

(3) If a tribe's asserted authority is subject to a competing or conflicting claim, the Regional Administrator, after due consideration, and in consideration of other comments received, shall determine whether the tribe has adequately demonstrated that it meets the requirements of paragraph (a)(3) of this section.

(4) Where EPA has previously determined that a tribe qualifies for TAS for the CWA Section 303(c) Water Quality Standards Program, CWA Section 402 National Pollutant Discharge Elimination System Program, or CWA Section 404 Dredge and Fill Permit Program, and EPA has provided notice and an opportunity to comment on the tribe's assertion of authority to appropriate governmental entities as part of its review of the prior application, no further notice to governmental entities, as described in paragraph (c)(2) of this section, shall be provided with regard to the same tribe's application for the CWA Section 303(d) Impaired Water Listing and TMDL Program, unless the application presents to the EPA Regional Administrator different jurisdictional issues or significant new factual or legal information relevant to jurisdiction.

(5) Where the Regional Administrator determines that a tribe meets the requirements of this section, he or she shall promptly provide written notification to the tribe that the tribe is authorized to administer the CWA Section 303(d) Impaired Water Listing and TMDL Program. Such tribe shall be considered a "State" for purposes of CWA section 303(d) and its implementing regulations. With respect to the timing requirement for submittal of an authorized tribe's first list of impaired waters pursuant to § 130.7(d)(1), the tribe's first list is due on the next listing cycle due date that is 24 months after the later of either:

(i) The date EPA approves the tribe's TAS application pursuant to this section or

(ii) The date EPA-approved or EPA-promulgated water quality standards become effective for the tribe's reservation waters.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[EPA-HQ-OPP-2015-0032; FRL-9939-32]

#### Withdrawal of Pesticide Petitions for Establishment or Modification of Pesticide Chemical Tolerances or Tolerance Exemptions

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

**ACTION:** Notice of withdrawal of pesticide petitions.

**SUMMARY:** This document announces the withdrawal of pesticide petitions requesting the establishment or modification of tolerances or tolerance exemptions for residues of pesticide chemicals in or on various commodities. The petitions were either withdrawn voluntarily by the petitioners or by the Agency.

**DATES:** The pesticide petitions in this document are withdrawn as of January 19, 2016.

**FOR FURTHER INFORMATION CONTACT:** Susan Lewis, Registration Division (RD) (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: [RDIFRNotices@epa.gov](mailto:RDIFRNotices@epa.gov). The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this action apply to me?

Although this action only applies to the petitioners in question, it is directed to the public in general. Since various individuals or entities may be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding this action, please consult the person listed at the end of the withdrawal summary for the pesticide petition of interest.

###### B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2014-0008, is available at <http://www.regulations.gov> or at the OPP Docket in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave.

NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

##### II. What action is the agency taking?

EPA is announcing the withdrawal of pesticide petitions received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of tolerances or tolerance exemptions in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions covered by this document, prepared by the petitioner, was included in a docket EPA created for each rulemaking. The docket for each of the petitions is available online at <http://www.regulations.gov>.

##### Withdrawals by Petitioners

1. *PP 0E7820 (spirodiclofen)*. EPA issued a notice in the **Federal Register** of February 4, 2010 (76 FR 17374) (EPA-HQ-OPP-2011-0087), which announced the filing of a pesticide petition (PP 0E7820) by Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition proposed to establish tolerances in 40 CFR part 180 for residues of the insecticide spirodiclofen, 3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4,5]dec-3-en-4-yl 2,2-dimethylbutanoate, in or on sugar apple, cherimoya, atemoya, custard apple, ilama, soursop, biriba, guava, feijoa, jaboticaba, wax jambu, starfruit, passionfruit, persimmon and acerola at 0.45 ppm; and lychee, longan, Spanish lime, rambutan and pulasan at 3.5 ppm. On April 17, 2014, IR-4 notified EPA that it was withdrawing this petition.

2. *PP 9E7632 (spirodiclofen)*. EPA issued a notice in the **Federal Register** of February 4, 2010 (75 FR 5790) (EPA-HQ-OPP-2009-0861), which announced the filing of a pesticide petition (PP 9E7632) by Interregional Research Project No. 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition proposed to amend the tolerances in 40 CFR 180.608 by revising the tolerance expression under paragraphs (a)(1) and (a)(2) to read as follows: (a)(1). Tolerances are established for residues

of the insecticide spiroticlofen, including its metabolites and degradates. Compliance with the tolerance levels specified is to be determined by measuring only spiroticlofen (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4,5]dec-3-en-4-yl 2,2-dimethylbutanoate). (a)(2). Tolerances are established for residues of the insecticide spiroticlofen, including its metabolites and degradates. Compliance with the tolerance levels specified is to be determined by measuring only the sum of spiroticlofen (3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro[4,5]dec-3-en-4-yl 2,2-dimethylbutanoate) and its metabolite 3-(2,4-dichlorophenyl)-4-hydroxy-1-oxaspiro[4,5]dec-3-en-2-one, calculated as the stoichiometric equivalent of spiroticlofen. On April 17, 2014, IR-4 notified EPA that it was withdrawing this petition.

3. *PP 4G8247 (flutriafol)*. EPA issued a notice in the **Federal Register** of October 24, 2014 (79 FR 63594) (EPA-HQ-OPP-2014-0379), which announced the filing of a pesticide petition (PP 4G8247) by Cheminova, Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209-2510. The petition proposed to establish tolerances in the 40 CFR part 180 for residues of the fungicide flutriafol, ( $\pm$ )- $\alpha$ -(2-fluorophenyl)- $\alpha$ -(4-fluorophenyl)-1-*H*-1,2,4-triazole-1-ethanol, including its metabolites and degradates, in or on corn, sweet, forage at 5 parts per million (ppm); corn, sweet, kernel plus cob with husks removed at 0.01 ppm; and corn, sweet, stover at 15 ppm. On February 25, 2015, Cheminova, Inc., notified EPA that it was withdrawing this petition.

4. *PP 1E7923 (clothianidin)*. EPA issued a notice in the **Federal Register** of December 8, 2011 (76 FR 76674) (EPA-HQ-OPP-2011-0860), which announced the filing of a pesticide petition (PP 1E7923) by Interregional Research Project Number 4 (IR-4), IR-4 Project Headquarters, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08450. The petition proposed to establish tolerances in 40 CFR part 180 for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on strawberry at 1.4 parts per million (ppm); citrus fruit group 10-10 at 0.5 ppm; citrus, dried pulp at 1 ppm; and pistachio at 0.01 ppm. On April 7, 2015, IR-4 notified EPA that it was withdrawing this petition.

5. *PP 3E8226 (gamma-cyhalothrin)*. EPA issued a notice in the **Federal Register** of May 23, 2014 (79 FR 29729) (EPA-HQ-OPP-2014-0207), which announced the filing of a pesticide

petition (PP 3E8226) by Cheminova A/S, 1600 Wilson Blvd., Suite 700, Arlington, VA 22209-2510. The petition proposed to establish import tolerances in the 40 CFR part 180 for residues of the insecticide gamma-cyhalothrin, in or on fruit, citrus, group 10-10 at 0.07 ppm; citrus, dried pulp at 0.2 ppm; and citrus, oil at 3.5 ppm. On April 8, 2015, Cheminova A/S notified EPA that it was withdrawing this petition.

6. *PP 3E8183 (1,3-dichloropropene)*. EPA issued a notice in the **Federal Register** of September 12, 2013 (78 FR 56185) (EPA-HQ-OPP-2013-0496), which announced the filing of a pesticide petition (PP 3E8183) by Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition proposed to establish a tolerance in 40 CFR part 180 for the combined residues of the fungicide, *cis*- and *trans*-1,3-dichloropropene, including its metabolites and degradates, in or on pineapple at 0.02 ppm. It is proposed that compliance with the tolerance levels specified in § 180.636 is to be determined by measuring *cis*- and *trans*-1,3-dichloropropene and its metabolites *cis*- and *trans*-3-chloroacrylic acid, and *cis*- and *trans*-3-chloroallyl alcohol, in or on the commodity. The proposed tolerances are to support post plant use in pineapple, similar to the established drip irrigation use of 1,3-dichloropropene in grapes. On May 20, 2015, IR-4 notified EPA that it was withdrawing this petition.

7. *PP 2F8008 (clothianidin)*. EPA issued a notice in the **Federal Register** of September 28, 2012 (77 FR 59578) (EPA-HQ-OPP-2010-0217), which announced the filing of a pesticide petition (PP 2F8008) by Valent U.S.A. Corporation, P.O. Box 8025, Walnut Creek, CA 94596. The petition requested to establish tolerances in the 40 CFR part 180 for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on fruiting, vegetables, group 8-10, except pepper/eggplant subgroup 8-10B at 0.2 ppm; and pepper/eggplant subgroup 8-10B at 0.7 ppm. The petition also requested to amend the tolerance in 40 CFR 180.586 (a) by deleting the tolerance for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-nitroguanidine, in or on the vegetable, fruiting group 8 at 0.2 ppm, upon approval of fruiting, vegetables, group 8-10, except pepper/eggplant subgroup 8-10B at 0.2 ppm under "New Tolerance" for *PP 2F8008*; and replacing the tolerance for residues of the insecticide clothianidin, (*E*)-1-(2-chloro-1,3-thiazol-5-ylmethyl)-3-methyl-2-

nitroguanidine, in or on fruit, pome at 1.0 ppm with fruit, pome group (11-10) at 1.0 ppm due to the expansion of crop groups. On June 24, 2015, Valent U.S.A. Corporation notified EPA that it was withdrawing this petition.

8. *PP 4E8311 (flubendiamide)*. EPA issued a notice in the **Federal Register** of March 4, 2015 (80 FR 11611) (EPA-HQ-OPP-2014-0784), which announced the filing of a pesticide petition (PP 4E8311) by Interregional Research Project Number 4 (IR-4), 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition proposed to establish a tolerance in 40 CFR part 180 for residues of the insecticide, flubendiamide, (N2-1,1-dimethyl-2-(methylsulfonyl)ethyl-3-iodo-N1-2-methyl-4-1,2,2,2-tetrafluoro-1-(trifluoromethyl)ethylphenyl-1,2-benzenedicarboxamide) in or on the following: Bushberry subgroup 13-07B at 8.0 ppm; vegetable, fruiting group 8-10 at 0.60 ppm; fruit, pome, group 11-10 at 1.5 ppm; fruit, stone, group 12-12 at 1.6 ppm; nut, tree, group 14-12 at 0.06 ppm; and sunflower, subgroup 20B at 5.0 ppm. Upon the approval of the aforementioned tolerances, the petitioner requests to remove the established tolerances for flubendiamide in or on fruit, pome, group 11 at 1.5 ppm; fruit, stone, group 12 at 1.6 ppm; nut, tree, group 14 at 0.06 ppm; safflower, seed at 5.0 ppm; and sunflower, seed at 5.0 ppm. On September 3, 2015, IR-4 notified EPA that it was withdrawing this petition.

#### List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 23, 2015.

**Susan Lewis,**

Director, Registration Division, Office of Pesticide Programs.

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