

conducted for foods containing forchlorfenuron: Chemical Abstracts Service (CAS): 68157-60-8 (CPPU) by using the CARES (Cumulative and Aggregate Risk Evaluation System) model. The data input included the following categories of data for performing the dietary exposure assessment: Subpopulations of interest, (infants 1 to 2 years of age and adults 20 to 49 years of age); List of foods which were: blueberry, grape, grape juice, grape raisin, grape wine/sherry, and kiwifruit; food residues which were: 0.001 (blueberry baby food), 0.0007 for grape juice, 0.0007 for grape juice in baby food, 0.03 for raisins, 0.007 for grape as wine/sherry, and 0.01 for kiwifruit; and toxicological benchmarks which were 0.07 mg/kg/day for the oral no observed effect level (NOEL) on a chronic (365-day) basis and 25 mg/kg/day for the oral NOEL based on an acute (1-day) basis. The FCID (Food Consumption Information Database) data set was used to obtain food consumption data in grams per kilogram of body weight.

i. *Food.* The chronic dietary exposure calculations for infants (1 to 2 years old) indicate that over a period of one year:

- 99.9% of infants would ingest less than 0.0000515 mg/kg/day (0.071% of Oral NOEL)
- 99.0% of infants would ingest less than 0.0000469 mg/kg/day (0.067% of Oral NOEL)
- 95.0% of infants would ingest less than 0.0000429 mg/kg/day (0.061% of Oral NOEL)

Similar dietary exposure calculations for adults (20 to 49 years old) indicate that:

- 99.9% of adults would ingest less than 0.0000076 mg/kg/day (0.011% of Oral NOEL)
- 99.0% of adults would ingest less than 0.0000067 mg/kg/day (0.010% of Oral NOEL)
- 95% of adults would ingest less than 0.0000060 mg/kg/day (0.009% of Oral NOEL)

Blueberries have not been included in the petition for registration even though they were included in the dietary risk assessment which is shown above. Even with the blueberries included in the risk assessment the total percent of the oral NOEL on a chronic basis represents only 0.0229% of the oral NOEL. On this basis, there cannot be any anticipated harmful effects to public health.

Acute (1-day) Exposure does not represent any hazard since no acute exposure was identified in this risk assessment.

ii. *Drinking water.* The very low use rate of CPPU, i.e. 10 grams active ingredient or less per acre if used

constantly for 20 years would apply less than 0.5 pounds of CPPU per acre during that 20 year period. Computer modeling, using the conservative pesticide root zone model (PRZM) means of analysis has shown that no CPPU would reach ground water, even in sandy loam soils. The results of this risk analysis supported an unambiguous conclusion of "essentially zero risk to ground water" even under reasonable worst-case assumptions. Concentrations are not predicted to exceed 15 to 20 ppb of CPPU in the soil in the upper soil horizons, even following yearly applications for as long as 30 years. No secondary exposure is anticipated as a result of contamination of drinking water.

2. *Non-dietary exposure.* No non-dietary exposure is expected since CPPU is not anticipated to be found in the drinking water. This material does not translocate in plants and thus secondary exposure through plants growing in soil receiving CPPU is not anticipated. The extremely low application rates will not result in significant buildup in the environment. Data indicate that any parent material of CPPU left in the soil will be strongly bound to soil particles and will not move.

#### D. Cumulative Effects

There are no cumulative effects expected since CPPU is not taken up by plants from the soil. It slowly degrades to mineral end points. Its low use rates and infrequent applications are not conducive to build in the environment.

#### E. Safety Determination

1. *U.S. population.* As pointed out above in dietary exposure-food the percentage of the reference dose consumed by treating the subject crops represents less than 1% of the estimated safe level for the most sensitive segment of the population, non-nursing infants.

2. *Infants and children.* No developmental, reproductive or fetotoxic effects have been associated with CPPU. The calculation of safety margins with respect to these segments of the population were taken into consideration in the CARES (Cumulative and Aggregate Risk Evaluation System) model estimates with respect to the risk associated with the percentage of the reference dose being consumed.

#### F. International Tolerances

There is no CODEX maximum residue level established for CPPU. However, CPPU is registered for use on grapes and

other crops in Japan, Chile, Mexico, and South Africa.

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0168; FRL-7306-6]

### (Z,E)-3,13-octadecadienyl and (Z,Z)-3,13-octadecadienyl; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a specific exemption request from the Oregon Department of Agriculture and the Washington State Department of Agriculture to use the pesticides (Z,E)-3,13-octadecadienyl and (Z,Z)-3,13-octadecadienyl to treat up to 32,000 acres of hybrid poplar grown for pulp and saw timber to control poplar clearwing moth (WPCM). The Applicant proposes the use of two new pheromones which have not been registered by EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments, identified by docket ID number OPP-2003-0168, must be received on or before May 21, 2003.

**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:** Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6463; fax number: (703) 308-5433; e-mail address: Madden.Barbara@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 a federal or state government agency (NAICS 9241) involved in administration of environmental quality programs (i.e., Departments of Agriculture, Environment, etc).

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-2003-0168. 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. 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.1. 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 wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2003-0168. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to [opp-docket@epa.gov](mailto:opp-docket@epa.gov), Attention: Docket ID Number OPP-2003-0168. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2003-0168.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP-2003-0168. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

#### *D. How Should I Submit CBI to the Agency?*

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be 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.**

## **II. Background**

### *What Action is the Agency Taking?*

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Oregon Department of Agriculture and the Washington State Department of

Agriculture have requested the Administrator to issue specific exemptions for the use of (Z,E)-3,13-octadecadienyl and (Z,Z)-3,13-octadecadienyl on hybrid poplar grown for pulp and saw timber to control poplar clearwing moth (WPCM). Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicants assert that higher trap captures of male WPCM have been observed in areas where poplar trees are being harvested. WPCMs have become the number one pest in poplar plantings in Oregon and Washington. WPCM spend most of their life cycle in the heartwood of trees, away from contact of even systemic insecticides. Repeated use of registered pesticides has failed to control adult males. However, males are exceptionally responsive to sex pheromones. The greatest damage to pulp wood production is damage in the newly planted trees. Young trees and limbs of larger trees damaged by the burrowing activity of WPCM larvae are very prone to wind-throw. Trees less than 2 years old will need to be replaced. Burrowing activity of the larvae downgrades the value of the pulp from quality bond paper to discolored, less valuable product. Net losses are estimated to be 22% in 2003 and future losses could reach 41% to 56%.

The Applicant proposes to use three different formulations containing the same active ingredients (ai) (Z,E)-3,13-octadecadienyl and (Z,Z)-3,13-octadecadienyl. A stationary, retrievable, hand applied dispenser to protect newly planted trees; a battery operated puffer-type dispenser to protect 2 and 3-year old trees up to 15 meters tall, and a flowable pheromone formulation will be used to protect mature trees (greater than 15 meters in height). All three formulations are a 4:1 ratio of Z,E:Z,Z-3,13-octadecadienyl straight-chain 18 carbon alcohols that serves as the sex pheromone of the WPCM. The dispensers are placed in 1-year old plantings at one dispenser per five trees. Each dispenser contains approximately 24 milligrams (mg) active ingredient. A maximum of three applications may be made to newly planted trees. The puffers will be applied by placing two dispensers per acre. Each dispenser will be loaded with a canister containing 2.5 gal ai and releasing mg quantities per day. After the initial placement of the puffer dispensers there may be a need for one replacement. The flowable formulation will be applied at a rate of 1.25 gal ai per acre per application with sequential applications being made 30 days apart

between May 1 and October 1, 2003, with a maximum of six applications. Up to 32,000 acres of poplar trees in Oregon and Washington may be treated.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing use of new chemicals (i.e., active ingredients) which have not been registered by EPA. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific exemption requested by the Oregon Department of Agriculture and the Washington Department of Agriculture.

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: May 6, 2003.

**Debra Edwards,**

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

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## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-7499-5]

### **Notice of Proposed Administrative Order on Consent Pursuant to Section 122(g)(4) and (7) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), PCB Treatment, Inc., Kansas City, KS, and Kansas City, MO, Docket No. CERCLA 07-2002-0209**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Proposed Administrative Order on Consent, PCB Treatment, Inc. Superfund Site, Kansas City, Kansas, and Kansas City, Missouri

**SUMMARY:** Notice is hereby given that a proposed administrative order on consent between Transformer Services, Inc. and the United States Environmental Protection Agency (EPA) was signed by the United States Environmental Protection Agency (EPA) on March 21, 2003 and approved by the United States Department of Justice (DOJ) on April 16, 2003. This settlement relates to the PCB Treatment Inc. Superfund Site (Site).

**DATES:** EPA will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed agreement.