

accommodations may also be requested by calling (202) 564-9891 and leaving your name and telephone number.

2. To request an opportunity to provide oral comments: You must register first in order to request an opportunity to provide oral comments at the October 2004 NPPTAC meeting. To register visit the NPPTAC web site at: <http://www.epa.gov/oppt/npptac/meetings.htm>. Request to provide oral comments at the meeting must be submitted in writing on or before September 21, 2004, with a registration form. Please note that time for oral comments may be limited to 3 to 5 minutes per speaker, depending on the number of requests received.

3. *Written comments.* You may submit written comments to the docket listed under Unit I.B. Written comments can be submitted at any time. If written comments are submitted on or before September 21, 2004, they will be provided to the NPPTAC members prior to or at the meeting. If you provide written comments at the meeting, 35 copies will be needed.

Do not submit any information that is considered CBI.

List of Subjects

Environmental protection, NPPTAC, Pollution prevention, toxics, Toxic chemicals, Chemical health and safety.

Dated: September 2, 2004.

Charles M. Auer,

Director, Office of Pollution Prevention and Toxics

[FR Doc. 04-20679 Filed 9-14-04; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0250; FRL-7681-2]

Response to Requests to Cancel Certain Creosote Wood Preservative Products, and/or to Amend to Terminate Certain Uses of Other Creosote Products

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of Cancellations

SUMMARY: This notice announces that cancellation orders were signed on August 11, 2004, in response to the use terminations and cancellations voluntarily requested by the registrants of certain wood preservative products containing creosote pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. EPA issued final cancellation order letters to the five

registrants of creosote products accepting their voluntary use termination requests/product cancellation requests to either amend current label language to delete non-pressure treatment uses of creosote or to cancel the affected products. Both the use terminations and the product cancellations are effective December 31, 2004. In addition to stating the Agency's response to the requests, this notice also addresses the comments received in response to the Agency's requests for public comments on the above stated requests.

DATES: The effective date of the voluntary product cancellations and/or use terminations for the affected creosote products is December 31, 2004.

FOR FURTHER INFORMATION CONTACT: Jacqueline McFarlane, Antimicrobials Division (7510C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-6416; e-mail address: Campbell.jackie@epa.gov.

SUPPLEMENTARY INFORMATION: The registrants who are members of the Creosote Council III requested cancellation of the registrations for their creosote non-pressure treatment end-use products and/or to amend to terminate all non-pressure treatment uses of other creosote products. These include all uses that are not applied to treated wood inside of the pressure treatment cylinder, such as thermal treatment, dipping, brush-on, etc. The Agency agreed to allow registrants to voluntarily cancel all non-pressure treatment uses of creosote. These registrants requested that these voluntary product cancellations and/or use terminations become effective December 31, 2004. All registrants waived the 180-day comment period (*i.e.*, any comment period in excess of 30 days). The Agency issued a notice of receipt of the aforementioned requests along with a solicitation for public comments (September 29, 2003), followed by another notice on November 26, 2003, to extend the comment period until December 26, 2003.

This announcement consists of five parts. The first part contains general information. The second part addresses public comments received during both comment periods. The third part describes action taken by the Agency. The fourth part describes the Agency's legal authority for the action announced in this notice. The fifth part addresses existing stocks provisions.

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, 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 information in this notice, 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-2004-0250. 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, 1801 S. Bell Street, Arlington, VA 22202. 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.

II. Summary of Action, Public Comments Received and Agency Response to Comments

The Agency issued a notice of receipt of the aforementioned requests along with a solicitation for public comments

(September 29, 2003), followed by another notice on November 26, 2003, to extend the comment period until December 26, 2003. Nine comments were submitted by members of the wood preservative industry, attorneys for various stakeholders, potential registrants, associations, and city officials. No comments, however, were received relating to creosote. Because these notices included creosote and Acid Copper Chromate (ACC), seven of the comments received were related to ACC. Because ACC is not included in this cancellation order, those comments will be addressed in a later **Federal Register** notice. Two comments from the same association (Florida Fruit & Vegetable Association) addressed the importance of Chromated Copper Arsenate (CCA) as a product used to treat the stakes for fruiting vegetable crops, particularly tomatoes (comments seemingly misplaced in response to this notice, which did not include CCA; additionally, it should be noted that the treating of these stakes is disallowed under current CCA supplemental guidance). Therefore, there were no comments received which had to be factored into this decision.

III. What Action is the Agency Taking?

This notice announces the final issuance of cancellation orders for creosote registrations/terminations of non-pressure treatment uses. The Agency hereby cancels the registrations of three pesticide registrations and amends to terminate certain uses of seven other pesticide registrations listed below, effective December 31, 2004 (Tables 1 and 2).

TABLE 1.—REQUESTS FOR CANCELLATION OF PRODUCTS

Registration No.	Product name	Chemical name
061468-00005	Coal Tar Creosote	Creosote
073408-00001	Creosote	Creosote
073408-00002	Creosote Solution	Creosote

TABLE 2.—REQUEST FOR AMENDMENTS TO TERMINATE NON-PRESSURE TREATMENT USES

Registration No.	Product name	Chemical name
000363-00014	C-4 Brand Black Creosote Coal Tar solution	Creosote
000363-00015	C-4 Brand Coopersote Creosote Oil	Creosote
061468-00006	Creosote	Creosote
061470-00001	KMG-B Coal Tar Creosote	Creosote
061483-00007	Creosote Oil-24CB	Coal Tar Creosote
061483-00008	Creosote/Coal Tar solution	Coal Tar Creosote
061483-00009	Creosote Oil	Coal Tar Creosote

Amendments to the product labels should be made via notification to the Agency in accordance with section 3(c)(9) of FIFRA on or before December 31, 2004, to delete the use directions for the uses subject to this cancellation order. Labels incorporating these amendments must be forwarded along with this notification.

Table 3 includes the names and addresses of record for all registrants of the products in Tables 1 and 2, in sequence by EPA company number:

TABLE 3.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENT TO TERMINATE USES

EPA Company No.	Company name and address
000363	Coopers Creek Chemical Corp., 884 River Road, West Conshohocken, PA 19428-2699
061468	Koppers Inc., 436 Seventh Avenue, Pittsburgh, PA 15219-1800
061470	Rutgers Chemicals, 10611 Harwin Suite 402, Houston, TX 77036
061483	KMG-Bernuth, Inc., 10611 Harwin Drive, Suite 402, Houston, TX 77036-1534

TABLE 3.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENT TO TERMINATE USES—Continued

EPA Company No.	Company name and address
073408	Railworks Wood Products, 2525 Prairieon Road, Terre Haute, IN 47802

IV. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

V. Provisions for Disposition of Existing Stocks

The registrants of affected creosote products have requested that the voluntary product cancellation and/or use terminations become effective December 31, 2004, with no provisions for existing stocks for the registrants. Consequently, the Agency is not allowing for any existing stocks provisions for those products in the hands of the registrant on the effective date of the cancellation/use termination. Any sale, distribution, or use by the registrant of these affected products on or after the effective date of this order is prohibited.

Existing stocks already in the hands of persons other than the registrant can be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label of the affected product.

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 cancellation or amendment. Any distribution, sale or use of existing stocks in a manner inconsistent with the terms of the cancellation order or the existing stocks provisions contained in the order will be considered a violation of section 12(a)(2)(K) and/or section 12(a)(1)(A) of FIFRA.

List of Subjects

Environmental Protection, Creosote, Pesticides and pests.

Dated: September 8, 2004.

Frank Sanders,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 04-20798 Filed 9-14-04; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-2004-0223; FRL-7674-9]

Acetamiprid; 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 identification (ID) number OPP-2004-0223, must be received on or before October 15, 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:

Akiva Abramovitch, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8328; e-mail address: abramovitch.akiva@epa.gov.

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

You may be potentially affected by this action if your rule stated "perform renovations of target housing for compensation. Target housing is defined (see §745.103) as any housing constructed prior to 1978". Potentially affected entities may include, but are not limited to:

- Industry (NAICS code 111)
- Crop production (NAICS code 112)
- Animal production, (NAICS code 311)
- Food Manufacturing, (NAICS code 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 ID number OPP-2004-0223. 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, 1801 South Bell St., 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