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**Accessibility:** For information on access or services for individuals with disabilities, please contact Dr. Thomas Armitage at (202) 343-9995 or [armitage.thomas@epa.gov](mailto:armitage.thomas@epa.gov). To request accommodation of a disability, please contact Dr. Armitage preferably at least 10 days prior to the teleconference, to give EPA as much time as possible to process your request.

Dated: May 14, 2010.

**Vanessa T. Vu,**

Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2010-11986 Filed 5-18-10; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0306; FRL-8825-7]

### Resmethrin; Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

**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 the registrants to voluntarily cancel their registrations of certain products containing the pesticide resmethrin. The requests would terminate resmethrin products registered for use as a wide area mosquito abatement adulticide 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 requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order. Resmethrin users or anyone else that desires the retention of a resmethrin registration should contact

the applicable registrants during the comment period.

**DATES:** Comments must be received on or before November 15, 2010.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2010-0306, 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-2010-0306. 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) website 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:** Tom Myers, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8589; fax number: (703) 308-7070; e-mail address: [myers.tom@epa.gov](mailto:myers.tom@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. 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:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. 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.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

**II. Background on the Receipt of Requests to Cancel Registrations**

This notice announces receipt by EPA of requests from registrants to cancel certain resmethrin product registrations. Resmethrin is a member of the pyrethroid class of pesticides. It is a broad spectrum, non-systemic, synthetic pyrethroid insecticide. Resmethrin is registered for use as a wide area mosquito abatement insecticide for use in industrial, recreational, and residential areas to control flying and crawling insects. All remaining resmethrin end use products not listed in this notice will be proposed for

cancellation in a subsequent **Federal Register** notice.

The registrants have requested voluntary cancellation of these resmethrin containing products based on the fact that the costs to fulfill the data call-in requirements from the 2006 Resmethrin Reregistration Eligibility Decision (RED), coupled with the costs to satisfy the recently issued Endocrine Disrupter Screening Program (EDSP) testing orders are not justified by the market opportunity in the vector control business segment. Resmethrin users or anyone else that desires the retention of a resmethrin registration should contact the applicable registrants during the comment period. The data required to support the resmethrin wide area mosquito abatement use are identified in Table 1.

TABLE 1.—DATA REQUIRED TO SUPPORT FOR THE MOSQUITO ABATEMENT USE OF RESMETHRIN

2006 Resmethrin RED Data Call-In	
810.3400	Mosquito, black fly, and biting midge (sand fly) treatments
830.7050	UV/Visible absorption
835.2410	Photodegradation of parent and degradates in soil
850.1300	Daphnid chronic toxicity test
850.1350	Mysid chronic toxicity test
Non-guideline	Chronic freshwater sediment testing - special study
Non-guideline	Chronic estuarine/marine sediment testing - special study
870.6200	Neurotoxicity screening battery
870.6300	Developmental neurotoxicity study

TABLE 1.—DATA REQUIRED TO SUPPORT FOR THE MOSQUITO ABATEMENT USE OF RESMETHRIN—Continued

EDSP testing orders	
2.1.1	Amphibian metamorphosis (frog)
2.1.2	Androgen receptor binding (rat prostate)
2.1.3	Aromatase (human recombinant)
2.1.4	Estrogen receptor binding
2.1.5	Estrogen receptor transcriptional activation (human cell line - HeLa-9903)
2.1.6	Fish short-term reproduction
2.1.7	Hershberger (rat)
2.1.8	Female Pubertal (rat)
2.1.9	Male pubertal (rat)
2.1.10	Steroidogenesis (human cell line - H295R)
2.1.11	Uterotrophic

In letters received by the Agency, the registrants requested EPA to cancel certain pesticide product registrations identified in this notice in Table 2. This action would terminate the use of resmethrin products registered in the United States as a wide area mosquito abatement insecticide.

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

This notice announces receipt by EPA of requests from registrants to cancel certain resmethrin product registrations. The affected products and the registrants making the requests are identified in Tables 2 and 3 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 canceling the affected registrations.

TABLE 2.—RESMETHRIN PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration Number	Product Name	Chemical
432-595	SBP-1382 Insecticide Concentrate 40% Formula I	Resmethrin
432-596	SBP-1382 Insecticide 40 MF Solvent Dilutable Concentrate Formula I	Resmethrin
432-667	SCOURGE Insecticide w/ SBP-1382/PBO 18%+54% MF Formula II	Resmethrin Piperonyl butoxide

TABLE 2.—RESMETHRIN PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration Number	Product Name	Chemical
432-716	SCOURGE Insecticide w/ SBP-1382/PBO 4%+12% MF Formula II	Resmethrin Piperonyl butoxide
432-1246	Aqua-SCOURGE	Resmethrin Piperonyl butoxide
73049-78	SBP-1382 Concentrate 40	Resmethrin
73049-79	SBP-1382 Insecticide Concentrate 15%	Resmethrin
73049-80	SBP-1382 Pressurized Wasp and Hornet Spray 0.15%	Resmethrin
73049-86	SBP-1382 Technical with Antioxidant	Resmethrin
73049-95	SBP-1382 Bioallethrin/Insecticide Concentrate 10%-6.25% Formula I	Resmethrin S-Bioallethrin
73049-101	SBP-1382 T.E.C. 6%	Resmethrin
73049-134	SBP-1382 Insecticide Concentrate 40% Formula II	Resmethrin
73049-372	Synthrin Technical with Antioxidant Insecticide	Resmethrin

Table 3 of this unit includes the names and addresses of record for the registrants of the products listed in Table 2 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 above.

TABLE 3.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company Number	Company Name and Address
000432	Bayer Environmental Science P.O. Box 12014 Research Triangle Park, NC 27709
073049	Valent BioSciences Corporation 870 Technology Way Libertyville, IL 60048

#### 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, section 6(f)(1)(C) of FIFRA 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 Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The resmethrin registrants have not requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 180-day comment period on the proposed requests.

#### V. Procedures for Withdrawal of Requests

Registrants who choose to withdraw a request for product cancellation should submit the withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products(s) 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 voluntary cancellation are granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to these requests for cancellation of product registrations, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 2.

After December 31, 2012, registrants are prohibited from selling or distributing existing stocks of products containing resmethrin for all uses, including the use of resmethrin as a wide area mosquito abatement insecticide.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 7, 2010.

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

[FR Doc. 2010-11697 Filed 5-18-10; 8:45 am]

BILLING CODE 6560-50-S

#### EXPORT-IMPORT BANK OF THE UNITED STATES

##### Economic Impact Policy

This notice is to inform the public that the Export-Import Bank of the United States has received an application for a \$400 million long-term