

manufacturers outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this is a final action of national applicability.

As with past waiver decisions, this action is not a rule as defined by Executive Order 12866. Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12866.

In addition, this action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. sec. 601(2). Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Finally, the Administrator has delegated the authority to make determinations regarding waivers of Federal preemption under section 209(b) of the Act to the Assistant Administrator for Air and Radiation.

Dated: January 18, 2001.

**Robert Perciasepe,**

*Assistant Administrator for Air and Radiation.*

[FR Doc. 01-2174 Filed 1-24-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-34203G; FRL-6764-2]

### Chlorpyrifos; End-Use Products Cancellation Order

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the use deletions and cancellations as requested by the companies that hold the registrations of pesticide end-use products containing the active ingredient chlorpyrifos and accepted by EPA, pursuant to section 6(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This order follows up a November 17, 2000, notice of receipt of requests for amendments to delete uses and receipt of requests for registration cancellations. In that notice, EPA indicated that it would issue an order confirming the voluntary use deletions and registration cancellations. Any distribution, sale, or use of canceled chlorpyrifos products is only permitted in accordance with the terms of the existing stocks provisions of this cancellation order.

**DATES:** The cancellations are effective January 25, 2001.

**FOR FURTHER INFORMATION CONTACT:** Tom Myers, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone number: (703) 308-8589; fax number: (703) 308-8041; e-mail address: myers.tom@epa.gov.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general. You may be potentially affected by this action if you manufacture, sell, distribute, or use chlorpyrifos products. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>. To access information about the risk assessment for chlorpyrifos, go to the Home Page for the Office of Pesticide Programs or go directly <http://www.epa.gov/pesticides/op/chlorpyrifos.htm>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-34203E. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential

Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

##### II. Receipt of Requests to Cancel and Amend Registrations to Delete Uses

###### A. Background

In a memorandum of agreement (Agreement) effective June 7, 2000, EPA and the basic manufacturers of the active ingredient chlorpyrifos agreed to several voluntary measures that will reduce the potential exposure to children associated with chlorpyrifos containing products. EPA initiated the negotiations with registrants after finding chlorpyrifos, as currently registered, was an exposure risk especially to children. As a result of the Agreement, registrants that hold the pesticide registrations of end-use products containing chlorpyrifos (who are in large part the customer of these basic manufacturers) have asked EPA to cancel or amend their registrations for these products. Pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA announced the Agency's receipt of these requests from the registrants by a **Federal Register** notice published on November 17, 2000 (65 FR 69518) (FRL-6753-3). With respect to the registration amendments, the registrants have asked EPA to amend end-use product registrations to delete the following uses: all termite control uses (these will be phased out); all residential uses (except for ant and roach baits in child resistant packaging (CRP) and fire ant mound drenches for public health purposes by licensed applicators and mosquito control for public health purposes by public health agencies); all indoor non-residential uses (except ship holds, industrial plants, manufacturing plants, food processing plants, containerized baits in CRP, and processed wood products treated during the manufacturing process at the manufacturing site or at the mill); all outdoor non-residential

sites (except golf courses, road medians, industrial plant sites, fence posts, utility poles, railroad ties, landscape timbers, logs, pallets, wooden containers, poles, posts, processed wood products, manhole covers, and underground utility cable and conduits; and fire ant mound drenches for public health purposes by licensed applicators and mosquito control for public health purposes by public health agencies); and use on post-bloom apple trees. In addition, the companies agreed to limit the maximum chlorpyrifos end-use dilution to 0.5% active ingredient (a.i.) for termiticide uses that will be phased out, limit the maximum label application rate for outdoor non-residential use on golf courses, road medians, and industrial plant sites to 1

lb/a.i. per acre, and either classify all new/amended chlorpyrifos products (except baits in CRP) as Restricted Use or package the products in large containers, depending on the formulation type, to ensure that remaining chlorpyrifos products are not available to homeowners. In return, EPA stated that with this Agreement, it had no current intention to initiate any cancellation or suspension proceedings under section 6(b) or 6(c) of FIFRA with respect to the issues addressed in the Agreement.

In the **Federal Register** of November 17, 2000, EPA published a notice of the Agency's receipt of end-use product amendments and cancellations from registrants that hold the pesticide registrations containing chlorpyrifos

(who are in large part the customer of the basic manufacturers). These requests were submitted as a result of the Memorandum of Agreement that was signed on June 7, 2000 between EPA and the basic manufacturers of chlorpyrifos. A copy of the Memorandum of Agreement that was signed on June 7, 2000 is located in docket control number OPP-34203D.

*B. Requests for Voluntary Cancellation of End-Use Products*

Pursuant to the Agreement and FIFRA section 6(f)(1)(A), several registrants have submitted requests for voluntary cancellation of registrations for their end-use products. The registrations for which cancellations were requested are identified in the following Table 1.

TABLE 1.—END-USE PRODUCT REGISTRATION CANCELLATION REQUESTS

Company	Reg. No.	Product
Verdant Brands, Inc.	70-178	Dursban 1/2G Granular Insecticide
	70-180	Dursban Lawn & Ornamental Spray
	70-184	Kill-Ko Dursban 1G Granular Insecticide
	70-228	Home Pest Insect Killer
	70-232	Rigo Dursban 2EC Liquid Insecticide
	70-255	Rigo Home Pest Control
	70-286	Rigo Dursban 1E Insecticide
	70-290	Rigo's Best Termite Killer
Dexol, A Division of Verdant Brands, Inc.	192-141	Dexol Dexa-Klor Granules Soil Insect Control
	192-142	Dexol Dexa-Klor Insect Spray
	192-151	Dexol Dexa-Klor Pest Control Indoor Insect Killer
	192-171	Dexol Roach, Cricket and Spider Dust
	192-173	Dexol Termite and Lawn Insect Killer
	192-180	Dexol Dursban Granules Insect Control
Whitmire Micro-Gen Research Laboratories, Inc.	192-192	Dexol Predator Home Insect Killer II
	499-147	Whitmire PT 270 Dursban
	499-256	Whitmire Chlorpyrifos Pressurized Residual Spray
	499-270	Whitmire 1-12 Insecticide
	499-292	Whitmire PT 279 Engage Residual Injection System
	49-315	Whitmire Duration PT 275
	499-317	Whitmire 1-6 Insecticide
	499-364	Whitmire PT 1900 Total Release Insecticide
	499-379	Whitmire PT 479 Regulator
	499-423	Whitmire TC-135 Chlorpyrifos MC
Walco-Linck Company	499-424	Whitmire TC-160 Microencapsulated Termiticide
	499-448	Whitmire TC 151 Bait
The Scotts Company	506-158	TAT Flea & Tick Killer with Residual Action
	506-164	TAT Roach & Ant Killer II
	538-69	Scotts Western Lawn Insect Control
Rockland Corporation	538-94	Scotts Western Lawn Insect Control Plus Fertilizer
	538-140	Summer Insect and Disease Control Plus Lawn Fertilizer
	538-153	Scotts Proturf Insect Control Plus Fertilizer
	538-154	Scotts Summer Insect Control Plus Fertilizer For Lawns
	572-213	Rockland Insecticide for Wood Destroying Pests
Indy Specialty Products, Inc Prentiss Incorporated	572-219	Rockland Super Professional Dursban Chinch Bug Killer
	654-131	Klor-Ban Concentrate
	655-577	Prentox Residual Insect Spray 2
	655-739	Prentox Pyrifos 0.5 Water Base Insecticide
The Garden Grow Company	655-743	Prentox Pyrifos 1E
	802-530	Lilly/Miller Chlorban Insect Spray
	802-532	Lilly/Miller Chlorban Insect Granules
	802-560	Lilly/Miller 1% Chlorban Insect Granules
	802-595	Lilly/Miller Hose'n Go Ant, Flea & Tick Killer
Southern Agricultural Insecticides, Inc.	829-250	Home & Garden Home Pest Control Spray

TABLE 1.—END-USE PRODUCT REGISTRATION CANCELLATION REQUESTS—Continued

Company	Reg. No.	Product
Green Light Company	829–281	SA-50 Brand Home Pest Control Concentrate
	869–158	Green Light Dursban Granules
	869–168	Green Light Many Purpose Dursban Granules
	869–172	Green Light Borer Killer II
	869–184	Green Light Fire Ant Killer
	869–185	Green Light House Plant Spray II
	869–191	Green Light Indoor Flea & Tick Spray
	869–205	Green Light Ready-to-Use Fire Ant Mound Drench
	869–209	Green Light Dursban 5% Granules
	869–210	Green Light Double Dursban Granules
	869–221	Green Light Many Purpose Dursban Concentrate II
The Garden Grow Company	909–94	Cooke Act Plus Lawn Insecticide
	909–108	Cooke Ant Barrier
Agrilience	1381–149	Green Velvet Lawn Food Plus Insect Control
Universal Cooperatives, Inc.	1386–627	Red Panther Dursban Granular Turf and Lawn Insecticide
	1386–628	Red Panther Dursban 1
	1386–659	Agway Insect Spray
I. Schneid	2155–127	KR-24
PBI/Gordon Corporation	2217–646	Gordon's Dursban Turf Insecticide
	2517–52	Sergeant's Flea & Tick Collar
Sergeant's	2517–57	Sergeant's Fast-Acting Flea & Tick Collar for Dogs
Hartz	2596–135	Hartz 330 Day Flea & Tick Collar for Dogs
Wellmark International	2724–327	Zoecon RF-150 Yard and Kennel Spray
	2724–486	Arthitol 0.5% Dursban (Granular) Ant and Roach Bait
Coyne Chemical Company	3050–136	Coyne Formula No. 101
	3862–93	Assault
BETCO	3862–126	WB Residual Pressurized Spray
Combe Incorporated	4170–78	RA26 Residual Insecticide Spray
Pet Chemicals	4306–15	Sulfodene Scratchex Flea and Tick Collar for Dogs
	4758–135	Holiday Flea & Tick Killer
S.C. Johnson & Son, Inc.	4822–152	Raid Treatment for Crawling Insects
	4822–189	Raid Liquid Roach & Ant Killer Formula I
	4822–226	Raid Tree Guard Spray
	4822–230	Raid Outdoor Flea Killer
	4822–231	Raid Gypsy Moth & Japanese Beetle Killer II
	4822–232	Raid Gypsy Moth & Japanese Beetle Killer
	4822–236	Raid Tree Guard Spray Formula II
	4822–238	Raid Home Insect Killer Formula II
	4822–263	Raid Fire Ant Killer
	4822–264	Raid Fire Ant Killer Formula 2
	4822–275	Raid Outdoor Insect Killer
	4822–382	Raid Wasp & Hornet Killer
	4822–390	Raid Wasp & Hornet Killer Formula XII
	4822–402	Raid Max Roach Bait III
	4822–412	Raid Wasp & Hornet Killer ND
	4822–451	Raid Wasp & Hornet Killer AD
	4822–498	PA Formula 2
Verdant Brands, Inc.	5887–144	Black Leaf Dursban
	5887–177	Ready-to-Use Ant, Roach, Flea and Spider Spray
Midco Products Company, Inc.	6658–42	Pyreban-3
Carl Pool Products	6926–11	Carl Pool Lawn and Turf Food Plus Dursban 15-5-10
Cessco, Inc.	6959–73	Cessco ID Residual Insecticide
Carter-Wallace, Inc.	8220–38	Victory 12 Full Year Collar with Dursban Insecticide for Large Dogs
	8220–39	Victory II Full Season Cat Collar
Robinson Associates	8278–6	Metro (Tested) Soildrin D
Pursell Industries, Inc.	8660–10	Sta-Green Law Pest Control & Fertilizer 25-3-3
	8660–13	Sta-Green Lawn Pest Control & Fertilizer A
	8660–14	Sta-Green Lawn Pest Control & Fertilizer B
	8660–78	Dursban Lawn Insect Control
	8660–88	Dursban Granules
	8660–94	Green Up Insect & Grub Control with Dursban
	8660–97	Dursban 4E Insecticide
	8660–102	Dursban Plus
	8660–108	VertaGreen Dursban - DDVP 1.25 Turf Insecticide
	8660–109	VertaGreen Dursban - DDVP 2.50 Turf Insecticide
	8660–110	VertaGreen Home Pest Killer
	8660–122	Lawn & Ornamental Insect Spray Concentrate
	8660–123	VertaGreen Dursban 0.5% Granules
8660–152	VertaGreen Professional Turf Food with Dursban	
8660–177	Golden Vigoro Insect Control Plus Lawn Fertilizer	

TABLE 1.—END-USE PRODUCT REGISTRATION CANCELLATION REQUESTS—Continued

Company	Reg. No.	Product
	8660-182	Green Turf Lawn Food with Insect Control
	8660-193	Ideal 18 Insect Control Plus Lawn Fertilizer
	8660-194	Ideal 20 Insect Control Plus Lawn Fertilizer
	8660-195	Ideal 25 Insect Control Plus Lawn Fertilizer
	8660-203	Koos Dursban 1.00 Granules
	8660-213	Par Ex Slow Release Fertilizer Plus Insect Control
	8660-232	Vigoro 2.32 Insecticide Granules
	8660-239	Vigoro Granular Cinch Bug Control
	8660-240	Vigoro Insect Control Plus Lawn Fertilizer for Texas Turf
Sherwin-Williams Company	10900-67	858 P.D. Aqueous Roach & Ant Spray
Illinois Tool Works, Inc.	11694-91	Duramist
Speer Products Incorporated	11715-70	Speer Roach & Ant Killer
	11715-97	Magic Guard Dursban Ant & Roach Pressurized Spray
	11715-99	Magic Guard Ant & Roach Killer
	11715-110	Mug-A-Bug Professional Strength Insecticide
	11715-132	Better World Ready-to-Use Insecticide
	11715-133	Mug-A-Bug II Professional Strength Insecticide
	11715-139	SPI Spot Treatment Spray
	11715-142	SPI Ant & Roach Spray
	11715-163	Speer Transparent Emulsion Spray 0.1% + 0.5%
	11715-298	Pro-Tect Home Pest Control
	11715-299	Speer Point Five Chlorpyrifos Aerosol
	11715-306	Speer Cyfluthrin Flea Killer
	11715-312	Speer D-Trans Residual Spray with Nylar
	11715-324	SPI Chlorpyrifos Wasp & Hornet Spray
	11715-326	SPI Chlorpyrifos Pet Area Treatment with Nylar
	11715-327	Security Granulated Chinch Bug Killer
Louisiana Chemical USA, Inc.	11746-15	Davis Kill-A-Bug XI
	11746-16	Davis Kill-A-Bug XII
Rainbow Technology Corporation	13283-8	Rainbow Insect Control
	13283-15	Rainbow Liquid RTU Fire Ant Killer
Positive Formulators, Inc.	26693-3	6 Months Pest Control
	26693-5	Killmaster II CC
Unicorn Laboratories	28293-35	Unicorn 30 Flea Spray
	28293-49	Unicorn Yard & Kennel Spray Concentrate
	28293-103	Unicorn House & Carpet Spray WB
	28293-104	Unicorn Dursban Household Insecticide
	28293-211	Termi-Chlor Termite Concentrate
	28293-321	Dursban 1EC Insecticide
PBI/Gordon Corporation	33955-540	Acme Ant Granules Contains Dursban Insecticide
	33955-547	Acme Dursban Insecticide for Lawns & Ornamentals
	33955-550	Acme Roach-Rid Brand Home Pest Killer
Pet Chemicals	37425-10	Adams Surface Spray
	37425-24	Adams Lawn and Kennel Spray Concentrate
Morgro, Inc.	42057-100	Dursban (R) Insecticide
CCL Industries Inc.	46813-38	CCL Crawling Insect Killer I
	46813-42	CCL Insecticide Foam Spray I
Marman USA, Inc.	48273-16	Agroban 4E
Gro Tec, Inc.	59144-8	Ant, Flea & Tick Granules
	59144-9	Green Charm Dursban 1% Granules
	59144-37	R & M Yard & Kennel Spray Concentrate
Kop-Coat, Inc.	60061-106	Woodlife B Clear Wood Preservative
Contract Packaging, Inc.	67572-53	CP Flea and Brown Dog Tick Granules - S.F.
Speer Products Incorporated	68688-3	Elite Yard & Kennel Spray
	68688-40	Elite Dursban 1-12-R144 Insecticide

In the **Federal Register** notice of November 17, 2000, EPA requested public comment on the voluntary cancellation and use deletion requests, and provided a 30-day comment period. The registrants requested that the Administrator waive the 180-day comment period provided under FIFRA section 6(f)(1)(C).

No public comments were submitted to the docket in response to EPA's request for comments.

*C. Requests for Voluntary Amendments to Delete Uses from the Registrations of End-Use Products*

Pursuant to section 6(f)(1)(A) of FIFRA, several registrants have also

submitted requests to amend their end-use registrations of pesticide products containing chlorpyrifos to delete the aforementioned uses. The registrations for which amendments to delete uses were requested are identified in the following Table 2.

TABLE 2.—END-USE PRODUCT REGISTRATION AMENDMENT REQUESTS

Company	Reg. No.	Product	
Whitmire Micro-Gen Research Laboratories, Inc	499-367	Whitmire PT 275 Dur-O-Cap Microencapsulated Chlorpyrifos Liquid Concentration	
	499-405	Whitmire PT-1920 Total Release Insecticide	
	499-413	Whitmire TC 100 Intern	
	499-419	Whitmire PT 275 Dur-O-Cap Microencapsulated Chlorpyrifos	
The Scotts Company	538-98	Proturf 30-5-3 Fertilizer Plus Insecticide III	
	538-111	Proturf Insecticide III	
	538-191	24-3-3 Fertilizer Plus Insecticide III	
	538-226	Fertilizer Plus Insecticide/Preemergent Weed Control	
Rockland Corporation Prentiss Incorporated	572-329	Urban Insect Spray	
	655-441	Prentox Residual Concentrate DV-One	
	655-466	Prentox Dursban 2E Insecticide	
	655-499	Prentox Dursban 4E Insecticide	
	655-696	Prentox Pyrifos 0.50 RTU	
	655-764	Prentox Dursban 2.32G Granular Insecticide	
	655-766	Prentox Dursban 1/2G Granular Insecticide	
	655-786	Prentox Pyrifos Residual Spray	
	655-792	Prentox D+2 Insecticide	
	655-793	Prentox Super Brand D+2 Insecticide	
	829-223	SA-50 Dursban .5G Granular Insecticide	
Southern Agricultural Insecticides, Inc.	829-279	SA-50 Dursban 2-E Insecticide	
	829-280	SA-50 Dursban 4-E Insecticide	
	829-291	SA-50 Brand Dursban 1% Mole Cricket Bait	
	829-292	SA-50 Brand Dursban 2.5% Granular Insecticide	
ISK Biocides, Inc.	1022-543	Chapcide 4-EC	
	1386-652	Security Pro-Turf 1 Insect Control Granules	
Universal Cooperatives, Inc.	1386-653	Security Pro-Turf 2 Insect Control Granules	
	1386-613	Dursban Lawn and Ornamental Insect Control	
	1386-615	Termite Kill II	
	1386-649	Dursban 4E Insecticide	
	2724-487	Arthritol 0.5% Dursban Paste Bait	
Wellmark International	6959-67	Cessco Accudose Aerosol for Fire Ant Control	
	8378-26	Dursban 92 with Plant Food	
Knox Fertilizer Company, Inc.	8378-27	Dursban 114 + Fertilizer	
	8378-28	Dursban 50 Granular Insecticide	
	8378-33	Dursban 1.14 Granules	
	8378-34	2.32 Dursban Granules	
	9198-32	Turf Care for Lawn Maintenance 38-0-0 with Dursban Brand Insecticide	
The Andersons, Inc.	9198-39	Turf Care Dursban 2.5G	
	9198-68	The Andersons 1% Dursban Brand Insecticide	
	9198-82	Tee Time Fertilizer with 0.52% Dursban 30-3-5	
	9198-84	Andersons Tee Time 30-3-5 with 0.65% Dursban	
	9198-85	Tee Time Fertilizer with 0.71% Dursban 30-3-5	
	9198-98	Andersons Tee Time with Team/Dursban I	
	9198-99	Andersons Tee Time 19-5-9 with Team/Dursban	
	9198-127	Twinlight Professional Dursban Lawn Insect Killer	
	9198-132	The Andersons 0.97% Dursban Brand Insecticide	
	9198-137	The Andersons 0.5% Dursban Brand Insecticide	
	Gowan Company Lesco, Inc.	10163-158	Gowan Chlorpyrifos 4E
		10404-15	Lesco 2.32 Granular Insecticide
		10404-27	Lesco 40-0-0 Fertilizer with Dursban
10404-29		Lesco 32-5-7 Fertilizer with Dursban	
10404-40		Lesco 20-0-10 Fertilizer with Dursban	
10404-67		Lesco 1% Dursban Granular	
10404-81		Lesco 0.97 Dursban Granules	
Sungro Chemicals, Inc.	11474-40	Sungro Reside Du	
	11474-55	Sungro Combo Water Base	
	11474-66	Sungro Dursbo	
	11474-90	Sungro Buggone II Residual Insecticide	
Rainbow Technology Corporation	13283-14	Rainbow Fire Ant Killer	
	13283-17	Rainbow KO Fire Ant Killer	
Drexel Chemical Company	19713-504	Regatta 4E	
	26693-2	Killmaster II	
Positive Formulators, Inc. Unicorn Laboratories	28293-87	Unicorn House and Carpet Spray	
	28293-99	Unicorn Dursban Spray	
	28293-121	Unicorn Dursban - Resmethrin Spray	
	28293-142	Unicorn Kennel Spray	
	28293-149	Unicorn House and Carpet Spray II	
	28293-200	Unicorn Dursban 2E	

TABLE 2.—END-USE PRODUCT REGISTRATION AMENDMENT REQUESTS—Continued

Company	Reg. No.	Product
Howard Johnson's Enterprises, Inc.	28293-201	Unicorn Dursban 2.5% Granules
	28293-202	Unicorn Dursban 1.0% Granules
	28293-203	Unicorn Dursban 1%-D Dust
	28293-204	Unicorn Dursban 4E
	28293-205	Unicorn Dursban 1-12
	28293-210	Dursban 1E Insecticide
	28293-265	Unicorn Dursban 6.7% Insecticide
	28293-266	Dursban Plus Resmethrin Concentrate
	32802-19	Dursban Insecticide 0.7 Plus Fertilizer
	32802-20	Dursban 1.14 Granular Lawn and Turf Insect Control
	32802-21	Dursban 1.14 Plus Lawn Fertilizer
	32802-22	Dursban 2.32G
	32802-39	Dursban .5 Granules Insecticide
Phaeton Corporation	32802-49	Dursban 100 Granules
	47006-5	Orlik Dursban Granules
Marman USA, Inc.	48273-13	Pestban 2E
	48273-14	Pestban TC
	48273-19	Pestban 4E
Biodyne Americas Corporation	59920-1	Super IQ Insecticide Coating APT
	59920-2	Super IQ Insecticide Coating LC

In the **Federal Register** notice of November 17, 2000, EPA requested public comment on the voluntary cancellation and use deletion requests, and provided a 30-day comment period. The registrants requested that the Administrator waive the 180-day comment period provided under FIFRA section 6(f)(1)(C).

### III. Cancellation Order

Pursuant to section 6(f) of FIFRA, EPA is approving the requested use deletions and the requested registration cancellations. Accordingly, the Agency orders that the registrations identified in Table 2 are hereby amended to delete the following uses: All post-construction termite control uses, except spot and local treatment ( use of such products for spot and local treatment will be prohibited after December 31, 2002 by product labeling); all other termite control uses, effective December 31, 2004 (unless EPA has made a decision prior to that date that preconstruction use may continue); all residential uses (except for ant and roach baits in child resistant packaging (CRP) and fire ant mound drenches for public health purposes by licensed applicators and mosquito control for public health purposes by public health agencies); all indoor non-residential, non-agricultural uses (except ship holds, industrial plants, manufacturing plants, food processing plants, containerized baits in CRP, and processed wood products treated during the manufacturing process at the manufacturing site or at the mill); all outdoor non-residential, non-agricultural sites (except golf courses, road medians, industrial plant sites,

fence posts, utility poles, railroad ties, landscape timbers, logs, pallets, wooden containers, poles, posts, processed wood products, manhole covers, and underground utility cable and conduits; and fire ant mound drenches for public health purposes by licensed applicators and mosquito control for public health purposes by public health agencies); and use on post-bloom apple trees (except for tree trunk use). The Agency also orders that the registrations identified in Table 1 are hereby canceled. Any distribution, sale, or use of existing stocks of the products identified in Tables 1-2 in a manner inconsistent with the terms of this Order or the Existing Stock Provisions in Unit IV. of this notice will be considered a violation of section 12(a)(2)(K) of FIFRA and/or section 12(a)(1)(A) of FIFRA.

### IV. Existing Stocks Provisions

For purposes of this Order, the term existing stocks is defined, pursuant to EPA's existing stocks policy (56 FR 29362, June 26, 1991), as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the amendment or cancellation.

1. *Distribution, sale and use of products bearing instructions for use on apples trees post-bloom.* The distribution or sale of existing stocks by any person of any product listed in Table 1 or 2 that bears instructions for post-bloom application to apple trees (other than tree trunk use) will not be lawful under FIFRA after [insert date of publication in the **Federal Register**], except for the purposes of returns for

relabeling consistent with the June 7, 2000 Memorandum of Agreement, shipping such stocks for export consistent with the requirements of section 17 of FIFRA, or proper disposal. Any use of such products for post-bloom application to apple trees (other than tree trunk use) will not be lawful after [insert date of publication in the **Federal Register**]. All other use of such products may continue until stocks are exhausted, provided such use is in accordance with the existing labeling of that product.

2. *Distribution or sale by registrants of products bearing other uses—(i) Restricted use and package size limitations.* Except for the purposes of returns for relabeling consistent with the June 7, 2000 Memorandum of Agreement, shipping for export consistent with the requirements of section 17 of FIFRA, or proper disposal:

(a) The distribution or sale by registrants of existing stocks of any EC formulation product listed in Table 1 or 2 will not be lawful under FIFRA after February 1, 2001 unless the product is labeled as restricted use;

(b) The distribution or sale by registrants of existing stocks of any product listed in Table 1 or 2 labeled for any agricultural use and that is not an EC, will not be lawful under FIFRA after February 1, 2001, unless the product is either labeled for restricted use or packaged in containers no smaller than 15 gallons of a liquid formulation, 50 pounds of a granular formulation, or 25 pounds of any other dry formulation;

(c) The distribution or sale by registrants of existing stocks of any product listed in Table 1 or 2 labeled solely for non-agricultural uses (other

than containerized baits in CRP) and that is not an EC, will not be lawful under FIFRA after February 1, 2001, unless the product is either labeled for restricted use or packaged in containers no smaller than 15 gallons of a liquid formulation or 25 pounds of a dry formulation.

(ii) *Prohibited uses.* Except for the purposes of returns for relabeling consistent with the June 7, 2000 Memorandum of Agreement, shipping for export consistent with the requirements of section 17 of FIFRA, or proper disposal, the distribution or sale of existing stocks by registrants of any product identified in Table 1 or 2 that bears instructions for any of the following uses will not be lawful under FIFRA after February 1, 2001:

(a) Termite control, unless the product bears directions for use of a maximum 0.5% active ingredient chlorpyrifos end-use dilution;

(b) Post-construction termite control, except for spot and local termite treatment, provided the label of the product states that the product may not be used for spot and local treatment after December 31, 2002;

(c) Indoor residential except for containerized baits in CRP;

(d) Indoor non-residential except for containerized baits in CRP and products with formulations other than EC that bear labeling solely for one or more of the following uses: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants, or processed wood products treated during the manufacturing process at the manufacturing site or at the mill;

(e) Outdoor residential except for products bearing labeling solely for one or more of the following public health uses: individual fire ant mound treatment by licensed applicators or mosquito control by public health agencies;

(f) Outdoor non-residential, non-agricultural except for products that bear labeling solely for one or more of the following uses: Golf courses, road medians, and industrial plant sites, provided the maximum label application rate does not exceed 1lb./ai per acre; mosquito control for public health purposes by public health agencies; individual fire ant mound treatment for public health purposes by licensed applicators; and fence posts, utility poles, railroad ties, landscape timbers, logs, pallets, wooden containers, poles, posts, processed wood products, manhole covers, and underground utility cable and conduits.

3. *Retail and other distribution or sale.* The retail sale of existing stocks of

products listed in Table 1 or 2 bearing instructions for the prohibited uses set forth in Unit IV.2.(ii)(a)-(f) of this notice will not be lawful under FIFRA after December 31, 2001. Except as otherwise provided in this order, any other distribution or sale (for example, return to the manufacturer for relabeling) is permitted until stocks are exhausted.

4. *Final distribution, sale and use date for preconstruction termite control.* The distribution, sale or use of any product listed in Table 1 or 2 bearing instructions for pre-construction termiticide use will not be lawful under FIFRA after December 31, 2005, unless, prior to that date, EPA has issued a written determination that such use may continue consistent with the requirements of FIFRA.

5. *Use of existing stocks.* Except for products bearing those uses identified in Units IV.1. and IV.4. of this notice, EPA intends to permit the use of existing stocks of products listed in Table 1 or 2 until such stocks are exhausted, provided such use is in accordance with the existing labeling of that product.

#### List of Subjects

Environmental protection, Memorandum of Agreement, Pesticides and pests.

Dated: January 9, 2001.

Jack E. Housenger,  
Acting Director, Special Review and  
Reregistration Division, Office of Pesticide  
Programs.

[FR Doc. 01-2184 Filed 1-24-01; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6937-9]

### Preliminary Administrative Determination Document on the Question of Whether Ferric Ferrocyanide Is One of the "Cyanides" Within the Meaning of the List of Toxic Pollutants Under the Clean Water Act

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

**ACTION:** Notice of document availability and public comment period.

**SUMMARY:** By order dated October 19, 1995, the United States District Court for the District of Massachusetts stayed the proceedings in *Commonwealth of Massachusetts v. Blackstone Valley Electric Co.* (No. 94-2286) and referred the question of whether ferric ferrocyanide qualifies as one of the "cyanides" within the meaning of the

list of toxic pollutants under the Clean Water Act (CWA) to the U.S. Environmental Protection Agency (EPA). This District Court order followed a U.S. Court of Appeals decision in which the First Circuit determined that it was appropriate to refer this question to EPA for an "administrative determination." *Commonwealth of Massachusetts v. Blackstone Valley Electric Co.*, 67 F.3d 981 (1st Cir. 1995). Today's notice announces the availability of EPA's preliminary administrative determination for public review and comment.

**DATES:** Comments and relevant information on this preliminary administrative determination must be submitted to the Agency by March 12, 2001. Comments submitted should be adequately documented.

**ADDRESSES:** Mail written comments to: FFC Administrative Determination, USEPA, Engineering and Analysis Division (4303), Office of Science and Technology, 1200 Pennsylvania Avenue, Ariel Rios Building, NW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** For further information and to request a copy of the administrative determination contact Dr. Maria Gomez-Taylor, USEPA, Engineering and Analysis Division (4303), Office of Science and Technology, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; or call (202) 260-1639; or fax (202) 260-7185; or e-mail [gomez-taylor.maria@epa.gov](mailto:gomez-taylor.maria@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has prepared a preliminary administrative determination describing EPA's opinion on how to interpret the term "cyanides" (40 CFR 401.15, 40 CFR 302.4, and Table 302.4) as it applies to ferric ferrocyanide. (40 CFR 401.15 contains the list of toxic pollutants, 40 CFR 302.4 provides the designation of hazardous substances, and Table 302.4 at 40 CFR 302.4 contains the list of hazardous substances and reportable quantities.) This preliminary administrative determination document has been prepared in order to respond to a referral from the United States District Court for the District of Massachusetts. By order dated October 19, 1995, the United States District Court for the District of Massachusetts stayed the proceedings in *Commonwealth of Massachusetts v. Blackstone Valley Electric Co.* (No. 94-2286) and referred the question of whether ferric ferrocyanide qualifies as one of the "cyanides" within the meaning of 40 CFR 401.15, 40 CFR 302.4, and Table 302.4 to the U.S. Environmental