

Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

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

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-00746 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP-00746. Electronic comments may also be filed online at many Federal Depository Libraries.

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

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as 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 version of the official record. Information not marked confidential

will be included in the public version of the official record 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 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 control 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. Tentative Agenda:**

The tentative agenda items identified by the AAPCO and SFIREG follows:

1. Section 24(c) denials for organophosphates (OP)s.
2. Cross contamination.
3. Spray drift.
4. Mosquito control update/West Nile Virus.
5. Wood treaters and the chromated copper arsenate (CCA) issues.
6. CAPRM (Environmental Performance Measures) update.
7. Cooperative agreements/\$25 million enforcement grants update.
8. Field data plan update.
9. Insecticidal chalk enforcement issues.
10. Supplemental labeling electronic distribution.
11. Inspector credentials.
12. Chlorine swimming pool products.
13. Surf day results.
14. North American Free Trade Agreement (NAFTA) labeling review.
15. POM working committee workgroups/updates.
16. EPA update/briefing:
  - a. Office of Pesticide Programs update.
  - b. Office Enforcement Compliance Assurance update.

#### **List of Subjects**

Environmental protection.

Dated: October 4, 2001.

#### **Jay Ellenberger,**

*Acting Director, Field and External Affairs Division, Office of Pesticide Programs.*

[FR Doc. 01-25743 Filed 10-11-01; 8:45 am]

**BILLING CODE 6560-50-S**

#### **ENVIRONMENTAL PROTECTION AGENCY**

[OPP-66295; FRL-6805-3]

#### **Benomyl; Receipt of Request for Registration Cancellations**

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request by American Mushroom Institute, Amvac Chemical Corp., Pursell Industries, Inc., the Scotts Company, Value Garden Supply LLC, and Voluntary Purchasing Groups, Inc., to cancel the registrations for all of their products containing methyl 1-(butylcarbamoyl)-2-benzimidazole carbamate, or benomyl. No other registrants hold registrations for benomyl. Prior to acting on these request, EPA is providing a 30-day period for public comment.

**DATES:** Comments on the requested cancellation of product and use registrations must be submitted to the address provided below by November 13, 2001.

**FOR FURTHER INFORMATION CONTACT:** By mail: Demson Fuller, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-8062; fax number: (703) 308-7042; e-mail address: fuller.demson@epamail.epa.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **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 Additional Information, Including Copies of this Document and Other Related Documents?*

1. *Electronically.* You may obtain electronic copies of this document and certain other related documents that might be available electronically, from the EPA Internet homepage at <http://www.epa.gov>. To access this document, on the homepage select "Laws and Regulations" "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listing at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-66295. The official record consists of the documents specifically referenced in this action, 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 in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

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Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov), or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP-66295. Electronic comments may also be filed online at many Federal Depository Libraries.

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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 control 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. What Action is the Agency Taking**

This notice announces receipt by the Agency of requests from the American Mushroom Institute, Amvac Chemical Corp., Pursell Industries Inc., the Scotts Company, Value Garden Supply LLC, and Voluntary Purchasing Groups Inc., to cancel all pesticide products registered under sections 3 and 24(c) of FIFRA. These registrations are listed in the following table.

*A. Background Information*

Benomyl, is a benzimidazole carbamate and systemic foliar fungicide registered for use on apples, apricots, bean vine, blueberries, caneberries (raspberries, blackberries, boysenberries, loganberries, and dewberries), celery, cherries, citrus, cucurbits (cucumber, melons, pumpkins, and squash) mangoes, mushrooms, nectarines, peaches, and tomatoes.

The technical registrant, E.I. du Pont de Nemours & Company met with the Agency on April 18, 2001, and requested a voluntary cancellation of all their registrations for products containing benomyl, to be effective December 31, 2001. Dupont stated that this decision was based on business reasons. The 6(f)(1) comment period announcing the request for voluntary cancellation of Dupont benomyl registrations opened on May 23, 2001 and ended on June 22, 2001. Seven public comments were received and addressed. The cancellation order was published in the **Federal Register** and became effective on August 8, 2001.

The Agency has also received letters from the following registrants requesting voluntary cancellation of all their products containing benomyl: American Mushroom Institute, Amvac Chemical Corp., Pursell Industries, Inc., the Scotts Company, Value Garden Supply LLC, and Voluntary Purchasing Groups, Inc.

In their letters, Pursell and Amvac stated that they no longer manufactured or distributed end-use products that contained benomyl and therefore, no end-use products should be in the channels of trade. Likewise, in their letter, Value Garden Supply noted that their end-use products that contain

benomyl are no longer being sold. Value Garden Supply is not aware of any stocks of the products in the channels of trade. The American Mushroom Institute requested cancellation of its 24(c) registration. The reason was due to the effective cancellation of all Dupont registrations that contain benomyl on August 8, 2001. The Scotts Company and Voluntary Purchasing Group had end-use products that were suspended on April 13, 1994 and May 20, 1998, respectively. Both registrants failed to comply with a data call-in that was issued on June 16, 1992. The Agency, contacted both Scotts and Voluntary Purchasing to notify them that Dupont canceled all registrations for benomyl.

Both registrants submitted letters stating that they would voluntarily cancel their registrations.

#### B. Requests for Voluntary Cancellation

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that their pesticide registrations be canceled or amended to terminate one or more pesticide uses. Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation. In addition, section 6(f)(1)(C) of FIFRA requires that EPA provide a 180-day comment period on a request for voluntary termination of any minor agricultural use before

granting the request, unless the registrants request a waiver of the comment period, or the Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment. The registrants have requested that EPA waive the 180-day comment period. EPA is granting the registrants' request to waive the 180-day comment period. Therefore, EPA will provide a 30-day comment period on the proposed requests. EPA anticipates granting the cancellation request shortly after the end of the 30-day comment period for this notice. The registrations for which cancellations were requested are identified below.

#### REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Company	Reg. No.	Product
Pursell Industries Inc.	8660-75	VertaGreen Systemic Disease Control
Voluntary Purchasing Groups Inc.	7401-225	Fertilome® Systemic Fungicide with Benomyl
Voluntary Purchasing Groups Inc.	7401-407	American Brand® Benomyl Systemic Fungicide
Amvac Chemical Corp.	5481-138	ALCO® Systemic Fungicide
The Scotts Company	538-66	Scotts Proturf 28-0-7 Fertilizer Plus Fungicide DSB
The Scotts Company	538-132	Scotts Proturf DSB Fungicide
Value Garden Supply LLC	769-874	Pratt Benomyl 50W Systemic Fungicide
Value Garden Supply LLC	769-921	Science Benomyl 50W Systemic Fungicide
American Mushroom Institute	PA-97000200	Dupont Benlate® SP Fungicide

### III. 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. FIFRA section 6(f)(1) further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**, make reasonable efforts to inform persons who rely on the pesticide for minor agricultural uses, and provide a 30-day period in which the public may comment. Thereafter, the Administrator may approve such a request.

### IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of

any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

### V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in the **Federal Register** of June 26, 1991 (56 FR 29362) (FRL-3846-4). Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are 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. Unless the provisions of an earlier order apply, the Agency intends to permit existing stocks already in the hands of dealers or users to be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product. Exception to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in a Special Review action, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

### VI. Future Tolerance Revocations

EPA anticipates drafting a future **Federal Register** notice proposing revocation of tolerances on commodities, which no longer have registered uses of benomyl. In this notice, EPA seeks comment as to whether any individuals or groups want to support continuation of these tolerances.

**List of Subjects**

Environmental protection,  
Agricultural commodities, Pesticides  
and pests.

Dated: October 2, 2001.

**Lois A. Rossi,**

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

[FR Doc. 01-25742 Filed 10-11-01; 8:45 am]

**BILLING CODE 6560-50-S**

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-7081-8 ; CWA-HQ-2001-6001;  
EPCRA-HQ-2001-6001; CAA-HQ-2001-  
6001]

**Clean Water Act Class II: Proposed  
Administrative Settlement, Penalty  
Assessment and Opportunity To  
Comment Regarding WorldCom, Inc.;  
Correction**

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

**ACTION:** Notice.

**SUMMARY:** On June 8, 2001, EPA published in the **Federal Register**, (66 FR 30923) information concerning a proposed settlement with WorldCom, Inc. ("WorldCom") The purpose of this correction is to provide additional information about this settlement and to offer interested parties the opportunity to comment on all aspects of this consent agreement and proposed final order. EPA has entered into a consent agreement with WorldCom to resolve violations of the Clean Water Act ("CWA"), Clean Air Act ("CAA"), and Emergency Planning and Community Right-to-Know Act ("EPCRA") and their implementing regulations.

The Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order. EPA is also providing public notice of, and opportunity for interested parties to comment on, the CAA and EPCRA portions of this consent agreement.

WorldCom failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for seventy-five facilities where they stored diesel oil in above ground tanks. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. WorldCom failed to obtain the appropriate operating permits or exemptions at one hundred and six facilities in violation of CAA section 110, 42 U.S.C. 7410, and various state

implementation plan ("SIP") requirements for emergency generators. EPA, as authorized by CAA section 113(d)(1), 42 U.S.C. 7413(d)(1), has assessed a civil penalty for these violations. WorldCom failed to file an emergency planning notification with the State Emergency Response Commission ("SERC") and to provide the name of an emergency contact to the Local Emergency Planning Committee ("LEPC"). WorldCom failed to submit Material Safety Data Sheets ("MSDS") or a list of chemicals to the LEPC, the SERC, and the fire department with jurisdiction over each facility for three hundred and ninety-four facilities in violation of EPCRA section 311, 42 U.S.C. 11021. At the same facilities, WorldCom failed to submit and Emergency and Hazardous Chemical Inventory form to the LEPC, the SERC, and the fire department with jurisdiction over each facility in violation of EPCRA section 312, 42 U.S.C. 11022. EPA, as authorized by EPCRA section 325, 42 U.S.C. 11045, has assessed a civil penalty for these violations.

**DATES:** Comments are due on or before November 13, 2001.

**ADDRESSES:** Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC-2001-005, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov). Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Persons interested in reviewing these materials must make arrangements in advance by calling the docket clerk at 202-564-2614. A reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Beth Cavalier, Multimedia Enforcement Division (2248-A), U.S. Environmental

Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460; telephone (202) 564-3271; fax: (202) 564-9001; e-mail: [cavalier.beth@epa.gov](mailto:cavalier.beth@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Electronic Copies:* Electronic copies of this document are available from the EPA Home Page under the link "Laws and Regulations" at the **Federal Register**—Environmental Documents entry (<http://www.epa.gov/fedrgstr>).

**I. Background**

WorldCom, Inc., a telecommunications company incorporated in the State of Georgia and located at 500 Clinton Center Drive, Clinton, Mississippi 39056, disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 65 FR 19618 (April 11, 2000), that they failed to prepare SPCC plans for seventy-five facilities where they stored diesel oil in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40 CFR Part 112. WorldCom disclosed that for one hundred and six facilities they had failed to obtain operating permits or exemptions in violation of CAA section 110, 42 U.S.C. 7410, and various SIP requirements for emergency generators. WorldCom disclosed that at three hundred and ninety-four facilities they had: (1) Failed to file emergency planning notifications with the SERC and failed to provide the name of an emergency contact to the LEPC, in violation of EPCRA sections 302-303, 42 U.S.C. 7413(a)(1); (2) failed to submit MSDS' or a list of chemicals to the LEPC, SERC, and the fire departments with jurisdiction over the facilities, in violation of EPCRA section 311, 42 U.S.C. 11021; and (3) failed to submit an Emergency and Hazardous Chemical Inventory to the LEPC, SERC, and fire departments with jurisdiction over the facilities, in violation of EPCRA section 312, 42 U.S.C. 11022.

EPA determined that WorldCom met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA waived the gravity based penalty (\$3,888,207) and proposed a settlement penalty amount of one hundred and forty-three thousand, five hundred and twenty dollars (\$143,520). This is the amount of the economic benefit gained by WorldCom, attributable to their delayed compliance with the SPCC, CAA and EPCRA regulations. WorldCom, Inc. has agreed to pay this amount. EPA and WorldCom negotiated and signed an administrative consent