

included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

*C. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date and **Federal Register** citation.

**III. What Action is the Agency Taking?**

EPA is making available to the public the risk assessments that have been developed as part of the Agency's public participation process for tolerance reassessment and reregistration. During the next 60 days, EPA will accept comments on the human health and environmental fate and effects risk assessments and other related documents for cycloate, available in the individual pesticide docket. Cycloate is used only on garden beets, spinach, and sugar beets and is proposed for use on Swiss chard.

EPA and the U.S. Department of Agriculture (USDA) have been using a pilot public participation process for the assessment of organophosphate pesticides since August 1998. In considering how to accomplish the movement from the current pilot being used for the organophosphate pesticides to the public participation process that will be used in the future for non-organophosphates, such as cycloate, EPA and USDA have adopted an interim public participation process. The interim public participation process ensures public access to the Agency's risk assessments while also allowing EPA to meet its reregistration commitments. It takes into account that

the risk assessment development work on these pesticides is substantially complete. The interim public participation process involves: A registrant error correction period; a period for the Agency to respond to the registrant's error correction comments; the release of the refined risk assessments and risk characterizations to the public via the docket and EPA's internet website; a significant effort on stakeholder consultations, such as meetings and conference calls; and the issuance of the risk management decision document (i.e., RED) after the consideration of issues and discussions with stakeholders. USDA plans to hold meetings and conference calls with the public (i.e., interested stakeholders such as growers, USDA Cooperative Extension Offices, commodity groups and other Federal Government agencies) to discuss any identified risks and solicit input on risk management strategies. EPA will participate in USDA's meetings and conference calls with the public. This feedback will be used to complete the risk management decisions and the RED. EPA plans to conduct a close-out conference call with interested stakeholders to describe the regulatory decisions presented in the RED. REDs for pesticides developed under the interim process will be made available for public comment.

The Agency's risk assessments and related documents for cycloate are included in the public version of the official record. As additional comments, reviews and risk assessment modifications become available, these will also be docketed. The cycloate risk assessments reflect only the work and analysis conducted as of the time they were produced and it is appropriate that, as new information becomes available and/or additional analyses are performed, the conclusions they contain may change.

**List of Subjects**

Environmental protection, Chemicals, Pesticides and pests.

Dated: May 5, 2004.

**Debra Edwards,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

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**BILLING CODE 6560-50-S**

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-2004-0015; FRL-7354-3]

**Dimethoate; Use Cancellation Order; Correction**

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

**ACTION:** Notice; correction.

**SUMMARY:** EPA issued a notice in the **Federal Register** of January 28, 2004, prohibiting formulation of manufacturing use dimethoate products into end-use products labeled for use on certain crops. This notice announces amendments to the January 28, 2004 cancellation order. These amendments correctly identify the affected crops and pesticide products, eliminate a product cancellation, and correct the existing stocks provisions.

**FOR FURTHER INFORMATION CONTACT:** Patrick Dobak, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8180; e-mail address: [dobak.pat@epa.gov](mailto:dobak.pat@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

The Agency included in the January 28, 2004 cancellation order a list of those who may be potentially affected by this action. If you have 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 Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2004-0015 and OPP-2003-0263. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is

open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgrstr/>.

An electronic version of the public docket is available through EPA’s electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select “search,” then key in the appropriate docket ID number.

## II. What Does this Correction Do?

The original cancellation order for uses of pesticide products containing dimethoate on various commodities was published in the **Federal Register** on January 28, 2004 (OPP-2004-0015) (69 FR 4135) (FRL-7340-1). Units II., III., and IV. in this notice correct the January

28, 2004 cancellation order Units II., III., and V. (pages 4135 and 4136) in order to make them consistent with the registrants’ voluntary cancellation requests and with the September 10, 2003 notice of receipt of requests to cancel certain uses. Two crops included in the cancellation requests and identified in the September 10, 2003 (OPP-2003-0263) (68 FR 53371) (FRL-7321-2) notice of receipt (cabbage and collards) were inadvertently left out of the January 28, 2004 cancellation order. In addition, although Table 2 of the January 28, 2004 cancellation order was consistent with the September 10, 2003 notice of receipt, it was not consistent with all of the written requests by the registrants. Table 2 of the January 28, 2004 cancellation order has been deleted and product 7969-32 moved to Table 1 as only certain uses have been cancelled. Lastly, some language in Unit V. of the January 28, 2004 cancellation order is not consistent with the proposed existing stocks provisions included in the September 10, 2003 notice of receipt. The corrected language in this notice is consistent with the cancellation requests made by the registrants and with the September 10,

2003 notice of receipt. The January 28, 2004 cancellation order is hereby amended as follows:

1. This correction announces cancellation, as requested by the dimethoate technical registrants, of the following crop uses from all dimethoate technical products registered under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA): Apples, broccoli raab, cabbage, collards, fennel, grapes, head lettuce, lespedeza, spinach, tomatillo, and trefoil. The cancellations of the cabbage and collards uses are effective as of May 12, 2004. The cancellations of the other uses became effective January 28, 2004.

2. The manufacturing-use product registrations for which cancellation was requested are identified in Table 1 of this notice. The registrants will be allowed until January 27, 2005, to exhaust existing stocks of these products with labels that still include the cancelled uses identified in this notice. The Agency reserves the right to propose shorter existing stocks time periods for dimethoate products in future **Federal Register** notices and to include end-use products as well.

TABLE 1. MANUFACTURING-USE PRODUCTS SUBJECT TO CANCELLATION OF CERTAIN USES

Company name	Product name	Product registration no.
Cheminova	Chemethoate technical	4787-7
Gowan	Gowan dimethoate technical	10163-211
Drexel	Drexel dimethoate technical	19713-209 and 19713-525
Micro Flo	Dimethoate technical	51036-279
BASF Corporation	Perfekthion manufacturers’ concentrate	7969-32

## III. Cancellation Order

Pursuant to section 6(f) of FIFRA, EPA approves the requested cancellations of the dimethoate uses on apples, broccoli raab, cabbage, collards, fennel, grapes, head lettuce, lespedeza, spinach, tomatillo, and trefoil for the product registrations identified in Table 1 of this notice. In addition, also pursuant to section 6(f) of FIFRA. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of this notice in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks in Unit IV., will be considered a violation of FIFRA.

EPA is not at this time proposing to revoke existing tolerances issued pursuant to the Federal Food, Drug, and Cosmetic Act for residues of dimethoate in or on apples, broccoli raab, cabbage, collards, fennel, grapes, head lettuce,

lespedeza, spinach, tomatillo, and trefoil. This is because registrations authorizing such uses are still in effect for certain end-use products containing dimethoate.

## IV. Provisions for Disposition of Existing Stocks

For purposes of this cancellation order, the term “existing stocks” is defined, pursuant to EPA’s existing stocks policy of (June 26, 1991) (56 FR 29362), as those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. The existing stocks provisions of this cancellation order are as follows:

1. *Distribution or sale.* It is unlawful for any person to distribute or sell existing stocks of any product identified

in Table 1 of this notice that is labeled for use on apples, grapes, spinach, head lettuce, cabbage, collards, broccoli raab, fennel, tomatillo, lespedeza, and trefoil, except:

i. Registrants identified in Table 1 of this notice may sell and distribute existing stocks of their own products until January 27, 2005.

ii. Any person may ship such existing stocks for the purpose of export consistent with section 17 of FIFRA or for proper disposal in accordance with applicable law.

2. *Use for producing other products.* It is unlawful for any person to use existing stocks of any product identified in Table 1 of this notice to produce any product labeled for use on apples, broccoli raab, cabbage, collards, fennel, grapes, head lettuce, lespedeza spinach, tomatillo, or trefoil after January 27, 2005.

**List of Subjects**

Environmental protection, Pesticides and pests.

Dated: May 29, 2004.

**Debra Edwards,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-2004-0118; FRL-7357-7]

**Isodecyl Alcohol Ethoxylated (2-8 moles) Polymer with Chloromethyl Oxirane; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

**DATES:** Comments, identified by docket ID number OPP-2004-0118, must be received on or before June 11, 2004.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Bipin Gandhi, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8380; e-mail address: [gandhi.bipin@epa.gov](mailto:gandhi.bipin@epa.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information***A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide

for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. 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 Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2004-0118. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing

in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket.

Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

*C. How and to Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you