

Implementation Plan (SIP) and Title V permit modification procedure in accordance with state of South Dakota's rule,

- 5. Permit fails to require sufficient periodic opacity monitoring,
- 6. Permit fails to require prompt reporting of opacity deviations,
- 7. Permit does not require "prompt" reporting,
- 8. Permit fails to subject the facility to Maximum Achievable Control Technology (MACT), and
- 9. Permit contains other Conditions (5.4, 6.1, 6.3 and 6.5) that warrant objection by the Administrator.

On March 22, 2007, the Administrator issued an Order partially granting and partially denying the petition. The Order explains the reasons for partially granting the petition and directs DENR to revise and/or remove specific permit language and/or discussions in the Statement of Basis. The Order also directs DENR to provide additional information to support certain permit Conditions. Finally, the Order explains the reasons for denying the petitioners' remaining claims.

Dated: April 4, 2007.

**Kerrigan G. Clough,**

*Deputy Regional Administrator, Region 8.*

[FR Doc. E7-7351 Filed 4-17-07; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[OH-166-1; FRL-8301-6]

**Adequacy Status of the Youngstown, OH, Submitted 8-Hour Ozone Redesignation and Maintenance Plan for Transportation Conformity Purposes**

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found that the motor vehicle emissions budgets (MVEBs) for volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) in the Youngstown, Ohio area (Columbiana, Mahoning, and Trumbull Counties) are adequate for use in transportation conformity determinations. Ohio submitted these budgets with an 8-hour ozone redesignation request and maintenance plan on December 4, 2006, and February 20, 2007. As a result of our finding, Youngstown, Ohio must use the MVEBs from the submitted 8-hour ozone redesignation and maintenance plan for future conformity determinations.

**DATES:** This finding is effective May 3, 2007.

**FOR FURTHER INFORMATION CONTACT:** Anthony Maietta, Life Scientist, Criteria Pollutant Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8777, [Maietta.anthony@epa.gov](mailto:Maietta.anthony@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document, whenever "we", "us" or "our" is used, we mean EPA.

**Background**

Today's notice is simply an announcement of a finding that we have already made. On March 21, 2007, EPA Region 5 sent a letter to the Ohio Environmental Protection Agency stating that the 2009 and 2018 MVEBs for the Youngstown area, which were submitted with the 8-hour ozone redesignation request and maintenance plan, are adequate. Receipt of these MVEBs was announced on EPA's conformity Web site, and no comments were submitted. The finding is available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

The adequate 2009 and 2018 MVEBs, in tons per day (tpd), for VOC and NO<sub>x</sub> for Youngstown are as follows:

	2005 MVEB (tpd)	2018 MVEB (tpd)
VOC .....	19.58	10.36
NO <sub>x</sub> .....	33.71	13.29

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans and establishes the criteria and procedures for determining whether or not they do. Conformity to a State Implementation Plan (SIP) means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). We have described our process for determining the adequacy of submitted SIP budgets in our July 1, 2004, preamble starting at 69 FR 40038, and we used the information in these resources while making our adequacy determination. Please note that an

adequacy review is separate from EPA's completeness review, and it also should not be used to prejudice EPA's ultimate approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

The finding and the response to comments are available at EPA's conformity Web site: <http://www.epa.gov/otaq/stateresources/transconf/adequacy.htm>.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: April 5, 2007.

**Walter W. Kovalick,**

*Acting Regional Administrator, Region 5.*

[FR Doc. E7-7367 Filed 4-17-07; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2007-0103; FRL-8124-4]

**Pyridate; Notice of Receipt of Requests to Voluntarily Cancel and to Terminate Uses of Certain Pesticide Registrations**

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of a request by a registrant to voluntarily cancel its registrations for all products containing the pesticide pyridate. This notice announces receipt by EPA of a request from the registrant Syngenta Crop Protection, Inc., to cancel all remaining pyridate product registrations. The request would terminate the last pyridate products registered for use in the United States. The last remaining pyridate products registered under FIFRA Section 3 were cancelled in 2004 for failure to pay the required annual maintenance fee (See Unit II for **Federal Register** cite), but there are several FIFRA 24(c) Special Local Needs registrations (for weed control on mint) that are still active. Syngenta Crop Protection, Inc., the registrant for all of the currently registered FIFRA 24(c) products, has requested cancellation of all of the remaining pyridate 24(c) products. EPA intends to grant this request at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the request, or unless the registrant withdraws their request within this period. Upon acceptance of this request, any sale,

distribution, or use of products listed in this notice will be permitted only if such sale, distribution, or use is consistent with the terms as described in the final order.

**DATES:** Comments must be received on or before October 15, 2007.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2007-0103, by one of the following methods:

• *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

• *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

• *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

*Instructions:* Direct your comments to docket ID number EPA-HQ-OPP-2007-0103. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The Federal [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the docket index available in [www.regulations.gov](http://www.regulations.gov). To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the [www.regulations.gov](http://www.regulations.gov) web site to view the docket index or access available documents. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** John W. Pates, Jr., Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-308-8195; fax number: 703-308-7070; e-mail address: [pates.john@epa.gov](mailto:pates.john@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

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

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others 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. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

##### **II. Background on the Receipt of Requests to Cancel Registrations to Delete Uses**

This notice announces receipt by EPA of a request from the registrant Syngenta Crop Protection, Inc., to cancel all remaining pyridate product registrations. Pyridate is a terrestrial herbicide classified as a pyrazole thiocarbonate chlorine.

In a letter dated January 12, 2007, Syngenta Crop Protection, Inc. requested that EPA cancel all product registrations and terminate all uses of

the pesticide product registrations identified in this notice (Table 1). The request would terminate the last pyridate products registered for use in the United States. The last remaining pyridate products registered under FIFRA Section 3 were cancelled in 2004 for failure to pay the required annual maintenance fee October 27, 2004, (69 FR 62666) (FRL 7683-7), but there are several FIFRA 24(c) Special Local Needs registrations (for weed control on mint) that are still active. Syngenta Crop Protection, Inc. has now requested cancellation of all of the remaining pyridate 24(c) registrations. The registrant's request will terminate the last pyridate products registered in the United States for these uses.

### III. What Action is the Agency Taking?

This notice announces receipt by EPA of a request from a registrant to cancel all pyridate product registrations. The affected products and the registrant making the request are identified in Tables 1 and 2 of this unit.

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that their pesticide registrations be canceled or amended to terminate one or more pesticide uses. Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, section 6(f)(1)(C) of FIFRA requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

Because the pyridate registrant has not expressly waived the 180-day comment period, EPA will provide a 180-day comment period on the proposed requests.

Unless a request is withdrawn by the registrant within 180 days of publication of this notice, or if the Agency determines that there are substantive comments that warrant further review of this request, an order will be issued canceling the affected registrations.

TABLE 1.—PYRIDATE PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product name	Company
CA010008	Tough 5EC	Syngenta Crop Protection, Inc.
ID010006	Tough 5EC	Syngenta Crop Protection, Inc.
IN010001	Tough 5EC	Syngenta Crop Protection, Inc.
MT010003	Tough 5EC	Syngenta Crop Protection, Inc.
ND000007	Tough 5EC	Syngenta Crop Protection, Inc.
OR010005	Tough 5EC	Syngenta Crop Protection, Inc.
WA010007	Tough 5EC	Syngenta Crop Protection, Inc.
*WI010005	Tough 5EC	Syngenta Crop Protection, Inc.

\* Section 24c use in Wisconsin (WI010005) has expired and will not be reinstated.

Table 2 of this unit includes the name and address of record for the registrant of the products listed in Table 1 of this unit.

TABLE 2.—REGISTRANT REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company name and address
100	Syngenta Crop Protection, Inc. P.O. Box 18300 Greensboro, NC 27419-8300

### IV. 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 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, following the public comment period, the Administrator may approve such a request.

### V. Procedures for Withdrawal of Request and Considerations for Reregistration of Pyridate

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 October 15, 2007. 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 products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

### VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. If this request for voluntary cancellation is granted, the Agency intends to issue a cancellation order that will allow persons other than the registrant to continue to use the FIFRA 24(c) labels to apply existing stocks of the previously-cancelled parent Section 3 product, Tough 5EC (EPA Reg. No. 100-880), to mint, provided such use is consistent with the 24(c) labels, until such existing stocks are exhausted. The registrant will not be permitted to sell or distribute the previously-cancelled parent Section 3 product, Tough 5EC (EPA Reg. No. 100-880), but existing stocks already in the hands of dealers or users may be distributed, sold or used legally until they are exhausted. If, as the Agency currently intends, the final cancellation order contains the existing stocks provision just described, the order will be sent only to the affected registrants of the cancelled products. If the Agency determines that the final cancellation order should contain existing stocks provisions different than the ones just described, the Agency will publish the cancellation order in the **Federal Register**.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 6, 2007.

**Debra Edwards,**

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

[FR Doc. E7-7258 Filed 4-17-07; 8:45 am]

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