

Dated: July 3, 1995.

**C. Michael Baker,**

*Acting Designated Federal Official, National Environmental Education Advisory Council.*  
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[OPP-180974; FRL 4957-8]

**Pirate; 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 Alabama Department of Agriculture and Industries, Mississippi Department of Agriculture and Commerce, Tennessee Department of Agriculture, Louisiana Department of Agriculture and Forestry, and the Arkansas Plant Board (hereafter referred to as the "Applicants") for use of the pesticides, Pirate and Tebufenozide to control beet armyworms (BAW) on up to 2,125,000 acres in the southeastern region of the cotton belt. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant these exemptions.

**DATES:** Comments must be received on or before July 24, 1995.

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-180974," should be submitted by mail to: Public Response and Human 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-180974]. 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 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 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Margarita Collantes, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station I, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308-8347; e-mail: collantes.margarita@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 a specific exemption for use of the insecticides pirate, available as Pirate 3SC from American Cyanamid Co., and tebufenozide, available as Confirm 2F from Rohm & Haas Co., to control beet armyworms (BAW) on up to 2,125,000 acres of cotton in the southeastern region of the cotton belt due to an inadequate supply of both. (American Cyanamid has indicated that it can potentially supply enough pirate to treat approximately 500,000 acres. Rohm & Haas estimates supplies of Confirm 2F being sufficient to treat approximately 350,000 acres.) Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicants, the beet armyworm (BAW) has historically been an occasional or sporadic pest of cotton in these southern states. In recent years, statewide yield losses have totaled into the millions of dollars and unsuccessful control attempts have costs growers additional millions. Damage in 1994 was not as widespread and severe due

to the fact that the BAW is a hot, dry weather pest and the cooler and wetter conditions in 1994 may have prevented further widespread infestations. Several insecticides (chlorpyrifos, thiodicarb, profenofos, sulprofos and diflubenzuron) are currently registered and recommended for BAW control. However, based on field experiences over a 6-year period (1988-93) and research trials, none provide the level of control necessary against high populations to be economically or biologically acceptable. Entomologists, growers and consultants recognize that the best control for BAW's is the utilization of naturally occurring parasites and predators. However, due to economically damaging levels of other insects such as boll weevils, aphids, plant bugs, bollworms and budworms, growers have no alternative but to apply insecticides (extremely toxic phosphates) for control of these insects. When this occurs, naturally occurring parasites and predators are destroyed.

In 1995, the areas of greatest concern are those that are in the initial years of the boll weevil eradication program (BWE). It has been noted that the most destructive BAW damage has occurred in areas where the highest number of phosphate insecticide application were being applied to control boll weevils. This program expanded in August of 1994. Each planted acre in this area will likely require multiple malathion applications for boll weevils control. Therefore, little usage can be made of naturally occurring parasites and predators during the 1995 season. Therefore, Alabama, Louisiana, Mississippi, Tennessee, and Arkansas are requesting emergency exemptions for the use of Pirate 3SC and Confirm 2F based on the following: (1) BAW outbreaks are increasing in number and intensity throughout the southeastern area of the cotton belt, (2) the BAW is not effectively controlled with insecticides currently available, (3) cotton producers cannot afford the yield losses and control costs associated with presently available insecticides, (4) insecticide use would be drastically reduced if an effective insecticide was available, and (5) pheromone trap catches currently indicate the presence of BAW in southeastern region of cotton belt.

Under the proposed exemptions, Pirate may be applied at the rate of 0.15 to 0.2 lbs a.i./A (8.53 fl. oz.) of the 3SC formulation per acre, and Confirm may be applied at the rate of 0.125 to 0.250 lbs a.i./A (8 to 16 fl. ozs) of product per acre. Pirate or Confirm may be applied using ground or aerial application equipment, in a minimum of 10 gallons