

Region II: (New York, New Jersey, Puerto Rico, Virgin Islands), Fred Kozak, (MS-240), 2890 Woodbridge Ave., Edison, NJ 08837, Telephone: (732) 321-6769, kozak.fred@epamail.epa.gov

Region III: (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia), Lisa Donahue, (3WC32), 841 Chestnut Bldg., Philadelphia, PA 19107, Telephone: (215) 566-2062, donahue.lisa@epamail.epa.gov

Region IV: (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee), Cheryl Prinster, 12th Floor, Atlanta Federal Center, 61 Forsyth St., SW., Atlanta, GA 30303-3104, Telephone: (404) 562-9005, prinster.cheryl@epamail.epa.gov

Region V: (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin), David Macarus, (DRT-8J), 77 West Jackson Blvd., Chicago, IL 60604, Telephone: (312) 353-5814, macarus.david@epamail.epa.gov

Region VI: (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), Jerry Collins, (6PD-P), 1445 Ross Ave., 6th Floor, Suite 600, Dallas, TX 75202, Telephone: (214) 665-7562, collins.jerry@epamail.epa.gov

Region VII: (Iowa, Kansas, Missouri, Nebraska), Glen Yager, 726 Minnesota Ave., Kansas City, KS 66101, Telephone: (913) 551-7296, yager.glen@epamail.epa.gov

Region VIII: (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), John Larson, (8P2-TX), 999 18th St., Suite 500, Denver, CO 80202-2466, Telephone: (303) 312-6030, larson.john@epamail.epa.gov

Region IX: (Arizona, California, Hawaii, Nevada, American Samoa, Guam), Roccena Lawatch, (CMD4-3), 75 Hawthorne St., San Francisco, CA 94105, Telephone: (415) 744-1068, lawatch.roccena@epamail.epa.gov

Region X: (Alaska, Idaho, Oregon, Washington), Karl Arne, (ECO-084), 1200 Sixth Ave., Seattle, WA 98101, Telephone: (206) 553-2576, arne.karl@epamail.epa.gov

#### List of Subjects

Environmental protection.

Dated: February 26, 1998.

**Janet L. Andersen,**

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

[FR Doc. 98-5854 Filed 3-5-98; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-00233; FRL-5771-3]

### Development, Marketing and Distribution of Small Business Accounting Software Templates

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

**ACTION:** Call for Commercial Partners.

**SUMMARY:** The EPA seeks to establish a Cooperative Research and Development Agreement (CRADA) with a commercial partner to develop, market and distribute to small businesses accounting software templates designed to introduce small and medium-sized businesses to the concepts of environmental accounting and encourage eco-efficiency through pollution prevention. CRADAs are vehicles for government and industry to cooperatively develop technologies to then be distributed in the marketplace by the commercial partner. Under the Federal Technology Transfer Act of 1986, Federal laboratories or offices are permitted to establish CRADAs with private industry for the purpose of enhancing the competitiveness of American industry. This is not a Federal contract.

**DATES:** To be considered for this project, letters of inquiry or e-mail must be received by March 15, 1998.

**ADDRESSES:** Send letters of inquiry to: Kristin Pierre, Environmental Accounting Project, (7409) Rm #ET406, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, phone: 202-260-3068; fax: 202-260-0178; e-mail: pierre.kristin@epamail.epa.gov.

#### FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC, 20460, (202) 554-1404, TDD (202) 554-0551; e-mail: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** The Environmental Protection Agency is seeking an established off-the-shelf accounting software provider (commercial partner) for the development, marketing and distribution of small business accounting software templates designed to introduce small and medium-sized businesses to the concepts of environmental accounting and encourage eco-efficiency through pollution prevention (P2). Environmental accounting encourages the incorporation of not only costs

historically associated with environmental, health, and safety, but also costs associated with material, labor, and capital resources into mainstream business practices. Recognition of these costs, which are traditionally buried in overhead accounts, will reveal cost-effective opportunities to prevent pollution and eliminate wastes. Waste and pollution are a red flag for manufacturing inefficiency or profits being lost in the form of waste.

Efficient use of materials/resources can assist businesses to simultaneously meet cost, quality, performance goals, reduce environmental impacts and conserve valuable resources. These templates will provide information that will make apparent the financial burden created by material inefficiencies and waste. Already, many firms have begun to pursue pollution prevention strategies that emphasize materials eco-efficiency, i.e., reducing the consumption and/or the waste proportion of purchased materials. Environmental accounting will enable companies to quantify the economic value added from these eco-efficiency initiatives. This can encourage business decisions that are both financially superior and beneficial to the environment.

The U.S. EPA's Environmental Accounting Project is sponsoring the development of this project. If interested, please send a letter or e-mail requesting additional information. You will receive a package of information providing a detailed description of the project and next step options. In order to be considered, letters or e-mail must be received by March 15, 1998.

Dated: February 26, 1998.

**William H. Sanders, III,**

*Director, Office of Pollution Prevention and Toxics.*

[FR Doc. 98-5858 Filed 3-5-98; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-60053; FRL-5770-5]

### Intent To Suspend Certain Pesticide Registrations

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

**ACTION:** Notice of issuance of notices of intent to suspend.

**SUMMARY:** This Notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*, announces

that EPA has issued Notices of Intent to Suspend pursuant to sections 3(c)(2)(B) and 4 of FIFRA. The Notices were issued following issuance of Section 4 Reregistration Requirements Notices by the Agency and the failure of registrants subject to the Section 4 Reregistration Requirements Notices to take appropriate steps to secure the data required to be submitted to the Agency. This Notice includes the text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information. Table A of this Notice further identifies the registrants to whom the Notices of Intent to Suspend were issued, the date each Notice of Intent to Suspend was issued, the active ingredient(s) involved, and the EPA registration numbers and names of the registered product(s) which are affected by the Notices of Intent to Suspend. Moreover, Table B of this Notice identifies the basis upon which the Notices of Intent to Suspend were issued. Finally, matters pertaining to the timing of requests for hearing are specified in the Notices of Intent to Suspend and are governed by the deadlines specified in section 3(c)(2)(B). As required by section 6(f)(2), the Notices of Intent to Suspend were sent by certified mail, return receipt requested, to each affected registrant at its address of record.

**FOR FURTHER INFORMATION CONTACT:**  
Francisca Liem, Office of Compliance (2225A), Agriculture and Ecosystem Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 564-2365.

**SUPPLEMENTARY INFORMATION:**

**I. Text of a Notice of Intent to Suspend**

The text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information, follows:

**United States Environmental Protection Agency**

**Office of Prevention, Pesticides and Toxic Substances**

Washington, DC 20460

Certified Mail

*Return Receipt Requested*

Fairfax Biological Laboratories

P.O. Box 300, Electronic Road

Clinton Corners, NY 12514

SUBJECT: Suspension of Registration of Pesticide Product(s) Containing *Bacillus popillae* and *Bacillus lentimorbus* for Failure to Comply with the *Bacillus popillae* and *Bacillus lentimorbus* Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice Dated September 30, 1992

Dear Sir/Madam:

This letter gives you notice that the pesticide product registrations listed in Attachment I will be suspended 30 days from your receipt of this letter unless you take steps within that time to prevent this Notice from automatically becoming a final and effective order of suspension. The Agency's authority for suspending the registrations of your products is sections 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Upon becoming a final and effective order of suspension, any violation of the order will be an unlawful act under section 12(a)(2)(J) of FIFRA.

You are receiving this Notice of Intent to Suspend because you have failed to comply with the terms of the Phase 5 Reregistration Eligibility Document Data Call-In Notice imposed pursuant to section 4(g)(2)(b) and section (3)(2)(B) of FIFRA.

The specific basis for issuance of this Notice is stated in the Explanatory Appendix (Attachment III) to this Notice. The affected products and the requirements which you failed to satisfy are listed and described in the following three attachments:

Attachment I Suspension Report - Product List

Attachment II Suspension Report - Requirement List

Attachment III Suspension Report - Explanatory Appendix

The suspension of the registration of each product listed in Attachment I will become final unless at least one of the following actions is completed.

1. You may avoid suspension under this Notice if you or another person adversely affected by this Notice properly request a hearing within 30 days of your receipt of this Notice. If you request a hearing, it will be conducted in accordance with the requirements of section 6(d) of FIFRA and the Agency's procedural regulations in 40 CFR part 164.

Section 3(c)(2)(B), however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this Notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The

Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding.

Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75-day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products.

A request for a hearing pursuant to this Notice must (1) include specific objections which pertain to the allowable issues which may be heard at the hearing, (2) identify the registrations for which a hearing is requested, and (3) set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing. If a hearing is requested by any person other than the registrant, that person must also state specifically why he asserts that he would be adversely affected by the suspension action described in this Notice. Three copies of the request must be submitted to: Hearing Clerk, 1900, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, and an additional copy should be sent to the signatory listed below. The request must be received by the Hearing Clerk by the 30th day from your receipt of this Notice in order to be legally effective. The 30-day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30-day time limit will result in automatic suspension of your registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business 30 days after your receipt of this Notice and will not be subject to further administrative review.

The Agency's Rules of Practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office

of the Administrative Law Judges, the Office of the Judicial Officer, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within 30 days of your receipt of this Notice, the Agency determines that you have taken appropriate steps to comply with the Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice requirements. In order to avoid suspension under this option, you must satisfactorily comply with Attachment II, Requirement List, for each product by submitting all required supporting data/information described in Attachment II and in the Explanatory Appendix (Attachment III) to the following address (preferably by certified mail):

Office of Compliance (2225A),  
Agriculture and Ecosystems Division,  
U.S. Environmental Protection  
Agency, 401 M St., SW., Washington,  
DC 20460.

For you to avoid automatic suspension under this Notice, the Agency must also determine within the applicable 30-day period that you have satisfied the requirements that are the bases of this Notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the

Agency will be able to make the necessary determination in time to avoid suspension of your product(s).

The suspension of the registration(s) of your company's product(s) pursuant to this Notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this Notice. Such compliance may only be achieved by submission of the data/information described in the attachments to the signatory below.

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this Notice and so informs you in writing.

After the suspension becomes final and effective, the registrant subject to this Notice, including all supplemental registrants of product(s) listed in Attachment I, may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Persons other than the registrant subject to this Notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Nothing in this Notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I in any manner which

would have been unlawful prior to the suspension.

If the registrations of your products listed in Attachment I are currently suspended as a result of failure to comply with another Section 4 Data Requirements Notice or Section 3(c)(2)(B) Data Call-In Notice, this Notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

You are reminded that it is your responsibility as the basic registrant to notify all supplementary registered distributors of your basic registered product that this suspension action also applies to their supplementary registered products and that you may be held liable for violations committed by your distributors. If you have any questions about the requirements and procedures set forth in this suspension notice or in the subject section 4 Data Requirements Notice, please contact Francisca Liem at (202) 564-2365. Sincerely yours,

Director, Agriculture and Ecosystems  
Division, Office of Compliance  
Attachments:

Attachment I - Product List

Attachment II - Requirement List

Attachment III - Explanatory Appendix

## **II. Registrants Receiving and Affected by Notices of Intent to Suspend; Date of Issuance; Active Ingredient and Products Affected**

The following is a list of products for which a letter of notification has been sent:

TABLE A.—LIST OF PRODUCTS

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Fairfax Biological Laboratories	403-9	<i>Bacillus popillae</i> and <i>Bacillus lentimorbus</i>	Doom Milky Disease Powder	2/6/98

## **III. Basis for Issuance of Notice of Intent; Requirement List**

The following companies failed to submit the following required data or information:

TABLE B.—LIST OF REQUIREMENTS

Active Ingredient	Registrant Affected	Requirement Name	Guideline Reference Number	Original Due Date
<i>Bacillus popillae</i> and <i>Bacillus lentimorbus</i>	Fairfax Biological Laboratories	90-Day Response	**	12/20/92
		Acute Pulmonary Toxicity/Pathogenicity	152-30	10/20/93
		Acute Intravenous Toxicity/Pathogenicity	152-32	10/20/93
		Avian Oral Toxicity/Pathogenicity	154-16	10/20/93
		Non-Target Insects	154-23	10/20/93

#### IV. Attachment III Suspension Report-Explanatory Appendix

This Explanatory Appendix provides a discussion of the basis for the Notice of Intent to Suspend issued herewith.

On September 30, 1992, EPA issued the Phase 5 Reregistration Eligibility Document Data Call-In Notice imposed pursuant to section 4(g)(2)(B) of FIFRA which required registrants of products containing *Bacillus popillae* and *Bacillus lentimorbus* used as the active ingredients to develop and submit certain data. These data/information were determined to be necessary to satisfy reregistration data requirements of section 4(g). Failure to comply with the requirements of a Phase 5 Reregistration Eligibility Document Data Call-In Notice is a basis for suspension under section 3(c)(2)(B) of FIFRA.

The *Bacillus popillae* and *Bacillus lentimorbus* Phase 5 Reregistration Eligibility Document Data Call-In Notice dated September 30, 1992 required each affected registrant to submit data/information to the Agency to address each of the data requirements. Those data/information were required to be received by the Agency within 8 months of the registrant's receipt of the Notice. Fairfax Biological Laboratories was sent the original 1992 Data Call-In. According to a U.S. Postal Service return receipt, you received the original Data Call-In Notice on October 10, 1992. You subsequently failed to respond within 90 days of receipt as required, and failed to submit the required data within 8 months as required. Repeated attempts to contact the company via telephone were unsuccessful. Fairfax was sent a letter on March 25, 1996, with a May 1, 1996 deadline for response to the Data Call-In and its requirements. You received the letter on April 2, 1996, as evidenced by the U.S. Postal Service return receipt. The Agency received no response.

Because you have failed to submit appropriate or adequate data/information within the time provided for the data/information requirements listed in Attachment II and have yet to provide the required response to date, the Agency is issuing this Notice of Intent to Suspend.

#### V. Conclusions

EPA has issued Notices of Intent to Suspend on the dates indicated. Any further information regarding these Notices may be obtained from the contact person noted above.

#### List of Subjects

Environmental protection.

Dated: February 18, 1998.

**Elaine G. Stanley,**

Director, Office of Compliance.

[FR Doc. 98-5855 Filed 3-5-98; 8:45 am]

BILLING CODE 6560-50-F

#### ENVIRONMENTAL PROTECTION AGENCY

[PF-798; FRL-5777-5]

#### Notice of Filing of Pesticide Petitions

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

**DATES:** Comments, identified by the docket control number PF-798, must be received on or before April 6, 1998.

**ADDRESSES:** By mail submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically to: opp-docket@epamail.epa.gov. Following the instructions under "SUPPLEMENTARY INFORMATION." No confidential business information should be submitted through e-mail.

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). CBI should not be submitted through e-mail. Information marked as CBI 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 may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Joseph Tavano, Product Manager (PM) 10, Registration Division, (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 214, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA. 22202, (703) 305-6411; e-mail: tavano.joe@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various raw agricultural commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice, as well as the public version, has been established for this notice of filing under docket control number PF-798 (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,