

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Reg No.	Product Name	Active Ingredient	Delete From Label
000769-00633	SMCP Ethion EM-4	Ethion	Peaches, peanuts, strawberries, turf, beans, cucumbers, summer squash, eggplant, melons, ornamentals, lawns, peppers, pimentos, tomatoes, bermuda grass
000769-00658	X-Cel Citrus & Ornamental Spray	Ethion	Peaches, ornamentals
008536-00002	Chloropicrin 100		Aquatic crops, forestry uses
033657-00001	Chloropicrin		Wood poles, pilings, garbage dumps, rodent burrows
034704-00119	Clean Crop 8EC Insecticide	Malathion	Asparagus, carrots, soil application for strawberries
058266-00002	Tri-Clor Fumigant	Chloropicrin	Aquatic crops, forestry uses

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2.—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Company No.	Company Name and Address
000769	SureCo, Inc., P.O. Box 938, Fort Valley, GA 31030.
008536	Soil Chemicals Corp., P.O. Box 782, Hollister CA 95024.
033657	Mitsui Toatsu Chemicals, Inc., 140 East 45th Street, New York, NY 10017.
034704	Platte Chemical Co., P.O. Box 667, Greeley, Co 80632.
058266	Shadow Mountain Products Corp., P.O. Box 1327, Hollister, CA 95024.

### III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

#### List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: February 2, 1995.

#### Daniel M. Barolo,

Director, Office of Pesticide Programs.

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[OPP-30108; FRL-4937-5]

#### 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. kurstaki (B.t.k.) delta endotoxin produced in cotton 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 cotton planted, containment of field plots, and the subsequent harvesting and processing of the resulting crop. **DATES:** Comments identified by the docket control number [OPP-30108] must be received on or before March 17, 1995.

**ADDRESSES:** By mail: Submit written comments identified by the document control number [OPP-30108] 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, (703) 305-5805.

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 at the time of submission 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 including restrictions on the sale and distribution of the crop. 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). Where food or feed crops are involved, 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 cotton producing *Bacillus thuringiensis* var. *kurstaki* (B.t.k.) delta endotoxin for the purpose of increasing propagative materials. The information and data evaluated by the Agency to date has led EPA to preliminarily conclude that, under the restrictions of the limited registration, there are no foreseeable unreasonable adverse effects to humans or the environment.

Copies of information submitted to the Agency in support of this

registration 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. To receive a copy of the form contact the OPP docket staff at the address or telephone number listed under the ADDRESSES unit. Due to the volume of data, callers will receive the data on microfiche. A papercopy of the data is available for viewing in the docket.

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

524-UTI. Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198. The approved limited registration for plant propagation would allow the use of the *Bacillus thuringiensis* var. *kurstaki* delta endotoxin as produced by the Cry 1 A(c) gene and its controlling sequences in cotton plants over a total of 36,850 acres. Planting of the product would be limited to the states of Arizona, Arkansas, California, Mississippi, South Carolina, and Texas and the territory of Puerto Rico. The registration would be limited to plantings from March 15, 1995 through December 15, 1995, and would include associated agronomic activities such as the harvesting and processing of plant propagative material. Sale or distribution of the crop or plant propagative materials would be prohibited. This registration would be limited in that containment of the field sites to prevent outcrossing to other cotton would consist of the use of isolation distances and/or buffer rows of non-transgenic cotton. This registration would be also be limited in that all crops would either be destroyed or stored for future plantings or research. The field sites would be monitored for 12 months for germinating seed which would be destroyed.

Interested parties should note that in the **Federal Register** of January 25, 1995 (60 FR 4910), and February 8, 1995 (60 FR 7538), EPA announced a March 1, 1995 meeting of the Scientific Advisory Panel for consideration of scientific issues related to this registration.

#### List of Subjects

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

Dated: February 8, 1995.

**Janet L. Andersen,**

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

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[PP 4G44409 and 5G4448/T668; FRL 4935-8]

#### Northrup King Co. and Ciba-Geigy Corp.; Initial Filings of Exemptions from the Requirement of Tolerances

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

**ACTION:** Notice.

**SUMMARY:** EPA has established exemptions from the requirement of tolerances for the delta endotoxin protein produced in field corn by a CryIA(b) gene from *Bacillus thuringiensis* subsp. *kurstaki* HD-1 and inserted in the plant expression vector pZ01502 and for the plant pesticide *Bacillus-thuringiensis* subsp. *kurstaki* CryIA (b) insect control protein as produced in corn plants and the genetic material necessary for its production.

**FOR FURTHER INFORMATION CONTACT:** By mail: Michael Mendelsohn, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. Crystal Station, 5th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703) 308-8712; e-mail: Mendelsohn.Mike@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA gives notice that it has established exemptions from the requirement of tolerances relating to the initial filing of tolerances in or on certain raw agricultural commodities as follows:

#### Initial Filings

1. *PP 4G4409.* Northrup King Co., 7500 Olson Memorial Highway, Golden Valley, MN 55427, has requested in pesticide petition (PP) 4G4409, the establishment of an exemption from the requirement of a tolerance for the delta endotoxin protein produced in field corn by a CryIA(b) gene from *Bacillus thuringiensis* subsp. *kurstaki* HD-1 and inserted in the plant expression vector pZ01502.

2. *PP 5G4448.* Ciba-Geigy Corp., P.O. Box 12257, Research Triangle Park, NC 27709-2257, has requested in pesticide petition (PP) 5G4448, the establishment of an exemption from the requirement of a tolerance for the plant pesticide *Bacillus thuringiensis* subsp. *kurstaki* CryIA(b) insect control protein as produced in corn plants and the genetic material necessary for its production.

These temporary exemptions from the requirements of tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permits 67979-EUP-1