

Nematicide (EPA Reg. No. 264-731) to end users.

In a December 10, 2008 **Federal Register** (73 FR 75097) (FRL-8389-8) Amendment to Use Deletion and Product Cancellation Order, the Agency further extended the November 30, 2008 deadline for the sale and distribution of Nemacur 3 Emulsifiable Systemic Insecticide-Nematicide (EPA Reg. No. 264-731) through March 31, 2009. This action was taken in response to a request from an end user, Maui Pineapple, to extend the deadline for sale and distribution of Nemacur 3 Emulsifiable Systemic Insecticide-Nematicide (EPA Reg. No. 264-731) from November 30, 2008 to March 31, 2009.

On August 20, 2010 the Agency received another request from Maui Pineapple to extend the deadline for sale and distribution of Nemacur 3 Emulsifiable Systemic Insecticide-Nematicide (EPA Reg. No. 264-731) to allow a transfer of its remaining stocks of Nemacur 3 to other end users.

The original May 31, 2008 deadline for fenamiphos was established to provide a reasonable amount of time for the material to move through the channels of trade following the cessation of sale and distribution of fenamiphos products by the registrant, Bayer Environmental Science, on May 31, 2007. Extending the deadline for distributors to sell and distribute Nemacur 3 Emulsifiable Systemic Insecticide-Nematicide would neither conflict with the Agency's application of the guidelines outlined in PR Notice 97-7, nor would it introduce more fenamiphos into the pesticide use cycle than had been stipulated by the terms of the 5 year phase-out. The extension would allow for a redistribution of existing material already in the hands of end users and no new fenamiphos products would enter the marketplace. If this request is granted, the Agency will extend the deadline for persons other than the registrant to sell and distribute Nemacur 3 Emulsifiable Systemic Insecticide-Nematicide (EPA Reg. No. 264-731) for 1 year from the date of publication of the amended order.

However, the Agency also intends to prohibit use of all fenamiphos products in the United States 3 years from the date of publication of the amended order in the **Federal Register**. Previously, the Agency had allowed end users with existing stocks of products containing fenamiphos to continue to use these products until their stocks were exhausted, provided that the use complied with previously EPA-approved product label requirements for

the respective products. Considering the initial Product Cancellation Order for fenamiphos was issued in 2003, if the Agency permits a further extension, 11 years will have elapsed since the initial cancellation order was issued, and approximately 7 years will have elapsed from the effective cancellation of the fenamiphos products. When the Agency specified in the initial Product Cancellation Order that users may use existing stocks until exhausted, it did not anticipate that fenamiphos products would not move through the channels of trade and be depleted by end users in a timely manner.

Moreover, all pesticides sold or distributed in the United States generally must be registered by the EPA, based on scientific data showing that they will not cause unreasonable risks to human health or the environment when used as directed on product labeling. Due to the fact that fenamiphos product registrations were canceled as part of the voluntary phase-out, the Agency has determined that the registration review program, the periodic evaluation of pesticide safety, is not applicable to fenamiphos. The registration review of fenamiphos would have begun in 2008 if fenamiphos had active product registrations at that time. The Agency is concerned that the use of existing stocks of fenamiphos products has continued for an extended period since the last scientific risks assessments of its use, which were completed for the 2002 Fenamiphos Reregistration Eligibility Decision. Therefore, the Agency intends to prohibit all use of pesticide products containing fenamiphos 3 years from the date of publication of the amended order in the **Federal Register**.

### III. What is the agency's authority for taking this action?

Section 6(a)(1) of FIFRA provides that the Administrator may permit the continued sale and use of existing stocks of a pesticide whose registration is suspended or canceled under this section, or section 3 or 4, to such extent, under such conditions, and for such uses as the Administrator determines that such sale or use is not inconsistent with the purposes of this Act.

### IV. Proposed Order Amendment

Pursuant to FIFRA section 6(a), EPA is proposing to amend the December 10, 2008 order to allow persons other than the registrant to sell and distribute the fenamiphos product, Nemacur 3 Emulsifiable Systemic Insecticide-Nematicide (EPA Registration Number 264-731), for 1 year from the publication of the amended order.

Accordingly, the Agency is proposing to order that the sale and distribution of products containing fenamiphos is prohibited, except for proper disposal or export pursuant to section 17 of FIFRA, provided, however, that persons other than the registrant are permitted to sell and distribute existing stocks of Nemacur 3 Emulsifiable Systemic Insecticide-Nematicide (EPA Registration Number 264-731) for 1 year from the publication of the amended order. The Agency further proposes to order that end users with existing stocks of any products containing fenamiphos may continue to use these products for 3 years from the date of publication of the amended order in the **Federal Register**, provided that the use complies with EPA-approved product label requirements for the respective products.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: July 1, 2011.

**Richard P. Keigwin, Jr.**,  
Director, Pesticide Re-evaluation Division,  
Office of Pesticide Programs.

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2011-0507; FRL-8879-7]

### Formetanate HCl and Acephate; Notice of Receipt of Requests to Voluntarily Amend Registrations To Terminate Certain Uses

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily amend their formetanate HCl and acephate product registrations to delete uses. The requests would delete formetanate HCl use in or on apple, pear and peach commodities, and acephate use in or on succulent green beans. The requests would not terminate the last formetanate HCl or acephate products registered for use in the United States. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the request, or unless one or more of the

registrants withdraws its request. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the uses are deleted only if such sale, distribution, or use is consistent with the terms as described in the final order.

**DATES:** Comments must be received on or before August 12, 2011.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2011-0507, 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 Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

*Instructions:* Direct your comments to docket ID number EPA-HQ-OPP-2011-0507. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification,

EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. 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 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.

**FOR FURTHER INFORMATION CONTACT:** For pesticide specific information contact: The Chemical Review Manager listed for the pesticide of interest:

Active Ingre- dient.	Chemical Review Manager, Telephone Number, E- mail Address
Formetanate HCl.	James Parker, (703) 306- 0469 <a href="mailto:parker.james@epa.gov">parker.james@epa.gov</a>
Acephate .....	Kelly Ballard, (703) 305- 8126 <a href="mailto:ballard.kelly@epa.gov">ballard.kelly@epa.gov</a>

#### 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. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [www.regulations.gov](http://www.regulations.gov) or e-mail. Clearly mark

the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

##### II. Background on the Receipt of Requests To Amend Registrations To Delete Uses

This notice announces receipt by EPA of requests from several registrants including Amvac Chemical Corporation, United Phosphorus, Inc., ChemStarr, LLC, Makhteshim Agan of North America, Inc., and Tide International, USA, Inc., to delete the succulent green bean use from acephate product registrations. This notice also announces receipt by EPA of a request from Gowan Company to delete apple, peach and pear uses from formetanate HCl product registrations.

In a letter dated May 31, 2011, Gowan Company requested that the EPA amend to delete apple, peach and pear uses from formetanate HCl product

registrations identified in Table 1 of Unit III. Specifically, Gowan Company is requesting to amend product registrations to delete formetanate HCl use on apples, peaches and pears in order to reduce dietary exposure and risks. This action by Gowan Company will aid in mitigating dietary risks identified in a December 7, 2010, dietary risk assessment. More information regarding this situation is available in the formetanate HCl docket (EPA-HQ-OPP-2010-0939). Formetanate HCl is a miticide/insecticide used on assorted crops. There are no residential uses for formetanate HCl products. Registered products containing formetanate HCl are intended to control thrips, lygus bugs, stink bugs, mites, scale, campylocoma, and spiders. Currently, formetanate HCl is only available as a wettable powder

formulation sold in water soluble bags. The deletion of these uses will not terminate the last formetanate HCl products registered in the United States.

In letters dated April 20, 2011 (Makhteshim Agan of North America, Inc.), May 10, 2011 (United Phosphorus, Inc.), May 13, 2011 (Amvac Chemical Corporation), and May 25, 2011 (ChemStarr, LLC., and Tide International, USA, Inc.), registrants requested that EPA amend their product registrations to delete the succulent green bean use from acephate product registrations which are identified in Table 1 of Unit III. Specifically, the registrants are requesting to amend product registrations to delete acephate use on succulent green beans. Acephate is an organophosphate insecticide, and is registered for use on a variety of field, fruit, and vegetable crops, and in food handling establishments. It is also

registered for outdoor use on field-grown ornamentals, pasture, rangeland, sod and golf course turf, and indoor use in institutional settings. The deletion of these uses will not terminate the last acephate products registered in the United States.

**III. What action is the agency taking?**

This notice announces receipt by EPA of requests from registrants to delete certain uses of formetanate HCl and acephate product registrations. The affected products and the registrants making the request are identified in Tables 1 and 2 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order amending the affected registrations.

**TABLE 1—FORMETANATE HCl AND ACEPHATE PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT**

Registration No.	Product name	Chemical	Uses to be deleted
10163-264	Formetanate Hydrochloride Technical.	Formetanate HCl	Apple, Peach & Pear.
10163-265	Carzol SP Miticide/Insecticide in Water Soluble Packaging.	Formetanate HCl	Apple, Peach & Pear.
WA010033	Carzol SP Insecticide in Water Soluble Packaging.	Formetanate HCl	Apple & Pear.
5481-8975	Orthene Technical	Acephate	Succulent Green Beans.
70506-1	Acephate 75 Insecticide	Acephate	Succulent Green Beans.
70506-2	Acephate 90 Insecticide	Acephate	Succulent Green Beans.
70506-3	Acephate Technical	Acephate	Succulent Green Beans.
70506-8	Acephate 97UP Insecticide	Acephate	Succulent Green Beans.
70506-71	Acephate 90SP Manufacturing Use Product.	Acephate	Succulent Green Beans.
70506-76	Acephate 90DF Insecticide	Acephate	Succulent Green Beans.
81964-1	Acephate Technical	Acephate	Succulent Green Beans.
81964-3	Acephate 90% SP	Acephate	Succulent Green Beans.
83558-35	Acephate Technical	Acephate	Succulent Green Beans.
84229-7	Tide Acephate 90 WDG	Acephate	Succulent Green Beans.

Table 2 of this unit includes the name and address of record for the registrant of the products listed in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

**TABLE 2—REGISTRANTS REQUESTING VOLUNTARY AMENDMENTS**

EPA Company No.	Company name and address
5481	Amvac Chemical Corporation, 4695 MacArthur Court, Suite 1250, Newport Beach, CA 92660.
10163	Gowan Company, P.O. Box 5569, Yuma, AZ 85366-5569.

**TABLE 2—REGISTRANTS REQUESTING VOLUNTARY AMENDMENTS—Continued**

EPA Company No.	Company name and address
70506	United Phosphorus, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.
81964	ChemStarr, LLC, 21 Hubble, Irvine, CA 92618.
83558	Makhteshim Agan of North America, Inc., 4515 Falls of Neuse Road, Suite 300, Raleigh, NC 27609.
84229	Tide International, USA, Inc., 21 Hubble, Irvine, CA 92618.

**IV. What is the agency's authority for taking this action?**

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of

any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The formetanate HCl and acephate registrants have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

#### V. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation or use deletion should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

#### VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the action. If the requests for amendments to delete uses are granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to these requests for amendments to delete uses, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 of Unit III.

Formetanate HCl registrants will be permitted to sell and distribute existing stocks of products under the previously approved labeling until November 30, 2011. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the deleted uses identified in Table 1 of Unit III., except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of products, including those of (24c) Special Local Needs Registration, whose labels include the deleted uses until December 31, 2013, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the deleted uses.

Once EPA has approved amended acephate product labels reflecting the

requested amendments to delete the succulent green bean use, registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18 months after the date of **Federal Register** publication of the cancellation order, unless other restrictions have been imposed.

Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the deleted uses identified in Table 1 of Unit III., except for export consistent with FIFRA section 17 or for proper disposal.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 30, 2011.

**Richard P. Keigwin, Jr.,**

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

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**BILLING CODE 6560-50-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and (e) ways to further reduce the information collection burden for small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to

any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a currently valid OMB control number.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before August 12, 2011. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202-395-5167 or via e-mail to [Nicholas\\_A.Fraser@omb.eop.gov](mailto:Nicholas_A.Fraser@omb.eop.gov) and to the Federal Communications Commission via e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) and [Paul.Laurenzano@fcc.gov](mailto:Paul.Laurenzano@fcc.gov). To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <http://reginfo.gov/public/do/PRAMain>, (2) look for the section of the Web page called "Currently Under Review", (3) click on the downward-pointing arrow in the "Select Agency" box below the "Currently Under Review" heading, (4) select "Federal Communications Commission" from the list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Paul Laurenzano on (202) 418-1359.

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-1120.

*Title:* Service Quality Measure Plan for Interstate Special Access Quarterly Reporting Requirements.

*Form No.:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Business or other for-profit.

*Number of Respondents:* 3 respondents; 12 responses.

*Estimated Time per Response:* 25 hours.

*Frequency of Response:* Quarterly reporting requirement, recordkeeping requirement and third party disclosure requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151,152,