

### III. Approved Application

For manufacturing use only for formulation into end-use products for control of certain Tephritidae flies of the Order Diptera on affected food crops.

#### List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: May 30, 2006.

**Janet L. Andersen,**

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

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BILLING CODE 6560-50-S

### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2005-0494; FRL-8071-1]

#### Rotenone; Notice of Receipt of Requests to Amend Rotenone Pesticide 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 rotenone registrants to voluntarily amend their registrations to terminate certain uses. The requests would terminate all rotenone uses on livestock, residential and home owner use, domestic pet uses, and all other uses except for piscicide (fish kill) uses. 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 within this period. Upon approval of these requests, any sale, distribution, or use of products listed in this notice will be permitted 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 July 7, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2005-0494, 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 Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket'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 telephone number is (703) 305-5805.

*Instructions:* Direct your comments to docket ID number EPA-HQ-OPP-2005-0494. 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 [regulations.gov](http://www.regulations.gov) or e-mail. The Federal [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 [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. 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 Building), 2777 S. Crystal Drive, 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 telephone number is (703) 305-5805.

#### FOR FURTHER INFORMATION CONTACT:

Katie Hall, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-0166; fax number: (703) 308-7070; e-mail address: [hall.katie@epa.gov](mailto:hall.katie@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 [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 Amend Registrations to Delete Uses**

This notice announces receipt by EPA of requests dated March 7, 2006; March 17, 2006; and April 5, 2006 from the registrants Prentiss Incorporated, Foreign Domestic Chemicals

Corporation, and Tifa International LLC, respectively, to terminate uses of the following rotenone products: 655-3, 655-69, 655-421, 655-422, 655-691, 655-795, 655-803, 655-804, 655-805, 655-806, 655-807, 655-808, 6458-1, 6458-5, 6458-6, 82397-1, 82397-2, 82397-3, 82397-4, and 82397-5. Rotenone is an insecticide/miticide/piscicide used to control flying and crawling insects and invasive fish. Specifically, the rotenone registrants request termination of rotenone uses including formulations for livestock use, agriculture use, residential and home owner uses, domestic pet uses, and all other uses except for piscicide uses. Foreign Domestic Chemicals Corporation conditioned their request upon the allowance for existing stocks until March 11, 2008. Upon approval of these requests, there will still be piscicide uses of rotenone allowed in the U.S.

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

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

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that

their pesticide registrations be canceled or amended to terminate one or more pesticide uses. 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 180-day comment period, or
2. The Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The rotenone registrants have requested that EPA waive the 180-day comment period. EPA will provide a 30-day comment period on the proposed requests.

Unless a request is withdrawn by the registrant within 30 days of publication of this notice, or if the Agency determines that there are substantive comments that warrant further review of this request, an order will be issued amending the affected registrations.

TABLE 1.—ROTENONE PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT

Registration No.	Product name	Company	Use Sites
655-3	Prentox Cube Powder .....	Prentiss Incorporated .....	The registrants have requested voluntary cancellation of the livestock use, agriculture use, residential and home owner uses, domestic pet uses, and all other uses EXCEPT for piscicide uses
655-69	Prentox Cube Resins .....	Do. ....	Do.
655-421	Prentox Synpren-Fish Toxicant .....	Do. ....	Do.
655-422	Prentox Prenfish Toxicant .....	Do. ....	Do.
655-691	Prentox Rotenone Fish Toxicant Powder.	Do. ....	Do.
655-795	Prentox Prenfish Grass Carp Management Bait.	Do. ....	Do.
655-803	Prentox Common Carp Management Bait.	Do. ....	Do.
655-804	Nusyn-Noxfish Fish Toxicant .....	Do. ....	Do.
655-805	Noxfish Fish Toxicant Liquid-Emulsifiable.	Do. ....	Do.
655-806	Cube Powder Fish Toxicant .....	Do. ....	Do.
655-807	Powdered Cube Root .....	Do. ....	Do.
655-808	Brittle Extract of Cube Root .....	Do. ....	Do.

TABLE 1.—ROTENONE PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT—Continued

Registration No.	Product name	Company	Use Sites
6458-1	Cube Root Powder .....	Foreign Domestic Chemicals Corp..	Do.
6458-5	Rotenone Resin for Manufacturing Use Only.	Do. ....	Do.
6458-6	Cube Powder .....	Do. ....	Do.
82397-1	Chem Fish Regular .....	Tifa International, LLC. ..	Do.
82397-2	Chem Fish Synergized .....	Do. ....	Do.
82397-3	Powdered Cube Root .....	Do. ....	Do.
82397-4	Chem-Sect Brand Rotenone Resins .....	Do. ....	Do.
82397-5	Cube Powder Fish Toxicant .....	Do. ....	Do.

Table 2 of this unit includes the names and addresses of record for the registrants of the products listed in Table 1 of this unit.

TABLE 2.—REGISTRANTS REQUESTING AMENDMENTS

EPA Company No.	Company name and address
655	Prentiss Incorporated C.B. 2000 Floral Park, NY 11001
6458	Foreign Domestic Chemicals Corp.3 Post Road Oakland, NJ 07436
82397	Tifa International, LLC.50 Division Avenue Millington, NJ 07946

**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**. Thereafter, following the public comment period, the Administrator may approve such a request.

**V. Procedures for Withdrawal of Request and Considerations for Reregistration of Rotenone**

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**, postmarked before July 7, 2006. This written

withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the product(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 which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

In any order issued in response to these requests for amendments to terminate uses of rotenone, EPA proposes to include the following provisions for the treatment of any existing stocks of the products identified or referenced in Table 1: For Prentiss Incorporated products 655-3, 655-69, 655-421, 655-422, 655-691, 655-795, 655-803, 655-804, 655-805, 655-806, 655-807, 655-808 and for Tifa International LLC products 82397-1, 82397-2, 82397-3, 82397-4, 82397-5, there will be no existing stocks provision for product in the hands of technical registrants as of the date of the final cancellation order.

For Foreign Domestic Chemical Corporation products 6458-1, 6458-5, and 6458-6, existing stocks may be distributed or sold by the registrant under the previously approved labeling until March 11, 2008.

If the request for use termination is granted as discussed above, the Agency intends to issue a cancellation order that will allow persons other than the registrant to continue to sell and/or use existing stocks of cancelled products until such stocks are exhausted,

provided that such use is consistent with the terms of the previously approved labeling on, or that accompanied, the cancelled product. The order will specifically prohibit any use of existing stocks that is not consistent with such previously approved labeling. If, as the Agency currently intends, the final cancellation order contains the existing stocks provision just described, the order will be sent only to the affected registrants of the cancelled products. If the Agency determines that the final cancellation order should contain existing stocks provisions different than the ones just described, the Agency will publish the cancellation order in the **Federal Register**.

**List of Subjects**

Environmental protection, Pesticides and pests.

Dated: May 25, 2006.

**Debra Edwards,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[EPA–HQ–OPP–2006–0333; FRL–8068–6]

**Notice of Filing of a Pesticide Petition for Establishment of Regulations for Residues of Kresoxim-methyl in or on Vegetable, Cucurbit, Group 9**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of