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Comment Date: 5 p.m. Eastern Time on Wednesday, March 19, 2008.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St., NE., Washington, DC 20426.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2005-0293; FRL-8354-9]

### Cypermethrin; Response to Comments and Amendment to Reregistration Eligibility Decision; Notice of Availability

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's intention to modify certain risk mitigation measures that were imposed as a result of the 2006 Reregistration Eligibility Decision (RED) for the pesticide cypermethrin. EPA conducted this reassessment of the cypermethrin RED in response to public comments directed towards product labeling, risk mitigation, and the upcoming registration review process for pyrethroids, pyrethrins, and synergist chemicals. In response to the commenters and continuing efforts to mitigate risk, the Agency has made several modifications to the cypermethrin RED label requirements for pre-construction termiticide applications, spray drift language for agricultural products, and ventilation for total release foggers.

**FOR FURTHER INFORMATION CONTACT:** Dana Friedman, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-8827; fax number: (703) 308-7070; e-mail address: [friedman.dana@epa.gov](mailto:friedman.dana@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 Access this Document and Other Related Information?

1. *Docket.* EPA has established a docket for this action under docket

identification (ID) number EPA-HQ-OPP-2005-0293. 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

### 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. In 2006, EPA issued a RED for cypermethrin under section 4(g)(2)(A) of FIFRA and the Agency received substantive comments. The Agency's response to these comments is available for viewing in the public docket. The amended cypermethrin RED reflects changes resulting from these comments as well as subsequent efforts by the Agency to mitigate overall risk.

## III. What Does this Amendment Do?

The amended cypermethrin RED reflects revisions resulting from Agency consideration of public comments to the RED and efforts to develop standardized label language for certain applications. The label table incorporated into the cypermethrin RED amendment includes modifications which provide mandatory label language for pre-construction termiticide applications, spray drift language for agricultural products, and ventilation requirements for total release foggers.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 6, 2008.

**Peter Caulkins,**

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

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