

In addition to one complete version of the comment that includes any information claimed as CBI, a copy 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 **FOR FURTHER INFORMATION CONTACT**.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of requests from Sumitomo

Chemical Company, Limited and Bayer Environmental Science to cancel the registrations of three pesticide products registered under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). These three registrations constitute all registrations held by Sumitomo Chemical Company, Limited and Bayer Environmental Science of products containing 4-chloro-alpha-(1-methylethyl)benzeneacetic acid, cyano(3-phenoxyphenyl)methyl ester (fenvalerate). These requests are submitted pursuant to section 6(f) of FIFRA.

Fenvalerate is a synthetic pyrethroid insecticide which is used to control

insects and related organisms, molluscs, fouling organisms and miscellaneous invertebrates on agricultural, pet care, domestic home and garden (domestic), and commercial/industrial/food and non-food/mosquito abatement (commercial) sites. On April 10, 2003, Sumitomo Chemical Company, Limited and on April 22, 2003, Bayer Environmental Science requested that EPA waive the 180-day period that typically has been allowed before requests for voluntary cancellation are approved or denied.

These registrations are listed in sequence by registration number in Table 1 of this unit:

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
432-766	Technical Fenvalerate Insecticide	Fenvalerate
432-767	Gold Crest Tribute Termiticide/Insecticide	Fenvalerate
10308-13	Technical Sumicidin Insecticide	Fenvalerate

At the close of the comment period, EPA intends to issue an order granting these cancellation requests, unless the Agency receives any substantive comments within the comment period that would merit its further review of these requests, or the requests have been withdrawn. Users of these pesticides or anyone else desiring the retention of a registration should send in their comments to EPA. In addition, they may wish to contact the applicable registrant directly.

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

TABLE 2.— REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
432	Bayer Environmental Science, 95 Chestnut Ridge Road, Montvale, NJ 07645
10308	Sumitomo Chemical Company, Limited, 5-33 Kitahama 4-Chome, Chuo-ku Osaka, 541, Japan

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 further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register** and provide a 30-day period in which the public may comment before the Agency may act on the request for voluntary cancellation. In the case of minor agricultural uses, section 6(f)(1)(c) of FIFRA provides for a 180-day comment period under certain circumstances. In this case, Bayer Environmental Science, and Sumitomo Chemical Company, Limited have requested that EPA waive the 180-day comment period. Accordingly, pursuant to section 6(f)(1)(c)(ii) of FIFRA, EPA is waiving the 180-day comment period and will provide interested parties 30 days to comment on the action.

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**, postmarked before August 11, 2003. 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. Any person, including the registrant, who wishes to support the continued registration of fenvalerate, must fulfill all outstanding data gaps. In addition, EPA must find that fenvalerate is eligible for reregistration.

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 is requested. 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. In this case, the Agency does not see a need to deviate from the Existing Stocks Policy. Unless the Agency receives substantive comments during the comment period that would merit its further review of this matter, the Agency intends to permit the registrants to sell and distribute the existing stocks for 1 year