

ENVIRONMENTAL PROTECTION AGENCY

[OPP-181048; FRL 5728-1]

Dimethomorph; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Georgia Department of Agriculture (hereafter referred to as the "Applicant") to use the pesticide dimethomorph (CAS 110488-0-5) to treat up to 93,500 acres of peppers, squash, cantaloupes, watermelons, tomatoes, and cucumbers to control crown rot. The Applicant proposes the use of a new (unregistered) chemical; 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 July 18, 1997.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-181048," should be submitted by mail to: Public Information and Records Integrity Branch, Information Resources and Services Division, (7506C), 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 by following the instructions under "SUPPLEMENTARY INFORMATION." No Confidential Business Information (CBI) should be submitted through e-mail.

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 #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: Libby Pemberton, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail: Floor 2, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 308-9364; e-mail: pemberton.libby@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 specific exemptions for the use of dimethomorph on peppers, squash, cantaloupes, watermelons, tomatoes, and cucumbers to control crown rot. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

Crown rot *Phytophthora capsici* is believed to have been introduced to the state of Georgia by hurricane Alberto in July of 1994. The Applicant states that presently, there are no fungicides registered in the U.S. that will provide adequate control of crown rot. The Applicant states that dimethomorph has been shown to be effective against crown rot. Dimethomorph holds current registrations throughout many European countries. The Applicant estimates that losses in 1997 could reach several hundred million dollars without use of dimethomorph. Under appropriate conditions, it is possible that this disease could develop to epidemic proportions.

The Applicant proposes to apply dimethomorph at a maximum rate of 0.225 lbs. active ingredient (a.i.) [(2.5 lb. of product)] per acre, by ground or air, with a maximum of 5 applications per crop, to a maximum of 93,500 acres of peppers, squash, cantaloupes, watermelons, tomatoes, and cucumbers.

This notice does not constitute a decision by EPA on the application. The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). 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-181048] (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 4:30 p.m., Monday through Friday, excluding legal holidays. The official notice record is the paper record maintained 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 format. All comments and data in electronic form must be identified by the docket number [OPP-181048]. 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 Georgia Department of Agriculture.

List of Subjects

Environmental protection, Emergency exemptions, Pesticides and pests.

Dated: June 25, 1997.

James Jones,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 97-17481 Filed 7-2-97; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2207]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

Petition for reconsideration have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to this petition must be filed July 18, 1997. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must