

Insecticide, Fungicide, and Rodenticide Act (FIFRA) or the Federal Food, Drug and Cosmetic Act (FFDCA).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. 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 a docket for this action under docket ID number EPA-HQ-OPP-2009-0008. 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 Office of Pesticide Programs (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 Facility 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>.

## II. Tentative Agenda

1. Report from the new TPPC Administrator.
2. Report on the international IPM conference.
3. Presentation on the inspection needs of tribes along the Colorado River.
4. Updates from OPP and EPA's Office of Enforcement and Compliance Assurance.
5. EPA Regional reports.
6. Discussion on the use of restricted-use pesticides in Indian country.
7. Tribal Caucus (TPPC only).

## III. How Can I Request to Participate in this Meeting?

If you wish to participate in this meeting, you may submit a request to the person listed under **FOR FURTHER INFORMATION CONTACT**. Do not submit any information in your request that is considered Confidential Business Information. Requests to participate in the meeting, identified by docket ID number EPA-HQ-OPP-2009-0008, must be received on or before September 8, 2009.

## List of Subjects

Environmental protection, pesticides and pests, Tribes.

Dated: August 17, 2009.

**William R. Diamond,**

*Director, Field and External Affairs Division, Office of Pesticide Programs.*

[FR Doc. E9-20605 Filed 8-25-09; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8949-9]

### National Emission Standards for Hazardous Air Pollutants; Announcement of EPA Letter Addressing Recent Court Decision

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

**ACTION:** Notice.

**SUMMARY:** On December 19, 2008, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) vacated two provisions in EPA's General Provisions Rule promulgated under section 112 of the Clean Air Act that exempt sources from the requirement to comply with otherwise applicable section 112(d) emission standards during periods of startup, shutdown and malfunction. We are announcing the public availability of a letter that EPA has issued addressing concerns that have been raised regarding the impact of that decision if the mandate effectuating the vacatur issues.

**DATES:** August 26, 2009, EPA announces the availability of EPA's letter related to a recent court decision regarding 40 CFR 63.6(f)(1) and (h)(1).

**FOR FURTHER INFORMATION CONTACT:** Mr. Charlie Garlow, U.S. EPA Office of Enforcement and Compliance Assurance, Office of Civil Enforcement, Air Enforcement Division (MAIL CODE 2242A), 1200 Pennsylvania Avenue, Washington, DC 20460, telephone number (202) 564-1088, fax number (202) 564-0068, e-mail address: [garlow.charlie@epa.gov](mailto:garlow.charlie@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA recently issued a letter, dated July 22, 2009, from Adam Kushner, Director, Office of Civil Enforcement, to various parties that addresses concerns that have been raised regarding the impact of the decision in *Sierra Club v. EPA*, 551 F.3d 1019 (DC Cir. 2008). In that decision, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) vacated 40 CFR 63.6(f)(1) and (h)(1), which are two provisions in EPA's General Provisions

Rule promulgated under section 112 of the Clean Air Act that exempt sources from the requirement to comply with otherwise applicable section 112(d) emission standards during periods of startup, shutdown and malfunction. Industry intervenors appealed the December 2008 *Sierra Club* decision by filing petitions for rehearing. On July 30, 2009, the DC Circuit denied these petitions. On August 5, 2009, EPA filed a motion seeking a 60-day stay of the mandate. On August 6, 2009, Industry intervenors filed a motion to stay the mandate pending their appeal of the decision to the United States Supreme Court. Until the D.C. Circuit issues a mandate effectuating the vacatur, 40 CFR 63.6(f)(1) and (h)(1) remain in effect. EPA has posted a copy of the July 22, 2009 letter and a copy of the *Sierra Club* decision on the EPA Office of Enforcement and Compliance Assurance Web site at <http://www.epa.gov/compliance/civil/caa/ssm.html>. EPA has also included on the Web site a copy of relevant pleadings in the *Sierra Club* litigation. EPA intends to update this Web site as appropriate with additional information relating to the *Sierra Club* decision.

Dated: August 14, 2009.

**Cynthia Giles,**

*Assistant Administrator, Office of Enforcement and Compliance Assurance.*

[FR Doc. E9-20593 Filed 8-25-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0208; FRL-8429-6]

### Maneb; Product Cancellation Order

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the cancellations, voluntarily requested by the registrant and accepted by the Agency, of products containing the pesticide maneb, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a September 12, 2008 **Federal Register** Notice of Receipt of Requests from the United Phosphorous, Inc. registrant to voluntarily cancel all their maneb product registrations. These are not the last maneb products registered for use in the United States. In the September 12, 2008 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive

comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests within this period. The Agency erroneously issued a Cancellation Order on October 14, 2008. For the reasons set forth below, on October 31, 2008, EPA revoked the October 14, 2008 cancellation. The Agency received and subsequently reviewed comments on the notice. The comments are summarized below in Unit III. This order took into consideration the comments received. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the maneb products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

**DATES:** The cancellations are effective August 26, 2009.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Giles-Parker, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7740; fax number: (703) 308-5320; e-mail address: [giles-parker.cynthia@epa.gov](mailto:giles-parker.cynthia@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. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2009-0208. 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 Office of Pesticide Programs (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 Facility 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>.

**II. What Action is the Agency Taking?**

This notice announces the cancellation, as requested by registrants, of maneb products registered under section 3 of FIFRA. These registrations are listed in ascending sequence by registration number in Table 1 of this unit.

TABLE 1—MANEB PRODUCT CANCELLATIONS

EPA Registration Number	Product Name
70506-177	Maneb 80 WP Fungicide
70506-181	Maneb Technical
70506-184	Maneb 4FL Flowable Fungicide
70506-186	Maneb 75DF Dry Flowable Fungicide

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 OF CANCELED MANEB PRODUCTS

EPA Company Number	Company Name and Address
70506	United Phosphorous Inc. 630 Freedom Business Center, Suite 402 King of Prussia, Pennsylvania 19406

**III. Summary of Public Comments Received and Agency Response to Comments**

The Agency received timely comments in regards to the **Federal Register** notice of September 12, 2008 (73 FR 53007)(FRL-8380-7). E.I. du Pont de Nemours and Company (DuPont) provided a comment expressing their concerns about the loss of the chemical if the effective date of the cancellation is prior to May 29, 2009, due to the supply demand to manufacture their

products. On December 12, 2008, DuPont submitted to the Docket a request to withdraw their earlier comment to the Docket. The Florida Fruit and Vegetable Association (FFVA) expressed concern about the cancellation of these products because of loss of use on their winter crops in Florida which could lead to economic loss and loss of their resistance management and IPM strategies. The alternative chemical, mancozeb is not currently approved for many of the uses on the maneb labels. Until a decision is made on granting tolerances for many of these uses, this commenter believes that there is still a high need to have maneb products in place. The final commenter expressed their approval of the Agency's decision to remove this chemical from the market. On October 14, 2008, the Agency issued a cancellation order effective October 14, 2008, and 12 months to use existing stocks. The order was issued in error and rescinded on October 31, 2008, due to: (1) Miscommunication between EPA staff and United Phosphorous Inc. regarding what the effective date of the cancellation time period for sale and distribution of existing stocks should have been and (2) the need to review the timely submitted comments.

**IV. Cancellation Order**

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of maneb registrations identified in Table 1 of Unit II. Accordingly, the Agency orders that the maneb product registrations identified in Table 1 of Unit II. are hereby canceled. Any distribution, sale, or use of existing stocks of the products identified in Tables 1 of Unit II. in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI. will be considered a violation of FIFRA.

**V. 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.

**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. The cancellation order issued in this notice includes the following existing stocks provisions.

1. The registrant may continue to sell or distribute existing stocks of maneb products identified in Table 1 of Unit II. with previously approved labeling until December 31, 2009.

2. Persons other than the registrant may continue to sell or distribute existing stocks of maneb products identified in Table 1 of Unit II. with previously approved labeling until such stocks are exhausted.

3. Persons other than the registrant may only use existing stocks of maneb products identified in Table 1 of Unit II. for the purposes of formulating end use products until March 2010. Any use of existing stocks must be in a manner consistent with the previously approved labeling for that product.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: August 11, 2009.

#### G. Jeffrey Herndon,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E9-20399 Filed 8-25-09; 8:45 a.m.]

BILLING CODE 6560-50-S

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collections

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501-3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance

the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Persons wishing to comment on this information collection should submit comments on [enter date 30 days after date of publication in the FR]. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at (202) 395-5167, or via the Internet at [Nicholas.A.Fraser@omb.eop.gov](mailto:Nicholas.A.Fraser@omb.eop.gov) and to Judith-B.Herman, Federal Communications Commission (FCC). To submit your comments by e-mail send them to: [PRA@fcc.gov](mailto:PRA@fcc.gov). To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to web page: <http://www.reginfo.gov/public/do/PRAMain>, (2) look for the section of the web page called "Currently Under Review", (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the FCC list appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR.

**FOR FURTHER INFORMATION CONTACT:** Judith Boley Herman, OMD, PERM. For additional information about the information collection(s) send an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) or contact Judith Boley Herman, 202-418-0214.

#### SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0810.  
Title: Procedures for Designation of Eligible Telecommunications Carriers (ETCs). Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended.

Form No.: N/A.  
Type of Review: Extension of a currently approved collection.  
Respondents: Business or other for-profit.

Number of Respondents: 100 respondents; 100 responses.

Estimated Time per Response: 2 - 60 hours.

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. sections 151 - 154, 201 - 205, 214, 218 - 220, 254, 303(r), and 403.

Total Annual Burden: 6,200 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: No.

Nature and Extent of Confidentiality: Pursuant to 47 CFR 0.459 of the Commission's rules, a respondent may request confidential treatment of their information. The respondent must state the reasons they do not want their information in the public record and the facts on which those reasons are based. The appropriate Bureau or Office Chief of the Commission may grant a confidentiality request that presents, by a preponderance of the evidence, a case for non-disclosure consistent with the Freedom of Information Act (FOIA), 5 U.S.C. section 552. If a confidentiality request is denied, the respondent has five days to appeal the decision before the Commission. If the appeal before the Commission is denied, the respondent has five days to seek a judicial stay.

Needs and Uses: The Commission will submit this information collection (IC) to the OMB as an extension during this comment period to obtain the full three-year clearance from them. The Commission reported an increase in the total annual burden in the 60 day notice (74 FR 27544). However, the Commission has determined that the total annual burden was not 9,200 hours but should remain unchanged at 6,200 hours.

Section 214(e)(6) states that a telecommunications carrier that is not subject to the jurisdiction of a state may request that the Commission determine whether it is eligible to receive universal service support. The Commission must evaluate whether such telecommunications carriers meet the eligibility criteria set forth in the Act. The Commission concluded that petitions for designation filed under Section 214(e)(6) relating to "near reservation" areas will not be considered as petitions relating to tribal lands and as a result, petitioners seeking eligible telecommunications carrier (ETC) designation in such areas must follow the procedures outlined in CC Docket No. 96-45, Twelfth Report and Order and Further Notice of Proposed Rulemaking, FCC 00-258 (rel. June 8, 2000), (Tribal Lands Order), for non-tribal lands prior to submitting a request for designation to this Commission under Section 214(e)(6).

OMB Control Number: 3060-0824.