

these products as illegal pesticide products with unapproved health benefit claims. In this regard, the petition claims that the nanoscale silver products currently on the market are in clear violation of FIFRA. The petition recommends that EPA pursue enforcement actions against and issue enforcement penalties to those manufacturers and/or distributors currently selling nanoscale silver products.

### III. What Action is the Agency Taking?

Through this notice, the Agency is making the petition submitted by ICTA *et al.* available for review and is asking for public comment on the same. Any public comment received on this petition before the issuance of this notice will be reviewed and listed in the electronic docket. Following the review of the petition and any comments received in response to this notice, EPA will decide how best to respond to the petition. The petition is available on EPA's Electronic Docket at <http://www.regulations.gov>. To locate this information on the homepage of EPA's Electronic Docket, select "Quick Search" and type the OPP docket ID number EPA-HQ-OPP-2008-0650. Once the search has located the docket, clicking on "Docket ID" will bring up a list of all documents in the docket related to the petition.

#### List of Subjects

Environmental protection, pesticides and pests, nanotechnology.

Dated: November 5, 2008.

**Debra Edwards,**

*Director, Office of Pesticide Programs.*

[FR Doc. E8-27204 Filed 11-18-08; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0416; FRL-8388-4]

#### Chromated Arsenicals, Pentachlorophenol, Creosote Reregistration Eligibility Decisions; Notice of Availability

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's Reregistration Eligibility Decision (REDs) for the pesticides chromated arsenicals (e.g.,

CCA), pentachlorophenol, and creosote, collectively referred to as "heavy duty wood preservatives." The Agency's risk assessments and other related documents also are available in the chromated arsenicals, pentachlorophenol, and creosote Dockets. The term heavy duty wood preservative is used to differentiate wood preservatives applied using specialized high pressure treatment cylinders (also called "retorts") from those applied using non-specialized methods (e.g., brush, dip). The three wood preservatives are used primarily for industrial purposes such as utility poles, pilings, and railroad ties. EPA has reviewed the heavy duty wood preservatives through the public participation process that the Agency uses to involve the public in developing pesticide reregistration and tolerance reassessment decisions. Through these programs, EPA is ensuring that all pesticides meet current health and safety standards.

**FOR FURTHER INFORMATION CONTACT:** For pesticide-specific information contact the Chemical Review Manager identified in the Table in Unit II. for the pesticide of interest.

For general information contact: Lance Wormell, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 603-0523; fax number: (703) 308-6467; e-mail address: [wormell.lance@epa.gov](mailto:wormell.lance@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, 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?

1. *Docket.* EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2008-0416. 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.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>.

#### II. Background

##### A. What Action is the Agency Taking?

Under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is reevaluating existing pesticides to ensure that they meet current scientific and regulatory standards. EPA has completed REDs for the pesticides, chromated arsenicals, pentachlorophenol, and creosote under section 4(g)(2)(A) of FIFRA. These heavy duty wood preservatives are applied using specialized high pressure treatment cylinders (also called "retorts") and treated products are used primarily for industrial purposes such as utility poles, pilings, and railroad ties. EPA has determined that the data base to support reregistration is substantially complete and that products containing chromated arsenicals, pentachlorophenol, and creosote are eligible for reregistration, provided the risks are mitigated either in the manner described in the REDs or by other means that achieve equivalent risk reduction. Upon submission of any required product specific data under section 4(g)(2)(B) of FIFRA and any necessary changes to the registration and labeling (either to address concerns identified in the REDs or as a result of product specific data), EPA will make final reregistration decisions under section 4(g)(2)(C) of FIFRA for products containing chromated arsenicals, pentachlorophenol, and creosote.

TABLE 1.—REREGISTRATION ELIGIBILITY DECISION DOCKETS OPENING

| Registration Case Name and Number | Docket ID Number     | Chemical Review Manager, Telephone Number, and E-mail Address   |
|-----------------------------------|----------------------|---|
| Chromated arsenicals, 0132        | EPA-HQ-OPP-2003-0250 | Lance Wormell, (703) 603-0523, <a href="mailto:wormell.lance@epa.gov">wormell.lance@epa.gov</a>   |
| Pentachlorophenol, 2505           | EPA-HQ-OPP-2004-0402 | Diane Isbell, (703) 308-8154, <a href="mailto:isbell.diane@epa.gov">isbell.diane@epa.gov</a>  |
| Creosote, 0139                    | EPA-HQ-OPP-2003-0248 | Jacqueline Campbell-McFarlane, (703) 308-6416, <a href="mailto:campbell-mcfarlane.jacqueline@epa.gov">campbell-mcfarlane.jacqueline@epa.gov</a> |

Although the chromated arsenicals, pentachlorophenol, and creosote REDs were signed on September 25, 2008, certain components of the document, which did not affect the final regulatory decision, were undergoing final editing at that time. These components, including the list of additional generic and product-specific data requirements, appendices, minor typographical edits, and other relevant information, have been added to the chromated arsenicals, pentachlorophenol, and creosote RED documents.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819) (FRL-7357-9) explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to its uses, risks, and other factors, chromated arsenicals, pentachlorophenol, and creosote were reviewed through the full 6-Phase process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for chromated arsenicals, pentachlorophenol, and creosote.

The reregistration program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. The Agency is not issuing the chromated arsenicals, pentachlorophenol, and creosote REDs for public comment because they were reviewed through the full 6-phase process which included two 60-day comment periods.

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

Section 4(g)(2) of FIFRA, as amended, directs that, after submission of all data concerning a pesticide active ingredient,

the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration, before calling in product specific data on individual end-use products and either reregistering products or taking other "appropriate regulatory action."

#### **List of Subjects**

Environmental protection, Pesticides and pests, antimicrobials, heavy duty wood preservatives.

Dated: November 12, 2008.

**Joan Harrigan Farrelly,**  
*Director, Antimicrobials Division, Office of Pesticide Programs.*

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## **DEPARTMENT OF THE TREASURY**

### **Office of the Comptroller of the Currency**

[Docket ID OCC-2008-0021]

### **FEDERAL RESERVE SYSTEM**

[Docket No. OP-1338]

### **FEDERAL DEPOSIT INSURANCE CORPORATION**

## **DEPARTMENT OF THE TREASURY**

### **Office of Thrift Supervision**

[Docket ID OTS-2008-0012]

### **NATIONAL CREDIT UNION ADMINISTRATION**

RIN 3133-AD38

### **Proposed Interagency Appraisal and Evaluation Guidelines**

**AGENCIES:** Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (FRB); Federal Deposit Insurance Corporation (FDIC); Office of Thrift Supervision, Treasury (OTS); and National Credit Union Administration (NCUA).

**ACTION:** Notice with request for comment.

**SUMMARY:** The OCC, FRB, FDIC, OTS, and NCUA (the Agencies), request comment on the proposed Interagency Appraisal and Evaluation Guidelines (proposed Guidelines). The proposed Guidelines, which would supersede the 1994 Interagency Appraisal and Evaluation Guidelines (1994 Guidelines), reflect revisions to the Uniform Standards of Professional Appraisal Practice (USPAP) and the evolution of collateral valuation practices, such as the use of automated valuation models (AVMs). The proposed Guidelines also incorporate refinements made by the Agencies to the supervision of regulated institutions' appraisal and evaluation programs since 1994 and reflect the participation of the NCUA, which was not a party to the 1994 Guidelines. The proposed Guidelines are intended to clarify the Agencies' real estate appraisal regulations and promote a safe and sound real estate collateral valuation program.

**DATES:** Comments must be submitted on or before January 20, 2009.

**ADDRESSES:** Comments should be directed to:

*OCC:* You may submit comments by any of the following methods:

- *E-mail:*  
[regs.comments@occ.treas.gov](mailto:regs.comments@occ.treas.gov).

- *Fax:* (202) 874-4448.

- *Mail:* Office of the Comptroller of the Currency, 250 E Street, SW., Mail Stop 1-5, Washington, DC 20219.

- *Hand Delivery/Courier:* 250 E Street, SW., Attn: Public Information Room, Mail Stop 1-5, Washington, DC 20219.

*Instructions:* You must include "OCC" as the agency name and "Docket ID OCC-2008-0021" in your comment. In general, OCC will enter all comments received into the docket without change, including any business or personal information that you provide such as name and address information, e-mail addresses, or phone numbers. Comments, including attachments and other supporting materials, received are