

will advise the Commissioners in the matters discussed will also be present.

Kimberly D. Bose,
Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0338; FRL-8822-9]

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), publishes 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 30 days after the date of publication of this notice in the **Federal Register** (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 (7508P), 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-2010-0338. 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. Registrants Issued Notices of Intent to Suspend Active Ingredients, Products Affected, and Dates Issued

The Notices of Intent to Suspend was sent via the U.S. Postal Service (USPS) return receipt requested to the registrants for the products 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
Nufarm Limited	2,4-D	35935-16	2,4-D Sodium Salt Weed Killer	March 4, 2010
Nufarm Limited	2,4-D	35935-19	Technical Sodium Salt of 2,4-D	March 4, 2010
Nufarm Americas Inc.	2,4-D	228-123	Riverdale Sodium Salt of 2,4-D	March 4, 2010

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

The registrants 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 Number 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
35935-16 35935-19 228-123	870.1100	Acute Oral Toxicity	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	870.1200	Acute Dermal Toxicity	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	870.1300	Acute Inhalation Toxicity	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	870.2400	Acute Eye Irritation	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	870.2500	Acute Dermal Irritation	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	870.2600	Skin Sensitization	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.1550	Product Identity and Composition	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.1600	Description of Materials Used to Produce the Product	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.1620	Description of Production Process	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.1650	Description of Formulation Process	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.1670	Discussion of Formation Impurities	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.1700	Preliminary Analysis	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.1750	Certified Limits	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.1800	Enforcement of Analytical Method	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.6302	Color	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.6303	Physical State	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.6304	Odor	February 28, 2007	March 16, 2007	November 7, 2008	No data received

TABLE 2. — LIST OF REQUIREMENTS—Continued

EPA Registration Number	Guideline Number 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
35935-16 35935-19 228-123	830.6313	Stability to Normal and Elevated Temperatures, Metals and Metal Ions	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.6314	Oxidation/Reduction: Chemical Incompatibility	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.6315	Flammability	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.6316	Explosibility	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.6319	Miscibility	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35932-28 1235-19	830.6321	Dielectric Breakdown Voltage	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7000	pH	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7050	UV/Visible Absorption	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7100	Viscosity	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7200	Melting Point/Melting Range	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7220	Boiling Point/Boiling Range	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7300	Density/Relative Density/Bulk Density	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7370	Dissociation Constants in Water	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7550	Partition Coefficient, Shake Flask Method	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7570	Partition Coefficient, Estimation by Liquid Chromatograph	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7840	Water Solubility: Column Elution Method;	February 28, 2007	March 16, 2007	November 7, 2008	No data received
35935-16 35935-19 228-123	830.7860	Water Solubility: Generator Column Method	February 28, 2007	March 16, 2007	November 7, 2008	No data received

TABLE 2. — LIST OF REQUIREMENTS—Continued

EPA Registration Number	Guideline Number 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
35935-16 35935-19 228-123	830.7950	Vapor Pressure	February 28, 2007	March 16, 2007	November 7, 2008	No data received

IV. How to Avoid Suspension Under this Notice?

1. 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. 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 product(s). 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 registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business on the applicable 30th day deadline as measured from the date of the Notice of Intent to Suspend by mail or the date of publication of this notice in the **Federal Register**, 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.

2. 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 product(s). The suspension of the registration(s) of your company's product(s) 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 registrant(s) subject to this notice, including all supplemental registrants of product(s) 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 product(s) listed in Table 1 of Unit II. Persons other than the registrant(s) 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 product(s) 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 or offer to deliver, to any person, the product(s) listed in Table 1 of Unit II. in any manner which would have been unlawful prior to the suspension.

If the registration(s) for your product(s) 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) Data Call-In 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) Data Call-In 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: May 7, 2010.

Richard P. Keigwin, Jr.,

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

[FR Doc. 2010-11833 Filed 5-18-10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9153-1]

Science Advisory Board Staff Office; Notification To Convene Workgroups of Experts for Rapid Advice on Scientific and Technical Issues Related to the Gulf of Mexico Oil Spill

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces it's intent to convene workgroups of experts drawn from the U.S. EPA SAB to provide rapid advice on scientific and technical issues related to the Gulf of Mexico oil spill.

FOR FURTHER INFORMATION CONTACT: Members of the public who wish to obtain information about the rapid consultative advice process and projects may contact Dr. Anthony F. Maciorowski, Deputy Director, Science Advisory Board Staff Office, by telephone at (202) 343-9983; by e-mail at maciorowski.anthony@epa.gov; or by mail at the U.S. EPA, Science Advisory Board (1400F), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice, consultation, and recommendations to the EPA Administrator on the technical basis for Agency positions and regulations. The SAB Staff Office anticipates that the EPA will request rapid advice on an array of scientific and technical issues from nationally recognized scientists and engineers under the auspices of the SAB. This advice will assist the Agency in developing and implementing timely and scientifically appropriate responses to oil spill contamination in the Gulf of Mexico and along the Gulf Coast.

Workgroup members will be invited to serve based on: Their scientific and technical expertise, knowledge, and experience; availability and willingness to serve; absence of financial conflicts of interest; and scientific credibility and impartiality. Due to critical mission and schedule requirements, there is insufficient time to provide the full 15 days notice in the **Federal Register** prior to advisory meetings, pursuant to the final rule on Federal Advisory Committee Management codified at 41 CFR 102-3.150. Therefore, information on the workgroup consultations will be posted on the SAB Web site at <http://www.epa.gov/sab> as they are available.

Dated: May 13, 2010.

Vanessa T. Vu,

Director, EPA Science Advisory Board Staff Office.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0012; FRL-8823-2]

Notice of Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Agency's receipt of several initial filings of pesticide petitions proposing the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before June 18, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- **Mail:** Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- **Delivery:** OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through