

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

### *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 Vermont Department of Agriculture, Food, and Markets and the Maine Department of Agriculture, Food, and Rural Resources has requested the Administrator to issue a specific exemption for the use of tebufenozide on pasture and haylands to control armyworms. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Vermont Department of Agriculture, Food, and Markets asserts that in 2001 unusually cooler temperatures and in localized regions of the state wet conditions triggered tremendous numbers of pests including armyworms and particularly fall armyworms. The concern is that there will be a recurrence of the conditions in 2002 leading to more potential crop loss. The economic threshold action level for pastures and haylands is three or more small armyworms per square foot. An armyworm outbreak in Vermont is of vital concern to farmers and livestock owners. Armyworm infestations have reduced the production in pasture and hay crops by an estimated 50% to 90%. According to Vermont Department of Agriculture, Food, and Markets there is no currently registered product that is effective in controlling armyworms.

The Maine Department of Agriculture, Food, and Rural Resources asserts that in 2001 economic losses due to

armyworms occurred in all areas of Maine. In some locations armyworm infestations reduced the production in improved pastures as well as grasslands by 50% to 100%. The mild winter and recent wet conditions this spring are conducive to another outbreak of armyworms. Like Vermont, the Maine Department of Agriculture, Food, and Rural Resources also states that currently registered alternatives are not effective in controlling armyworms.

Efficacy data as well as actual field use (under previous emergency exemptions) indicate that tebufenozide will provide excellent armyworm control.

Both applicants propose to make no more than two applications per acre per year of a formulated product containing 23% tebufenozide. Up to 0.125 lb active ingredient (ai) per acre (8 fluid ounces of formulated product) will be applied. A total of 0.25 lb ai per acre (16 fluid ounces of formulated product) may be applied. A maximum of 25,000 acres of pasture and haylands in Vermont and 100,000 acres of pasture and haylands in Maine will 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 a use which has been requested in 3 or more previous years, and a petition for a tolerance has not yet been submitted to the Agency. 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 exemptions requested by the Vermont Department of Agriculture, Food, and Markets and the Maine Department of Agriculture, Food, and Rural Resources. In the past the Agency has issued emergency exemptions for this use in Alabama, Arkansas, Connecticut, Kentucky, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, and Vermont to control armyworms in pasture. It is likely these other states may also apply for emergency exemptions in 2002 for use season.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 31, 2002.

### Peter Caulkins,

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

[FR Doc. 02-14494 Filed 6-11-02; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7230-7]

### Waste Characterization Program Documents Applicable to Transuranic Radioactive Waste From the Hanford Site for Disposal at the Waste Isolation Pilot Plant

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability; opening of public comment period.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing the availability of, and soliciting public comments for 30 days on, Department of Energy (DOE) documents applicable to characterization of transuranic (TRU) radioactive waste at the Hanford site proposed for disposal at the Waste Isolation Pilot Plant (WIPP). The documents (Item II-A2-40, Docket A-98-49) are available for review in the public dockets listed in **ADDRESSES**. EPA will conduct an inspection of waste characterization systems and processes at Hanford to verify that the site can characterize transuranic waste in accordance with EPA's WIPP compliance criteria. EPA will perform this inspection the week of June 24, 2002.

**DATES:** EPA is requesting public comment on the documents. Comments must be received by EPA's official Air Docket on or before July 12, 2002.

**ADDRESSES:** Comments should be submitted to: Docket No. A-98-49, Air Docket, Room M-1500, U.S. Environmental Protection Agency, 401 M Street, SW., Mail Code 6102, Washington, DC 20460. The DOE documents are available for review in the official EPA Air Docket in Washington, DC, Docket No. A-98-49, Category II-A2, and at the following three EPA WIPP informational docket locations in New Mexico: in Carlsbad at the Municipal Library, Hours: Monday-Thursday, 10 am-9 pm, Friday-Saturday, 10 am-6 pm, and Sunday 1 pm-5 pm; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: vary by semester; and in Santa Fe at the New Mexico State Library, Hours: Monday-Friday, 9 a.m.-5 p.m.

As provided in EPA's regulations at 40 CFR part 2, and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying. Air Docket A-98-49 in Washington, DC, accepts

comments sent electronically or by fax (fax: 202-260-4400; e-mail: *a-and-r-docket@epa.gov*).

**FOR FURTHER INFORMATION CONTACT:** Ms. Rajani D. Joglekar, Office of Radiation and Indoor Air, (202) 564-7734. You can also call EPA's toll-free WIPP Information Line, 1-800-331-WIPP or visit our website at *http://www.epa.gov/radiation/wipp*.

**SUPPLEMENTARY INFORMATION:**

**Background**

DOE is developing the WIPP near Carlsbad in southeastern New Mexico as a deep geologic repository for disposal of TRU radioactive waste. As defined by the WIPP Land Withdrawal Act (LWA) of 1992 (Public Law 102-579), as amended (Public Law 104-201), TRU waste consists of materials containing elements having atomic numbers greater than 92 (with half-lives greater than twenty years), in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes per gram of waste. Much of the existing TRU waste consists of items contaminated during the production of nuclear weapons, such as rags, equipment, tools, and sludges.

On May 13, 1998, EPA announced its final compliance certification decision to the Secretary of Energy (published May 18, 1998, 63 FR 27354). This decision stated that the WIPP will comply with EPA's radioactive waste disposal regulations at 40 CFR part 191, subparts B and C.

The final WIPP certification decision includes conditions that (1) prohibit shipment of TRU waste for disposal at WIPP from any site other than the Los Alamos National Laboratory (LANL) until the EPA determines that the site has established and executed a quality assurance program, in accordance with §§ 194.22(a)(2)(i), 194.24(c)(3), and 194.24(c)(5) for waste characterization activities and assumptions (Condition 2 of appendix A to 40 CFR part 194); and (2) prohibit shipment of TRU waste for disposal at WIPP from any site other than LANL until the EPA has approved the procedures developed to comply with the waste characterization requirements of § 194.22(c)(4) (Condition 3 of appendix A to 40 CFR part 194). The EPA's approval process for waste generator sites is described in § 194.8. As part of EPA's decision-making process, the DOE is required to submit to EPA appropriate documentation of quality assurance and waste characterization programs at each DOE waste generator site seeking approval for shipment of TRU radioactive waste to WIPP. In accordance with § 194.8, EPA will place

such documentation in the official Air Docket in Washington, D.C., and informational dockets in the State of New Mexico for public review and comment.

EPA will perform an inspection of Hanford's technical program for waste characterization in accordance with Condition 3 of the WIPP certification. We will reevaluate the following EPA-approved radioassay equipments: (1) Segmented Gamma Scanning Assay System at the Plutonium Finishing Plant used for characterizing repackaged debris; and (2) Gamma Energy Assay (GEA) System Unit A at the Waste Receiving and Processing (WRAP) facility used for characterizing retrievably-stored CH-debris waste. We will also inspect a new equipment, GEA System Unit B at the WRAP facility that DOE has proposed for use in characterizing retrievably-stored debris waste. The inspection is scheduled to take place the week of June 24, 2002.

EPA has placed three DOE-provided documents pertinent to the inspection in the public docket described in **ADDRESSES**. These include: (1) Hanford Site Transuranic Waste Certification Plan, HNF2600, Rev. 6, May 2002, (2) Hanford Site Transuranic Waste Characterization Quality Assurance Project Plan, HNF 2599, Rev. 6, May 2002, and (3) Waste Receiving and Processing Facility, Gamma Energy Processing Operations (WRP1-OP-0906, H-2), May 2002. Also, we have placed an EPA-developed document that summarizes EPA's past waste characterization (WC) inspections at Hanford and the technical processes that EPA has approved to date. The documents are included in item II-A2-40 in Docket A-98-49. In accordance with 40 CFR 194.8, as amended by the final certification decision, EPA is providing the public 30 days to comment on these documents.

If EPA determines as a result of the inspection that the proposed processes and programs at Hanford adequately control the characterization of transuranic waste, we will notify DOE by letter and place the letter in the official Air Docket in Washington, DC, as well as in the informational docket locations in New Mexico. A letter of approval will allow DOE to ship transuranic waste from Hanford to the WIPP. The EPA will not make a determination of compliance prior to the inspection or before the 30-day comment period has closed. Information on the certification decision is filed in the official EPA Air Docket, Docket No. A-93-02 and is available for review in Washington, DC, and at three EPA WIPP informational docket locations in New

Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, DC, plus those documents added to the official Air Docket since the October 1992 enactment of the WIPP LWA.

Dated: June 6, 2002.

**Robert Brenner,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 02-14994 Filed 6-11-02; 8:45 am]

**BILLING CODE 6560-50-U**

**ENVIRONMENTAL PROTECTION AGENCY**

[OPP-2002-0097; FRL-7181-4]

**Difenzoquat and Diquat Dibromide Tolerance Reassessment Decisions; Notice of Availability**

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

**ACTION:** Notice.

**SUMMARY:** This notice of tolerance reassessment for difenzoquat and diquat dibromide starts the 30-day public comment period during which the public is invited to submit comments on the Agency's "Report of the Food Quality Protection Act (FQPA) Tolerance Reassessment Progress and Risk Management Decision (TRED) for Difenzoquat" and "Report of the FQPA, TRED for Diquat Dibromide." The Agency is providing an opportunity, through this notice, for interested parties to comment on the Agency's tolerance reassessment decisions in accordance with procedures described in Unit I. of this document. All comments will be carefully considered by the Agency. If any comment causes the Agency to revise its decision on tolerance reassessment for difenzoquat and/or diquat dibromide, the Agency will publish notice of its amendment in the **Federal Register**.

**DATES:** The tolerance reassessment decision document for difenzoquat is available under docket ID number OPP-2002-0097; the decision document for diquat dibromide is available under docket ID number OPP-2002-0098. Comments must be received on or before July 12, 2002.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. under **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPP-2002-0097 for difenzoquat and OPP-2002-0098 for diquat dibromide,