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n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

**Linwood A. Watson, Jr.,**  
Deputy Secretary.

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## ENVIRONMENTAL PROTECTION AGENCY

[OPP-2002-0295; FRL-7279-2]

### Tetrachlorvinphos; Availability of Interim Risk Management Decision Document

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of the interim risk management decision document for tetrachlorvinphos. This decision document has been developed as part of the public participation process that EPA and the U.S. Department of Agriculture (USDA) are now using for involving the public in the reassessment of pesticide tolerances under the Food

Quality Protection Act (FQPA), and the reregistration of individual organophosphate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Demson Fuller, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8062; e-mail address: [fuller.demson@epamail.epa.gov](mailto:fuller.demson@epamail.epa.gov).

#### SUPPLEMENTARY INFORMATION

##### I. General Information

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

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the interim risk management decision document for tetrachlorvinphos, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food and pets. Since other entities also may 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-2002-0295. 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 submit or 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. What Action is the Agency Taking?

EPA has assessed the risks of tetrachlorvinphos and reached an Interim Tolerance Reassessment Eligibility Decision (TRED) or a Report on FQPA Tolerance Reassessment Progress and Interim Risk Management Decision for this pesticide. With risk mitigation measures adopted, tetrachlorvinphos fits into its own risk cup-its individual, aggregate risks are within acceptable levels. The RED for tetrachlorvinphos was completed in 1995. At that time, the Agency assessed the risk for dietary, occupational, ecological, and residential concerns. With the passage of FQPA, the tolerances for tetrachlorvinphos needed to be reassessed according to the FQPA safety standard. In this current assessment, the Agency looked at dietary, residential and occupational concerns.

Tetrachlorvinphos is currently applied dermally to livestock to control flies and mites; used as a feed-through (oral) larvicide in cattle, hogs, goats, and horses; in cattle ear tags to control flies; and in poultry production to control beetles, flies, and mites. Tetrachlorvinphos also is used as a dust/powder, aerosol, and pump spray on pets and in pet sleeping areas, and in collars and shampoos for direct treatment of pets. It is used as a spray to control nuisance and public health pests (flies) in and around refuse sites, recreational areas, and for general outdoor treatment.

Dietary risks from eating food items containing residues of tetrachlorvinphos are below the level of concern for the entire U.S. population, including infants and children. Drinking water is not a significant source of exposure. Residential handler and post application risks were also not of concern for all exposure scenarios. However, the Agency has concern over

the potential for over-application of powder products. Labels need to be modified to specify how much product to apply to treat pets of different sizes. Additionally, based on discussions with stakeholders, EPA believes that directions for outdoor uses as premise sprays around kennels, yards, campgrounds, and parks, and along foot paths and roadways leading to such areas, must clearly limit use to spot treatments only.

Worker risks for most scenarios are not of concern if measures to reduce exposure, such as personal protective equipment, are used. However, use of the EC formulation as a paint-on poses high risks to workers despite the maximum protection feasible. Therefore this use will be removed from product labels. For other scenarios, such as applying dusts with power dusting equipment, additional data are needed to confirm that risks to workers will not be excessive.

In addition, EPA has determined that labels for tetrachlorvinphos feed-through products for horses must state that the product is a cholinesterase inhibitor, describe signs of cholinesterase inhibition in horses, caution against the use with other cholinesterase inhibiting compounds, and direct horse owners to consult a veterinarian before using products containing tetrachlorvinphos on debilitated, aged, breeding, pregnant or nursing animals.

The interim risk management decision document for tetrachlorvinphos was made through the organophosphate pesticide pilot public participation process, which increases transparency and maximizes stakeholder involvement in EPA's development of risk assessments and risk management decisions. The pilot public participation process was developed as part of the EPA-USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development

of organophosphate pesticide risk assessments and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation.

EPA worked extensively with affected parties to reach the decisions presented in the interim risk management decision documents, which conclude the pilot public participation process for tetrachlorvinphos. As part of the pilot public participation process, numerous opportunities for public comment were offered as these interim risk management decision documents were being developed. The tetrachlorvinphos interim risk management decision document therefore is issued in final, without a formal public comment period. The docket remains open, however, and any comments submitted in the future will be placed in the public docket.

The risk assessments for tetrachlorvinphos were released to the public through a notice published in the **Federal Register** of January 15, 1999 (64 FR 2644) (FRL-6056-9) and March 27, 2000 (65 FR 16197) (FRL-6551-4). Addenda to these assessments are also available in the public docket.

EPA's next step under FQPA is to complete a cumulative risk assessment and risk management decision for the organophosphate pesticides, which share a common mechanism of toxicity. The interim risk management decision document on tetrachlorvinphos cannot be considered final until this cumulative assessment is complete.

When the cumulative risk assessment for the organophosphate pesticides has been completed, EPA will issue its final tolerance reassessment decision for tetrachlorvinphos and further risk mitigation measures may be needed.

#### List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: December 3, 2002.

Lois A. Rossi,

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7423-8]

### Clean Water Act Section 303(d): Final Agency Action on 37 Total Maximum Daily Loads (TMDLs)

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces final agency action on 37 TMDLs prepared by EPA Region 6 for waters listed in the state of Arkansas, under section 303(d) of the Clean Water Act (CWA). These TMDLs were completed in response to the lawsuit styled *Sierra Club, et al. v. Clifford, et al.*, No. LR-C-99-114. Documents from the administrative record files for the final 37 TMDLs, including TMDL calculations and responses to comments, may be viewed at <http://www.epa.gov/earth1r6/6wq/artmdl.htm>.

**ADDRESSES:** The administrative record files for these 37 TMDLs may be obtained by writing or calling Ms. Ellen Caldwell, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733. Please contact Ms. Caldwell to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Ellen Caldwell at (214) 665-7513.

**SUPPLEMENTARY INFORMATION:** In 1999, five Arkansas environmental groups, the Sierra Club, Federation of Fly Fishers, Crooked Creek Coalition, Arkansas Fly Fishers, and Save our Streams (plaintiffs), filed a lawsuit in Federal Court against the United States Environmental Protection Agency (EPA), styled *Sierra Club, et al. v. Browner et al.*, No. LR-C-99-114. Among other claims, plaintiffs alleged that EPA failed to establish Arkansas TMDLs in a timely manner.

### EPA Takes Final Agency Action on 37 TMDLs

By this notice EPA is taking final agency action on the following 37 TMDLs for waters located within the state of Arkansas:

Segment-reach	Waterbody name	Pollutant
11140203-20-11.9 .....	Dorcheat Bayou .....	Mercury
11140203-22-8.4 .....	Dorcheat Bayou .....	Mercury
11140203-24-7 .....	Dorcheat Bayou .....	Mercury
11140203-26-23.3 .....	Dorcheat Bayou .....	Mercury
11110206-02-8.7 .....	Fourche LaFave River .....	Mercury
11010014-36 .....	South Fork Little Red River .....	Mercury
11140203 .....	Columbia Lake .....	Mercury