

E. 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 notice.
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.

II. Background

A. Cancellations

EPA is publishing this notice in response to the registrant's request to cancel all their registrations for products containing fenamiphos, effective as of May 31, 2007. Please refer to the table below for specific product registrations that are subject to cancellation. EPA assessed the risk associated with the use of fenamiphos pesticide products and determined additional data needs and/or mitigation measures were necessary, where applicable, to support the continued use of fenamiphos products. Consequently, Bayer Corporation, the sole registrant of fenamiphos, elected to request voluntary cancellation of all their fenamiphos product registrations. Bayer noted its decision was predicated largely on the limited use of fenamiphos, relative to the expenses associated with supporting the chemical. In conjunction with the request for voluntary cancellation, Bayer Corporation has also agreed to amend their existing fenamiphos product registrations and implement interim risk mitigation measures. EPA intends to accept the registrant's request barring adverse comments received during the 30-day public comment period.

Pursuant to section 6(f)(1)(A) of FIFRA, Bayer Corporation, 8400 Hawthorne Rd., P.O. Box 4913, Kansas City, MO 64120-0013 has submitted a request to cancel their existing manufacturing and end-use product registrations containing fenamiphos,

effective as of May 31, 2007. The product registrations, for which cancellations were requested, are identified in the following table:

Fenamiphos Products	EPA Registrations
Nemacur Technical-Insecticide	3125-269
Nemacur Concentrate Nematicide-Insecticide	3125-333
Nemacur 3	3125-283
Nemacur 15% Granular	3125-283
Nemacur 10% Turf and Ornamental Nematicide	3125-237

B. Amendments

In addition to the request to cancel all of their fenamiphos product registrations, Bayer has also agreed to amend their existing fenamiphos product registrations to: (1) Prohibit all use and formulation for use on extremely vulnerable soils after May 31, 2005; (2) cap production at 500,000 pounds for fenamiphos manufacturing-use products used in the United States for the year ending May 31, 2003; and (3) cap production for each subsequent year at 20% of the previous year's production during the 5-year phase-out period. Lastly, Bayer has submitted revised labels to the Agency to implement the risk mitigation measures and changes to the product labels identified in the fenamiphos IRED document (i.e., establishing seasonal maximum application rates and reducing current rates).

III. Proposed Existing Stocks and Import Tolerances Provisions

A. Existing Stocks

Bayer has requested voluntary cancellation of the fenamiphos registrations identified in the table above. EPA intends to grant the request for voluntary cancellation, effective as of May 31, 2007. For purposes of the cancellation order that the Agency intends to issue at the close of the comment period for this announcement, the term "existing stocks" will be defined, pursuant to EPA's existing stocks policy at 56 FR 29362, 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 cancellation or amendment. As of May 31, 2007, all sale

and distribution by Bayer, the sole registrant, of existing stocks (manufacturing-use and end-use products), shall be prohibited. Persons other than the registrant may sell and distribute such products until May 31, 2008. Use of stocks in the channels of trade may continue until depleted, except where prohibited by the label. Any distribution, sale, or use of existing stocks after the effective date of the cancellation order that the Agency intends to issue that is not consistent with the terms of that order will be considered a violation of section 12(a)(2)(K) and/or 12(a)(1)(A) of FIFRA.

B. Import Tolerances

The registrant anticipates that commodities treated with fenamiphos may continue to be imported into the United States after the final effective date of cancellation, and after existing stocks in the United States are exhausted. As such, Bayer intends to support import tolerances for banana, citrus, grape, pineapple, and garlic.

List of Subjects

Environmental protection, Chemicals, Cancellations.

September 19, 2002.

Lois A. Rossi,

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

[FR Doc. 02-24648 Filed 9-26-02; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2002-0260; FRL-7275-2]

Caffeine; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a quarantine exemption request from the U.S. Department of Agriculture Animal and Plant Health Inspection Service to use the pesticide caffeine (1H-purine-2,6-dione,3,7-dihydro-1,3,7-trimethyl-) (CAS No. 58-08-2) to treat up to 200 acres of floriculture and nursery crops, parks, hotels and resort areas, and forest habitats to control Coqui and Greenhouse frogs. The Applicant proposes the use of a new chemical which has 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-2002-0260 must be received on or before October 15, 2002.

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: *Sec-18-Mailbox@epamail.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 involved in administration of environmental quality programs. Potentially affected entities may include, but are not limited to:

Federal or state government entity, (NAICS 9241), e.g., Department 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-2002-0260. 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-2002-0260. 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, Attention: Docket ID Number OPP-2002-0260. 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), Office of Pesticide Programs (OPP), Environmental Protection Agency (7502C), 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2002-0260.

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-2002-0260. 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**.

E. 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.
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.

II. Background

A. 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 U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) has requested the Administrator to issue a quarantine exemption for the use of caffeine on floriculture and nursery crops, parks, hotels and resort areas, and forest habitats to control

Coqui and Greenhouse frogs.

Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that it is necessary to control the Coqui and Greenhouse frogs (*Eleutherodactylus coqui* and *E. planirostris*), in areas of Hawaii where they have become accidentally introduced, via infested nursery plantings. These species are not native to Hawaii, but come from the Caribbean, and have the potential to cause serious damage to the native ecosystems, including endangered and threatened species. *E.coqui* is now firmly established on Maui and the Island of Hawaii and *E. planirostris* is on Kauai, Oahu, Maui, and the Island of Hawaii. The sites where they are established include commercial plant nurseries, residential areas, resorts and hotels, parks, and forest habitats. *Eleutherodactylus* are spread to additional sites primarily through transportation of infested plant material to uninfested areas.

There is great concern that these frogs pose a serious threat to both agriculture and the native Hawaiian forest ecosystems, including many endangered species. These species may exert tremendous predation pressure on a wide variety of native arthropods, many of which are already stressed to the edge of extinction due to the establishment of other alien predators and parasitoids. Additionally, these frog species will compete for insect food sources with native birds, the majority of which are partially or completely insectivorous. The Hawaiian hoary bat and other arthropods also depend upon insects and spiders as a food source. *E. coqui* tolerates a higher elevational range, and therefore may invade native rainforest and mesic forests in Hawaii. According to Dr. Fred Kraus, Alien Species Coordinator with the Hawaii Department of Land and Natural Resources, Forestry and Wildlife Division, currently none of the sites infested with *Eleutherodactylus* are habitats for endangered species. However, there is a potential for the frogs to enter these habitats, particularly near the Hawaii Volcanoes National Park, where the nearest infested area is about 2 miles away. Another concern is that increase in populations of these frog species will provide a food source for, and enhance, the already large populations of introduced predators, such as rats and mongooses. In turn, this would further increase predation pressure on native birds, a dynamic which has been demonstrated elsewhere

and suspected to occur for other species in Hawaii.

The Applicant proposes to make up to 12 applications per acre per year of 100 - 200 pounds of product (99 - 198 pounds of caffeine) in 1,200 gallons of water per acre. However, a maximum of only 1,200 pounds of product (1,188 pounds caffeine) will be applied per acre per year. The projected acreage for 2002-2003 is 200 acres of floriculture and nursery crops, parks, hotels and resort areas, and forest habitats throughout the state of Hawaii. Therefore, a maximum of 240,000 pounds caffeine could be applied.

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 a new chemical (i.e., an active ingredient) which has 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 quarantine exemption requested by the USDA, APHIS.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 20, 2002.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 02-24489 Filed 9-26-02; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2002-0038; FRL-7188-1]

Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Illinois Authorization of Lead-Based Paint Activities Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; final approval of the Illinois TSCA Section 402/404 Lead-Based Paint Accreditation and Certification Program.

SUMMARY: On October 12, 2001, the State of Illinois, through the Illinois Department of Public Health (IDPH), submitted an application for EPA final approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice

standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). This notice announces the approval of Illinois' application, and the authorization of the Illinois Department of Public Health's lead-based paint program to apply in the State of Illinois effective April 11, 2002, in lieu of the Federal program under section 402 of TSCA.

DATES: Lead-based paint activities program authorization was granted to the State of Illinois effective April 11, 2002.

FOR FURTHER INFORMATION CONTACT: By mail: Larisa Leonova, State of Illinois Project Officer, Pesticides and Toxics Branch, (DT-8J), Environmental Protection Agency, Region V, 77 West Jackson Blvd., Chicago, IL 60604; telephone: (312) 353-5838; e-mail address: leonova.larisa@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to firms and individuals engaged in lead-based paint activities in Illinois. 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 or Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this **Federal Register** notice 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" 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/>.

2. *In person.* The Agency has established an official record for this action under docket ID number OPPT-2002-0038. The official record consists of the documents specifically referenced in this action, this notice, the State of Illinois' authorization application, 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 from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The docket is located at the EPA Region V Office, Waste, Pesticides and Toxics Division, Pesticides and Toxics Branch, Toxics Program Section, (DT-8J), 77 West Jackson Blvd., Chicago, IL 60604.

II. Background

A. What Action is the Agency Taking?

EPA issued correspondence to the Illinois Department of Public Health dated May 6, 1999, which granted a 3-year interim approval of the Illinois Lead Poisoning Prevention Program. The interim approval authorized the Department to enforce the Illinois Lead Poisoning Prevention Act (LPPA), 410 ILCS 45, and Lead Poisoning Prevention Code (LPPC), 77 Ill Adm. Code 845, in lieu of the Federal program. The effective date of the interim approval was April 16, 1999 (published by EPA in the **Federal Register** of February 29, 2000 (65 FR 10787) (FRL-6399-4). As a condition of the interim approval, the Department was required to submit a request for full (final) approval of the Illinois Program at least 180 days prior to the expiration of the 3-year interim approval.

Illinois applied for final approval and authorization to enforce its Lead Poisoning Prevention Program on October 12, 2001. The Department provided amended copies of the LPPA, LPPC, and the program policies that govern the administration of the program. Copies of the correspondence from the Illinois Attorney General's office indicating the inapplicability of the Illinois Environmental Audit Privilege Law to the Illinois LPPA and EPA's response accepting the opinion offered by the Illinois Attorney General's office were also included with this application. These materials resolved the only remaining issue dealing with the applicability of the Illinois Environmental Audit Privilege Law to the enforcement of the LPPA and