

also required. Any owner or operator subject to the rule shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records.

**Burden Statement:** The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In the previously approved ICR, the estimated number of respondents for this information collection was 390 with 390 responses per year. The annual industry reporting and recordkeeping burden for this collection of information was 15,463 hours. On the average, each respondent reported once per year and approximately 40 hours were spent preparing each response. The total annual reporting and recordkeeping cost burden for this collection of information was \$15,000. This included an annual cost of \$1,000 associated with capital/startup costs and \$14,000 associated with the annual operation and maintenance costs.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying 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.

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

Dated: November 27, 2002.

**Michael M. Stahl,**

*Director, Office of Compliance.*

[FR Doc. 02-31016 Filed 12-6-02; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2002-0312; FRL-7280-7]

### Diazinon; End-Use Products Cancellation Order

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's cancellation order for the product and use cancellations as requested by companies (hereafter collectively referred to as the "EUP Registrants") that hold the registrations of pesticide End-Use Products (EUPs) containing the active ingredient diazinon and accepted by EPA, pursuant to section 6(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This order follows up an September 11, 2002, notice of receipt from the EUP Registrants, of requests for cancellations and or amendments of their diazinon product registrations to terminate all indoor uses, certain agricultural uses and certain outdoor non-agricultural uses. In the September 11, 2002 notice, EPA indicated that it would issue an order granting the voluntary product and use registration cancellations unless the Agency received any substantive comment within the comment period that would merit its further review of these requests. The Agency did not receive any comments specific to these cancellations. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is only permitted in accordance with the terms of the existing stocks provisions of this cancellation order.

**DATES:** The cancellations are effective December 9, 2002.

**FOR FURTHER INFORMATION CONTACT:** Laura Parsons, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, telephone number: (703) 305-

5776; fax number: (703) 308-7042; e-mail address: [parsons.laura@epa.gov](mailto:parsons.laura@epa.gov).

## SUPPLEMENTARY INFORMATION:

### I. General Information

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

This action is directed to the public in general. You may be potentially affected by this action if you manufacture, sell, distribute, or use diazinon products. The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3). Since other entities may also be interested, 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 applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

#### B. How Can I Get Copies of This Document and Other Related Information?

1. **Docket.** EPA has established an official public docket for this action under docket identification (ID) number OPP-2002-0312. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. **Electronic access.** You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may

be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

## II. Receipt of Requests to Cancel and Amend Registrations to Delete Uses.

### A. Background

Certain registrants requested in letters dated December 2001, and January, February, March, April, May, June, and July 2002 that their diazinon registrations be amended to delete all indoor uses, certain agricultural uses, and any other uses that the registrants do not wish to maintain. The requests also included deletions of outdoor non-agricultural uses from the labeling of certain end-use products so that such products would be labeled for agricultural uses only. Similarly, other diazinon end-use registrants requested voluntary cancellation of their diazinon EUP registrations with indoor use and/or certain outdoor non-agricultural uses,

and any other uses that the registrants do not wish to maintain. EPA announced its receipt of these above-mentioned cancellation requests in a **Federal Register** notice dated September 11, 2002 (67 FR 57589), (FRL-7197-8).

These requested cancellations and amendments are consistent with the requests in December 2000 by the manufacturers of diazinon technical products, and EPA's approval of such requests, to terminate all indoor uses and certain agricultural uses from their diazinon product registrations because of EPA's concern with the potential exposure risk, especially to children, associated with diazinon containing products. The indoor uses and agricultural uses subject to cancellation are identified in List 1 below:

#### List 1 — Uses Requested for Termination

1. *Indoor uses:* Pet collars, or inside any structure or vehicle, vessel, or aircraft or any enclosed area, and/or on any contents therein (except mushroom houses), including food/feed handling

establishments, greenhouses, schools, residences, commercial buildings, museums, sports facilities, stores, warehouses and hospitals.

2. *Agricultural uses:* Alfalfa, bananas, Bermuda grass, dried beans, dried peas, celery, red chicory (radicchio), citrus, clover, coffee, cotton, cowpeas, cucumbers, dandelions, forestry (ground squirrel/rodent burrow dust stations for public health use), kiwi, lespedeza, parsley, parsnips, pastures, peppers, potatoes (Irish and sweet), sheep, sorghum, squash (winter and summer), rangeland, Swiss chard, tobacco, and turnips (roots and tops).

In today's Cancellation Order, EPA is approving the registrants' requested cancellations and amendments of the their diazinon end-use products registrations to terminate all uses identified in List 1.

### B. Requests for Voluntary Cancellation of End-Use Products

The end-use product registrations for which cancellation was requested are identified in the following Table 1.

TABLE 1.— END-USE PRODUCT REGISTRATION CANCELLATION REQUESTS

Company	EPA Registration #	Product
Farnam Companies, Inc.	270-282	Diazinon 2EC
Prentiss Inc.	655-457 655-462 655-519	Prentox Diazinon 4E Insecticide Prentox Diazinon 4S Insecticide Prentox Liquid Household Spray #1
Universal Cooperatives, Inc.	1386-573 1386-651	Diazinon Emulsifiable Lawn and Garden Insecticide Security Brand 2% Diazinon Granules Lawn Insect Control
Virbac AH, Inc.	2382-168 2382-171 2382-172	Diazinon-Pyriproxyfen Collar for Dogs and Puppies #1 Diazinon-Pyriproxyfen Collar for Dogs and Puppies #3 Diazinon-Pyriproxyfen Collar for Dogs and Puppies #2
ABC Compounding, Inc.	3862-71	Drop Dead Insect Spray
Cerexagri, Inc.	4581-335	Knox Out 2 FM
Amvac Chemical Corp.	5481-224 5481-241	Diazinon 4E Alco Housing Authority Roach Concentrate
US Marketing Distributors	6409-14	Professional Do it Yourself Exterminator's Kit Formula 400
Voluntary Purchasing Group, Inc.	7401-67	Ferti-Lome Rose Spray Containing Diazinon & Daconil.
Earth Care/Division of United Industries Corp.	8660-101 8660-115 8660-106	Vertagreen 5% Diazinon Insecticide Vertagreen Diazinon Pre-Weed Vertagreen Diazinon Pre-Weed Plus
The Andersons Lawn Fertilizer Division	9198-189	Proturf Insecticide One
Waterbury Companies, Inc.	9444-89	CB Aqueous Residual Insecticide
Athea Laboratories, Inc.	10088-71	Roach and Ant Killer
Verpas Products, Inc.	13926-6	Diaciclon F-5
Wagnol Inc.	33912-1	Wagnol 40 Pest Control Spray Concentrate Contains Diazinon
T-Tex Corp.	39039-5	Dryzon WP Livestock Premise & Sheep Insecticide

TABLE 1.— END-USE PRODUCT REGISTRATION CANCELLATION REQUESTS—Continued

Company	EPA Registration #	Product
Chem-Tech Ltd.	47000–63	Pressurized Household Insect Spray Concentrate Contains Diazinon and DDVP
Marman USA , Inc.	48273–25	Marman Diazinon AG 60 EC
Control Solutions Inc	53883–58	Martin's Diazinon 4E Indoor- Outdoor Insecticide
Arkopharma, Inc.	69607–1	Double Duty Flea & Tick Collar For Dogs

EPA did not receive any substantive comments that would merit further review expressing a need of diazinon products for indoor use. Accordingly, the Agency is issuing an order in this notice canceling the registrations identified in Table 1, as requested by the EUP registrants.

*C. Requests for Voluntary Amendments of End-Use Product Registrations to Terminate Certain Uses*

Pursuant to section 6(f)(1)(A) of FIFRA, many EUP Registrants submitted requests to amend a number of their diazinon end-use product registrations to terminate the uses identified in List 1 of this notice or any other uses as specified for each product in the September 13, 2001, Diazinon 6(f) Notice and reiterated in Table 2 below. EPA did not receive any comments expressing a need for any of the canceled uses. The registrations for which amendments to terminate specific uses were requested are identified in the following Table 2:

TABLE 2.— END-USE PRODUCT REGISTRATION AMENDMENT REQUESTS

Company	EPA Registration #	Product Name: Use Deletions
Dragon Chemical Corp.	16–119 16–157 16–166	Dragon 5% Diazinon Granules: Celery. Diazinon 25% Diazinon Spray: Almonds Dragon Diazinon Water-Based Concentrate: Almonds
Southern Agricultural Insecticides, Inc.	829–264	SA-50 Brand 5% Diazinon Granules: Celery

TABLE 2.— END-USE PRODUCT REGISTRATION AMENDMENT REQUESTS—Continued

Company	EPA Registration #	Product Name: Use Deletions
Universal Cooperative, Inc.	1386–599 1386–648	Diazinon 4 EC (AG): Beans, Cucumbers, Parsley, Parsnips, Peas, Peppers, Potatoes (Irish), Squash (Summer and Winter), Sweet Potatoes, Swiss Chard, Turnips, Lawn Pest Control, Nuisance Pests in Outside Areas, Grassland Insects, and Indoor Ornamentals 5% Diazinon Insect Killer Granules: Celery
Knox Fertilizer Co. Inc.	8378–32	Shaw's 5% Diazinon Insect Granules: Celery

### III. Cancellation Order

Pursuant to section 6(f) of FIFRA, EPA hereby approves the requested cancellations of diazinon product and use registrations identified in Tables 1 and 2 of this notice. Accordingly, the Agency orders that the diazinon end-use product registrations identified in Table 1 are hereby canceled. The Agency also orders that all of the uses identified in List 1 and all other uses (including specific outdoor non-agricultural uses) identified for deletion in Table 2 are hereby canceled from the end-use product registrations identified in Table 2. Any distribution, sale, or use of existing stocks of the products identified in Tables 1 and 2 in a manner inconsistent with the terms of this order or the Existing Stock Provisions in Unit IV of this notice will be considered a violation of section 12(a)(2)(K) of FIFRA and/or section 12(a)(1)(A) of FIFRA.

### IV. Existing Stocks Provisions

For purposes of this Order, the term “existing stocks” is defined, pursuant to EPA’s existing stocks policy (56 FR 29362, June 26, 1991), as those stocks of a registered pesticide product which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the amendment or cancellation. The existing stocks provisions of this Cancellation Order are as follows:

1. *Distribution or Sale of Products Bearing Instructions for Use on Agricultural Crops.* The distribution or sale of existing stocks by the registrant of any product listed in Table 1 or 2 that bears instructions for use on the agricultural crops identified in List 1 will not be lawful under FIFRA 1-year after the effective date of the cancellation order, except for the purposes of shipping such stocks for export consistent with section 17 of FIFRA or for proper disposal. Persons other than the registrant may continue to sell or distribute the existing stocks of any product listed in Table 2 that bears instructions for any of the agricultural uses identified in List 1 after the effective date of the cancellation order.

2. *Distribution or Sale of Products Bearing Instructions for Use on Outdoor Non-Agricultural Sites.* The distribution or sale of existing stocks by the registrant of any product listed in Table 1 or 2 that bears instructions for use on outdoor non-agricultural sites will not be lawful under FIFRA 1-year after the effective date of the cancellation order, except for the purposes of shipping such stocks for export consistent with section 17 of FIFRA or for proper disposal. Persons other than the registrant may continue to sell or distribute the existing stocks of any product listed in Table 1 or 2 that bears instructions for use on outdoor non-agricultural sites after the effective date of the cancellation order.

3. *Distribution or Sale of Products Bearing Instructions for Use on Indoor Sites.* The distribution or sale of existing stocks by the registrant of any product

listed in Table 1 or 2 that bears instructions for use at or on any indoor sites (except mushroom houses), shall not be lawful under FIFRA as of the effective date of the cancellation order, except for the purposes of shipping such stocks for export consistent with section 17 of FIFRA or for proper disposal.

4. *Retail and Other Distribution or Sale of Existing Stock of Products For Indoor Use.* The distribution or sale of existing stocks by any person other than the registrants of products listed in Table 1 or 2 bearing instructions for any indoor uses except mushroom houses will not be lawful under FIFRA after December 31, 2002, except for the purposes of shipping such stocks for export consistent with section 17 of FIFRA or for proper disposal.

5. *Use of existing stocks.* EPA intends to permit the use of existing stocks of products listed in Table 1 or 2 until such stocks are exhausted, provided such use is in accordance with the existing labeling of that product.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: November 22, 2002.

Lois Rossi,

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

[FR Doc. 02-31013 Filed 12-6-02; 8:45am]

BILLING CODE 6560-50-S

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-7413-3]

#### Napa State Hospital—Administrative Consent Agreement and Final Order; Notice of Proposed Administrative Consent Agreement and Final Order Pursuant to Section 311(b)(6) of the Clean Water Act

**AGENCY:** Environmental Protection Agency, Region IX.

**ACTION:** Notice, request for public comments.

**SUMMARY:** In accordance with section 311(b)(6)(C) of the Clean Water Act, ("CWA"), 33 U.S.C. 1321(b)(6)(C), notice is hereby given of a proposed Consent Agreement and Final Order ("CA/FO," Region 9 Docket No. OPA 9-2003-0001), which resolves penalties for alleged violations of sections 311(b)(3) and 311(j) of the CWA. The respondent to the CA/FO is the Napa State Hospital, an agency of the State of California. Through the proposed CA/FO, the Napa State Hospital will pay \$40,000 to the Oil Spill Liability Trust

Fund as a penalty for alleged violations involving the discharge of oil into waters of the United States, and the failure to prepare and maintain a spill prevention, control and countermeasure plan. The penalty included in this CA/FO was calculated in accordance with the Agency's guidance document, Civil Penalty Policy for section 311(b)(3) and section 311(j) of the Clean Water Act, dated August 1998. For 30 days following the date of publication of this notice, the Agency will receive written comments relating to the proposed CA/FO. Any person who comments on the proposed CA/FO shall be given notice of any hearing held and a reasonable opportunity to be heard and to present evidence. If no hearing is held regarding comments received, any person commenting on this proposed CA/FO may, within 30 days after the issuance of the final order, petition the Agency to set aside the CA/FO, as provided by section 311(b)(6)(C)(iii) of the CWA, 33 U.S.C. 1321(b)(6)(C)(iii).

**DATES:** Comments must be submitted on or before January 8, 2003.

**ADDRESSES:** The proposed CA/FO may be obtained from J. Andrew Helmlinger, telephone (415) 972-3904. Comments regarding the proposed CA/FO should be addressed to Danielle Carr (ORC-3) at 75 Hawthorne Street, San Francisco, California 94105, and should reference the Napa State Hospital and Region IX docket OPA 9-2003-0001.

**FOR FURTHER INFORMATION CONTACT:** J. Andrew Helmlinger, Office of Regional Counsel, (415) 972-3904, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Dated: November 14, 2002.

Debbie Jordan,

Acting Director, Superfund Division.

[FR Doc. 02-30121 Filed 12-6-02; 8:45 am]

BILLING CODE 6560-50-P

#### FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-02-49-A (Auction No. 49); DA 02-3287]

#### Auction No. 49 Auction of Lower 700 MHz Band Licenses Scheduled for April 16, 2003; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces the auction of 251 licenses in the Lower 700

MHz band C block (710-716/740-746 MHz) scheduled to commence on April 16, 2003. This document also seeks comment on reserve prices or minimum opening bids and other auction procedures.

**DATES:** Comments are due on or before December 16, 2002, and reply comments are due on or before December 23, 2002.

**ADDRESSES:** Comments and reply comments must be sent by electronic mail to the following address: [auction49@fcc.gov](mailto:auction49@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** *Legal questions:* Howard Davenport (202) 418-0660; *General auction questions:* Lyle Ishida (202) 418-0660 or Linda Sanderson (717) 338-2888. *For service rule questions:* Amal Abdallah, Policy and Rules Branch, or Joanne Epps and Melvin Spann, Licensing and Technical Analysis Branch, at (202) 418-0620.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Auction No. 49 Comment Public Notice* released December 2, 2002. The complete text of the *Auction No. 49 Comment Public Notice*, including attachments, is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. *Auction No. 49 Comment Public Notice* may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com).

1. By the *Auction No. 49 Comment Public Notice*, the Wireless Telecommunications Bureau ("Bureau") announces the auction of 251 licenses in the Lower 700 MHz band C block (710-716/740-746 MHz) scheduled to commence on April 16, 2003 (Auction No. 49). This auction will include the C block licenses that remained unsold in Auction No. 44, which closed on September 18, 2002. A complete list of licenses available for Auction No. 49 is included as Attachment A of the *Auction No. 49 Comment Public Notice*. The C block is a 12-megahertz spectrum block, consisting of a pair of 6-megahertz segments, which is licensed over 734 Metropolitan Statistical Areas ("MSAs") and Rural Service Areas ("RSAs").

2. The following table contains the block/frequency cross-reference for the 710-716/740-746 MHz bands: