

least-disturbed headwater stream habitat within the sub-basin, these streams not only support resident wildlife, but also provide ecosystem functions for downstream waters, serve as refugia for aquatic life and potential sources for recolonizing nearby waters, and ultimately serve to maintain the aquatic ecosystem integrity in the sub-basin and the rich animal diversity in the ecoregion.

Burial of Pigeonroost Branch, Oldhouse Branch, and their tributaries will also result in unacceptable adverse effects on wildlife downstream through the removal of functions performed by the buried streams and by transformation of the buried areas into pollution sources that will contribute contaminants to downstream waters. Based on recent peer-reviewed literature, as well as available data from adjacent mine sites and from the active portion of the Spruce No. 1 Mine, EPA has concluded that the full construction of the Spruce No. 1 Mine will transform these headwater streams from high-quality habitat into sources of pollutants (particularly total dissolved solids and selenium) that will travel downstream and adversely impact the wildlife communities that utilize these downstream waters. Increased pollutant levels will lead to loss of macroinvertebrate communities and population shifts to more pollution-tolerant taxa, specifically the extirpation of ecologically important macroinvertebrates. Through the loss of stream macroinvertebrate communities, there will be, in turn, substantial effects on fish, amphibian, and bird populations that rely on these communities as a food source.

Furthermore, the increased loading of pollutants to downstream receiving waters will increase the potential for harmful golden algal blooms, while increased selenium exposure will result in impaired salamander populations and adverse effects to the reproduction of fish and bird species, thus harming the ability of these local populations to rebound. The loss of macroinvertebrate prey populations, increased risk of harmful golden algal blooms, and additional exposure to selenium will have an unacceptable adverse effect on the 26 fish species found in Spruce Fork (the receiving stream for Pigeonroost Branch and Oldhouse Branch), and will also have an unacceptable adverse effect on amphibians, reptiles, crayfish, and bird species that depend on downstream waters for food or habitat.

Furthermore, these adverse impacts do not comply with the requirements of the Clean Water Act (CWA) and EPA's implementing regulations under section 404(b)(1). EPA has determined that the Spruce No. 1 Surface Mine fails to adequately evaluate less environmentally damaging alternatives, will cause or contribute to significant degradation of waters of the United States (especially when considered in the context of the significant cumulative losses and impairment of streams across the Central Appalachian ecoregion), and lacks compensatory mitigation to adequately offset the impacts to Pigeonroost Branch and Oldhouse Branch. These failures to comply with the Guidelines serve to strengthen EPA's judgment about the unacceptability of the significant adverse impacts that will occur.

Based on these findings and pursuant to section 404(c) of the CWA, EPA's Final Determination withdraws the specification of Pigeonroost Branch, Oldhouse Branch, and their tributaries, as described in DA Permit No. 199800436-3 (Section 10: Coal River), as a disposal site for the discharge of dredged or fill material for the purpose of construction, operation, and reclamation of the Spruce No. 1 Surface Mine. This Final Determination also prohibits the specification of the defined area constituting Pigeonroost Branch, Oldhouse Branch, and their tributaries for use as a disposal site associated with future surface coal mining that would be expected to result in a nature and scale of adverse chemical, physical, and biological effects similar to the Spruce No. 1 mine. This Final Determination does not affect discharges to Seng Camp Creek as authorized in DA Permit No. 19980043603 (Section 10: Coal River) associated with the Spruce No.1 Surface Mine.

EPA continues to work effectively with the Corps, the mining industry, and the public to evaluate proposed Appalachian surface coal mining projects and to enable permitting of environmentally responsible mining projects that authorize continued coal production while preventing unacceptable adverse effects on wildlife.

Dated: January 13, 2011.

**Peter S. Silva,**  
Assistant Administrator, Office of Water.

[FR Doc. 2011-1013 Filed 1-18-11; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9254-2]

**Intent to Grant Patent License**

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

**ACTION:** Notice of Intent to Grant Co-Exclusive Patent License.

**SUMMARY:** Pursuant to 35 U.S.C. 207 (Patents) and 37 CFR part 404 (U.S. Government patent licensing regulations), EPA hereby gives notice of its intent to grant a co-exclusive, royalty-bearing, revocable license to practice the inventions described and claimed in the U.S. patents and patent applications listed at the end of this message, and all corresponding patents issued throughout the world, and all reexamined patents and reissued patents granted in connection with such patent applications, to Oakland Technology, LLC of Farmington Hills, Michigan.

The inventions pertain to hybrid vehicle technology, particularly hydraulic hybrid drive systems, methods, and components. The proposed license will contain appropriate terms, limitations, and conditions negotiated in accordance with 35 U.S.C. 209 and 37 CFR 404.5 and 404.7 of the U.S. Government patent licensing regulations. EPA will finalize terms and conditions and grant the license unless, within 15 days from the date of this notice, EPA receives, at the address below, written objections to the grant, together with supporting documentation. The documentation from objecting parties having an interest in practicing the inventions listed in the patents and patent applications below should include an application for a nonexclusive license with the information set forth in 37 CFR 404.8. The EPA Patent Attorney and other EPA officials will review all written responses and then make recommendations on a final decision to the Director or Deputy Director of the Office of Transportation and Air Quality, who have been delegated the authority to issue patent licenses under EPA Delegation 1-55.

The proposed license will apply to the following patents and patent applications:

**Method or Vehicle Licensed Inventions**

Patent No.	Title	Date issued
5,495,912 .....	Hybrid Powertrain Vehicle .....	March 5, 1996.

Patent No.	Title	Date issued
5,887,674 .....	Continuously Smooth Transmission .....	March 30, 1999.
6,719,080 .....	Hydraulic Hybrid Vehicle .....	April 13, 2004.
6,876,098 .....	Methods of Operating a Series Hybrid Vehicle .....	April 5, 2005.
7,456,509 .....	Methods of Operating a Series Hybrid Vehicle (div) .....	November 25, 2008.
7,337,869 .....	Hydraulic Hybrid Vehicle with Integrated Drive Module and Four-Wheel-Drive, and Method of Operation Thereof.	March 4, 2008.
7,252,020 .....	Vehicle Drivetrain including a Clutchless Transmission, and Method of Operation	August 7, 2007.
6,998,727 .....	Methods of Operating a Parallel Hybrid Vehicle Having an Internal Combustion Engine and a Secondary Power Source.	February 14, 2006.
7,104,349 .....	Hybrid Powertrain Motor Vehicle with Homogenous Charge Compression Ignition (HCCI) Engine, and Method of Operation Thereof.	September 12, 2006.
7,857,082 .....	Methods of Operating a Series Hybrid Vehicle (Div.) .....	December 28, 2010.
Application No.	Title	Date filed
12/229,099 .....	Hydraulic Hybrid Vehicle with Integrated Hydraulic Drive Module and Four-Wheel-Drive, and Method of Operation Thereof (Div.).	August 19, 2008.
11/583,205 .....	Hydraulic Hybrid Vehicle Methods of Safe Operation .....	October 18, 2006.
61/311,835 .....	Hydraulic Hybrid Vehicle with Safe and Efficient Hydrostatic Operation .....	March 9, 2010.
12/654,321 .....	Methods of Optimizing Efficiency of a Series Hybrid Vehicle with Multi-Gear Transmission.	December 17, 2009.
12/711,603 .....	Hydraulic-Electric Regenerative Energy Storage System .....	February 24, 2010.
61/326,317 .....	Methods for Safe Operation of Hydraulic Hybrid Vehicles with Over-Center Pump/Motors.	April 21, 2010.
12/731,326 .....	Regenerative Energy Storage System for Hybrid Locomotive .....	March 25, 2010.
12/955,795 .....	Methods of Operating a Series Hybrid Vehicle (Div.) .....	November 29, 2010.

### Hydraulic Component Licensed Inventions

Patent No.	Title	Date issued
6,619,325 .....	Hydraulic Hybrid Accumulator Shut-off Valve .....	September 16, 2003.
6,996,982 .....	Method and Device for Switching Hydraulic Fluid Supplies, such as for a Hydraulic Pump/Motor.	February 14, 2006.
7,014,429 .....	High-Efficiency, Large Angle, Variable Displacement Hydraulic Pump/Motor .....	March 21, 2006.
7,108,016 .....	Lightweight Low Permeation Piston-in-Sleeve Accumulator .....	September 19, 2006.
7,121,304 .....	Low Permeation Hydraulic Accumulator .....	October 17, 2006.
7,305,914 .....	Hydraulic Actuator Control Valve .....	December 11, 2007.
6,170,524 .....	Fast Valve and Actuator .....	January 9, 2001.
7,305,915 .....	Efficient Pump/Motor with Reduced Energy Loss .....	December 11, 2007.
7,374,005 .....	Opposing Pump/Motors .....	May 20, 2008.
7,500,424 .....	Hydraulic Machine Having Pressure Equalization .....	March 10, 2009.
7,527,074 .....	Hydraulic Pressure Accumulator .....	May 5, 2009.
7,537,075 .....	Hydraulic Hybrid Vehicle with Integrated Hydraulic Drive Module and Four-Wheel-Drive, and Method of Operation Thereof (Div.).	May 26, 2009.
7,553,085 .....	Fluid Bearing and Method of Operation .....	June 30, 2009.
7,594,802 .....	Large Angle Sliding Valve Plate Pump/Motor .....	September 29, 2009.
7,617,761 .....	Opposing Pump/Motors (divisional) .....	November 17, 2009.
7,677,871 .....	High-Efficiency, Large Angle, Variable Displacement Hydraulic Pump/Motor (Divisional).	March 16, 2010.
Application No.	Title	Date filed
11/233,822 .....	Independent Displacement Opposing Pump/Motors and Method of Operation .....	September 22, 2005.
11/540,765 .....	Quiet Fluid Supply Valve .....	September 29, 2006.
11/540,089 .....	Safe Over-Center Pump/Motor .....	September 29, 2006.
12/156,734 .....	Piston-in-Sleeve Hydraulic Pressure Accumulator .....	June 4, 2008.
12/701,438 .....	Variable Length Bent-Axis Pump/Motor .....	February 5, 2010.
12/384,789 .....	Hydraulic Accumulator and Fire Suppression System .....	April 9, 2009.
12/567,938 .....	Hydraulic Circuit and Manifold with Multi-Function Valve .....	September 28, 2009.
11/999,884 .....	Engine-Off Power Steering System .....	December 7, 2007.
12/215,438 .....	On-Demand Power Brake System and Method .....	June 26, 2008.

**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.*

[FR Doc. 2011-1016 Filed 1-18-11; 8:45 am]

**BILLING CODE 6560-50-P**

**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.