

statements should notify the OPP docket staff and submit three copies of a summary no later than May 17, 1995, in order to ensure appropriate consideration by the Panel.

A record has been established for this document under docket number "OPP-00408" (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 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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.

The official record for this document, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Information submitted as a comment in response to 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 submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. All statements will be made part of the record and will be taken into consideration by the Panel.

Dated: April 27, 1995.

**Stephanie R. Irene,**

Acting Director, Health Effects Division,  
Office of Pesticide Programs.

[FR Doc. 95-10865 Filed 5-2-95; 8:45 am]

BILLING CODE 6560-50-F

[OPP-180970; FRL 4951-2]

**Cymoxanil and Dimethomorph;  
Receipt of Applications for Emergency  
Exemptions, Solicitation of Public  
Comment**

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

**ACTION:** Notice.

**SUMMARY:** EPA has received specific exemption requests from the Delaware, Minnesota, and Pennsylvania Departments of Agriculture, the New York Department of Environmental Conservation, and the Wisconsin Department of Agriculture, Trade, and Consumer Protection (hereafter referred to as the "Applicants") to use the pesticides cymoxanil (CAS 57966-95-7) and dimethomorph (CAS 110488-70-5) to treat up to 5,000 (DE), 60,000 (MN), 30,000 (NY), 24,000 (PA), and 30,000 (WI) acres of potatoes to control metalaxyl-resistant late blight. The Applicants propose the use of new (unregistered) chemicals; 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 May 18, 1995.

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-180970," should be submitted by mail to: Public Response and Program Resource 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. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-180970; FRL 4951-2]. No "Confidential Business Information" (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

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. 1132, Crystal Mall No. 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: Libby Pemberton, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8326; 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 Applicants have requested the Administrator to issue specific exemptions for the use of cymoxanil and/or dimethomorph on potatoes to control late blight. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

Recent failures to control late blight in potatoes with the registered fungicides, have been caused almost exclusively by immigrant strains of late blight *Phytophthora infestans*, which are resistant to the control of choice, metalaxyl. Before the immigrant strains of late blight arrived, all of the strains in the U.S. were previously controlled by treatment with metalaxyl. The Applicants state that presently, there are no fungicides registered in the U.S. that will provide adequate control of the immigrant strains of late blight. The Applicants state that both dimethomorph and cymoxanil have been shown to be effective against these strains of late blight. Both of these materials hold current registrations throughout many European countries for control of this disease. The Applicants state that losses in some states have been greater than \$10 million per year for the past 3 years, due

to these new strains of late blight, and some growers have completely lost their crops and will go out of business. These costs do not include the increased amount of money spent on fungicides in attempts to control this disease. Under appropriate conditions, it is possible that this disease could develop to epidemic proportions, causing major changes and losses to the U.S. potato industry. Although exemption requests have thus far been received from DE, MN, NY, PA and WI, EPA expects to receive requests from other potato growing states as well.

The Applicants propose to apply cymoxanil at a maximum rate of 0.1 lbs. active ingredient [a.i.], (1.25 lb. of product) per acre, by ground or air, with a maximum of 5 applications per season, to a maximum of the following acreages of potatoes: 5,000 (DE), 60,000 (MN), 30,000 (NY), 24,000 (PA), 30,000 (WI). Therefore, use under this exemption could potentially amount to the following maximum amounts of cymoxanil: DE: 2,500 lbs. a.i. (31,250 lbs. product); MN: 30,000 lbs. a.i. (375,000 lbs. product); NY: 15,000 lbs. a.i. (187,500 lbs. product); PA: 12,000 lbs. a.i. (150,000 lbs. product); WI: 15,000 lbs. a.i. (187,500 lbs. product).

The Applicants propose to apply dimethomorph at a maximum rate of 0.18 lbs. a.i. (2.25 lb. of product) per acre, by ground or air, with a maximum of 5 applications per season, to a maximum of the following acreages of potatoes: 5,000 (DE), 60,000 (MN), 30,000 (NY), 24,000 (PA), 30,000 (WI). Therefore, use under this exemption could potentially amount to the following maximum total amounts of dimethomorph: DE: 4,500 lbs. a.i. (56,250 lbs. product); MN: 54,000 lbs. a.i. (675,000 lbs. product); NY: 27,000 lbs. a.i. (337,500 lbs. product); PA: 21,600 lbs. a.i. (270,000 lbs. product); WI: 27,000 lbs. a.i. (337,500 lbs. product). This notice does not constitute a decision by EPA on the applications.

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. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

A record has been established for this notice under docket number OPP-180970; FRL 4951-2 (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 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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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 Delaware, Minnesota, and Pennsylvania Departments of Agriculture, the New York Department of Environmental Conservation, and the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

#### List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: April 21, 1995.

**Stephen L. Johnson,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 95-10618 Filed 5-2-95; 8:45 am]

BILLING CODE 6560-50-F

[PF-622; FRL-4941-3]

#### Pesticide Tolerance Petitions

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

**ACTION:** Notice.

**SUMMARY:** This notice announces initial filings and amendments for a pesticide petition (PP) and for a feed additive petition (FAP) proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

**ADDRESSES:** By mail, submit written comments 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. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: 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. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [PF-622; FRL-4941-3]. No "Confidential Business Information" (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submission can be found below in this document.

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**FOR FURTHER INFORMATION CONTACT:** By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the PM named in each petition at the following office location/telephone number: