

| Regulatory Action Leader | Office location/telephone number  | Address                                     |
|--------------------------|---|---|
| Driss Benmhend .....     | Rm. 37, 9th floor, CM #2, 703-308-9525, e-mail: benmhend.driss@epamail.epa.gov. | 1921 Jefferson Davis Hwy, Arlington, VA Do. |
| Sheila Moats .....       | Rm. 14, 9th floor, CM #2, 703-308-1259, e-mail: moats.sheila@epamail.epa.gov.   |   |

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability:** Electronic copies of this document and the Fact Sheet are available from the EPA home page at the **Federal Register**-Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgstr/>).

EPA issued a notice, published in the **Federal Register** of January 22, 1997 (62 FR 3287) (FRL-5582-4), which announced that Themac Incorporation P.O. Box 5209, Valdosta, GA 31603-5209, had submitted an application to register the pesticide product Game Stop a vertebrate repellent (EPA File Symbol 70061-R), containing the new active ingredient fish oil at 11.6 percent, an active ingredient not included in any previously registered product.

The application was approved on March 6, 1998, as Game Stop, (EPA Registration Number 70061-1) for terrestrial use application of liquid formulation to foliage and twigs of trees, shrubs, and ornamental plants which are fed upon by rabbits and deer. (S. Moats)

EPA also published a notice in the **Federal Register** of October 30, 1997 (62 FR 58729) (FRL-5751-4), which announced that Engelhard Corporation, 101 Wood Avenue, Iselin, NJ 08830, had submitted applications to register the pesticide products M-97-002, M-97-009, and M-96-018 (EPA File Symbols 70060-E, 70060-R, and 70060-G) containing the active ingredient kaolin at 99.4, 100, and 98.8 percent respectively, an active ingredient not included in any previously registered products.

The applications for these products were approved on March 17, 1998, as M-97-002 Kaolin, M-97-009 Kaolin, and M-97-018 Kaolin, as a broad spectrum agricultural repellent/protectant for controlling damage to crops from various insects, mites, fungal, and bacterial diseases (EPA Registration Numbers 70060-2, 70060-1, and 70060-3), respectively. (D. Benmhend)

The Agency has considered all required data on risks associated with the proposed use of fish oil and kaolin, and information on social, economic, and environmental benefits to be derived from use. Specifically, the Agency has considered the nature of the chemical and its pattern of use,

application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health safety determinations which show that use of fish oil and kaolin when used in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects to the environment.

More detailed information on these registrations is contained in an EPA Pesticide Fact Sheet on fish oil and kaolin.

A copy of these fact sheets, which provide a summary description of the pesticides, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are available for public inspection in the Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, 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: June 24, 1998.

**Janet L. Andersen,**

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

[FR Doc. 98-18079 Filed 7-7-98; 8:45 am]

BILLING CODE 6560-50-F

**ENVIRONMENTAL PROTECTION AGENCY**

[PF-808; FRL-5791-6]

**Notice of Filing of a Pesticide Petition**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

**DATES:** Comments, identified by the docket control number PF-808, must be received on or before August 7, 1998.

**ADDRESSES:** By mail submit written comments to: Public Information and Records Integrity Branch (7502C), Information Resources and Services Division, Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #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 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 "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 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. All written comments will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Richard W. King, Regulatory Action Leader, Biopesticides and Pollution Prevention Division, (7511C), Office of Pesticide Programs,

Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 14, 9th floor, CM #2, 1921 Jefferson Davis Highway, Arlington, VA. 22202, (703) 308-8052; e-mail: king.richard@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice of filing, as well as the public version, has been established for this notice of filing under docket control number [PF-808] (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 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 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number [PF-808] and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

#### List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: June 29, 1998.

**Kathleen D. Knox,**

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

#### Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

#### Asahi Chemical Manufacturing Company

##### PP 7F4835

EPA has received a pesticide petition (PP 7F4835) from Asahi Manufacturing Company, Ltd., c/o Chemical Consultants International, Inc., 7270 West 98th Terrace, Suite 100, Overland Park, KS, 66212, proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an amendment/expansion of an existing tolerance exemption for the biochemical pesticide Sodium o-Nitrophenolate, Sodium p-Nitrophenolate, and Sodium 5-Nitroguaiacolate in or on all crops.

Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, Asahi Manufacturing Company, Ltd. has submitted the following summary of information, data and arguments in support of their pesticide petition. This summary was prepared by Asahi Manufacturing Company, Ltd. and EPA has not fully evaluated the merits of the petition. The summary may have been edited by EPA if the terminology used was unclear, the summary contained extraneous material, or the summary was not clear that it reflected the conclusion of the petitioner and not necessarily EPA.

#### A. ATONIK® and Proposed Use Practices

ATONIK® is registered for use as a plant growth stimulator on cotton, rice and soybeans. Application should be made with the addition of a non-ionic surfactant.

1. *Cotton.* ATONIK® may be applied twice during the growing season in 40 to 60 gallons of water per acre.

ATONIK® may be applied at 8 fluid ounces per acre at first bloom with a second application at 14 fluid ounces during early boll development.

2. *Rice.* ATONIK® may be applied twice during the growing season in 40 to 60 gallons of water. ATONIK® may be applied at 6 to 8 fluid ounces per acre at the beginning of panicle initiation with a second application of 6 to 8 fluid ounces at post anthesis.

3. *Soybeans.* ATONIK® may be applied twice during the growing season in 40 to 60 gallons of water. ATONIK® may be applied at 6 to 8 fluid ounces per acre 5 days after first bloom with a second application of 6 to 8 fluid ounces 3 to 4 weeks after first bloom.

#### B. Product Identity/Chemistry

ATONIK® is comprised of three active ingredients. These three active ingredients have each been exempted from the requirements of tolerance for cotton, rice and soybeans. The three active ingredients and the percentage of each in ATONIK® are:

- i. Sodium o-Nitrophenolate 0.20%
- ii. Sodium p-Nitrophenolate 0.30%
- iii. Sodium 5-Nitroguaiacolate 0.10%

The chemical properties of each of the three ingredients in ATONIK® and of ATONIK® itself are presented in section A of the submission. The three active ingredients have all been shown to be taken up into plants and immediately metabolized. Therefore, no measurable residues have been found or will be expected.

#### C. Mammalian Toxicological Profile

Acute toxicology studies place ATONIK® in Category IV. Acute toxicology studies place Sodium o-Nitrophenolate in Category II based upon the results of the primary eye study, Sodium p-Nitrophenolate is in Category II based upon the results of the acute oral and the primary eye studies and Sodium 5-Nitroguaiacolate is in Category I based upon the results of the primary eye study. ATONIK® was found to be a mild sensitizer in the guinea pig.

A subchronic oral feeding study was performed on the end-use product ATONIK® using dietary dose levels of 0, 5,000, 15,000 and 50,000 parts per million (ppm), which was equivalent to 515, 1,590, and 5,056 milligrams/kilograms (mg/kg/day) for male rats and 531, 1,723, and 6,553 mg/kg/day for female rats. The lowest observed effect level (LOEL) was 1,589 mg/kg/day for male rats and 1,723 mg/kg/day for female rats based upon decreased weight gains, changes in hematology parameters, relative organ weights of the liver and kidney, and pigment accumulation in kidney and spleen.

A developmental toxicity study in rats was conducted on ATONIK®. Administration was by gavage at dose levels of 0, 100, 300, and 600 mg/kg/day. Significantly decreased body weight gain and food consumption was observed at 600 mg/kg/day in the female rats. One death was noted and attributed to the test chemical. The maternal no observed effect level (NOEL) and LOEL were determined to be 300 and 600 mg/kg/day, respectively. No developmental toxicity was observed. The NOEL for developmental toxicity was determined to be 600 mg/kg/day.

The Ames Test, Mouse Micronucleus Assay and the Mouse Lymphoma Assay were each performed with each of the three active ingredients in ATONIK®. All results were negative.

The toxicity studies are sufficient to demonstrate that there are no foreseeable human or domestic animal health hazards possible from use of these active ingredients as plant regulators in the concentrations present in ATONIK®.

#### D. Aggregate Exposure

The end-use product, ATONIK®, contains the three active ingredients in very low concentrations. At the application rates employed, the level of active ingredient which may be present in any of the food or feed items would be far below the levels which demonstrated any effects in the subchronic oral feeding study, the developmental toxicity study or the mutagenicity studies. It can be shown that in order to reach a dose rate comparable to the LOEL of 1,600 mg/kg/day obtained in the subchronic oral feeding study, a person weighing 50 kg would have to consume all of the produce from 4 acres of crop every day.

Further, due to the rapid uptake and metabolism of the three active ingredients in the plants, it is most unlikely that any of the residue would be available for potential exposure.

Similarly, exposure of the residues to humans from consumption of water would be equally unlikely. There is no allowed use of the product containing the three active ingredients on lawns, rights-of-way, golf courses, or other areas where human exposure may result. Therefore, exposure from these areas would be non-existent.

#### E. Cumulative Exposure

Exposure through other pesticides and substances with the same mode of toxicity is not likely. What little toxicity that is observed is only observed at extremely high concentrations of these active ingredients.

#### F. Safety Determination

The three active ingredients in the end-use product, ATONIK®, are all biochemicals. The low toxicity of each of these alone and in combination, as discussed above, demonstrates that these chemicals, at the rates established, will not pose any known risk to human health, either as children or as adults. These three active ingredients are already exempted from the requirements of a tolerance for use on cotton, rice and soybeans.

#### G. Effects on the Immune and Endocrine Systems

The Agency has no information to suggest that ATONIK® will have an effect on the immune and endocrine systems. The Agency is not requiring information on the endocrine effects of this biological pesticide at this time. Congress has allowed 3 years after August 3, 1996, for the Agency to implement a screening program with respect to endocrine effects.

#### H. Existing Tolerances

Exemptions from the requirements of a tolerance have already been established for residues of the biochemical plant regulators Sodium o-Nitrophenolate, Sodium p-Nitrophenolate, and Sodium 5-Nitroguaiacolate in or on the raw agricultural commodities cottonseed, cotton gin by products, rice, rice straw, soybeans, and soybean forage and hay.

#### I. International Tolerances

No known international tolerances have been granted for this pesticide. Therefore, based on the completeness and reliability of the toxicity data from the published literature and conservative exposure assessment, Asahi Manufacturing Company, Ltd., concludes that there is a reasonable certainty that no harm will result from aggregate exposure to residues of the ATONIK® including all anticipated dietary exposure and all non-occupational exposures.

[FR Doc. 98-18076 Filed 7-7-98; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

[OPP-50842; FRL-5798-4]

#### Issuance of an Experimental Use Permit

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

**ACTION:** Notice.

**SUMMARY:** EPA has granted an experimental use permit to the following applicant. The permit is in accordance with, and subject to, the provisions of 40 CFR part 172, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

**FOR FURTHER INFORMATION CONTACT:** By mail: Sheila Moats, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 9th Floor, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 308-1259, e-mail: moats.sheila@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA has issued the following experimental use permit:

70515-EUP-1. Issuance. J P BioRegulators, Inc., IR-4 Project Rutgers University, Cook College, P.O. Box 231, New Brunswick, NJ 08903-0231. This experimental use permit allows the use of 72 kilograms each year for the biochemical phospholipid: Lyso-PE (lysophosphatidylethanolamine) on 520 acres of apples, citrus, cranberries, grapes, peaches, pears, nectarines, strawberries, and tomatoes to evaluate pre-harvest and post-harvest ripening and storage shelf-life. The program is authorized only in the States of Arizona, California, Florida, Massachusetts, Michigan, Ohio, Washington, West Virginia, and Wisconsin. The program is effective from June 3, 1998 to June 1, 2001.

Persons wishing to review this experimental use permit are referred to the designated contact person. Inquires concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**Authority:** 7 U.S.C. 136.

#### List of Subjects

Environmental protection,  
Experimental use permits.

Dated: June 24, 1998.

**Janet L. Andersen,**

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

[FR Doc. 98-18077 Filed 7-7-98; 8:45 am]

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