UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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Ciba-Giegy Corporation,	)	
Claimant	)	
v.	)	FIFRA COMP. Docket No. 62
Axon Corporation,	)	
Respondent	)	

ACCELERATED DECISION

This is a proceeding under section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136a(c)(1)(D), 1976 Ed.), instituted by a claim for compensation filed by Ciba-Geigy Corporation by letter dated April 23, 1975 against Axon Corporation for test data allegedly produced by Ciba-Geigy Corporation and purportedly utilized or to be utilized in the registration under the act of Axon Corporation's product Axon Atrazine (Technical Grade) pursuant to an application for registration therefor filed February 26, 1975. Notice of such application, which had been assigned EPA File Symbol 34771-E was published in the Federal Register April 7, 1975 (40 F.R. 15439, 15440).[1/]

1/ Upon registration of the product the number became Reg. No. 34771-2.

Pursuant to the authorization and direction of the Acting Administrator, dated October 13, 1976 (41 F.R. 46020), in part, making effective that portion of section 3(c)(1)(D) of the act relating to the determination of claims, the Acting Director of the Agency's Registration Division certified and forwarded the file in this proceeding to the Office of Administrative Law Judges on December 19, 1977. A copy of the file and the Rules of Procedure promulgated herein were subsequently served upon the parties.

The parties filed a stipulation April 28, 1978. Such stipulation contains, in part, the following:

> "1. The Administrator did not consider, in support of Axon's registration of Axon Atrazine (Technical Grade) (EPA Reg. No. 34771-2), under the 1947 FIFRA registration requirements, data owned by Ciba-Geigy and submitted on or after January 1, 1970."

It is clear, by reason of such stipulation, that the issuance of an accelerated decision pursuant to section 13(a) of the Rules of Procedure dismissing the claim herein is appropriate.[2/] In the issuance of the registration to Respondent, the Administrator did not consider any data submitted by Claimant on or after January 1, 1970. In the circumstances presented, we find no basis for compensation in a proceeding under section 3(c)(1)(D) of the act.

2/ See Ciba-Geigy Corporation v. Industria Prodotti Chimici, FIFRA COMP. Docket No. 1.

Accordingly, Claimant's claim for compensation herein instituted by its letter of April 23, 1975 is hereby dismissed.

Edward B. Finch
Administrative Law Judge

May 10, 1978