

6L71TA. (The 1990 model year DDC 6L71TA has a pre-rebuild PM level of 0.59 g/bhp-hr.) While TRT requests certification coverage for the 1990 DDC 6L71TA and warrants comparable particulate emissions reduction percentages for it as is demonstrated by the 6V71N test engine, the requirement of the program regulations have not been met. Therefore, the Agency believes that the notification lacks sufficient basis for certification of the candidate equipment with the 1990 DDC 6L71TA.

Section 85.1406(d) of the regulations governing urban bus equipment certification states, in part, “\* \* \* installation of any certified retrofit/rebuild equipment shall not cause or contribute to an unreasonable risk to the public health, welfare or safety \* \* \*”. Information for considering whether B20 in this context would affect any potential human health risks associated with exposure to conventional diesel emissions has been provided by TRT with its notification of intent to certify. This information will be reviewed by the Agency. The Agency has made this information part of the public docket at the address listed above. Any findings based on this information, together with any other information that may be considered, will be made part of the public docket located at the address noted above, and considered by the Agency in its decision regarding certification of the candidate equipment. The Agency requests additional information, including information on combustion by-products, for considering whether and, if so how, the use of the subject biodiesel blend, that is, B20, in diesel engines would affect any potential health risks associated with exposure to conventional diesel emissions.

Section 211 of the Clean Air Act sets forth fuel and fuel additive prohibitions, and gives the Agency authority to waive certain of those prohibitions. The Agency, however, does not believe that TRT must obtain a fuel additive waiver under Section 211(f)(4) of the Clean Air Act before certifying its additive system for the following reasons.

The Act prohibits the introduction into commerce of any fuel or fuel additive that is not substantially similar to a fuel or fuel additive used in the certification of any model year 1975 or later vehicle or engine under Section 206. The Administrator may waive this prohibition, if she determines that certain criteria are met. The Agency believes that certification of an urban bus retrofit system constitutes the certification of an engine under Section 206 for the purposes of the urban bus

retrofit/rebuild program, and, since the additive is used in the certification of the system, a waiver is not required to market the additive in the limited context of use with the certified retrofit system. This determination does not affect whether the additive is “substantially similar to any fuel or fuel additive” outside the context of the urban bus retrofit/rebuild program. The Agency’s position on this matter is discussed in additional detail as it relates to use of another fuel additive (Lubrizol Corporation) at 60 FR 36139 on July 13, 1995.

If the Agency certifies the candidate TRT equipment, operators may use it immediately, as discussed below. TRT’s notification indicates that the candidate equipment is to be certified for compliance program 2; however, as discussed below, the Agency believes that configurations utilizing the catalytic muffler and reducing PM by at least 25 percent may also be used in compliance with current program 1 requirements.

In a Federal Register notice dated May 31, 1995 (60 FR 28402), the Agency certified an exhaust catalyst manufactured by the Engelhard Corporation, as a trigger of program requirements. For urban bus operators affected by this program and electing to comply with program 1 requirements, that certification means that rebuilds and replacements of all applicable urban bus engines, performed 6 months or more after that date of certification (that is, rebuilds or replacements after December 1, 1995), must be performed with equipment certified to reduce PM emissions by 25 percent or more. Under Program 1, operators could use the TRT equipment if certified to reduce PM by at least 25 percent, or other equipment certified to provide at least a 25 percent reduction, until equipment is certified which triggers the 0.10 g/bhp-hr PM standard. For Program 1, operators may also use the B20 blend with the Engelhard catalyst and injection retard only for the following engines: 6V92TA DDEC I and DDEC II, and 6L71TA DDEC.

Operators who choose to comply with Program 2 and install the TRT equipment, would use the PM emission level(s) established during the certification process, in their calculations for target or fleet level as specified in the program regulations.

In accordance with the program requirements of section 85.1404(a), operators using the candidate equipment would have to maintain purchase records of the B20 blend if the operator purchases the premixed blend from a fuel supplier, or, of biodiesel and

low-sulfur diesel fuel if the operator mixes the B20. Such records would be subject to review in the event of an audit of a urban bus operator by the Agency. To be in compliance with program requirements, operators must be able to demonstrate that B20 is being used in the proper proportions required by the candidate equipment.

At a minimum, EPA expects to evaluate this notification of intent to certify, and other materials submitted as applicable, to determine whether there is adequate demonstration of compliance with: (1) The certification requirements of § 85.1406, including whether the testing accurately substantiates the claimed emission reduction or emission levels; and, (2) the requirements of § 85.1407 for a notification of intent to certify.

The Agency requests that those commenting also consider these regulatory requirements, plus provide comments on any experience or knowledge concerning: (a) problems with installing, maintaining, and/or using the candidate equipment on applicable engines; and, (b) whether the equipment is compatible with affected vehicles.

The date of this notice initiates a 45-day period during which the Agency will accept written comments relevant to whether or not the equipment described in the TRT notification of intent to certify should be certified pursuant to the urban bus retrofit/rebuild regulations. Interested parties are encouraged to review the notification of intent to certify and provide comment during the 45-day period. Please send separate copies of your comments to each of the above two addresses.

The Agency will review this notification of intent to certify, along with comments received from interested parties, and attempt to resolve or clarify issues as necessary. During the review process, the Agency may add additional documents to the docket as a result of the review process. These documents will also be available for public review and comment within the 45-day period.

Dated: December 1, 1995.

Mary D. Nichols,  
Assistant Administrator for Air and  
Radiation.

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[OPP-180985; FRL-4988-6]

### Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has granted specific exemptions for the control of various pests to the 22 States as listed below. Crisis exemptions were initiated by various States, United States Departments of Agriculture, Animal and Plant Health Inspection Service, and the United States Department of the Army. One quarantine exemption was granted to the United States Department of Agriculture. These exemptions, issued during the months of June, July, August, and September 1995, except for the one in March and one in April, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. EPA has denied a specific exemption request from the Oregon Department of Agriculture and has withdrawn a specific exemption from the Connecticut Department of Environmental Protection. Information on these restrictions is available from the contact persons in EPA listed below.

**DATES:** See each specific and crisis exemption for its effective date.

**FOR FURTHER INFORMATION CONTACT:** See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, CS #1, 2800 Jefferson Davis Highway, Arlington, VA, (703)-308-8417; e-mail: group.ermus@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA has granted specific, crisis, and quarantine exemptions to the:

1. Arizona Department of Agriculture for the use of avermectin B<sub>1</sub> on melons to control leafminers; June 30, 1995, to June 29, 1996. (Larry Fried)
2. Arizona Department of Agriculture for the use of bifenthrin on cauliflower and leaf lettuce to control whiteflies; September 28, 1995, to May 15, 1996. (Andrea Beard)
3. Arkansas State Plant Board for the use of fomesafen on snap beans to control morningglory and pigweed; June 2, 1995, to September 10, 1995. (Larry Fried)
4. California Environmental Protection Agency for the use of carbofuran on cotton to control aphids; August 22, 1995, to October 15, 1995. (David Deegan)
5. California Environmental Protection Agency, Department of Pesticide Regulations, for the use of Pro-Gro (carboxin/thiram) on onion seed to control onion smut; September 11, 1995, to May 31, 1996. (Andrea Beard)
6. California Environmental Protection Agency, Department of Pesticide Regulations, for the use of myclobutanil on tomatoes to control powdery mildew; September 29, 1995, to June 16, 1996. California had initiated a crisis exemption for this use. (David Deegan)
7. California Environmental Protection Agency for the use of avermectin B<sub>1</sub> on melons to control leafminers; June 30, 1995, to November 1, 1995. (Larry Fried)
8. California Environmental Protection Agency for the use of avermectin B<sub>1</sub> on bell peppers to control leafminers; August 24, 1995, to August 23, 1996. (Larry Fried)
9. California Environmental Protection Agency for the use of cypermethrin on green onions to control thrips; June 15, 1995, to June 14, 1996. (Larry Fried)
10. California Environmental Protection Agency, Department of Pesticide Regulations, for the use of metalaxyl on mustard greens to control white rust; August 21, 1995, to August 20, 1996. (David Deegan)
11. Florida Department of Agriculture and Consumer Services for the use of imidacloprid on escarole, endives, spinach, and parsley to control aphids; September 29, 1995, to June 1, 1996. Florida had initiated a crisis exemption for this use. (Andrea Beard)
12. Florida Department of Agriculture and Consumer Services for the use of lactofen on tomatoes and green peppers to control nightshade; September 1, 1995, to August 31, 1996. A notice of receipt published in the Federal Register of July 26, 1995 (60 FR 38335). The use of lactofen has been requested for the past 4 years and was granted. A complete application for registration of the use has not yet been submitted to the Agency. The Florida tomato and green pepper growers are facing an urgent nonroutine situation and will suffer significant economic losses without the use of lactofen. (Margarita Collantes)
13. Idaho Department of Agriculture and Consumer Services for the use of pirimicarb on alfalfa grown for seed to control alfalfa aphids, pea aphids, and lygus bugs; June 16, 1995, to August 31, 1995. (Larry Fried)
14. Kansas Department of Agriculture for the use of cymoxanil, dimethomorph, and propamocarb hydrochloride on potatoes to control late blight; June 27, 1995, to September 30, 1995. (Libby Pemberton)
15. Maryland Department of Agriculture for the use of clomazone on snap beans to control broadleaf weeds; August 9, 1995, to September 10, 1995. (David Deegan)
16. Maryland Department of Agriculture for the use of clomazone on summer squash to control broadleaf weeds; August 9, 1995, to September 30, 1995. Maryland had initiated a crisis exemption for this use. (David Deegan)
17. Maryland Department of Agriculture for the use of metolachlor on spinach to control weeds; August 2, 1995, to May 1, 1996. (Margarita Collantes)
18. Michigan Department of Agriculture for the use of fomesafen on dry beans to control weeds; June 28, 1995, to August 15, 1995. (Larry Fried)
19. Michigan Department of Agriculture for the use of avermectin on pears to control mites and psylla; September 5, 1995, to September 30, 1995. Michigan had initiated a crisis exemption for this use. (Larry Fried)
20. Minnesota Department of Agriculture for the use of bentazon on peas to control Canada thistle; June 23, 1995, to July 15, 1995. (Larry Fried)
21. Mississippi Department of Agriculture and Commerce for the use of carbofuran on cotton to control aphids; June 30, 1995, to September 15, 1995. (David Deegan)
22. Montana Department of Agriculture for the use of pirimicarb on alfalfa grown for seed to control alfalfa aphids, pea aphids, and lygus bugs; June 16, 1995, to September 30, 1995. (Larry Fried)
23. Nebraska Department of Agriculture for the use of cymoxanil, dimethomorph, and propamocarb hydrochloride on potatoes to control late blight; September 6, 1995, to September 30, 1995. (Libby Pemberton)
24. Nevada Division of Agriculture for the use of cymoxanil, dimethomorph, and propamocarb hydrochloride on potatoes to control late blight; August 15, 1995, to September 15, 1995. (Libby Pemberton)
25. Nevada Department of Business and Industry for the use of pirimicarb on alfalfa grown for seed to control alfalfa aphids and blue alfalfa aphids; June 16, 1995, to August 31, 1995. (Larry Fried)
26. New Jersey Department of Environmental Protection for the use of metolachlor on spinach to control weeds; August 2, 1995, to November 1, 1995. New Jersey had initiated a crisis exemption for this use. (Margarita Collantes)
27. Ohio Department of Agriculture for the use of cypermethrin on green

onions to control thrips; June 15, 1995, to June 30, 1995. (Larry Fried)

28. Oklahoma Department of Agriculture for the use of fomesafen on snap beans to control morningglory and pigweed; June 2, 1995, to September 10, 1995. (Larry Fried)

29. Oklahoma Department of Agriculture for the use of carbofuran on cotton to control aphids; June 29, 1995, to October 15, 1995. (David Deegan)

30. Oklahoma Department of Agriculture for the use of metolachlor on spinach to control weeds; August 2, 1995, to March 31, 1996. (Margarita Collantes)

31. Oregon Department of Agriculture for the use of metolachlor on grasses grown for seed to control weeds; August 31, 1995, to November 15, 1995. (David Deegan)

32. Oregon Department of Agriculture for the use of oxyfluorfen on grasses grown for seed to control weeds; August 31, 1995, to January 15, 1996. (David Deegan)

33. Oregon Department of Agriculture for the use of pronamide on grasses grown for seed to control weeds; August 31, 1995, to January 20, 1996. (David Deegan)

34. Oregon Department of Agriculture for the use of lactofen on snap beans to control weeds; April 28, 1995, to July 31, 1995. (Larry Fried)

35. Oregon Department of Agriculture for the use of pirimicarb on alfalfa grown for seed to control alfalfa aphids, pea aphids, and lygus bugs; June 16, 1995, to September 1, 1995. (Larry Fried)

36. Pennsylvania Department of Agriculture for the use of fomesafen on snap beans to control weeds; June 30, 1995, to August 15, 1995. Pennsylvania had initiated a crisis exemption for this use. (Larry Fried)

37. Texas Department of Agriculture for the use of carbofuran on cotton to control aphids; June 9, 1995, to September 30, 1995. (David Deegan)

38. Texas Department of Agriculture for the use of metolachlor on spinach to control weeds; August 2, 1995, to August 15, 1996. (Margarita Collantes)

39. Virginia Department of Agriculture and Consumer Services for the use of clomazone on snap beans to control broadleaf weeds; August 9, 1995, to September 10, 1995. (David Deegan)

40. Virginia Department of Agriculture and Consumer Services for the use of clomazone on summer squash to control broadleaf weeds; August 9, 1995, to September 30, 1995. (David Deegan)

41. Washington Department of Agriculture for the use of pirimicarb on

small seeded vegetable seed crops to control aphids; June 30, 1995, to September 15, 1995. (Larry Fried)

42. Washington Department of Agriculture for the use of pirimicarb on alfalfa grown for seed to control alfalfa aphids, pea aphids, and lygus bugs; June 16, 1995, to August 31, 1995. (Larry Fried)

43. Wyoming Department of Agriculture for the use of pirimicarb on alfalfa grown for seed to control alfalfa aphids, pea aphids, and lygus bugs; June 16, 1995, to August 31, 1995. (Larry Fried)

Crisis exemptions were initiated by the:

1. California Environmental Protection Agency, Department of Pesticide Regulation, on June 19, 1995, for the use of myclobutanil on tomatoes (fresh and processed) to control powdery mildew. The State requested a specific exemption for this use, which was granted by EPA on September 29, 1995, and will expire on June 16, 1996. (David Deegan)

2. Colorado Department of Agriculture on August 15, 1995, for the use of cypermethrin on green onions to control thrips. This program has ended. (Libby Pemberton)

3. Florida Department of Agriculture and Consumer Services on July 23, 1995, for the use of naled on utility poles, tree trunks, and other inanimate objects to control the oriental fruit fly. Since it was anticipated that this program would be needed for more than 15 days, Florida has requested a quarantine exemption to continue it. (Andrea Beard)

4. Maryland Department of Agriculture on July 31, 1995, for the use of clomazone on summer squash to control broadleaf weeds. This program has ended. (David Deegan)

5. Michigan Department of Agriculture on August 17, 1995, for the use of fosetyl-al on blueberries to control alternaria fruit rot. Since it was anticipated that this program would be needed for more than 15 days, Michigan has requested a specific exemption to continue it. (Larry Fried)

6. Minnesota Department of Agriculture on June 16, 1995, for the use of clopyralid on canola to control Canada thistle and perennial sowthistle. This program has ended. (Larry Fried)

7. Missouri Department of Agriculture on June 13, 1995, for the use of fomesafen on snap beans to control pig weed. This program has ended. (Larry Fried)

8. Montana Department of Agriculture on June 21, 1995, for the use of clopyralid on canola to control Canada

thistle and perennial sowthistle. This program has ended. (Larry Fried)

9. New Jersey Department of Agriculture on March 23, 1995, for the use of metolachlor on spinach to control weeds. This program has ended. (Margarita Collantes)

10. New Mexico Department of Agriculture on September 2, 1995, for the use of triadimefon on peppers to control powdery mildew. This program has ended. (Larry Fried)

11. North Carolina Department of Agriculture on September 1, 1995, for the use of tebufenozide on cotton to control the beet armyworms. This program has ended. (Larry Fried)

12. North Dakota Department of Agriculture on August 1, 1995, for the use of bifenthrin on canola to control the Bertha armyworm. This program has ended. (Andrea Beard)

13. North Dakota Department of Agriculture on June 17, 1995, for the use of clopyralid on canola to control Canada thistle and perennial sowthistle. This program has ended. (Larry Fried)

14. Oklahoma Department of Agriculture on September 1, 1995, for the use of tebufenozide on cotton to control beet armyworms. This program has ended. (Larry Fried)

15. Texas Department of Agriculture on August 31, 1995, for the use of bifenthrin on grain sorghum grown for seed to control banks grass mites. This program has ended. (Andrea Beard)

16. Texas Department of Agriculture on June 2, 1995, for the use of esfenvalerate on grain sorghum to control sorghum midge. This program has ended. (Libby Pemberton)

17. Virginia Department of Agriculture and Consumer Services on August 28, 1995, for the use of bifenthrin on peanuts to control two-spotted spider mites. This program has ended. (Andrea Beard)

18. Wisconsin Department of Agriculture on July 21, 1995, for the use of bentazon on peas to control weeds. This program has ended. (Larry Fried)

19. United States Department of Agriculture, Animal and Plant Health Inspection Service, on June 6, 1995, for the use of paraformaldehyde in laboratory facilities to control exotic infectious diseases. The need for this program is expected to last until June 6, 1998. (Larry Fried)

20. United States Department of Agriculture, Animal and Plant Health Inspection Service, on August 24, 1995, for the use of permethrin on horses and cattle to control nonindigenous parasites. The need for this program is expected to last until August 24, 1998. (Larry Fried)

21. United States Department of the Army on August 4, 1995, for the use of paraformaldehyde to decontaminate high-security biocontaminant laboratories of microorganisms. This program has ended. (Larry Fried)

EPA has granted a quarantine exemption to the United States Department of Agriculture for the use of paraformaldehyde in laboratories to control infectious diseases; September 29, 1995, to June 5, 1998. UDSA had initiated a crisis exemption for this use. (Larry Fried)

EPA has denied a specific exemption request from the Oregon Department of Agriculture for the use of pendimethalin on grasses grown for seed. Oregon requested use of metolachlor for the same spectrum of weeds, and due to endangered species concerns with pendimethalin, the Agency denied the exemption. (David Deegan)

EPA has withdrawn a specific exemption from the Connecticut Department of Environmental Protection for the use of avermectin on pears to control pear psylla. Connecticut had initiated a crisis exemption for this use. The use of avermectin ended under the crisis exemption on September 30, 1995. (Larry Fried)

Authority: 7 U.S.C. 136.

#### List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: November 30, 1995.

Stephen L. Johnson,  
Director, Registration Division, Office of  
Pesticide Programs.

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[PF-636; FRL-4971-5]

#### Pesticide Tolerance Petitions; Filings, Amendment, and a Withdrawal

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

**ACTION:** Notice.

**SUMMARY:** This notice announces initial filings and an amendment and a withdrawal of pesticide petitions (PP) and food and feed additive petitions (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.

Information submitted as a comment concerning 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 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 4:30 p.m., Monday through Friday, excluding legal holidays.

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-636]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**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:

Product Manager	Office location/telephone number/e-mail	Address
George LaRocca (PM 13).	Rm. 204, CM #2, 703-305-6100; e-mail: larocca.george @ epamail.epa.gov..	1921 Jefferson Davis Hwy., Arlington, VA

Product Manager	Office location/telephone number/e-mail	Address
Connie Welch (PM 21).	Rm. 227, CM #2, 703-305-6226; e-mail: welch.connie @ epamail.epa.gov..	Do.
Phillip Hutton (PM 90).	5th Floor, CS #1, 703-308-8260; e-mail: hutton.phillip @ epamail.epa.gov..	2800 Jefferson Davis Hwy., Arlington, VA

**SUPPLEMENTARY INFORMATION:** EPA has received pesticide petitions and food/feed additive petitions as follows proposing the amendment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

#### Initial Filings

1. *PP 5F4509.* Lakeshore Enterprises, P.O. Box 238-P, Benzonia, MI 49616, has submitted the petition proposing that 40 CFR part 180 be amended to establish an exemption from the requirement of a tolerance for the biochemicals meat meal and red pepper (capsicum) in or on agricultural, vegetable, ornamental, turf, tree, vine, and other terrestrial crops. (PM 90)

2. *PP 5F4588.* Zeneca Ag Products, 1800 Concord Pike, P.O. Box 15458, has submitted the petition proposing to amend 40 CFR part 180 to establish tolerances for lambda-cyhalothrin, (S)-alpha-cyano-3-phenoxybenzyl (Z)-(1R,3R)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and (R)-alpha-cyano-3-phenoxybenzyl (Z)-(1S,3S)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate, and epimer of lambda-cyhalothrin, a 1:1 mixture of (S)-alpha-cyano-3-phenoxybenzyl (Z)-(1S,3S)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and (R)-alpha-cyano-3-phenoxybenzyl (Z)-(1R,3R)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate, in or on the following raw agricultural commodities: lettuce, leaf at 2.0 parts per million (ppm); head and stem brassica crop subgroup (broccoli; broccoli, Chinese; brussels sprouts; cabbage; cabbage, Chinese (napa); cabbage, Chinese mustard; cauliflower; caval broccolo; and kohlrabi) at 0.4