

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-181065A; FRL-6059-3]

**Malathion and Diazinon; Receipt of Application for Emergency Exemption, Solicitation of Public Comment Period; Extension of Comment Period****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA is extending the public comment period related to the consideration of a section 18 quarantine exemption request submitted to the Agency by the U.S. Department of Agriculture for the use of the pesticides malathion and diazinon to treat areas in Florida where nonindigenous subtropical fruit flies (various species in the family Tephritidae) are discovered. The public may directly review the materials submitted in support of the subject emergency exemption application at the EPA's Pesticide Public Docket or through the main branch of the Tampa-Hillsborough County Library. The comment period is extended for an additional 30 days.

**DATES:** Written comments must be submitted to EPA by March 26, 1999. **ADDRESSES:** By mail, submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Follow the instructions under SUPPLEMENTARY INFORMATION. No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document 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 record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 119 at the Virginia address given in this unit, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Daniel J. Rosenblatt, Office of Pesticide Programs (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Crystal Mall #2, Rm. 280, 1921 Jefferson-Davis Highway, Arlington, VA, (703-308-9375); e-mail: rosenblatt.dan@epamail.epa.gov. The emergency exemption application is also available for public inspection in the Special Collection Department of the main library of the Tampa-Hillsborough County Library system located at 900 N. Ashley, Tampa, Florida, (813-273-3629).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice published in the **Federal Register** of December 9, 1998 (63 FR 67880)(FRL-6047-8) which solicited public comment on the section 18 quarantine exemption request which was submitted to the Agency by the U.S. Department of Agriculture for the use of the pesticides malathion and diazinon to treat areas in Florida where nonindigenous subtropical fruit flies (various species in the family Tephritidae) are discovered.

EPA is evaluating the quarantine exemption request under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from the U.S. Department of Agriculture (hereinafter referred to as the "Applicant") to use the pesticides malathion (CAS No. 121-75-5), formulated as Fyfanon ULV (EPA Registration Numbers 4787-8 and 51036-104 and diazinon (CAS No. 333-41-5), formulated as Diazinon 4-E (EPA Registration Number 769-687) at this time. The purpose of this notice is to extend the period for public comment about how the Agency should respond to the emergency exemption application from the Applicant.

In the past years, severe infestations of the Mediterranean fruit fly (*Ceratitis capitata*) has been discovered in Florida. The Mediterranean fruit fly is a destructive pest capable of damaging a wide range of important agricultural crops. In order to ensure that the Mediterranean fruit fly does not become established in Florida, the Applicant and the State of Florida have undertaken emergency eradication programs to combat each outbreak.

The section 18 request under consideration by the Agency involves use of the pesticides in eradication programs, the release of sterile Mediterranean fruit flies, and numerous other exclusion and detection activities in order to help ensure that this pest species does not become established.

The official record for this notice, as well as the public version, has been

established for this notice under docket control number [OPP-181065A] (including comments and data submitted electronically as described in this unit). 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, except legal holidays. The official notice 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@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 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP-181065A]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

**List of Subjects**

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: February 16, 1999.

**Peter Caulkings,**

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

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**COUNCIL ON ENVIRONMENTAL QUALITY****Annual Report on Endangered Species Act Exemption**

**AGENCY:** Council on Environmental Quality, Executive Office of the President.

**ACTION:** Availability of report.

**SUMMARY:** This notice announces the availability of the Annual Report submitted by Basin Electric Power Cooperative, as Project Manager for the Missouri Basin Power Project in the matter of an exemption granted from the requirements of the Endangered Species Act to Grayrocks Dam. The lead federal agency in the project is the Rural Electrification Administration.

**DATES:** The report was submitted to the Council in November, 1998.