

DATES: Comments on this notice must be received by EPA at the address listed below by February 3, 2011.

FOR FURTHER INFORMATION CONTACT: David Read, Attorney Advisor, Environmental Protection Agency, National Vehicle Fuel Emissions Laboratory, Office of Air and Radiation, 2565 Plymouth Road, Ann Arbor, MI 48105, telephone (734) 214-4367.

Dated: January 12, 2011.

Geoff Cooper,

Assistant General Counsel, General Law Office.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-1023; FRL-8858-6]

Notice of Intent To Suspend Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), announces a notice of intent to suspend issued by EPA pursuant to section 3(c)(2)(B) of FIFRA. The Notice of Intent to Suspend was issued following the Agency's issuance of a Data Call-In notice (DCI), which required the registrants of the affected pesticide products containing a certain pesticide active ingredient to take appropriate steps to secure certain data, and following the registrant's failure to submit these data or to take other appropriate steps to secure the required data. The subject data were determined to be required to maintain in effect the

existing registrations of the affected products. Failure to comply with the data requirements of a DCI is a basis for suspension of the affected registrations under section 3(c)(2)(B) of FIFRA.

DATES: The Notice of Intent to Suspend included in this **Federal Register** notice will become a final and effective suspension order automatically by operation of law 30 days after the date of the registrant's receipt of the mailed Notice of Intent to Suspend or February 18, 2011 (if the mailed notice of intent to suspend is returned to the Administrator as undeliverable, if delivery is refused, or if the Administrator otherwise is unable to accomplish delivery to the registrant after making reasonable efforts to do so), unless during that time a timely and adequate request for a hearing is made by a person adversely affected by the Notice of Intent to Suspend or the registrant has satisfied the Administrator that the registrant has complied fully with the requirements that served as a basis for the Notice of Intent to Suspend. Unit IV. explains what must be done to avoid suspension under this notice (*i.e.*, how to request a hearing or how to comply fully with the requirements that served as a basis for the Notice of Intent to Suspend).

FOR FURTHER INFORMATION CONTACT: Terria Northern, Pesticide Re-evaluation Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7093; e-mail address: *northern.terria@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, farm worker 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?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2010-1023. 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.

II. Registrant Issued Notice of Intent To Suspend Active Ingredient, Product Affected, and Dates Issued

The Notice of Intent to Suspend was sent via the U.S. Postal Service (USPS) return receipt requested to the registrant for the product listed in Table 1 of this unit.

TABLE 1—LIST OF PRODUCTS

Registrant affected	Active ingredient	EPA registration number	Product name	Date EPA issued notice of intent to suspend
Stet Acquisition, Inc	Rotenone	74343-1	True Stop Insecticide	December 6, 2010

III. Basis for Issuance of Notice of Intent To Suspend; Requirement List

The registrant failed to submit the required data or information or to take

other appropriate steps to secure the required data for their pesticide products listed in Table 2 of this unit.

TABLE 2—LIST OF REQUIREMENTS

EPA registration number	Guideline # as listed in applicable DCI	Requirement name	Date EPA issued DCI	Date registrant received DCI	Final data due date	Reason for notice of intent to suspend *
74343-1	830.1550	Product identity and composition.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.1600	Description of materials used to produce the product.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.1620	Description of production process.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.1650	Description of formulation process.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.1670	Discussion of formation of impurities.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.1700	Preliminary analysis	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.1750	Certified limits	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.1800	Enforcement analytical method.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6302	Color	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6303	Physical state	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6304	Odor	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6313	Stability to normal and elevated temperatures, metals, and metal ions.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6314	Oxidizing or reducing action.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6315	Flammability	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6316	Explosibility	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6317	Storage stability	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6319	Miscibility	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6320	Corrosion characteristics.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.6321	Dielectric breakdown voltage.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7000	pH	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7050	UV/Visible absorption.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7100	Viscosity	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7200	Melting point/melting range.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7220	Boiling point/Boiling range.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7300	Density/relative density.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7370	Dissociation constants in water.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7550	Partition coefficient (n-octanol/water) shake flask method.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7570	Partition coefficient (n-octanol/water), estimation by liquid chromatography.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7840	Water solubility: Column elution method, shake flask method.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7860	Water solubility, generator column method.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	830.7950	Vapor pressure	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	870.1100	Acute Oral Toxicity	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	870.1200	Acute dermal toxicity.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
870.1300	Acute inhalation toxicity.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.	
870.2400	Acute eye irritation	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.	

TABLE 2—LIST OF REQUIREMENTS—Continued

EPA registration number	Guideline # as listed in applicable DCI	Requirement name	Date EPA issued DCI	Date registrant received DCI	Final data due date	Reason for notice of intent to suspend *
	870.2500	Acute dermal irritation.	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.
	870.2600	Skin sensitization ...	January 21, 2010 ...	January 29, 2010 ...	September 30, 2010	No data received.

IV. How To Avoid Suspension Under this Notice?

You may avoid suspension under this notice if you or another person adversely affected by this notice properly request a hearing within 30 days of your receipt of the Notice of Intent to Suspend by mail or, if you did not receive the notice that was sent to you via USPS first class mail return receipt requested, then within 30 days from the date of publication of this **Federal Register** notice (see **DATES**). If you request a hearing, it will be conducted in accordance with the requirements of section 6(d) of FIFRA and the Agency's procedural regulations in 40 CFR part 164. Section 3(c)(2)(B) of FIFRA, however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, any allegations of errors or unfairness in any proceedings before an arbitrator, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding. Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75-day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products. A request for a hearing pursuant to this notice must:

- Include specific objections which pertain to the allowable issues which may be heard at the hearing.
- Identify the registrations for which a hearing is requested.
- Set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing.

If a hearing is requested by any person other than the registrant, that person must also state specifically why he/she asserts that he/she would be adversely affected by the suspension action described in this notice. Three copies of the request must be submitted to: Hearing Clerk, 1900, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

An additional copy should be sent to the person who signed this notice. The request must be received by the Hearing Clerk by the applicable 30th day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., in order to be legally effective. The 30-day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30-day time limit will result in automatic suspension of your registrations by operation of law and, under such circumstances, the suspension of the registration for your affected products will be final and effective at the close of business on the applicable 30-day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., and will not be subject to further administrative review. The Agency's rules of practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff

to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office of the Administrative Law Judges, the Office of the Environmental Appeals Board, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

You may also avoid suspension if, within the applicable 30-day deadline period as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., the Agency determines that you have taken appropriate steps to comply with the FIFRA section 3(c)(2)(B) Data Call-In notice. In order to avoid suspension under this option, you must satisfactorily comply with Table 2.—List of Requirements in Unit II., for each product by submitting all required supporting data/information described in Table 2. of Unit. II. and in the Explanatory Appendix (in the docket for this **Federal Register** notice) to the following address (preferably by certified mail): Office of Pesticide Programs, Pesticide Re-evaluation Division, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

For you to avoid automatic suspension under this notice, the Agency must also determine within the applicable 30-day deadline period that you have satisfied the requirements that are the bases of this notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your products. The suspension of the registrations of your company's products pursuant to this notice will be rescinded when the Agency determines you have complied

fully with the requirements which were the bases of this notice. Such compliance may only be achieved by submission of the data/information described in Table 2 of Unit II.

V. Status of Products That Become Suspended

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this notice and so informs you in writing.

After the suspension becomes final and effective, the registrants subject to this notice, including all supplemental registrants of products listed in Table 1 of Unit II., may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Persons other than the registrants subject to this notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Nothing in this notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. in any manner which would have been unlawful prior to the suspension.

If the registrations for your products listed in Table 1 of Unit II. are currently suspended as a result of failure to comply with another FIFRA section 3(c)(2)(B) DCI notice or section 4 data requirements notice, this notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

It is the responsibility of the basic registrant to notify all supplementary registered distributors of a basic registered product that this suspension action also applies to their supplementary registered products. The basic registrant may be held liable for violations committed by their distributors.

Any questions about the requirements and procedures set forth in this notice or in the subject FIFRA section 3(c)(2)(B) DCI notice, should be addressed to the person listed under **FOR FURTHER INFORMATION CONTACT.**

VI. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is contained in sections 3(c)(2)(B) and 6(f)(2) of FIFRA, 7 U.S.C. 136 *et seq.*

List of Subjects

Environmental protection, Pesticides and pests.

Dated: January 10, 2011.

Richard P. Keigwin, Jr.,

*Director, Pesticide Re-evaluation Division,
Office of Pesticide Programs.*

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9254-5]

Science Advisory Board Staff Office; Notification of a Public Teleconference of the Science Advisory Board Nutrient Criteria Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public teleconference of the SAB Nutrient Criteria Review Panel. The Panel will discuss its draft report reviewing EPA's technical support document on development of numeric nutrient criteria for Florida's estuarine and coastal waters, and southern canals.

DATES: The public teleconference will be held on Monday, February 7, 2011, from 2 p.m. to 5 p.m. (Eastern Time).

ADDRESSES: The public teleconference will be conducted by telephone only.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain further information about this meeting may contact Ms. Stephanie Sanzone, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R),

U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone/voice mail: (202) 564-2067 or via e-mail at sanzone.stephanie@epa.gov. General information about the SAB is available on the SAB Web site at <http://www.epa.gov/sab>.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, notice is hereby given that the SAB Nutrient Criteria Review Panel will hold a public teleconference to discuss its draft review report on the EPA draft technical

support document (TSD), *Methods and Approaches for Deriving Numeric Criteria for Nitrogen/Phosphorus Pollution in Florida's Estuaries, Coastal Waters, and Southern Inland Flowing Waters*. The draft TSD describes methods and approaches for developing numeric nutrient criteria for Florida's estuarine and coastal waters, downstream protection values in streams to protect those waters, and criteria for flowing waters in the south Florida region (including canals). The Nutrient Criteria Review Panel met on December 13-14, 2010 (75 FR 66759) to receive technical briefings from the Agency, hear public comments, and deliberate on responses to the charge questions posed by the Agency. The purpose of the February 7 teleconference is for the Panel to discuss its draft report on the review of EPA's draft TSD. Background on this advisory activity is available on the SAB Web site at http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activities/FL%20Estuaries%20TSD?OpenDocument.

The SAB was established pursuant to 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under FACA. The SAB Nutrient Criteria Review Panel will provide advice through the chartered SAB. The SAB Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Availability of Meeting Materials: The EPA draft technical support document is available on the SAB Web site at http://yosemite.epa.gov/sab/sabproduct.nsf/fedrgstr_activities/FL%20Estuaries%20TSD?OpenDocument. The EPA Office of Water technical contact for the draft TSD is Elizabeth Behl, at (202) 566-0788, or via e-mail at behl.betsy@epa.gov. The draft Panel advisory report and the meeting agenda for the February teleconference will be posted on the SAB Web site at <http://www.epa.gov/sab> in advance of the meeting.

Procedures for Providing Public Input: Public comment for consideration by EPA's Federal advisory committees and panels have a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a Federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent