

TABLE— REGISTRATION REVIEW PROPOSED FINAL DECISIONS—Continued

| Registration Review Case Name and Number | Pesticide Docket ID Number | Regulatory Action Leader, Telephone Number, E-mail Address                                      |
|--|----------------------------|---|
| Capsaicin (case number 4018)             | EPA-HQ-OPP-2009-0121       | Chris Pfeifer, (703) 308-0031, <a href="mailto:pfeifer.chris@epa.gov">pfeifer.chris@epa.gov</a> |

The registration review docket for a pesticide includes earlier documents related to the registration review of the case. For example, the review opened with the posting of a Summary Document, containing a Preliminary Work Plan, for public comment. A Final Work Plan was posted to the docket following public comment on the initial docket.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the table in Unit II.A., as well as the Agency's subsequent risk findings. These proposed registration review decisions are supported by the rationales included in those documents..

Following public comment, the Agency will issue final registration review decisions for products containing the pesticides listed in the table in Unit II.A.

The registration review program is being conducted under Congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, required EPA to establish, by regulation, procedures for reviewing pesticide registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in August 2006 and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed decision. All comments should be

submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the table in Unit II.A. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a "Response to Comments Memorandum" in the docket. The final registration review decision will explain the effects that any comments had on the decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: [http://www.epa.gov/oppsrrd1/registration\\_review](http://www.epa.gov/oppsrrd1/registration_review). Links to earlier documents related to the registration review of these pesticides are provided at: [http://www.epa.gov/oppsrrd1/registration\\_review/reg\\_review\\_status.htm](http://www.epa.gov/oppsrrd1/registration_review/reg_review_status.htm).

#### *B. What is the Agency's Authority for Taking this Action?*

Section 3(g) of FIFRA and 40 CFR part 155, subpart C, provide authority for this action.

#### **List of Subjects**

Environmental protection, Administrative practice and procedure, Pesticides and pests, Garlic oil and Capsaicin.

Dated: April 22, 2010.

#### **W. Michael McDavit,**

*Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

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**BILLING CODE 6560-50-S**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9144-2]

### **Science Advisory Board Staff Office; Request for Nominations of Candidates for EPA's Advisory Council on Clean Air Compliance Analysis (Council) EPA's Clean Air Scientific Advisory Committee (CASAC) and EPA's Science Advisory Board (SAB)**

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

**ACTION:** Notice.

**SUMMARY:** The U.S. Environmental Protection Agency's (EPA) Science Advisory Board (SAB) Staff Office is soliciting nominations for consideration of membership on EPA's Advisory Council on Clean Air Compliance Analysis (Council), EPA's Clean Air Scientific Advisory Committee (CASAC), and EPA's Science Advisory Board (SAB).

**DATES:** Nominations should be submitted in time to arrive no later than June 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** Nominators unable to submit nominations electronically as described below, may submit a paper copy by contacting Ms. Wanda Bright, U.S. EPA SAB Staff Office (Mail Code 1400F), 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (UPS/FedEx/ Courier address: US EPA SAB, Suite 3600, 1025 F Street, NW., Washington, DC 20004), (202) 343-9986 (telephone), (202) 233-0643 (fax), or via e-mail at [bright.wanda@epa.gov](mailto:bright.wanda@epa.gov). General inquiries regarding the work of the Council, CASAC and SAB may be directed to Dr. Anthony F. Maciorowski, Deputy Director, US EPA SAB Staff Office, (202) 343-9983 (telephone), or via e-mail at [maciorowski.anthony@epa.gov](mailto:maciorowski.anthony@epa.gov).

**Background:** Established by statute, the Council (42 U.S.C. 7612), the CASAC (42 U.S.C. 7409) and SAB (42 U.S.C. 4365) are EPA's chartered Federal Advisory Committees that provide independent scientific and technical peer review, consultation, advice and recommendations directly to the EPA Administrator on a wide variety of EPA science activities. As Federal Advisory Committees, the

Council, CASAC, and SAB conduct business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations. Generally, Council, CASAC and SAB meetings are announced in the Federal Register, conducted in public view, and provide opportunities for public input during deliberations. Additional information about these Federal Advisory Committees may be found at <http://www.epa.gov/advisorycouncilcaa>, <http://www.epa.gov/casac> and <http://www.epa.gov/sab>, respectively.

Members of the Council, CASAC, and the SAB, constitute a distinguished body of non-EPA scientists, engineers, economists, and social scientists that are nationally and internationally recognized experts in their respective fields. Members are appointed by the EPA Administrator for a period of three years, with the possibility of re-appointment to a second three-year term. This notice specifically requests nominations for the chartered Council, the chartered CASAC, and the chartered SAB.

*Expertise Sought:* The Council was established in 1990 pursuant to the Clean Air Act (CAA) Amendments of 1990 to provide advice and recommendations to the EPA Administrator on technical and economic aspects of the impacts of the Clean Air Act (CAA) on the public health, economy, and environment of the United States. The SAB Staff office is seeking nominations for individuals to serve on the Council with demonstrated expertise in air pollution issues. A nominee's expertise may include the following disciplines: *Environmental economics; economic modeling; air quality modeling; atmospheric science and engineering; ecology and ecological risk assessment; epidemiology; environmental health sciences; statistics; and human health risk assessment.*

Established in 1977 under the Clean Air Act (CAA) Amendments, the chartered CASAC reviews and offers scientific advice to the EPA Administrator on technical aspects of national ambient air quality standards for criteria pollutants. As required under the CAA section 109(d), CASAC will be composed of seven members, with at least one member of the National Academy of Sciences, one physician, and one person representing state air pollution control agencies. The SAB Staff Office is seeking nominations of experts to serve on the CASAC with demonstrated experience in the evaluation of effects of air pollution on human health and ecosystems. A nominee's expertise may include the

following disciplines: *Air quality modeling and monitoring; public health; environmental medicine; environmental health sciences; ecological sciences, and risk assessment.* We also request nominations of candidates from state pollution control agencies.

The chartered SAB was established in 1978 by the Environmental Research, Development and Demonstration Act to provide independent advice to the Administrator on general scientific and technical matters underlying the Agency's policies and actions. All the work of the SAB is under the direction of the chartered Board. The chartered Board provides strategic advice to the EPA Administrator on a variety of EPA science and research programs and reviews and approves all SAB subcommittee and panel reports. The chartered Board consists of about forty members. The SAB Staff Office is seeking nominations of experts to serve on the chartered Board in the following disciplines: *Behavioral and decision sciences; ecological sciences and risk assessment; environmental modeling; industrial ecology; environmental engineering; environmental medicine; pediatrics; public health; and human health risk assessment.*

*How to Submit Nominations:* Any interested person or organization may nominate qualified persons to be considered for appointment to these chartered advisory committees and SAB subcommittees. Individuals may self-nominate. Qualified nominees will demonstrate appropriate scientific education, training, and experience to evaluate basic and applied science issues addressed by these advisory committees. Successful nominees will have distinguished themselves professionally and be available to invest the time and effort in providing advice and recommendations on the development and application of science at EPA. Nominations should be submitted in electronic format (preferred) following the instructions for "Nominating Experts to a Chartered Advisory Committee" provided on the SAB Web site. The form can be accessed through the "Nomination of Experts" link on the blue navigational bar on the SAB Web site at <http://www.epa.gov/sab>. To be considered, all nominations should include the information requested. EPA values and welcomes diversity. In an effort to obtain nominations of diverse candidates, EPA encourages nominations of women and men of all racial and ethnic groups.

Nominators are asked to identify the specific committee(s) for which nominees would like to be considered. The nominating form requests contact

information about: The person making the nomination; contact information about the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's curriculum vita; and a biographical sketch of the nominee indicating current position, educational background; research activities; and recent service on other national advisory committees or national professional organizations. Persons having questions about the nomination procedures, or who are unable to submit nominations through the SAB Web site, should contact Ms. Wanda Bright as indicated above in this notice. Non-electronic submissions must follow the same format and contain the same information as the electronic form. The SAB Staff Office will acknowledge receipt of nominations.

Candidates invited to serve will be asked to submit the "Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency" (EPA Form 3110-48). This confidential form allows EPA to determine whether there is a statutory conflict between that person's public responsibilities as a Special Government Employee and private interests and activities, or the appearance of a lack of impartiality, as defined by Federal regulation. The form may be viewed and downloaded through the "Ethics Requirements for Advisors" link on the blue navigational bar on the SAB Web site at <http://www.epa.gov/sab>. This form should not be submitted as part of a nomination.

The SAB Staff Office seeks candidates who possess the necessary domains of knowledge, and relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation) to adequately address scientific issues facing the Agency. The primary criteria to be used in evaluating potential nominees will be scientific and/or technical expertise, knowledge, and experience. Additional criteria that will be used to evaluate technically qualified nominees will include: The absence of financial conflicts of interest; scientific credibility and impartiality; availability and willingness to serve; and the ability to work constructively and effectively on committees. The selection of new members for each of the chartered committees will also include consideration of the collective breadth and depth of scientific expertise; a balance of scientific perspectives; continuity of knowledge and understanding of EPA missions and environmental programs; and diversity

factors (e.g., geographical areas and professional affiliations).

Dated: April 22, 2010.

**Vanessa T. Vu,**

*Director, EPA Science Advisory Board Staff Office.*

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**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[AU Docket No. 10-31; DA 10-524]

### Closed Auction of Broadcast Construction Permits Scheduled for July 20, 2010; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 88

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces the procedures and minimum opening bids for the upcoming auction of identified Broadcast construction permits (Auction 88). This document is intended to familiarize prospective bidders with the procedures and minimum opening bids for the auction.

**DATES:** Applications to participate in Auction 88 must be filed prior to 6 p.m. Eastern Time (ET) on May 13, 2010. Bidding for construction permits in Auction 88 is scheduled to begin on July 20, 2010.

**FOR FURTHER INFORMATION CONTACT:**

*Wireless Telecommunications Bureau, Auctions and Spectrum Access Division:* For legal questions: Lynne Milne or Howard Davenport at (202) 418-0660. For general auction questions: Jeff Crooks at (202) 418-0660 or Linda Sanderson at (717) 338-2868. *Media Bureau, Audio Division:* For licensing information and service rule questions: Lisa Scanlan or Tom Nessinger at (202) 418-2700. To request materials in accessible formats (Braille, large print, electronic files or audio format) for people with disabilities, send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Auction 88 Procedures Public Notice*, which was released on March 31, 2010. The complete text of the *Auction 88 Procedures Public Notice*, including attachments, as well as related Commission documents, are available for public inspection and copying from 8 a.m. to 4:30 p.m. ET

Monday through Thursday and from 8 a.m. to 11:30 a.m. ET on Friday in the FCC Reference Information Center, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The *Auction 88 Procedures Public Notice* and related Commission documents may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or Web site: <http://www.BCPIWEB.com>, using document number DA 10-524 for the *Auction 88 Procedures Public Notice*. The *Auction 88 Procedures Public Notice* and related documents are also available on the Internet at the Commission's Web site: <http://wireless.fcc.gov/auctions/88/>.

### I. General Information

#### A. Introduction

1. The Wireless Telecommunications Bureau and the Media Bureau (collectively, the Bureaus) announce the procedures and minimum opening bid amounts for the upcoming closed auction of certain broadcast AM, FM, and FM Translator construction permits. This auction, which is designated as Auction 88, is scheduled to commence on July 20, 2010. Auction 88 is a closed auction; only those entities listed in Attachment A of the *Auction 88 Procedures Public Notice* will be eligible to participate in this auction. On February 4, 2010, the Bureaus released a public notice seeking comment on competitive bidding procedures to be used in Auction 88. Interested parties submitted six comments and one reply comment in response to the *Auction 88 Comment Public Notice*, 75 FR 8070, Feb. 23, 2010.

#### B. Construction Permits in Auction 88

2. Auction 88 will offer construction permits for 13 commercial full-power FM stations, one commercial FM translator station, and one commercial AM station as listed in Attachment A of the *Auction 88 Procedures Public Notice*. The Bureaus explained that, due to a database error, the channel for the Rosendale, New York, FM allotment (construction permit MM-FM750-273A) was listed in Attachment A to the *Auction 88 Comment Public Notice* as Channel 273A, when in fact the correct channel (as reflected in Attachment A of the *Auction 88 Procedures Public Notice*) is Channel 255A at Rosendale. Accordingly, the winning bidder for the Rosendale permit will be required to amend its application to specify operation on Channel 255. In Auction

88, the construction permit will be referred to as MM-FM750-255A. Despite commenter suggestions that the Commission should postpone conducting any auction for a permit for the FM Channel 251A allotment at Santa Isabel, Puerto Rico, on the basis of uncertainties concerning technical issues that may pose difficulties in implementing broadcast operations on this channel, the Bureaus will offer this permit in Auction 88.

3. Attachment A of the *Auction 88 Procedures Public Notice* identifies the closed groups of mutually exclusive applications for each construction permit in this auction. Four applicants notified the Bureaus that changes to the applicant's name occurred after the original construction permit application had been filed. Notwithstanding notification of such a change through paper-filed application amendments, the Commission databases were never updated to reflect the new applicant name. Consequently, these applicants were listed under the original applicant name in the *Auction 88 Comment Public Notice*. Attachment A of the *Auction 88 Procedures Public Notice* reflects the name changes for the following four applicants: (i) BBK Broadcasting, Inc. to Radio Plus, Inc., (ii) Directel Inc. to SCHC Lubbock Application, Inc., (iii) Music Express Broadcasting, Inc. to Music Express Broadcasting Corp., and (iv) Rosen Broadcasting, Inc. to CHET-5 Broadcasting, L.P.

4. An applicant listed in Attachment A of the *Auction 88 Procedures Public Notice* may become qualified to bid only if it meets the filing, qualification and payment requirements. Each qualified bidder will be eligible to bid on only those construction permits specified for that qualified bidder in Attachment A of the *Auction 88 Procedures Public Notice*. All applicants within these groups of mutually exclusive applications (MX groups) are directly mutually exclusive with one another; therefore no more than one construction permit will be awarded for each MX group.

i. Dismissal of Applications for Failure To Submit FRN

5. The *Auction 88 Comment Public Notice* established a deadline for the submission to the Commission of an FCC Registration Number (FRN) by each applicant, and warned of disqualification from participation in the auction and dismissal of any application where the applicant failed to provide its FRN by the deadline on March 12, 2010. Attachment B of the *Auction 88 Procedures Public Notice*