

to 5 minutes, and the Board expects that such items will not be repetitive of previously submitted materials.

**FOR FURTHER INFORMATION CONTACT:** Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, NCERQA, (MC8701), 401 M Street, S.W., Washington, D.C. 20460, (202) 260-0468.

Dated: July 14, 1997.

**Henry L. Longest II,**

*Acting Assistant Administrator for Research and Development.*

[FR Doc. 97-19390 Filed 7-22-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-64034; FRL 5729-8]

### Cancellation of Pesticides for Non-Payment of 1997 Registration Maintenance Fees

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

**ACTION:** Notice.

**SUMMARY:** Since the amendments of October, 1988, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) has required payment of an annual maintenance fee to keep pesticide registrations in effect. The fee due last January 15 has gone unpaid for about 1,113 registrations. Section 4(i)(5)(D) of FIFRA provides that the Administrator may cancel these registrations by order and without a hearing; orders to cancel all but a few of them have been issued within the past few days.

**FOR FURTHER INFORMATION CONTACT:** For further information on the maintenance fee program in general, contact by mail: John Jamula, Office of Pesticide Programs (7504C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail: Rm. 226, Crystal Mall #2, 1921 Jefferson Davis Highway South, Arlington, VA, (703) 305-6426; e-mail: jamula.john@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

#### I. Introduction

Section 4(i)(5) of FIFRA as amended in October, 1988, and again in December, 1991 requires that all pesticide registrants pay an annual registration maintenance fee, due by January 15 of each year, to keep their registrations in effect. This requirement applies to all registrations granted under section 3 as well as those granted under section 24(c) to meet special local

needs. Registrations for which the fee is not paid are subject to cancellation by order and without a hearing.

The 1990 Farm Bill amended FIFRA to allow the Administrator to reduce or waive maintenance fees for minor agricultural use pesticides when she determines that the fee would be likely to cause significant impact on the availability of the pesticide for the use. The Agency has waived the fee for 82 minor agricultural use registrations at the request of the registrants.

In late November, 1996, all holders of either section 3 registrations or section 24(c) registrations were sent lists of their active registrations, along with forms and instructions for responding. They were asked to identify which of their registrations they wished to maintain in effect, and to calculate and remit the appropriate maintenance fees. Most responses were received by the statutory deadline of January 15.

A notice of intent to cancel was sent in mid-March to companies who did not respond and to companies who responded, but paid for less than all of their registrations. Late payments of the fees were accepted until May 15, when the actual process of cancellation was begun. Since mailing the notices, EPA has maintained a toll-free inquiry number through which the questions of affected registrants have been answered.

Maintenance fees have been paid for about 16,381 section 3 registrations, or about 94 percent of the registrations on file in November. Fees have been paid for about 2,512 section 24(c) registrations, or about 88 percent of the total on file in November. Cancellations for non-payment of the maintenance fee affect about 849 section 3 registrations and about 264 section 24(c) registrations.

#### II. Product Cancellations not Affecting Status of Active Ingredient

In cases where the active ingredients will remain available in other registered products, we anticipate two types of impact for the bulk of these cancellations. First, some of these disappearing registrations will be survived in the market by substantially identical registrations. These substantially identical products may not, however, be readily available wherever a disappearing product was sold, so there may be local or regional disruptions while distribution patterns are adjusted. We expect these disruptions to be minor and temporary.

The cancellation orders generally permit registrants to continue to sell and distribute existing stocks of the canceled products until the due date for the next annual registration maintenance fee,

January 15, 1998. Existing stocks already in the hands of dealers or users, however, can generally be distributed, sold or used legally until they are exhausted. Existing stocks are defined as those stocks of a registered pesticide product which are currently in the U.S. and which have been packaged, labeled and released for shipment prior to the effective date of the action.

The exceptions to these general rules are cases where more stringent restrictions on sale, distribution, or use of the products have already been imposed, through Special Reviews or other Agency actions. These general provisions for disposition of stocks should serve in most cases to cushion the impact of these cancellations while the market adjusts.

Second, in some cases unique non-agricultural uses will disappear, although the active ingredients will remain available for different uses in other products. When this situation occurs, there may be more serious impacts on users of the canceled products. Once again, existing stocks of the canceled products already in channels of trade will be usable to mitigate these impacts in the short term. For the longer term the mechanisms of section 3 amendments and 24(c) registrations will remain available to obtain replacement registrations.

Neither of these types of impact leaves users without the means to replace lost registrations; neither is considered to justify further deferral of cancellations for non-payment of the maintenance fee. Thus all these registrations for which the active ingredient will remain in other products have been canceled.

#### III. Cancellations Leading to Disappearance of Active Ingredients

A second type of impact arises if an active ingredient that is now or has recently been available for one or more minor agricultural uses disappears from the marketplace. The Agency believes that no active ingredients registered for minor use will disappear because of the cancellation actions described in this notice.

#### IV. Public Docket

Because so many registrations are involved, it would be impractical to list those which have been canceled in this notice. Complete lists of registrations canceled for non-payment of the maintenance fee will, however, be available for reference during normal business hours in the OPP Public Docket, Room 1128, Crystal Mall #2, 1921 Jefferson Davis Highway South, Arlington VA, and at each EPA Regional

Office. Product-specific status inquiries may be made by telephone by calling toll-free 1-800-444-7255.

#### List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: July 9, 1997.

#### Linda A. Travers,

Director, Information Resources and Services Division, Office of Pesticide Programs.

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### ENVIRONMENTAL PROTECTION AGENCY

[OPP-50833; FRL-5731-8]

#### Receipt of a Notification to Conduct Small-Scale Field Testing of a Genetically Engineered Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** This notice announces receipt of a notification (241-NMP-L) of intent to conduct small-scale field testing involving a microorganism, *Helicoverpa zea* single-embedded nuclear polyhedrosis virus (HzSNPV), which has been genetically engineered to (1) express an insect-specific pesticidal toxin, AaH IT1, from the scorpion *Androctonus australis* and (2) prevent expression of the ecdysteroid UDP-glucosyltransferase gene. American Cyanamid Company intends to test this microbial pesticide on cotton in seven states for control of the tobacco budworm and the cotton bollworm. The Agency has determined that these notifications may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting public comments on these notifications.

**DATES:** Written comments must be submitted to EPA by August 22, 1997.

**ADDRESSES:** By mail, submit written comments identified by the document control number [OPP-50833] and the appropriate file symbol to: Public Response and Program Resources Branch, Field Operations Divisions (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically by following

the instructions under the SUPPLEMENTARY INFORMATION unit of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

#### FOR FURTHER INFORMATION CONTACT:

William R. Schneider, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 5th Floor, CS #1, 2805 Jefferson Davis Hwy., Arlington, VA, (703) 308-8683; e-mail: schneider.william@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Notice of receipt of this notification does not imply a decision by the Agency on this notification.

1. A Notification (241-NMP-L) was received from American Cyanamid Company. The proposed small-scale field trial involves the introduction of a baculovirus, *Helicoverpa zea* single-embedded nuclear polyhedrosis virus (HzSNPV), which has been genetically engineered to express a gene which encodes for an insect-specific pesticidal toxin, AaH IT1, from the venom of the scorpion *Androctonus australis*. In addition, the gene for ecdysteroid UDP-glucosyltransferase (EGT) has been replaced with the same gene containing a deletion so that this enzyme will not be produced in the infected insect larvae. When insects are infected with the naturally-occurring (wild-type) virus, EGT prevents the insect from molting, and the insect will continue to eat and grow without molting. In contrast, an insect infected with the engineered virus, will not eat or molt resulting in death one to two days earlier than seen for the wild-type virus.

2. American Cyanamid has previously field tested a different baculovirus engineered to express the same toxin and having the same EGT deletion in 1995 and 1996. The purpose of the proposed testing will be to evaluate the efficacy of the baculovirus against the tobacco budworm (*Heliothis virescens*) and the cotton bollworm (*Helicoverpa zea*) on cotton. The total acreage for all sites will not exceed 3.9 acres. Individual tests will be conducted in: Alabama, Georgia, Louisiana, Mississippi, New Jersey, North Carolina, and Texas. The total amount of HzSNPV for all of the testing will not exceed 100 grams of active ingredient. On completion of the test, the crops will be destroyed. Ground spray equipment will be used and will be disinfected with 0.1% bleach solution following use.

Following review of these notifications and any comments

received in response to this notice, EPA may approve the tests, ask for additional data, require additional modifications to the test protocols, or require EUP applications to be submitted. In accordance with 40 CFR 172.50, under no circumstances shall the proposed tests proceed until the submitters have received notice from EPA of its approval of such tests.

The official record for this notice, as well as the public version, has been established for this notice under docket control number [OPP-50833] (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 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in "ADDRESSES" at the beginning of this document.

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. Comment and data will also be accepted on disks in Wordperfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number [OPP-50833] and the appropriate file symbol. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

#### List of Subjects

Environmental protection and Genetically engineered microbial pesticides.

Dated: July 16, 1997.

#### Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

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### ENVIRONMENTAL PROTECTION AGENCY

[OPP-50831; FRL-5727-8]

#### Issuance of an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.