

after a Council meeting. Written statements received prior to the meeting will be distributed to all members of the Council before any final discussion or vote is completed. Any statements received after the meeting will become part of the permanent meeting file and will be forwarded to the Council members for their information.

Members of the public that would like to attend the meeting, present an oral statement, or submit a written statement, should contact Ms. Charlene Shaw, Designated Federal Officer, National Drinking Water Advisory Council, U.S. EPA, Office of Ground Water and Drinking Water (4601), 401 M Street SW., Washington, D.C. 20460. The telephone number is Area Code (202) 260-2285 or E-Mail shaw.charlene@epamail.epa.gov.

Dated: April 7, 1997.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

[FR Doc. 97-9384 Filed 4-10-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[PF-729; FRL-5597-6]

W. Neudorff GmbH KG; Pesticide Tolerance Petition Filing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of a regulation for an exemption from the requirement of a tolerance for residues of low erucic acid (less than 2%) rapeseed oil, i.e., canola oil, when used in accordance with good agricultural practice as an active ingredient in pesticide formulations applied to growing crops. The summary of the petition published in this notice was prepared by the petitioner.

DATES: Comments, identified by the docket number [PF-729], must be received on or before, May 12, 1997.

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 Highway, Arlington, VA 22202.

Comments and data may also be submitted electronically by following

the instructions under "SUPPLEMENTARY INFORMATION" of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as comments concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information marked as CBI 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 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Sheryl Reilly, Regulatory Action Leader (PM 90), Biopesticides and Pollution Prevention Division, Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 5th floor, CS 1-5W29, 2800 Crystal Drive, Arlington, VA, Telephone No. 703-308-8265, e-mail: reilly.sheryl@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition (PP 6F4747) from W. Neudorff GmbH KG ("Neudorff"), c/o Walter Telarek, 1008 Riva Ridge Drive, Great Falls, VA 22066, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing an exemption from the requirement of a tolerance for residues of the insecticide, canola oil, on growing crops. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition. As required by section 408(d) of the FFDC, as recently amended by the Food Quality Protection Act, W. Neudorff GmbH KG included in the petition a summary of the petition and authorization for the summary to be published in the **Federal Register** in a notice of receipt of the petition. The summary represents the views of W. Neudorff GmbH KG; EPA, as mentioned above, is in the process of evaluating the petition. As required by section

408(d)(3) EPA is including the summary as a part of this notice of filing. EPA may have made minor edits to the summary for the purpose of clarity.

EPA invites interested persons to submit comments on this notice of filing. Comments must bear a notification indicating the document control number [PF-729].

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket number "PF-729" (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 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the Virginia 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 file format. All comments and data in electronic form must be identified by the docket number PF-729; FRL-5597-6. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

List of Subjects

Environmental Protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 28, 1997.

Janet L. Andersen,

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

Below is a summary of the pesticide petition. The summary of the petition was prepared by the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

W. Neudorff GmbH KG

PP 6F4747

A. Proposed Use Practices

1. *Recommended application method and rate(s), frequency of application, and timing of application.* Spray tanks and sprinkler irrigation systems may be used. The rate of application is 3.84 to 7.68 gallons of active ingredient per acre. The frequency and timing of application vary widely according to the crop being treated. For example: for fruit and nut trees, the product is applied during the dormant and pre-bloom stages and during the summer; for sugar beets, the product is applied as needed; and for cotton, the product is applied when insects appear, and thereafter, weekly as needed.

B. Product Identity/Chemistry

1. *Identity of the pesticide and corresponding residues.* The active ingredient is low erucic acid (less than 2%) rapeseed oil, i.e., canola oil. Canola oil is the full refined edible oil obtained from certain varieties of plants, i.e., *Brassica napus* or *B. campestris* of the family Cruciferae. The organic substance is rapidly degraded in the environment to organic constituents by normal biological, physical and chemical processes that can be reasonably expected to exist where the pesticide is applied.

2. *Magnitude of residue anticipated at the time of harvest and method used to determine the residue.* Neudorff has requested waivers for these data requirements. The waiver requests were based on canola oil's known low toxicity and risks, natural occurrence and abundance in the environment, widespread use as an edible fat and oil in foods, FDA generally recognized as safe (GRAS) status (21 CFR 184.1555(c)), non-toxic mode of action, anticipated low volume use in pesticide products, and the data available in the open literature. Further, EPA has already promulgated an exemption from the requirement for a tolerance for canola oil when it is used as a surfactant or related adjuvant of a surfactant in pesticide formulations applied to growing crops (40 CFR 180.1001(d)). In addition, EPA has expressly waived these data requirements for soybean oil, which is a vegetable oil whose fatty acid profile is very similar to that of canola oil.

3. *Statement of why an analytical method for detecting and measuring the levels of the pesticide residue are not needed.* Neudorff has not proposed an analytical method, because canola oil levels harmful to plants and animals are

highly unlikely to occur when it's formulated canola oil product is applied according to label instructions.

Moreover, it is an organic compound known to be rapidly degraded in the environment to organic constituents by normal biological, physical and chemical processes that can be reasonably expected to exist where the pesticide is applied. Furthermore, the oils, or triglycerides, within canola oil already exist as normal constituents of the plants being treated. Last, there is no information indicating that this substance, its metabolites, and degradates either are absorbed by or cannot be metabolized by plants.

C. Mammalian Toxicological Profile

1. *Acute toxicity.* Available literature indicates that this substance has low acute toxicities. In addition, FDA has promulgated a regulation granting GRAS status to this substance (21 CFR 184.1555(c)).

2. *Genotoxicity, reproductive and developmental toxicity, subchronic toxicity, and chronic toxicity.* Canola oil is a food that is readily metabolized by humans. There is adequate information available from literature sources to characterize the toxicity of canola oil. These studies indicate that canola oil's nutritional and toxicological profile is similar to those of other vegetable oils (50 FR 3745, 3752, January 28, 1985). Moreover, the available literature indicates that the use of this substance as a component of food is safe (50 FR 3745, 3753).

D. Aggregate Exposure

1. *Dietary exposure—*a. *Food.* Canola oil is used as a fat and oil in food consumed by humans. FDA has promulgated a regulation listing canola oil as GRAS when used as a direct food additive (21 CFR 184.1555(c)). Moreover, FDA has stated that the upper level of canola oil likely to be ingested by a U.S. consumer is safe (50 FR 3745).

b. *Drinking water.* There is unlikely to be any exposure to this substance via drinking water. Even though the chemical can be washed off treated plants by rain and during processing of crops by water, it is an organic compound known to be rapidly degraded in the environment into organic constituents by normal biological, physical, and chemical processes.

2. *Non-dietary exposure.* The only non-dietary exposure expected is to applicators. However, exposure to this chemical resulting from its application according to label directions is not expected to present any risk of adverse health effects.

E. Cumulative Exposure

This substance has been designated by FDA as a GRAS food substance. It is a vegetable oil that has been used as a cooking oil and in margarine for many years. Because of these facts, and the fact that canola oil has a higher ratio of unsaturated fats to saturated fats than other vegetable oils, no cumulative adverse health effects are expected from long-term exposure to this chemical.

1. *Exposure through other pesticides and substances with the common mode of toxicity as this pesticide.* Canola oil is an insect repellent which belongs to a class of structurally related compounds known as vegetable oils. This class includes corn, cottonseed, sesame and soybean oils. Of these, only soybean oil is a currently registered pesticide. Vegetable oils have a nontoxic mode of action; it has been theorized that they (a) alter the cuticle structure of the leaf surface, thus repelling the insects, or (b) act as irritants to insects. Consequently, the nontoxic mode of action for vegetable oils appears to be as functional blockades to the metabolic abilities or feeding abilities of insects. These compounds are approved for food uses in the United States and are recognized by the Food and Drug Administration as safe. Vegetable oils could be considered in an aggregate exposure assessment; however, there is no information showing that these compounds cause significant adverse effects to mammals or that the use of soybean oil and canola oil as insecticides will result in significant additional exposure. Moreover, Neudorff has no information indicating or suggesting that canola oil has toxic effects on animals that would be cumulative with those of any other compound.

F. Safety Determination

1. *U.S. population.* Canola oil is a direct food additive that is considered GRAS by FDA (21 CFR 184.1555(c)). It is commonly used as a human food, i.e., as a fat or oil in food. Moreover, EPA has promulgated an exemption from the requirements for a tolerance for canola oil when it is used in accordance with good agricultural practice as a surfactant or related adjuvants of surfactants in pesticide formulations applied to growing crops (40 CFR 180.1001(d)). Canola oil is widely distributed in commerce and available to the general public throughout the United States for non-pesticidal uses. Canola oil has a non-toxic mode of action for the target pests. It is an organic compound known to be rapidly degraded in the environment to organic constituents by

normal biological, physical and chemical processes that can be reasonably expected to exist where the pesticide is applied. Use of canola oil as an active ingredient in the products sought to be registered is expected to be low, and is not likely to result in adverse human health effects, based upon available reports and information. Since people are exposed to this substance from food or other sources, the incremental exposure from its use in pesticide products is expected to be negligible.

2. *Infants and children.* FDA's GRAS determination applies equally to adults and infants and children, with the exception of the chemical's use in infant formulas. This exception is due to FDA not evaluating the use, however. Moreover, the fatty acid profile for canola oil is similar to the fatty acid profiles for other vegetable oils. All vegetable oils are metabolized the same; and human metabolic pathways are well-established. In essence, vegetable oils are broken down in the digestive tract into useful components that are either burned as fuel or stored as fat for later use by the body. Furthermore, there is nothing about the chemistry of this substance or the anticipated levels of it that will be consumed by infants and children to indicate that their normal homeostatic mechanisms will not be protective.

G. Existing Tolerances

1. *Existing tolerances or tolerance exemptions.* EPA has promulgated an exemption from the requirement for a tolerance for canola oil (low erucic acid rapeseed oil conforming to 21 CFR 184.1555(c)) when it is used in accordance with good agricultural practice as a surfactant or related adjuvants of surfactants in pesticide formulations applied to growing crops (40 CFR 180.1001(d)).

2. *International tolerances or tolerance exemptions.* No maximum residue level has been established for this substance by the Codex Alimentarius Commission.

[FR Doc. 97-9386 Filed 4-10-97; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[OPP-181042; FRL 5598-5]

Emamectin Benzoate; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Hawaii Department of Agriculture (hereafter referred to as the "Applicant") to use the pesticide emamectin benzoate (CAS 137512-74-4) (formulated as "Proclaim 5SG") to control the diamondback moth on up to 1,000 acres of head and Chinese *Napa* cabbage in Hawaii. The Applicant proposes the use of a "new" chemical (an active ingredient not currently found in any registered product). In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before April 15, 1997.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-181042," 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 following the instructions under "SUPPLEMENTARY INFORMATION" of this document. 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: Olga Odiott, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail: Sixth floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-6418; e-mail: odiott.olga@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 a specific exemption for the use of emamectin benzoate on head and Chinese *Napa* cabbage to control the diamondback moth. Information in accordance with 40 CFR part 166 was submitted as part of this request.

The Applicant states that the diamondback moth has become resistant to registered materials, which were formerly effective at providing control. Growers using these products have experienced significant yield reductions due to feeding damage by the diamondback moth, when it was not adequately controlled through use of registered materials. The Applicant states that although several alternative control practices have been adopted by many cabbage growers, these alternatives are only partially effective, and that without an effective control such as emamectin benzoate, cabbage growers in Hawaii will likely suffer severe economic losses.

The Applicant proposes to apply emamectin benzoate at a rate of 0.0075 lbs. active ingredient (a.i.) per acre with a maximum of six applications per crop season, but no more than 0.045 lbs., a.i. applied per acre per crop season. The proposed use is for up to 1,000 acres of head and Chinese *Napa* cabbage. Therefore, use under this exemption could potentially amount to a maximum total of 45 lbs. of the active ingredient, emamectin benzoate. This is the second time an exemption request for this use has been requested.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of a notice of receipt in the **Federal Register** for an application for a specific exemption proposing the use of a new (unregistered) chemical. 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-181042] (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 p.m.,