

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]

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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.

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

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).

As explained in the preliminary administrative determination document, it is EPA's preliminary administrative determination that ferric ferrocyanide is one of the "cyanides" within the meaning of 40 CFR 401.15, 40 CFR 302.4, and Table 302.4. This preliminary administrative determination is being issued in order to respond to the referral from the District Court. It is not a legislative rule and notice and comment is not required. However, EPA is soliciting public comment because it had previously notified interested parties of its intent to do so.

Dated: January 18, 2001.

J. Charles Fox,

Assistant Administrator for Water.

[FR Doc. 01-2172 Filed 1-24-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6936-6]

Draft National Coastal Condition Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and request for comments.

SUMMARY: Notice of availability is hereby given for a 60-day public comment period on the draft National Coastal Condition Report describing the condition of the Nation's coastal waters. Coastal waters are valuable from both an environmental and economic perspective. These waters are also vulnerable to pollution from diverse sources. EPA expects that this report on the condition of coastal waters will support more informed decisions concerning protection of this resource and will increase public awareness of the extent and seriousness of pollution of these waters. EPA seeks public input concerning the information used in the report, the availability of additional data, and the appropriateness of conclusions drawn from the information presented.

DATES: Written comments must be received by March 26, 2001.

ADDRESSES: Address all comments concerning this notice to Barry Burgan, U.S. Environmental Protection Agency (4504-F), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone (202) 260-7060; fax (202) 260-9960.

FOR FURTHER INFORMATION CONTACT:

Barry Burgan, U.S. Environmental Protection Agency (4504-F) 1200 Pennsylvania Avenue, NW, Washington, DC 20460. See Supplementary information section for electronic access and filing address.

SUPPLEMENTARY INFORMATION:

I. Background

The National Coastal Condition Report describes the condition of coastal waters based on available information. The report concludes that the overall condition of coastal waters is fair to poor with some variation in conditions from region to region. A combination of data, mostly from EPA, the National Oceanic and Atmospheric Administration, the U.S. Geological Survey, and the U.S. Fish and Wildlife Service is used to present indicators of coastal condition and a broad baseline picture of the condition of coastal waters. The Report also highlights several exemplary programs at the Federal, State, Tribal, and local levels that show coastal condition at various regional scales.

This Report is the first attempt to provide the public with a comprehensive picture of the health of the Nation's coastal waters. It will serve as a useful benchmark for analyzing the progress of coastal management programs in the future. We recognize that data are not currently available to characterize all the estuarine and near-coastal waters of the country and that work is still needed in formulating improved indicators of the coastal condition. Public input on the draft Report regarding data completeness, the choice of indicators, the methodologies used to synthesize data, the "bars" set for each indicator, the choice of spatial scales and the overall Report presentation is important to us in preparing this and future reports.

II. Electronic Access and Filing

You may view and download the draft Report on EPA's Internet site at the Office of Water homepage at <http://epa.gov/ow/> under What's New in Water. You may submit comments by sending electronic mail (e-mail) to burgan.barry@epa.gov; comments may also be mailed to Barry Burgan at the following address: U.S. Environmental Protection Agency (4504-F), 1200 Pennsylvania Avenue, NW, Washington,

DC 20460. Submit comments as an ASCII file avoiding the use of special characters and any form of encryption. Identify all comments and data in electronic form by docket number.

Dated: January 18, 2001.

J. Charles Fox,

Assistant Administrator, Office of Water.

[FR Doc. 01-2177 Filed 1-24-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6937-4]

Proposed CERCLA Administrative Settlement—Rocky Flats Industrial Park, Jefferson County, CO

AGENCY: Environmental Protection Agency.

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of the proposed administrative settlement under Section 122(g) of CERCLA, 42 U.S.C. 9622, concerning the Rocky Flats Industrial Park site between EPA, the State of Colorado, and the settling parties listed in the Supplementary Information portion of this notice. The Rocky Flats Industrial Park Superfund Site, is located in the 17,000 block of West Highway 72, approximately 2½ miles east of the intersection of State Highways 72 and 93 in unincorporated Jefferson County, Colorado near the City of Arvada ("Site"). The settlement, embodied in proposed Administrative Order on Consent for Removal Action, EPA Docket No. CERCLA-8-2000-20 ("AOC"), is designed to partially resolve each settling party's liability at the Site through a covenant not to sue for past response costs, and for work performed, under Sections 104 and 107 of CERCLA, 42 U.S.C. 9604 and 9607. The proposed AOC requires the Potentially Responsible Parties ("PRPs") listed below to implement the selected response actions at the Site.

Opportunity for Comment: For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments