

#### IV. Order Terminating Certain PCNB Uses

Pursuant to FIFRA section 6(f), EPA hereby approves the requested amendments to terminate uses of the PCNB registrations identified in Table 1 of Unit II. Accordingly, the Agency orders that the PCNB product registrations identified in Table 1 of Unit II. are hereby amended to terminate the following uses: Golf course roughs; residential sites including lawns, yards, and ornamental plants and gardens around homes and apartments; grounds around day care facilities; school yards; parks (except industrial parks); playgrounds; and athletic fields (except professional and college fields). Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI. will be considered a violation of FIFRA.

#### V. 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.

#### 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. The cancellation order issued in this notice includes the following existing stocks provisions.

Amvac Corporation will be permitted to sell or distribute existing stocks of the manufacturing-use products referenced in Table 1 of Unit II., with labels that are not revised per the requested amendments for termination of uses (i.e., "previously approved labeling"), until 6 months after the effective date of this order. Persons other than Amvac Corporation may continue to use existing stocks of the manufacturing-use products referenced in Table 1 of Unit II., with previously approved labeling, for formulation into end-use products until 18 months after the effective date of this order, provided such use is

consistent with the previously approved labeling for that product.

Amvac Corporation will be permitted to sell or distribute existing stocks of the end-use products referenced in Table 1 of Unit II., with previously approved labeling, until 18 months after the effective date of this order. Persons other than Amvac Corporation may sell or distribute existing stocks of the end-use products referenced in Table 1 of Unit II., with previously approved labeling, until 18 months after the effective date of this order. Users will be allowed to use existing stocks of the affected PCNB end-use products with previously approved labeling until such stocks are exhausted, provided such use is in a manner consistent with the previously approved labeling for that product.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: July 2, 2009.

**Peter Caulkins,**

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

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-8928-5]

#### Cross-Media Electronic Reporting Rule State Authorized Program Revision/ Modification Approvals: State of Indiana

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval, under regulations for Cross-Media Electronic Reporting, of the State of Indiana's request to revise/modify programs to allow electronic reporting for certain of its EPA-authorized programs under title 40 of the CFR.

**DATES:** EPA's approval is effective on July 15, 2009 for the State of Indiana's EPA-authorized programs under 40 CFR parts 52, 60-63, 70, 123, 272, and 282; and on August 14, 2009 for the State of Indiana's Part 142 authorized program, if no timely request for a public hearing is received and accepted by the Agency.

**FOR FURTHER INFORMATION CONTACT:** Evi Huffer, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue, NW.,

Washington, DC 20460, (202) 566-1697, [huffer.evi@epa.gov](mailto:huffer.evi@epa.gov), or David Schwarz, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (202) 566-1704, [schwarz.david@epa.gov](mailto:schwarz.david@epa.gov). All requests for a hearing should be submitted to both of the above contacts.

**SUPPLEMENTARY INFORMATION:** On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR, requires that State, Tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and get EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the State, Tribe, or local government will use to implement the electronic reporting. Additionally, in § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the State, Tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the State, Tribe or local government has sufficient legal authority to implement the electronic reporting components of its authorized programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On October 2, 2008, the State of Indiana Department of Environmental Management (IDEM) submitted an application for its eAuth electronic document receiving System for revision or modification of EPA-authorized programs under 40 CFR parts 52, 60-63, 70, 123, 142, 272, and 282. EPA reviewed IDEM's request to revise/modify its EPA-authorized programs and, based on this review, EPA determined the application met the standards for approval of authorized program revisions/modifications set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this

notice of EPA's decision to approve Indiana's request for revision/modification to certain of its authorized programs is being published in the **Federal Register**.

Specifically, EPA has approved IDEM's request for revisions/modifications to the following of its authorized programs to allow electronic reporting under 40 CFR parts 51, 60-63, 70, 122-124, 141, 262, 264-266, 268, 270, and 280:

- *Part 52*—Approval and Promulgation of Implementation Plans;
- *Part 60*—Standards of Performance For New Stationary Sources;
- *Part 61*—National Emission Standards For Hazardous Air Pollutants;
- *Part 62*—Approval and Promulgation of State Plans for Designated Facilities and Pollutants;
- *Part 63*—National Emission Standards For Hazardous Air Pollutants For Source Categories;
- *Part 70*—State Operating Permit Programs;
- *Part 123*—State Program Requirements (National Pollutant Discharge Elimination System Permit Program);
- *Part 142*—National Primary Drinking Water Regulations Implementation;
- *Part 272*—Approved State Hazardous Waste Management Programs; and
- *Part 282*—Approved Underground Storage Tank Programs.

IDEM was notified of EPA's determination to approve its application with respect to the authorized programs listed above in a letter dated July 2, 2009.

Also, in today's notice, EPA is informing interested persons that they may request a public hearing on EPA's action to approve the State of Indiana's request to revise its authorized public water system program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for hearings must be submitted to EPA within 30 days of publication of today's **Federal Register** notice. Such requests should include the following information:

(1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in EPA's determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Dated: July 2, 2009.

**Lisa Schlosser,**

*Director, Office of Information Collection.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-R01-OW-2009-0103; FRL-8927-8]**

**Maine Marine Sanitation Device Standard—Notice of Determination**

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

**ACTION:** Notice of Determination.

**SUMMARY:** The Regional Administrator of the Environmental Protection Agency—New England Region, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the coastal waters of Southern Mount Desert Island.

**ADDRESSES:** *Docket:* All documents in the docket are listed in the <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 electronically in <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ann Rodney, U.S. Environmental Protection Agency—New England Region, One Congress Street, Suite 1100, COP, Boston, MA 02114-2023. *Telephone:* (617) 918-0538. *Fax number:* (617) 918-1505. *E-mail address:* [rodney.ann@epa.gov](mailto:rodney.ann@epa.gov).

**SUPPLEMENTARY INFORMATION:** On April 24, 2009, EPA published a notice that the State of Maine had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Mount Desert, Southwest Harbor, portions of Cranberry Isles, and Tremont. One comment was received on this petition. The response to this comment can be obtained utilizing the above contact information.

The petition was filed pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4, for the purpose of declaring these waters a No Discharge Area (NDA).

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

This Notice of Determination is for the waters of Southern Mount Desert Island. The NDA boundaries are as follows:

Waterbody/general area	From longitude	From latitude	To longitude	To latitude
From "Bass Harbor Head" in Tremont north following the shore to the bridge over the outlet stream of "Somes Pond" in Mount Desert.	68°20'14.35" W	44°13'16.42" N	68°20'0.79" W	44°21'46.16" N
Northeast following the shore to the bridge over "Kitteridge Brook" in the northernmost portion of "Somes Harbor" in Mount Desert.	68°20'0.79" W	44°21'46.16" N	68°19'45.68" W	44°22'5.07" N
East following the shore to the head of "Somes Sound" in Mount Desert.	68°19'45.68" W	44°22'5.07" N	68°18'36.0" W	44°21'49.83" N
South following the shore to the northern most portion of "Northeast Harbor" in Mount Desert.	68°18'36.0" W	44°21'49.83" N	68°17'1.48" W	44°18'8.08" N
East following the shore to the northernmost head of "Otter Cove" in Mount Desert.	68°17'1.48" W	44°18'8.08" N	68°12'6.47" W	44°19'22.25" N
South following the shore to "Otter Point" in Mount Desert .....	68°12'6.47" W	44°19'22.25" N	69°11'27.45" W	44°18'20.76" N