

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00401; FRL-4933-8]

FIFRA Scientific Advisory Panel; Open Meeting**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of open meeting.

SUMMARY: There will be a 1-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) Subpanel on Plant Pesticides to review a set of scientific issues being considered by the Agency in connection with Monsanto's application for registration of a transgenic plant pesticide. The plant pesticide contains the active ingredient *Bacillus thuringiensis* subsp. tenebrionis delta endotoxin protein as produced by the CryIIIa gene and its controlling sequences in potatoes.

DATES: The meeting will be held on Wednesday, March 1, 1995, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at: Crystal Mall #2, 11th Floor Conference Room (Fish Bowl), 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT:

By mail: Robert B. Jaeger, Designated Federal Official, FIFRA Scientific Advisory Panel (7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 819B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5369 or 7351.

Copies of documents may be obtained by contacting: By mail: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1128 Bay, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-5805 or 5454.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will be available from the public docket within a week or two prior to the meeting. Copies of information submitted to the Agency in support of this registration (MRID# 429322-01 thru 429322-20), and Agency reviews of these data will be available from the public docket. The release of data is subject to section 10(g) of FIFRA; disclosure requires submission of a signed Affirmation of Non-multinational Status form. Contact the OPP docket staff to receive a copy of the form. Due to the volume of data

(in excess of 3,000 pages), callers will receive the data on microfiche. A papercopy of the data is available for viewing in the docket.

Any member of the public wishing to submit written comments should contact Robert B. Jaeger at the address or the phone number given above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file written statements before the meeting. To the extent that time permits and upon advance notice to the Designated Federal Official, interested persons may be permitted by the chairman of the Scientific Advisory Panel to present oral statements at the meeting. There is no limit on written comments for consideration by the Panel, but oral statements before the panel are limited to approximately 5 minutes. Since oral statements will be permitted only as time permits, the Agency urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral and/or written statements should notify the Designated Federal Official and submit 20 copies of a summary no later than February 17, 1995, in order to ensure appropriate consideration by the Panel.

Information submitted as a comment in response to 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 that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. The public docket will be available for public inspection in Rm. 1128 Bay at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. All statements will be made part of the record and will be taken into consideration by the Panel.

Copies of the Panel's report of their recommendations will be available 10 to 15 working days after the meeting and may be obtained by contacting the Public Docket and Freedom of Information Section at the address or telephone number given above.

Dated: January 19, 1995.

Daniel Barolo,*Director, Office of Pesticide Programs.*

[FR Doc. 95-2009 Filed 1-24-95; 8:45 am]

BILLING CODE 6560-50-F

[OPP-30106; FRL-4934-2]

Notice of Limited Plant Propagation Registration for a Plant-Pesticide**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA is proposing to issue a limited plant propagation registration under section 3(c)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to Monsanto Company for the *Bacillus thuringiensis* var. tenebrionis (B.t.t) delta endotoxin produced in potatoes for the purpose of increasing reproductive plant materials (plant propagation/seed production). This limited plant propagation registration will be restricted as to the duration of the registration, time and acreage of potatoes planted, the amount of delta-endotoxin produced, and the subsequent harvesting and processing of the resulting crop. EPA is proposing to issue this limited registration because the intent of the plantings is to increase reproductive plant materials.

DATES: Comments identified by the docket control number [OPP-30106] must be received on or before February 24, 1995.

ADDRESSES: By mail: Submit written comments identified by the document control number [OPP-30106] 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, Attention: Phil Hutton. In person bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of the 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 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. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Phil Hutton, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW.,

Washington, DC 20460. Telephone number: (703) 308-8260.

SUPPLEMENTARY INFORMATION: EPA has received several requests for experimental use permits for plant-pesticides which include acreage dedicated solely to seed increase. Because plant-pesticides are produced in living plants, their commercial development involves the propagation and breeding of new varieties of the crops producing the plant-pesticides. This plant-breeding process also involves increases of plant reproductive materials prior to commercialization. The production of propagative plant products (such as seeds, tubers, corms, cuttings, etc.) is an integral step in the development of new commercial plant varieties. Because of the biology of plants and general planting and harvesting restrictions associated with plant propagation, this step usually takes an entire year in the product development cycle. In the case of tree crops, it may take much longer.

EPA has considered procedural options under FIFRA which would allow plant-pesticides to be propagated for the production of reproductive plant materials under limited acreage and conditions in instances where the Agency has determined that such plant propagation will not result in unreasonable adverse effects to humans or the environment. EPA has determined that a limited registration under section 3(c)(5) is an appropriate regulatory vehicle for pesticides produced in plants grown for the purposes of plant propagation/seed increase. A limited registration will stipulate the conditions under which the plantings could occur and may include such restrictions as the acreage to be planted, the design of the field sites to ensure adequate containment, the locations of the field sites, and any other restrictions deemed necessary. The Agency, in making its finding of no unreasonable adverse effects, will rely in part upon the restrictions set in the limited registration. The limited registration will also stipulate that the company acquiring the registration is liable for the actions of its cooperators in terms of meeting the conditions of the registration. Companies that wish to make applications for a limited registration under FIFRA section 3(c)(5) for the purposes of plant propagation/seed production should be cognizant of tolerance requirements under the Federal Food, Drug, and Cosmetic Act (FFDCA). Crop destruction or other actions to prevent the introduction of the resulting crop into commerce will be a necessary condition of a limited

registration in the absence of a tolerance or exemption from the requirement of a tolerance. Moreover, seeds or other plant parts may be restricted in their sale or distribution.

Monsanto has requested a limited registration for plant propagation and has proposed certain conditions for the registration. The Agency has evaluated the information and data that have been submitted by Monsanto concerning the potential risks from planting potatoes producing *Bacillus thuringiensis* var. tenebrionis (B.t.t.) delta endotoxin for the purpose of increasing propagative materials. The information and data evaluated by the Agency to date has led EPA to conclude that, under the restrictions of the limited registration, there will be no unreasonable adverse effects to humans or the environment.

Therefore, EPA is proposing to issue the following limited registration:

524-474. Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198. The approved limited registration for plant propagation would allow the use of 4,988.9 grams of *Bacillus thuringiensis* cryIIIc delta endotoxin produced in potato plants grown from both tubers and plantlets over a total of 8,186 acres. Planting of the product would be limited to the states of Colorado, Idaho, Maine, Michigan, Minnesota, Montana, Nebraska, New York, North Dakota, Oregon, Washington, and Wisconsin. The registration would be limited to plantings from March 1, 1995 through January 1, 1995, and would include associated agronomic activities such as the harvesting and processing of plant propagative materials. Sale or distribution of the crop or plant propagative materials would be prohibited. This registration would also be limited in that all crops must be either destroyed or stored for future plantings or research.

Interested parties should note that EPA will be holding a meeting of the Scientific Advisory Panel on March 1, 1995, for consideration of a full registration under FIFRA section 3(c)(5) (i.e., a registration not restricted to propagation, and unlimited acreage) for this product. The scientific merits of a proposed exemption from the requirement of a tolerance will also be discussed at this meeting.

List of Subjects

Environmental protection, Biotechnology, Plant-pesticide, Pesticides, Plants, Registration.

Dated: January 19, 1995.

Daniel Barolo,

Director, Office of Pesticide Programs.

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[OPP-180959; FRL-4930-2]

Receipt of Application for Emergency Exemption To Use Fenoxycarb; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received 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 10,200, 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 before making the decision whether or not to grant the exemptions. **DATES:** Comments must be received on or before February 9, 1995.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180959," 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.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." 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 Confidential Business Information 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. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 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