

per acre total volume by ground or 5 gallons of spray solution per acre by air.

Alabama's and Mississippi's 1994 requests for the use of Pirate to control the BAW on cotton were denied due to the risk of unreasonable adverse effects to non-target birds, aquatic organisms and the environment. Alabama has proposed a 75 foot buffer between cotton fields treated with Pirate and aquatic areas to mitigate these concerns.

Tebufenozide, as either the technical or the 2F formulation, produces minimal to no toxicity following acute exposures. Following subchronic or chronic exposure, tebufenozide does produce organ toxicity after multiple exposures at high doses to laboratory animals. The primary target organ for toxicity is the hemopoietic system and the toxicity was characterized as a regenerative anemia. Tebufenozide produced marginal reproductive effects following multiple exposures of very high doses to rats and was found to be moderately toxic to aquatic and aquatic invertebrate organisms and highly toxic to oysters.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide) [40 CFR 166.24 (a)(1)]. Pirate is a new chemical.

A record has been established for this notice under docket number "[OPP-180974]" (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 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

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.

The official record for this notice, as well as the public version, as described above will be kept in paper form.

Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Alabama Department of Agriculture, Mississippi Department of Agriculture and Commerce, Louisiana Department of Agriculture and Forestry, Tennessee Department of Agriculture and the Arkansas State Plant Board.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: June 23, 1995.

Peter Caulkins

Acting Director, Registration Division, Office of Pesticide Programs.

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[OPP-36140C; FRL-4957-9]

Inert Ingredients in Pesticide Products; Reclassification of Certain List 3 Inert Ingredients to List 4B

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is issuing a list of inert ingredients formerly considered to be inert ingredients of unknown toxicity (List 3) for which it now has sufficient information to conclude that their current use patterns in pesticide products will not adversely affect public health and the environment and can therefore be reclassified to List 4B.

EFFECTIVE DATE: July 7, 1995.

ADDRESSES: By mail, submit written comments identified by the document control number 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, deliver comments to: Rm. 1132, Crystal Mall Bldg. #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this

document 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 will be included in the public docket by EPA without prior notice. The public docket is 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, [OPP-36140C]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule 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: Mary Waller, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, 6th Floor, Arlington, VA 22202, (703)-308-8811; e-mail: waller.mary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA announced its policy on toxic inert ingredients in pesticide products in the **Federal Register** of April 22, 1987 (52 FR 13305). Through its policy, EPA encourages the use of the least toxic inert ingredients available and requires the development of data necessary to determine the conditions of safe use of products that contain toxic inert ingredients. In developing this policy, EPA categorized inert ingredients into the following four lists according to toxicity:

List 1—Inerts of toxicological concern.

List 2—Potentially toxic inerts, with high priority for testing.

List 3—Inerts of unknown toxicity.

List 4—Inerts of minimal concern.

In the **Federal Register** of November 22, 1989 (58 FR 48314), EPA issued a