

emergency exemption that has been requested for the previous 3 years, and a complete application for registration of this use and a tolerance petition has not been submitted to the Agency.

Therefore, 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 October 17, 1996.

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-181024," 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 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 must be identified by the docket number [OPP-181024]. 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 No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 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: Floor 6, Crystal Station #1, 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 Applicant has requested the Administrator to issue a specific exemption for the use of metolachlor on spinach to control weeds. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, due to the loss of Antor *diethatyl ethyl* there is no longer an effective herbicide which will effectively control weeds in spinach. NOR-AM Chemical Company no longer manufactures Antor for use on spinach in the U.S. as of 1992. Stocks of Antor were exhausted in 1993. Ro-Neet is the only remaining preemergent herbicide registered for use on spinach. Antor was the primary preemergence herbicide and was the herbicide of choice in fields where problem weeds such as silara, pigweeds, chickweed, wild mustard, mayweed, and henbit were known to be present.

Alternative control practices consisting of field selection and hand hoeing will not solve the weed control problems that exist in spinach due to the loss of Antor. Without the use of metolachlor, growers can expect a loss of \$185 per acre which is a 243 percent reduction in net revenue. The loss is due to lower average yields and price with Ro-Neet since an estimated 25 to 45 percent of the planted acreage will not be marketable due to weeds.

Under the proposed exemption 1 pound active ingredient (1 pint of product) per acre will be used on 1,000 acres of spinach. A maximum of 1 application will be made by ground and or aerial equipment.

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 of an application for a specific exemption proposing use which has been requested in any 3 previous years, and a complete application for registration of the use and/or a tolerance petition has not been submitted to the Agency. Such notice provides for opportunity for public comment on the application.

A record has been established for this notice under docket number [OPP-181024] (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 Resource 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, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Arkansas State Plant Board.

#### List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: September 26, 1996.

Susan Lewis,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 96-25227 Filed 10-1-96; 8:45 am]

BILLING CODE 6560-50-F

#### [OPP-181022; FRL 5390-5]

#### 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 California

Department of Pesticide Regulation (hereafter referred to as the "Applicant") to use the pesticide Pirate to treat up to 10,000 acres of cotton in Kern County to control spider mites. The Applicant proposes the use of a new (unregistered) chemical. Therefore, 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 October 17, 1996.

**ADDRESSES:** Three copies of written comments, bearing the identification notation "OPP-181022," 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 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-181022]. 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 No. 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: Floor 6, Crystal Station #1, 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 Applicant has requested the Administrator to issue a specific exemption for the use of Pirate on cotton to control spider mites. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, spider mites are currently causing widespread damage to cotton throughout California, particularly in the southern San Joaquin County. In 1995, and again in 1996, California experienced unusually heavy rainfall with very wet spring weather. The wet spring weather contributed to an increase in outlying weeds and plants that serve as host for large lygus and aphid populations. As host plants dry out, these pests migrate to adjacent cotton fields. Broad spectrum insecticides are used to control large lygus and aphid populations.

Use of these insecticides destroy populations of mite predators, primarily thrips and big-eyed bugs, that normally maintain mite populations below the economic thresholds. Without the benefit of mite predators, additional acaricides must be used to control the exploding mite populations. Furthermore, insecticides which previously provided a degree of control failed to regulate the exceptionally high mite populations which lead to development of resistance to currently labeled materials. There are no products with an alternative mode of action for controlling mites. By using Alert the high probability of resistance occurring with the remaining miticides will be reduced.

The use of Pirate to control the beet armyworm and tobacco budworm on cotton have been issued to most of the states within the southern cotton belt region this year. In an effort to mitigate risk to Federally-listed threatened and endangered species from potentially harmful exposure to Pirate, specific directions, restrictions, precautions and monitoring for wildlife mortality were required.

Under the proposed exemption, Pirate (Alert/AC) may be applied to late season

cotton (12' < tall) at a rate of 0.12 to 0.2 lbs. active ingredient [(a.i.)] (8 to 13 fl. ozs of product) per acre by ground or air equipment. Not to apply more than 67.2 fl. oz. (1.05 lbs. a.i., per acre per year). A reentry interval of 12 hours and a preharvest interval of 21 days must be observed.

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 of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide), in accordance with 40 CFR 166.24. Such notice provides for opportunity for public comment on the application.

A record has been established for this notice under docket number [OPP-181022] (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 Resource 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, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Pesticide Regulation.

## List of Subjects

Environmental protection, Pesticides and pests, Emergency exemptions.

Dated: September 26, 1996.

Susan Lewis,

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

[FR Doc. 96-25228 Filed 10-1-96; 8:45 am]

BILLING CODE 6560-50-F

[OPPT-47005; FRL-5397-8]

### Conditional Exemptions from TSCA Section 4 Test Rules

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

**ACTION:** Notice.

**SUMMARY:** EPA is granting conditional exemptions from Toxic Substances Control Act (TSCA) section 4 Test Rule requirements to certain manufacturers of chemicals substances subject to these rules.

**DATES:** These conditional exemptions are effective on October 2, 1996.

**FOR FURTHER INFORMATION CONTACT:**

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404,

TDD (202) 554-0551 e-mail:TSCA-Hotline@epamail.epa.gov .

**SUPPLEMENTARY INFORMATION:** This notice grants conditional exemptions from TSCA section 4 test rule requirements to all manufacturers of the chemical substances identified below that submitted exemption applications in accordance with 40 CFR 790.80. In each case, EPA has received a letter of intent to conduct the testing from which exemption is sought. Accordingly, the Agency has conditionally approved these exemption applications because the conditions set out in 40 CFR 790.87 have been met. All conditional exemptions thus granted are contingent upon successful completion of testing and submission of data by the test sponsors according to the requirements of the applicable test rule. If the test requirements are not met and EPA terminates a conditional exemption under 40 CFR 790.93, the Agency will notify each holder of an affected conditional exemption by certified mail or Federal Register notice.

This conditional approval applies to all manufacturers that submitted exemption applications for testing of the chemical substances named in the final test rules listed below from January 1, 1995 through December 31, 1995. Any application received after December 31, 1995 will be addressed separately. Testing reimbursement periods have terminated (sunset) for certain

chemicals and exemption notices are no longer required for these chemicals. In accordance with 40 CFR 790.80, before the end of the reimbursement period, manufacturers or processors of the test substance who are subject to the requirement, must submit either a letter of intent to test or an exemption application. Reimbursement period as defined in 40 CFR 791.3, refers to a period that begins when the data from the last non-duplicative test to be completed under a test rule is submitted to EPA, and ends after an amount of time equal to that which had been required to develop that data or after 5 years, whichever is later.

Exemption applications that were received by EPA for anthraquinone (CAS No. 84-65-1), biphenyl (CAS No. 92-52-4), and 2-ethylhexanoic acid (CAS No. 149-57-5) were not required at the time they were submitted because the chemicals each have completed testing programs, their reimbursement periods have sunset, and they are no longer subject to TSCA section 4 reporting requirements in accordance with 40 CFR 790.80. EPA has included a table in 40 CFR 799.18 that lists chemicals and mixtures that have been the subject of section 4 testing actions and for which reimbursement periods have sunset. Exemption applications received by EPA after that date would not appear in this notice.

Chemicals	CAS No.	40 CFR Citation	Company
diethylene glycol butyl ether .....	112-34-5	799.1560	Marubeni America Corporation
2-ethylhexanol .....	104-76-7	799.1645	Wacker Silicones Corporation
isopropanol .....	67-63-0	799.2325	Spies Hecker, Inc. and Wacker Silicones Corporation
commercial hexane (consisting primarily of <i>n</i> -hexane and methylcyclopentane).	110-54-3 and 96-37-7	799.2155	Grace Container Products

As provided in 40 CFR 790.80, processors are not required to apply for an exemption or conduct testing unless EPA so specifies in a test rule or in a special Federal Register notice.

Dated: September 27, 1996.

Frank Kover,

*Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 96-25229 Filed 10-1-96; 8:45 am]

BILLING CODE 6560-50-F

### FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1139-DR]

### Maryland; Major Disaster and Related Determinations

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Notice.

**SUMMARY:** This is a notice of the Presidential declaration of a major disaster for the State of Maryland (FEMA-1139-DR), dated September 17, 1996, and related determinations.

**EFFECTIVE DATE:** September 17, 1996.

**FOR FURTHER INFORMATION CONTACT:** Pauline C. Campbell, Response and Recovery Directorate, Federal

Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that, in a letter dated September 17, 1996, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Maryland, resulting from severe storms and flooding associated with Tropical Storm Fran on September 6-9, 1996, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Maryland.