

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. What Action is the Agency Taking?

EPA is printing notice of the filing of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petition described in this notice contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available on-line at <http://www.regulations.gov>.

### *New Exemption from Tolerance*

PP 7F7186. Falcon Lab, LLC., 1103 Norbee Drive Wilmington, DE 19803, (petition submitted by Forster and Associates Consulting, LLC, 230 Steeplechase Circle, Wilmington, DE 19808), proposes to establish an exemption from the requirement of a tolerance for residues of the biochemical pesticide, ammonium salts of higher fatty acids [C8-C18 saturated and C8-C12 unsaturated], in or on all food commodities. Because this petition is a request for an exemption from the requirement of a tolerance without numerical limitations, no analytical method is required. EPA issued a notice in the **Federal Register** of August 8,

2007 (72 FR 44521) (FRL-8139-7) to exempt ammonium salts of higher fatty acids from the requirement of a tolerance. However, the Food Quality Protection Act (FQPA) Publicly Releasable Summary was not present in the Docket. Therefore, EPA is republishing this notice to allow for public comment period on this action.

### List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 4, 2008.

**Janet L. Andersen,**

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

[FR Doc. E8-8073 Filed 4-15-08; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0046; FRL-8359-1]

### Notice of Filing of Pesticide Petitions for Residues of Pesticide Chemicals in or on Various Commodities

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing 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 May 16, 2008.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2008-0046 and the pesticide petition number (PP) of interest, 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'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 EPA-HQ-OPP-2008-0046 the assigned docket ID number and the pesticide petition number of interest. 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 [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 [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 in [regulations.gov](http://www.regulations.gov). To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the [regulations.gov](http://www.regulations.gov) website to view the docket index or access available documents. 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. Publicly available docket materials are available electronically 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:** The person listed at the end of the pesticide petition summary of interest.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

*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://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. Docket ID Numbers**

When submitting comments, please use the docket ID number and the pesticide petition number of interest, as shown in the table.

PP Number	Docket ID Number
PP 3F4188	EPA-HQ-OPP-2008-0173
PP 7F7248	EPA-HQ-OPP-2008-0173
PP 3H5662	EPA-HQ-OPP-2008-0173
PP 7F7208	EPA-HQ-OPP-2008-0132
PP 7F7260	EPA-HQ-OPP-2008-0168
PP 7F7293	EPA-HQ-OPP-2008-0167
PP 8F7328	EPA-HQ-OPP-2008-0217

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

EPA is printing notice of the filing of pesticide petitions received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petitions described in this notice contain data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. Additional data may

be needed before EPA rules on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions included in this notice, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available on-line at <http://www.regulations.gov>.

*New Tolerances*

1-3. *PPs 3F4188, 7F7248, and 3H5662.* (EPA-HQ-OPP-2008-0173). Dow Agro Sciences LLC, 9330 Zionsville Road, Indianapolis, IN-46268, proposes to establish a tolerance for residues of the insecticide chlorpyrifos in or on food commodities grass, forage (Crop group 17) at 11 parts per million (ppm); grass, hay (Crop group 17) at 30 ppm; barley, grain at 0.5 ppm; barley, straw at 2 ppm; barley, hay at 3 ppm; barley, milled feed fractions at 1 ppm; barley, grain at 0.5 ppm; barley, grain at 0.5 ppm; barley, grain at 0.5 ppm; barley, grain at 0.5 ppm; barley, grain at 0.5 ppm; barley, grain at 0.5 ppm; barley, grain at 0.5 ppm; barley, grain at 0.5 ppm; barley, grain at 0.5 ppm; barley, grain at 0.5 ppm; and barley, grain at 0.5 ppm. Adequate enforcement methods are available for determination of chlorpyrifos residues in plant and animal commodities. The available Analytical Enforcement Methodology was previously reviewed in the June 20, 2000, Chlorpyrifos. Revised Product and Residue Chapters of the Health Effects Division (HED) Chapter of Reregistration Eligibility Decision (RED). Contact: Akiva Abramovitch, (703) 308-8328, [abramovitch.akiva@epa.gov](mailto:abramovitch.akiva@epa.gov).

4. *PP 7F7208.* (EPA-HQ-OPP-2008-0132). Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709, proposes to establish a tolerance for residues of the herbicide thiencazone-methyl (BYH 18636 - parent) as methyl 4-[(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl) carboxamidosulfonyl]-5-methylthiophene-3-carboxylate (IUPAC nomenclature) in or on the food commodities field corn grain at 0.01 ppm; sweet corn kernels at 0.01 ppm; wheat grain at 0.01 ppm; and soybean seed at 0.01 ppm. Thiencazone-methyl (BYH 18636 parent and metabolites) as methyl 4-[(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl) carboxamidosulfonyl]-5-methylthiophene-3-carboxylate (IUPAC nomenclature) and metabolites BYH 18636-N-desmethyl, and BYH 18636-MMT-glucoside determined

individually and expressed in thiencarbazone-methyl equivalents in or on the food commodities field corn forage at 0.03 ppm; sweet corn forage at 0.15 ppm; field corn stover at 0.04 ppm; sweet corn stover at 0.04 ppm; pop corn stover at 0.04 ppm; sweet corn (k+cwhr) at 0.01 ppm; wheat, hay at 0.02 ppm; wheat, straw at 0.02 ppm; wheat, forage at 0.09 ppm; soybean, forage at 0.04 ppm; soybean, hay at 0.15 ppm; and cotton gin by-products at 0.15 ppm. Thiencarbazone-methyl (BYH 18636 parent and metabolites) as methyl 4-[(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl)carboxamidosulfonyl]-5-methylthiophene-3-carboxylate (IUPAC nomenclature), and metabolite BYH 18636-MMT (expressed in thiencarbazone-methyl equivalents) are proposed based on the tissue to feed ratio as determined from the lactating dairy cow feeding study applied to a new diet calculated from the above proposed tolerances in or on the food commodities milk at 0.01 ppm; cattle, meat at 0.01 ppm; cattle, fat at 0.01 ppm; cattle, liver at 0.05 ppm; cattle, kidney at 0.02 ppm; goat, meat at 0.01 ppm; goat, fat at 0.01 ppm; goat, liver at 0.05 ppm; goat, kidney at 0.02 ppm; hog, meat at 0.01 ppm; hog, fat at 0.01 ppm; hog, liver at 0.05 ppm; hog, kidney at 0.02 ppm; horse, meat at 0.01 ppm; horse, fat at 0.01 ppm; horse, liver at 0.05 ppm; horse, kidney at 0.02 ppm; sheep, meat at 0.01 ppm; sheep, fat at 0.01 ppm; sheep, liver at 0.05 ppm; and sheep, kidney at 0.02 ppm. A high pressure liquid chromatography/triple stage quadrupole mass spectrometry (HPLC/MS/MS) method that employs the use of internal standards has been developed and validated for quantification of BYH 18636 analyte residues in plant matrices. The analytical method was developed for the determination of the residues of BYH18636 (parent), and its metabolites BYH18636-MMT-glucoside and -N-desmethyl in/on plant materials. The calculated limit of detection (LOD) ranges from 0.001 to 0.003 ppm. The limit of quantitation (LOQ) for this method is 0.01 ppm for each analyte in plant matrices. Contact: Hope A. Johnson, (703) 305-5410, [johnson.hope@epa.gov](mailto:johnson.hope@epa.gov).

5. *PP 7F7260*. (EPA-HQ-OPP-2008-0168). BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709, proposes to establish a tolerance for residues of the insecticide metaflumizone in or on food commodities grape at 0.01 ppm; citrus fruits group (crop group 10) at 0.01 ppm; and tree nuts group (crop group

14) at 0.01 ppm. BASF Analytical Method No. 531/0 was developed to determine residues of metaflumizone and its metabolites M320I04 and M320I23, the residues of concern in plants, and in crop matrices. In this method, residues of metaflumizone are extracted from plant matrices with methanol/water (70:30; v/v) and then partitioned into dichloromethane. For oily matrices, the residues are extracted with a mixture of isohexane/acetonitrile (1:1; v/v). The final determination of metaflumizone and its metabolites is performed by liquid chromatography/mass spectrometry (LC/MS/MS). Contact: Julie Chao, (703) 308-8735, [chao.julie@epa.gov](mailto:chao.julie@epa.gov).

6. *PP 7F7293*. (EPA-HQ-OPP-2008-0167). Syngenta Crop Protection Inc., P.O. Box 18300, Greensboro, NC 27419-8300, proposes to establish a tolerance for residues of insecticide thiamethoxam {3-[[2-chloro-5-thiazolyl)methyl]tetrahydro-5-methyl-N-nitro-4H-1,3,5-oxadiazin-4-imine}(CAS Reg. No. 153719-23-4) and its metabolite [N-(2-chloro-thiazol-5-ylmethyl)-N'-methyl-N'-nitro-guanidine] in or on food commodities fruit, citrus (Crop Group 10) at 0.3 ppm; and nut, tree (Crop Group 14) including pistachio at 0.3 ppm. Syngenta Crop Protection, Inc. has submitted practical analytical methodology for detecting and measuring levels of thiamethoxam in or on raw agricultural commodities. This method is based on crop specific cleanup procedures and determination by liquid chromatography with either ultraviolet (UV) or mass spectrometry (MS) detections. The limit of detection (LOD) for each analyte of this method is 1.25 ng injected for samples analyzed by UV and 0.25 ng injected for samples analyzed by MS, and the limit of quantification (LOQ) is 0.005 ppm for milk and juices, and 0.01 ppm for all other substrates. Contact: Julie Chao, (703) 308-8735, [chao.julie@epa.gov](mailto:chao.julie@epa.gov).

7. *PP 8F7328*. (EPA-HQ-OPP-2008-0217). Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709, proposes to establish a tolerance for residues of the herbicide isoxaflutole 5-cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethylbenzoyl) isoxazole and its metabolite 1-(2-methylsulphonyl-4-trifluoromethylphenyl)-2-cyano-3-cyclopropyl propane-1,3-dione (RPA 202248), calculated as the parent compound in or on food commodities corn, field, grain corn at 0.02 ppm; corn, field, forage at 0.02 ppm; and corn, field, stover at 0.02 ppm. A practical analytical method has been developed for detecting and quantifying levels of Isoxaflutole and RPA 202248 in or on

raw agricultural commodities obtained from field corn. This method allows monitoring of these commodities with residues at or above the levels proposed in this petition. Quantitation of analytes as individual components is performed by daughter-ion detection using liquid chromatography/mass spectroscopy (LC/MS/MS). The limit of quantitation (LOQ) for all analytes is 0.01 ppm. The proposed analytical enforcement method to determine isoxaflutole-derived residues in plants has been validated by an independent laboratory. Contact: Erik Kraft, (703) 308-9358, [kraft.erik@epa.gov](mailto:kraft.erik@epa.gov).

#### Amendment to Existing Tolerance

*PPs 3F4188, 7F7248, and 3H5662*. (EPA-HQ-OPP-2008-0173). Dow Agro Sciences LLC, 9330 Zionsville Road, Indianapolis, IN, 46268, proposes to amend the tolerances in 40 CFR 180.342 for residues of the insecticide chlorpyrifos in or on the food commodities cattle, fat at 0.6 ppm; goat, fat at 0.4 ppm; horse, fat at 0.5 ppm; hog, fat at 0.4 ppm; and sheep, fat at 0.4 ppm. Adequate enforcement methods are available for determination of chlorpyrifos residues in plant and animal commodities. The available Analytical Enforcement Methodology was previously reviewed in the June 20, 2000, Chlorpyrifos. Revised Product and Residue Chapters of the Health Effects Division (HED) Chapter of Reregistration Eligibility Decision (RED). Contact: Akiva Abramovitch, (703) 308-8328, [abramovitch.akiva@epa.gov](mailto:abramovitch.akiva@epa.gov).

#### List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 31, 2008.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. E8-8003 Filed 4-15-08; 8:45 am]

**BILLING CODE 6560-50-S**

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0234; FRL-8358-8]

#### Notice of Filing of Pesticide Petitions for Residues of Pesticide Chemicals in or on Various Commodities

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

**ACTION:** Notice.