complementary fashion (imidacloprid for early season control, and bifenthrin for late), these two materials have helped the growers to continue to grow a marketable crop in the past several years. Without this use of bifenthrin, the Applicant claims that growers will suffer significant economic loss due to inadequate control of the silverleaf whitefly in the aforementioned crops.

Under the proposed exemption, a maximum of four applications for lettuce, and five applications for broccoli, cauliflower, cabbage, and rapini would be made at 0.08 to 0.1 lb. active ingredient (5.2 to 6.4 fl. oz. of product) per acre, by ground or air equipment. At the maximum rates and acreages, the uses proposed in this request could result in a potential total of 27,000 lbs. of active ingredient used. Other restrictions proposed include: a 20-day pre-harvest interval; aquatic buffer zones of 25 ft. for ground and 150 ft. by air; and buffer zones around endangered species habitat of 40 yards for ground and 200 yards by aerial application.

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.

The official record for this notice, as well as the public version, has been established for this notice under docket number [OPP-181049] (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 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP-181049]. 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 exemption requested by the California Department of Pesticide Regulation.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: October 17, 1997.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 97-28658 Filed 10-28-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-181050; FRL 5752-5]

Emamectin Benzoate; 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 Florida Department of Agriculture (hereafter referred to as the "Applicant") to use the pesticide emamectin benzoate (CAS 137512-74-4) (formulated as "Proclaim 5SG") to control the diamondback moth on up to 13,400 acres of the *Brassica* (cole) leafy vegetable group in Florida. The Applicant proposes the use of a "new" chemical (an active ingredient not currently found in any registered

product). 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 November 13, 1997.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-181050," should be submitted by mail to: Public Information and Records Integrity Branch, Information Resources Services Division, (7502C), 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 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 as a comment concerning this document 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 submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 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: Olga Odiott, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail: Rm. 268, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 308-9363; e-mail: odiott.olga@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 emamectin benzoate on the *Brassica* (cole) leafy vegetable group to control the diamondback moth. Information in

accordance with 40 CFR part 166 was submitted as part of this request.

The Applicant states that the diamondback moth, a pest of almost all crops in the cole vegetable group, has become resistant to registered materials, which were formerly effective at providing control. The applicant states that without an effective control such as emamectin benzoate, the cole crop growers in Florida will likely suffer severe economic losses.

The Applicant proposes to apply emamectin benzoate at a rate of 0.015 lb. active ingredient (a.i.) per acre with a maximum of six applications per crop season, but no more than 0.09 lb. a.i., applied per acre per crop season. The proposed use is for up to 13,400 acres of the cole vegetable group. Therefore, use under this exemption could potentially amount to a maximum total of 1,206 lbs. of the active ingredient, emamectin benzoate. This is the first time an exemption request for this use has been requested by the state of Florida.

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 in the **Federal Register** for an application for a specific exemption proposing the use of a new (unregistered) chemical. 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 for this notice under docket number [OPP-181050] (including comments and data 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 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-181050]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Accordingly, interested persons may submit written views on this subject to

the Information Resources and Services Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Florida Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: October 17, 1997.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 97-28643 Filed 10-28-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-5914-7]

Joint EPA/State Agreement on Pursue Regulatory Innovation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The purpose of this notice is to solicit public comment on the draft Joint EPA/State Agreement to Pursue Regulatory Innovation. This draft was prepared jointly by the EPA and the Environmental Council of the States (ECOS). The agreement will provide a framework for how EPA and the States will promote and implement future regulatory innovation efforts. A copy of this notice is available on the Internet at <http://www.epa.gov/reinvent>.

DATE: Comments are due by November 28, 1997.

ADDRESSES: Comments may be submitted to: Gail Robarge, Office of Reinvention (mailcode 1102), 401 M Street, SW., Washington, DC 20460; email address: robarge.gail@epamail.epa.gov. ECOS members may submit comments to: Tina Parker, Environmental Council of the State, 444 N. Capitol Street, NW., Suite 305, Washington, DC 20001; email address tparker@sso.org.

FOR FURTHER INFORMATION CONTACT: Gail Robarge, EPA Office of Reinvention, phone 202/260-9101, email robarge.gail@epamail.epa.gov; or Bruce Brott, Minnesota Pollution Control Agency, phone 612/297-8380, email bruce.brott@pca.state.mn.us.

SUPPLEMENTARY INFORMATION:

Background

In order to find new, better and more efficient and effective ways to improve

environmental protection, the ECOS and EPA Administrator formed a joint task group to develop an agreement on EPA-State regulatory innovation. The purposes of the agreement are to: improve environmental protection in the United States; improve EPA/State environmental management systems; and provide for timely decision-making on innovation proposals.

The agreement establishes guiding principles for innovation and an efficient process that is receptive to innovative proposals from the States for achieving shared environmental objectives. The agreement will encourage and facilitate the exploration of ideas which are potentially more cost-effective and/or have a better environmental impact. It will improve decision-making between the States and EPA on innovation proposals, emphasizing clear lines of communication, decision authority, accountability and timeliness. It will provide opportunities for stakeholder involvement at the state and national levels.

An informal stakeholder meeting was held to discuss the draft agreement in September. Participants offered many thoughtful comments and constructive suggestions (a summary of this meeting is posted on the Web at <http://www.epa.gov/reinvent>). Comments from the meeting will be taken into consideration by EPA and ECOS as we review other comments received during the next 30 days.

A public meeting to discuss the draft agreement will be held on Nov. 20, 1997, in Washington, D.C. Please contact Louise McLaurin (202/260-4261 or mclaurin.louise@epamail.epa.gov) to register for the meeting and to obtain details regarding time and location.

TEXT OF DRAFT AGREEMENT

Part 1

Joint EPA/State Agreement To Pursue Regulatory Innovation

"* * * We must encourage innovation by providing flexibility with an industry-by-industry, place-by-place approach to achieving standards,* * * But we will require accountability that such standards be met. Rather than focusing on pollutant-by-pollutant approaches, attention must shift to integrated strategies for whole facilities, whole economic sectors, and whole communities." [Excerpt from President Clinton's "Reinventing Environmental Regulation," March 16, 1995]

The U.S. Environmental Protection Agency and the states agree on the need to experiment with new approaches to improve our nation's environment. These new approaches can help us identify cleaner, cheaper, smarter ways