

information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* 850.

*Estimated Number of Respondents:* 850.

*Frequency of Response:* Varies by task.

*Estimated Total Annual Hour Burden:* 1,330,327 hours.

*Estimated Total Annualized Capital and Start-up Cost:* \$92,058,000.

*Estimated Total Annualized Operation and Maintenance Cost:* \$43,574,000.

Dated: February 4, 2002.

**Janice Wagner,**

*Chief, Market Operations Branch.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-181085; FRL-6822-9]

### Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations

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

**ACTION:** Notice.

**SUMMARY:** EPA has granted or denied emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use of pesticides as listed in this notice. The exemptions or denials were granted during the period October 1, 2001 to December 31, 2001 to control unforeseen pest outbreaks.

**FOR FURTHER INFORMATION CONTACT:** See each emergency exemption or denial for the name of a contact person. The following information applies to all contact persons: Team Leader, Emergency Response Team, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-9366.

**SUPPLEMENTARY INFORMATION:** EPA has granted or denied emergency exemptions to the following State and Federal agencies. The emergency exemptions may take the following form: Crisis, public health, quarantine,

or specific. EPA has also listed denied emergency exemption requests in this notice.

### I. General Information

#### A. Does this Action Apply to Me?

You may be potentially affected by this action if you petition EPA for authorization under section 18 of FIFRA to use pesticide products which are otherwise unavailable for a given use. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Federal Government	9241	Federal agencies that petition EPA for section 18 pesticide use authorization
State and Territorial government agencies charged with pesticide authority	9241	State agencies that petition EPA for section 18 pesticide use authorization

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. Other types of entities not listed in the table in this unit could also be regulated. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in 40 CFR part 166. 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 or Copies of this Document or Other 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 Home Page at <http://www.epa.gov/>. To access this document, on the Home Page 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** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-181085. The official record consists of the documents specifically referenced in this action, 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.

### II. Background

Under FIFRA section 18, EPA can authorize the use of a pesticide when emergency conditions exist.

Authorizations (commonly called emergency exemptions) are granted to State and Federal agencies and are of four types:

1. A "specific exemption" authorizes use of a pesticide against specific pests on a limited acreage in a particular State. Most emergency exemptions are specific exemptions.

2. "Quarantine" and "public health" exemptions are a particular form of specific exemption issued for quarantine or public health purposes. These are rarely requested.

3. A "crisis exemption" is initiated by a State or Federal agency (and is confirmed by EPA) when there is insufficient time to request and obtain EPA permission for use of a pesticide in an emergency.

EPA may deny an emergency exemption: If the State or Federal agency cannot demonstrate that an emergency exists, if the use poses unacceptable risks to the environment, or if EPA cannot reach a conclusion that the proposed pesticide use is likely to result in "a reasonable certainty of no harm" to human health, including exposure of residues of the pesticide to infants and children.

If the emergency use of the pesticide on a food or feed commodity would result in pesticide chemical residues, EPA establishes a time-limited tolerance meeting the "reasonable certainty of no

harm standard" of the Federal Food, Drug, and Cosmetic Act (FFDCA).

In this document, EPA identifies the State or Federal agency granted the exemption or denial, the type of exemption, the pesticide authorized and the pests, the crop or use for which authorized, number of acres (if applicable), and the duration of the exemption. EPA also gives the **Federal Register** citation for the time-limited tolerance, if any.

### III. Emergency Exemptions and Denials

#### A. U.S. States and Territories

##### Arizona

Department of Agriculture  
*Specific:* EPA authorized the use of coumaphos in beehives to control *varroa* mites and small hive beetles; February 2, 2002 to February 1, 2003. Contact: (Barbara Madden)

##### California

Environmental Protection Agency, Department of Pesticide Regulation  
*Denial:* On November 29, 2001, EPA denied the use of avermectin on leaf lettuce to control leafminers. This request was denied because at this time, the Agency is unable to reach a "reasonable certainty of no harm" finding regarding health effects which may result if this use were to occur. Contact: (Barbara Madden).

*Specific:* EPA authorized the use of maneb on walnuts to control walnut blight; November 8, 2001 to June 15, 2002. Contact: (Libby Pemberton)

EPA authorized the use of avermectin on spinach to control leaf miners; November 1, 2001 to October 31, 2002. Contact: (Dan Rosenblatt)

EPA authorized the use of carboxin on onion seed to control onion smut; November 13, 2001 to May 31, 2002. Contact: (Andrew Ertman)

EPA authorized the use of imidacloprid on strawberries to control silverleaf whiteflies; December 24, 2001 to December 23, 2002. Contact: (Andrew Ertman)

EPA authorized the use of cyhalofop-buty on rice to control bearded sprangletop; April 15, 2002 to August 15, 2002. Contact: (Barbara Madden)

##### Colorado

Department of Agriculture  
*Specific:* EPA authorized the use of bifentazate on greenhouse grown tomatoes to control spider mites; December 12, 2001 to December 11, 2002. Contact: (Barbara Madden)

##### Connecticut

Department of Environmental Protection  
*Specific:* EPA authorized the use of triazamate on Christmas trees to control root aphids; November 8, 2001 to September 30, 2002. Contact: (Andrew Ertman)

##### Florida

Department of Agriculture and Consumer Services  
*Specific:* EPA authorized the use of coumaphos in beehives to control *varroa* mites and small hive beetles; January 19, 2002 to January 18, 2003. Contact: (Barbara Madden)

##### Georgia

Department of Agriculture  
*Specific:* EPA authorized the use of fenbuconazole on blueberries to control mummy berry disease; December 6, 2001 to July 1, 2002. Contact: (Dan Rosenblatt)

EPA authorized the use of coumaphos in beehives to control *varroa* mites and small hive beetles; January 19, 2002 to January 18, 2003. Contact: (Barbara Madden)

##### Idaho

Department of Agriculture  
*Specific:* EPA authorized the use of flufenacet on wheat and triticale to control annual ryegrass; October 3, 2001 to June 30, 2002. Contact: (Barbara Madden)

EPA authorized the use of pendimethalin on mint to control kochia and redroot pigweed; January 1, 2002 to December 31, 2002. Contact: (Libby Pemberton)

##### Louisiana

Department of Agriculture and Forestry  
*Crisis:* On November 7, 2001, for the use of azoxystrobin on strawberries to control crown rot disease. This program ended on November 23, 2001. Contact: (Libby Pemberton)

##### Michigan

Michigan Department of Agriculture  
*Specific:* EPA authorized the use of tebuconazole on asparagus to control rust; October 2, 2001 to November 1, 2001. Contact: (Barbara Madden)

##### Minnesota

Department of Agriculture  
*Specific:* EPA authorized the use of coumaphos in beehives to control *varroa* mites and small hive beetles; February 2, 2002 to February 1, 2003. Contact: (Barbara Madden)

##### Mississippi

Department of Agriculture and Commerce  
*Specific:* EPA authorized the use of niclosamide in commercially operated, man-made levee containment ponds for catfish production to control ram's horn snail, an intermediate host to the yellow grub trematode (*Bolbophorus confusus*); November 21, 2001 to November 21, 2002. Contact: (Barbara Madden)

EPA authorized the use of coumaphos in beehives to control *varroa* mites and small hive beetles; February 2, 2002 to February 1, 2003. Contact: (Barbara Madden)

##### Missouri

Department of Agriculture  
*Specific:* EPA authorized the use of clethodim on tall fescue to suppress stem and seedhead formation in tall fescue pasture or hay to reduce toxin producing endophyte-fungus; November 8, 2001 to April 15, 2002. Contact: (Barbara Madden)

##### New Mexico

Department of Agriculture  
*Specific:* EPA authorized the use of coumaphos in beehives to control *varroa* mites and small hive beetles; February 2, 2002 to February 1, 2003. Contact: (Barbara Madden)

EPA authorized the use of propiconazole in sorghum to control sorghum ergot; June 1, 2002 to September 30, 2002. Contact: (Dan Rosenblatt)

##### North Dakota

Department of Agriculture  
*Specific:* EPA authorized the use of tebuconazole on wheat to control *Fusarium* Head Blight; May 15, 2002 to September 1, 2002. Contact: (Meredith Laws)

EPA authorized the use of tebuconazole on barley to control *Fusarium* Head Blight; May 15, 2002 to September 1, 2002. Contact: (Meredith Laws)

##### Oklahoma

Department of Agriculture  
*Specific:* EPA authorized the use of coumaphos in beehives to control *varroa* mites and small hive beetles; February 2, 2002 to February 1, 2003. Contact: (Barbara Madden)

##### Oregon

Department of Agriculture  
*Denial:* On October 4, 2001, EPA denied the use of propoxycarbazone-sodium on wheat to control jointed goatgrass. This request was denied because it was not demonstrated that wheat growers will suffer significant economic losses without its use. Contact: (Libby Pemberton)

*Specific:* EPA authorized the use of flufenacet on wheat and triticale to control annual ryegrass; October 3, 2001 to June 30, 2002. Contact: (Barbara Madden)

EPA authorized the use of clopyralid on cranberries to control lotus, Douglas aster, and clover; January 1, 2002 to December 31, 2002. Contact: (Libby Pemberton)

EPA authorized the use of pendimethalin on mint to control kochia and redroot pigweed; January 1, 2002 to December 31, 2002. Contact: (Libby Pemberton)

##### South Carolina

Clemson University  
*Crisis:* On November 16, 2001, for the use of flufenacet on wheat to control annual ryegrass. This program ended

December 31, 2001. Contact: (Barbara Madden)

*Specific:* EPA authorized the use of flufenacet on wheat to control annual ryegrass; November 29, 2001 to December 31, 2001. Contact: (Barbara Madden)

#### Texas

Department of Agriculture

*Crisis:* On March 21, 2001, for the use of bifenthrin on citrus to control weevils. This program is expected to end on November 14, 2002. Contact: (Andrea Conrath)

*Specific:* EPA authorized the use of bifenthrin on citrus to control weevils; November 14, 2001 to November 14, 2002. Contact: (Andrea Conrath)

EPA authorized the use of azoxystrobin on cabbage to control leaf spot caused by *Cercospora brassicicola* and *Alternaria brassicae*; November 29, 2001 to March 18, 2003. Contact: (Libby Pemberton)

EPA authorized the use of propiconazole in sorghum to control sorghum ergot; December 14, 2001 to December 13, 2002. Contact: (Dan Rosenblatt)

EPA authorized the use of imazapic-ammonium on bermudagrass hay meadows and pastures to control grassy weeds; February 1, 2002 to October 31, 2002. Contact: (Libby Pemberton)

EPA authorized the use of coumaphos in beehives to control *varroa* mites and small hive beetles; February 2, 2002 to February 1, 2003. Contact: (Barbara Madden)

EPA authorized the use of bifenazate on greenhouse grown tomatoes to control spider mites; June 13, 2002 to June 12, 2003. Contact: (Barbara Madden)

#### Virginia

Department of Agriculture and Consumer Services

*Specific:* EPA authorized the use of flufenacet on wheat to control annual ryegrass; October 1, 2001 to December 31, 2001. Contact: (Barbara Madden)

#### Washington

Department of Agriculture

*Specific:* EPA authorized the use of flufenacet on wheat and triticales to control annual ryegrass; October 3, 2001 to June 30, 2002. Contact: (Barbara Madden)

EPA authorized the use of clopyralid on cranberries to control lotus, Douglas aster, and clover; January 1, 2002 to December 31, 2002. Contact: (Libby Pemberton)

EPA authorized the use of pendimethalin on mint to control kochia and redroot pigweed; January 1, 2002 to December 31, 2002. Contact: (Libby Pemberton)

#### B. Federal Departments and Agencies

##### Environmental Protection Agency Office of Solid Waste and Emergency Response

*Crisis:* On November 9, 2001, for the use of chlorine dioxide liquid on structures or other property identified as contaminated or potentially contaminated by *Bacillus anthracis* to control anthrax. This program is expected to end on November 9, 2002. Contact: (Barbara Madden)

On November 16, 2001, for the use of hydrogen peroxide and dimethylbenzyl ammonium chlorides on structures or other property identified as contaminated or potentially contaminated by *Bacillus anthracis* to control anthrax. This program is expected to end on November 16, 2002. Contact: (Barbara Madden)

On November 30, 2001, for the use of chlorine dioxide gas in the Hart Senate Office Building to control anthrax (*Bacillus anthracis*). This program ended on February 1, 2002. Contact: (Barbara Madden)

On December 7, 2001, for the use of ethylene oxide to fumigate items retrieved from Congressional Offices that were contaminated or potentially contaminated by *Bacillus anthracis*. This program is expected to end by December 6, 2002. Contact: (Barbara Madden)

On December 17, 2001, for the use of ethylene oxide to fumigate mail received by the Department of Justice that may have been contaminated or potentially contaminated by *Bacillus anthracis*. This program ended on January 1, 2002. Contact: (Barbara Madden)

#### List of Subjects

Environmental protection, Pesticides and pest.

Dated: January 30, 2002.

**Peter Caulkins,**

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

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**BILLING CODE 6560-50-S**

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-7143-5]

#### Operating Permits Program; Notice of Location of Response Letters to Citizens Concerning Program Deficiencies

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

**ACTION:** Notice of availability.

**SUMMARY:** The EPA is identifying a website which contains letters from EPA to citizens which respond to the citizens' comments on alleged deficiencies in State and local air operating permits programs. The citizen comments were submitted to EPA as a result of a 90-day comment period EPA provided for members of the public to identify deficiencies they perceive exist in State and local agency operating permits programs required by title V of the Clean Air Act (Act). The 90-day comment period was from December 11, 2000, until March 12, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jeff Herring, C304-04, Information Transfer and Program Integration Division, Environmental Protection Agency, Research Triangle Park, North Carolina, 27711. Telephone: 919-541-3195. Internet address: [herring.jeff@epa.gov](mailto:herring.jeff@epa.gov).

**SUPPLEMENTARY INFORMATION:** On December 11, 2000 (65 FR 77376), EPA announced a 90-day comment period during which the public could submit comments identifying deficiencies they perceived to exist in State and local agency operating permits programs required by title V of the Act. The 90-day comment period ended on March 12, 2001.

The December 11, 2000 notice solicited comment from the public regarding either deficiencies in the elements of the approved program, such as deficiencies in the States' approved regulations, or deficiencies in how a permitting authority was implementing its program. The Agency indicated that it would consider information received from the public and determine whether it agreed or disagreed with the purported deficiencies and would then publish notices of those findings. Where the Agency agreed that a claimed shortcoming constituted a deficiency, it indicated it would issue a notice of deficiency. Where the Agency disagreed as to the existence of a deficiency, it indicated it would respond to the citizen comments by December 1, 2001, for comments on programs granted interim approval as of December 11, 2000. For programs granted full approval as of December 11, 2000, EPA indicated it would respond to citizen comments by April 1, 2002.

In accordance with the procedures set forth in the December 11, 2000, notice and outlined above, EPA has issued notices of deficiency for several State permitting authorities in connection with the citizen comment letters submitted pursuant to the December 11, 2000, notice. Notices of deficiency have been published in the **Federal Register** for the following permitting authorities: