

## II. Additional Information About Commenting on the Proposed Consent Decree

### A. How can I get a copy of the consent decree?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2011-0935) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through [www.regulations.gov](http://www.regulations.gov). You may use [www.regulations.gov](http://www.regulations.gov) to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select "search".

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at [www.regulations.gov](http://www.regulations.gov) without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

### B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be

marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the [www.regulations.gov](http://www.regulations.gov) Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an "anonymous access" system. If you send an email comment directly to the Docket without going through [www.regulations.gov](http://www.regulations.gov), your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

**Patricia Embrey,**

*Acting Associate General Counsel.*

[FR Doc. 2011-32648 Filed 12-20-11; 8:45 am]

**BILLING CODE P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2011-0939; FRL-9329-7]

### Registration Review; Pesticide Dockets Opened for Review and Comment, and Notice of Availability of Final Work Plans for Certain Pesticides

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

**ACTION:** Notice.

**SUMMARY:** EPA has established registration review dockets for the pesticides listed in the table in Unit III.A. With this document, EPA is opening the public comment period for

these registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

This document also announces the availability of amended final work plans for the registration review of the pesticides cryolite, prodiamine, asulam, and etofenprox.

**DATES:** Comments must be received on or before February 21, 2012.

**ADDRESSES:** Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., 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 the docket ID numbers listed in the table in Unit III.A. for the pesticides you are commenting on. 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

email. The 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 email comment directly to EPA without going through regulations.gov, your email 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:** For pesticide-specific information contact: The Chemical Review Manager identified in the table in Unit III.A. for the pesticide of interest.

**For general information contact:** Kevin Costello, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 305-5026; fax number: (703) 308-8090; email address: [costello.kevin@epa.gov](mailto:costello.kevin@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, farmworker, 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 or email. 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.

3. Environmental justice. EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

##### II. Authority

EPA is initiating its reviews of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

##### III. Registration Reviews

###### A. What action is the agency taking?

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations identified in the table in this unit to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE—REGISTRATION REVIEW DOCKETS OPENING

Registration review case name and Number	Docket ID No.	Chemical review manager, telephone number, e-mail address
Benfluralin, 2030 .....	EPA-HQ-OPP-2011-0931.	Cathryn Britton, 703-308-0136, <a href="mailto:stclair.katherine@epa.gov">stclair.katherine@epa.gov</a> .
Bis(trichloromethyl)sulfone, 2055 .....	EPA-HQ-OPP-2011-0614.	Seiichi Murasaki, 703-347-0163, <a href="mailto:murasaki.seiichi@epa.gov">murasaki.seiichi@epa.gov</a> .
Clothianidin, 7620 .....	EPA-HQ-OPP-2011-0865.	Rusty Wasem, 703-305-6979, <a href="mailto:wasem.russell@epa.gov">wasem.russell@epa.gov</a> .
Dinotefuran, 7441 .....	EPA-HQ-OPP-2011-0920.	Steven Snyderman, 703-347-0249, <a href="mailto:snyderman.steven@epa.gov">snyderman.steven@epa.gov</a> .
Methylene bis(thiocyanate), 2415 .....	EPA-HQ-OPP-2011-0613.	Rebecca von dem Hagen, 703-305-6785, <a href="mailto:vondem-hagen.rebecca@epa.gov">vondem-hagen.rebecca@epa.gov</a> .
Orthosulfamuron, 7270 .....	EPA-HQ-OPP-2011-0438.	Khue Nguyen, 703-347-0248, <a href="mailto:nguyen.khue@epa.gov">nguyen.khue@epa.gov</a> .
Paraquat dichloride, 0262 .....	EPA-HQ-OPP-2011-0855.	Molly Clayton, 703-603-0522, <a href="mailto:clayton.molly@epa.gov">clayton.molly@epa.gov</a> .
Pyrethrin and derivatives, 2580 .....	EPA-HQ-OPP-2011-0885.	Joel Wolf, 703-347-0228, <a href="mailto:wolf.joel@epa.gov">wolf.joel@epa.gov</a> .
Sodium Omadine, 0209 .....	EPA-HQ-OPP-2011-0611.	Eliza Blair, 703-308-7279, <a href="mailto:blair.eliza@epa.gov">blair.eliza@epa.gov</a> .
Sumithrin (phenothrin), 0426 .....	EPA-HQ-OPP-2011-0539.	Carissa Cyran, 703-347-8781, <a href="mailto:cyran.carissa@epa.gov">cyran.carissa@epa.gov</a> .
Tetramethrin, 2660 .....	EPA-HQ-OPP-2011-0907.	Monica Wait, 703-347-8019, <a href="mailto:wait.monica@epa.gov">wait.monica@epa.gov</a> .
Thiamethoxam, 7614 .....	EPA-HQ-OPP-2011-0581.	Carissa Cyran, 703-347-8781, <a href="mailto:cyran.carissa@epa.gov">cyran.carissa@epa.gov</a> .
Thiobencarb, 2665 .....	EPA-HQ-OPP-2011-0932.	Kelly Ballard, 703-305-8126, <a href="mailto:ballard.kelly@epa.gov">ballard.kelly@epa.gov</a> .
Tri-n butyl tetradecyl phosphonium chloride, 5111 .....	EPA-HQ-OPP-2011-0952.	Eliza Blair, 703-308-7279, <a href="mailto:blair.eliza@epa.gov">blair.eliza@epa.gov</a> .
Undecylenic Acid, 4095 .....	EPA-HQ-OPP-2011-0910.	Tom Myers, 703-308-8589, <a href="mailto:myers.tom@epa.gov">myers.tom@epa.gov</a> .

EPA is announcing the availability of amended final work plans for the registration review of the pesticides cryolite (docket EPA-HQ-OPP-2011-0173), prodimamine (docket EPA-HQ-OPP-2010-0920), and asulam and sodium asulam (docket EPA-HQ-OPP-2010-0783). These final work plans have been amended to incorporate changes to data requirements for registration review. EPA is also announcing the availability of the amended final work plan for etofenprox (docket EPA-HQ-OPP-2007-0804); this final work plan was amended to include pet spot-on product label changes and the issuance of a data call-in (DCI) to support the registration review of etofenprox.

#### B. Docket Content

1. *Review dockets.* The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

- An overview of the registration review case status.
- A list of current product registrations and registrants.
- **Federal Register** notices regarding any pending registration actions.

• **Federal Register** notices regarding current or pending tolerances.

- Risk assessments.
- Bibliographies concerning current registrations.
- Summaries of incident data.
- Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information.* More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's Web site at [http://www.epa.gov/oppsrrd1/registration\\_review/schedule.htm](http://www.epa.gov/oppsrrd1/registration_review/schedule.htm). Information on the Agency's registration review program and its implementing regulation may be seen at <http://>

[www.epa.gov/oppsrrd1/registration\\_review](http://www.epa.gov/oppsrrd1/registration_review).

3. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

i. To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.

ii. The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.

iii. Submitters must clearly identify the source of any submitted data or information.

iv. Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the

Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: December 14, 2011.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division,  
Office of Pesticide Programs.

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#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-OW-2011-0466; FRL-9609-3]

#### Notice of Availability of Draft Recreational Water Quality Criteria and Request for Scientific Views

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

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 304(a) of the Clean Water Act (CWA), the Environmental Protection Agency (EPA) is announcing the availability of the draft document *Recreational Water Quality Criteria* (RWQC). The document contains the EPA's draft ambient water quality criteria recommendations for protecting human health in ambient waters that are designated for primary contact recreation. CWA Section 304(c) water quality criteria recommendations are intended as guidance to States and authorized Tribes in developing water quality standards. The draft RWQC document describes the relevant scientific findings, explains how these findings were used to derive criteria, and lists the water quality methods associated with the criteria.

The draft RWQC differs from the current 1986 RWQC in the following ways: the EPA introduces a new term, Statistical Threshold Value (STV), as a clarification and replacement for the term single sample maximum (SSM); there are no longer recommendations for different criteria values for beaches used with more or less frequency; the EPA introduces a rapid analytical technique for the detection of enterococci in recreational water; the EPA provides information on tools for assessing and

managing recreational waters, such as predictive modeling, and for developing site-specific criteria.

The CWA, as amended by the Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000, requires the EPA to conduct studies associated with pathogens and human health under Section 104(v), and to publish new or revised criteria for pathogens and pathogen indicators based on those studies under Section 304(a)(9). The draft criteria announced today for scientific views are the draft new or revised criteria that EPA is required to publish under Section 304(a)(9) of the CWA, as amended by the BEACH Act.

**DATES:** Scientific views must be received on or before February 21, 2012. Comments postmarked after this date may not be considered.

**ADDRESSES:** Submit your scientific views, identified by Docket ID No. EPA-HQ-OW-2011-0466, and obtain the document (EPA-HQ-OW-2011-0466-0002) by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): Follow the on-line instructions for submitting comments.
- *Email:* OW-Docket@epa.gov.
- *Mail:* U.S. Environmental Protection Agency; EPA Docket Center (EPA/DC) Water Docket, MC 28221T; 1200 Pennsylvania Avenue NW., Washington, DC 20460.
- *Hand Delivery:* EPA Docket Center, 1301 Constitution Ave. NW., EPA West, Room 3334, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-OW-2011-0466. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](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 email. The [www.regulations.gov](http://www.regulations.gov) Web site is an "anonymous access" system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through [www.regulations.gov](http://www.regulations.gov) your email address will be automatically captured and included as part of the comment that is placed in the public

docket and made available on the Internet. If you submit an electronic comment, the 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 the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the 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. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Office of Water Docket/EPA/DC, 1301 Constitution Ave. NW., EPA West, Room 3334, Washington, DC. This Docket Facility is open from 8:30 a.m. until 4:30 p.m., EST, Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Office of Water Docket is (202) 566-2426.

**FOR FURTHER INFORMATION CONTACT:** For questions concerning the science supporting this criteria, contact Sharon Nappier, Health and Ecological Criteria Division (4304T), [nappier.sharon@epa.gov](mailto:nappier.sharon@epa.gov), U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460; (202) 566-0740. For questions concerning the use of EPA's criteria recommendations, contact Tracy Bone, Standards and Health Protection Division (4305T), [bone.tracy@epa.gov](mailto:bone.tracy@epa.gov), U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460; (202) 564-5257.

#### SUPPLEMENTARY INFORMATION:

##### I. What are Section 304(a) water quality criteria?

Section 304(a) water quality criteria are recommendations developed by EPA under authority of section 304(a) of the Clean Water Act based on the latest scientific information on the relationship that the effect of a constituent concentration has on particular aquatic species and/or human health.