

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.

[FR Doc. 95-1857 Filed 1-24-95; 8:45 am]

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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

Programs, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703-308-8791).

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 10,200 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. While feeding, the pear psylla also injects a toxin into the tree, which is debilitating and reduces vigor and, ultimately, 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 1993-4 season, 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 wishes to treat up to 10,200 acres of pear trees in Oregon, and up to 26,000 acres in Washington. This would translate to a possible total of 2,550 pounds of active ingredient (10,200 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.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require publication of a notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing the first food use of an active ingredient. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

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 Oregon and Washington Departments of Agriculture.

List of Subjects

Environmental protection, Pesticide and pests, Crisis exemptions.

Dated: January 13, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

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[OPP-34071; FRL-4931-9]

Reregistration Eligibility Decision Documents for Hexadecadienol, et al. and Notice to Remove Benzocaine; Availability for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Reregistration Eligibility Decision documents; opening of public comment period.

SUMMARY: This notice announces the availability of the Reregistration Eligibility Decision (RED) documents for the active ingredients Cresol/Xylenol

(List D, cases 4027 and 4098), Disodium cyanodithioimidocarbonate (DCDIC) (List C, case 3065), Fenbutatin-Oxide (List A, case 0245), Hexadecadienol (List D, case 4111), Limonene (List C, case 3083), Nuosept 145 (List C, case 3052), Sodium Cyanide (List C, case 3086), 2-Mercaptobenzothiazole (List B, case 2380) and 2,2-Dibromo-3-nitrilopropionamide (DBNPA) (List C, case 3056). This notice starts a 60-day public comment period. The REDs for the chemicals listed above are the Agency's formal regulatory assessments of the health and environmental data base of the subject chemicals and present the Agency's determination regarding which pesticidal uses are eligible for reregistration. This notice also announces the removal of Benzocaine as an active ingredient under FIFRA (List D, case 4012).

DATES: Written comments on these decisions must be submitted by March 27, 1995.

ADDRESSES: Three copies of comments identified with the docket number "OPP-34071" and the case number (noted above), should be submitted to: By mail: OPP Pesticide Docket, 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, deliver comments to: OPP Pesticide Docket, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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 and docket index will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

To request a copy of any of the above listed RED documents, or a RED fact sheet, contact the OPP Pesticide Docket, Public Response and Program Resources Branch, in Rm. 1132 at the address given above or call (703) 305-5805.

Electronic copies of the REDs and RED fact sheets can be downloaded from the Pesticide Special Review and Reregistration Information System at