

and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Room 119, Crystal Mall #2, 1801 S. Bell Street, Arlington, VA 22202-4501, Attention: Docket ID Number OPP-2005-0242. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

#### *D. How Should I Submit CBI to the Agency?*

Do not submit information that you consider to be CBI electronically through EPA Dockets or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA Dockets. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA Dockets without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

#### **II. What Action is the Agency Taking?**

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Minnesota and South Dakota Departments of Agriculture have requested the Administrator to issue a quarantine exemption for the use of flusilazole (Punch 3.3EC) and a flusilazole + famoxadone premix (Charisma 1.7 EC) on soybeans to control Asian soybean rust. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that most of the 73.8 million soybean acres planted in the United States could be compromised by Asian

soybean rust. A variety of published reports have indicated that soybean rust is capable of causing yield reductions area-wide on soybeans from 10% to 50% and in selected fields greater than 90%. Due to the large acreage potentially impacted, registrants have informed the states that no single product will be available in sufficient quantity to treat the potential land area impacted by Asian soybean rust. Nationally, soybeans account for 73.8 million planted acres, 2.75 billion bushels produced, and over \$13 billion value of production. Even a modest 4% minimal loss of production could reduce domestic soybean production to its lowest point in the preceding 5 years. According to the quarantine exemption request, several products have emerged as potentially efficacious against Asian soybean rust in international trials, including flusilazole. Flusilazole is a systemic, triazole fungicide that can be used as a systemic eradicator and a protectant with post-infection activity that can stop pathogen establishment in the early phases of disease development.

As part of this quarantine exemption request, the Applicant proposes a maximum of 2 applications of the 37.8% flusilazole formula (Punch 3.3EC) per season at an application rate of 1.65 ounces of active ingredient/acre (4 fluid ounces of product per acre) of soybeans treated. In addition, the Applicant proposes the use of 1 or 2 applications of the 18.8% (9.7% flusilazole + 9.1% famoxadone) flusilazole + famoxadone premix (Charisma 1.7 EC) per season at an application rate of 1.91 ounces of active ingredient (1.01 ounces of flusilazole + 0.9 ounces of famoxadone)/acre (9 fluid ounces of product per acre) of soybeans treated. Ground and aerial applications are requested for both products. If granted, the use of Punch 3.3EC on soybeans would result in approximately 0.010 million pounds of active ingredient used per 1 million soybean acres treated. Further, the use of the Charisma 1.7 EC on soybeans would result in approximately 0.12 million pounds of active ingredient used per 1 million soybean acres treated.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a quarantine exemption proposing "use of a new chemical (i.e., an active ingredient) which has not been registered by the EPA." This notice provides an opportunity for public comment on the application.

The Agency will review and consider all comments received during the 15-day public comment period in determining whether to issue the quarantine exemption requested by the Minnesota and South Dakota Departments of Agriculture.

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: September 9, 2005.

**Lois Rossi,**

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

[FR Doc. 05-18418 Filed 9-20-05; 8:45 am]

**BILLING CODE 6560-50-S**

#### **ENVIRONMENTAL PROTECTION AGENCY**

[OPP-2005-0243; FRL-7734-6]

#### **Flutriafol; Receipt of Application for Emergency Exemption, Solicitation of Public Comment**

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a quarantine exemption request from the Minnesota and South Dakota Departments of Agriculture to use the pesticide product flutriafol (Impact 125SC), (CAS No. 76674-21-0), on soybeans to control Asian soybean rust. The Applicant proposes the use of a new chemical which has not been registered by EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments, identified by docket identification (ID) number OPP-2005-0243, must be received on or before October 6, 2005.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Carmen Rodia, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001; telephone number: (703) 306-0327; fax number: (703) 308-5433; e-mail address: [rodia.carmen@epa.gov](mailto:rodia.carmen@epa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

### B. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP-2005-0243. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Room 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA 22202-4501. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgrstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments,

access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA Dockets. EPA's policy is that copyrighted material will not be placed in EPA Dockets but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA Dockets. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA Dockets. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA Dockets.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA Dockets as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA Dockets. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA Dockets. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA Dockets. Where practical, physical objects will be photographed, and the photograph will be placed in EPA Dockets along with a brief description written by the docket staff.

### C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper

receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA Dockets. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA Dockets to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2005-0243. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to [opp-docket@epa.gov](mailto:opp-docket@epa.gov), Attention: Docket ID Number OPP-2005-0243. In contrast to EPA Dockets, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA Dockets, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the

comment that is placed in the official public docket, and made available in EPA Dockets.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2005-0243.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Room 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA 22202-4501, Attention: Docket ID Number OPP-2005-0243. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

*D. How Should I Submit CBI to the Agency?*

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In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA Dockets. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA Dockets without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

## II. Background

### *What Action is the Agency Taking?*

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Minnesota and South Dakota Departments of Agriculture have requested the Administrator to issue a quarantine exemption for the use of flutriafol (Impact 125SC) on soybeans to control Asian soybean rust. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that most of the 73.8 million soybean acres planted in the United States could be compromised by Asian soybean rust. A variety of published reports have indicated that soybean rust is capable of causing yield reductions area-wide on soybeans from 10% to 50% and in selected fields greater than 90%. Due to the large acreage potentially impacted, registrants have informed the states that no single product will be available in sufficient quantity to treat the potential land area impacted by Asian soybean rust. Nationally, soybeans account for 73.8 million planted acres, 2.75 billion bushels produced, and over \$13 billion value of production. Even a modest 4% minimal loss of production could reduce domestic soybean production to its lowest point in the preceding 5 years. According to the quarantine exemption request, several products have emerged as potentially efficacious against Asian soybean rust in international trials, including flutriafol. Flutriafol is a systemic, triazole fungicide that can be used as a systemic eradicator and a protectant with post-infection activity that can stop pathogen establishment in the early phases of disease development.

As part of this quarantine exemption request, the Applicant proposes a maximum of 2 applications of this 12.5% flutriafol formula (Impact 125SC) per season at an application rate of 0.91 ounces of active ingredient/acre (7 fluid ounces of product per acre) of soybeans treated. Ground and aerial applications are requested. If granted, the use of Impact 125SC on soybeans would result in approximately 0.06 million pounds of active ingredient used per 1 million soybean acres treated.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section

18 of FIFRA require publication of a notice of receipt of an application for a quarantine exemption proposing "use of a new chemical (i.e., an active ingredient) which has not been registered by EPA." This notice provides an opportunity for public comment on the application.

The Agency will review and consider all comments received during the 15-day public comment period in determining whether to issue the quarantine exemption requested by the Minnesota and South Dakota Departments of Agriculture.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 9, 2005.

**Lois Rossi,**

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

[FR Doc. 05-18420 Filed 9-20-05; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2005-0241; FRL-7734-8]

### Metconazole; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a quarantine exemption request from the Minnesota and South Dakota Departments of Agriculture to use the pesticide metconazole (Caramba 90SL), CAS No. 125116-23-6, and a metconazole + pyraclostrobin co-pack (Headline-Caramba co-pack) on soybeans to control Asian soybean rust. Initially, a metconazole + pyraclostrobin premix product (Operetta 180EC) was also included in this quarantine exemption request. Operetta 180EC was subsequently withdrawn as a section 18 candidate. The Applicant proposes the use of a new chemical which has not been registered by the EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments, identified by docket identification (ID) number OPP-2005-0241, must be received on or before October 6, 2005.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in