

TABLE 3.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENT TO TERMINATE USES

EPA Company Number	Company Name and Address
5204	Atofina Chemicals, Inc., 2000 Market Street, Philadelphia, PA 19103-3222
8898	Crompton Corporation, 1 American Way, Greenwich, CT 06831

### 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 or amended to terminate one or more pesticide uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

### IV. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting requested cancellations generally permit a registrant to sell or distribute existing stocks for one 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.

In this case, Atofina requested in its letter dated September 10, 2003 that the Agency allow it to sell existing stocks of its affected products for which Atofina requested voluntary cancellation until November 30, 2003, which is the same date that Atofina requested the cancellations to be effective. In their letters dated September 10, 2003 and September 29, 2003 (as subsequently clarified and corrected by Crompton's letter dated October 29, 2003) respectively, Atofina and Crompton also requested that the Agency allow them to sell stocks of their affected products for which they have requested amendment to terminate uses, bearing labels allowing the use which is the subject of

the use termination request, until that same date, November 30, 2003. The Agency anticipates granting these requests shortly after the end of the 30-day comment period for this notice unless the Agency receives substantive comments within the comment period that would merit further review of the request. The cancellation and use termination orders which effect the requests of these two registrants for their TBT antifoulant and antifouling paint registrations will effectively serve as the existing stocks orders for the affected registrations.

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. In this instance, and consistent with their own requests, Atofina and Crompton will not be permitted existing stocks provisions for any sale, distribution, or use of affected products after the effective date of the cancellations and use terminations. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with 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. The Agency does not anticipate any such exception to these general rules in this case.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: November 21, 2003.

**Betty Shackleford,**

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

[FR Doc. 03-30165 Filed 12-4-03; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2003-0248; FRL-7318-6]

### Notice of Availability of the Preliminary Risk Assessment for Creosote Reregistration Eligibility Decision

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of documents that were developed as part of EPA's six-phase public participation reregistration process for creosote. This chemical, a "heavy duty wood preservative," was first registered in the United States in 1948 as a coal tar creosote active ingredient. Presently, 16 products are registered for use as industrial wood preservatives for above and below ground wood protection treatments, as well as treating wood in marine environments. Creosote wood preservatives are used primarily in the pressure treatment of railroad ties/crossties (about 70% of all creosote use) and utility poles/cross-arms (about 15-20% of all creosote use). Assorted creosote-treated lumber products (e.g., timbers, poles, posts and ground-line support structures) account for the remaining uses of this wood preservative. This notice starts the 60-day public comment period for the preliminary risk assessment for creosote. EPA will review all comments received and address them accordingly. The Agency will then announce and conduct a public technical briefing on the revised risk assessment to provide an opportunity for the public to learn more about the data, information, and methods used to develop the revised risk assessment. The revised assessment will then be made available to the public, and the public will be invited to submit risk management ideas and/or proposals. By allowing access and opportunity for comments on the preliminary risk assessment, the Agency is seeking to strengthen stakeholder involvement and help ensure its decisions under the Food Quality Protection Act are transparent, and based on the best available information.

**DATES:** Comments, identified by docket ID number OPP-2003-0248, must be received on or before February 3, 2004.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the

**SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative