

## II. Background

### A. Purpose of FIFRA SAP

FIFRA SAP serves as the primary scientific peer review mechanism of EPA's Office of Chemical Safety and Pollution (OCSPP) and is structured to provide scientific advice, information and recommendations to the EPA Administrator on pesticides and pesticide-related issues as to the impact of regulatory actions on health and the environment. FIFRA SAP is a Federal advisory committee established in 1975 under FIFRA that operates in accordance with requirements of the Federal Advisory Committee Act. FIFRA SAP is composed of a permanent panel consisting of seven members who are appointed by the EPA Administrator from nominees provided by the National Institutes of Health and the National Science Foundation. FIFRA, as amended by FQPA, established a Science Review Board consisting of at least 60 scientists who are available to the SAP on an ad hoc basis to assist in reviews conducted by the SAP. As a peer review mechanism, FIFRA SAP provides comments, evaluations and recommendations to improve the effectiveness and quality of analyses made by Agency scientists. Members of FIFRA SAP are scientists who have sufficient professional qualifications, including training and experience, to provide expert advice and recommendation to the Agency.

### B. Public Meeting

The Office of Pesticide Programs (OPP) is actively working on a reevaluation of the human health effects of the pyrethroids and pyrethrins under the OPP registration review program <http://www.epa.gov/oppsrd1/reevaluation/pyrethroids-pyrethrins.html> required under FIFRA. As directed by FQPA, the Agency is to make special considerations for pre- and post-natal exposures concerning the susceptibility of infants and children. Guideline studies submitted to the Agency for pesticide registration address a variety of routes, toxicity endpoints, and durations. These studies, however, generally do not provide direct measures of relative sensitivity between adult and juvenile laboratory animals. Moreover, the guideline studies often do not adequately quantify pyrethroid toxicity due to their rapid pharmacokinetic time course and mode-of-action (i.e., sodium channel disruption leading to alterations in membrane excitability and firing potentials, ultimately resulting in signs of neurotoxic behavior). In a February 16, 2010 letter to the public, EPA asked

interested parties to voluntarily submit study protocols to better understand the juvenile sensitivity for synthetic pyrethroids and naturally-occurring pyrethrins (see pyrethroid docket, EPA-HQ-OPP-2008-0331).

Pyrethroids exert toxicity by interfering with the voltage-gated sodium channels in the nervous system. Ideally, an *in vivo* measure of sodium channel disruption could be evaluated in laboratory animals to assess the initiating event in the toxicity pathway of this class. However, a rapid and practical *in vivo* metric is not likely to be available within the Agency's registration review schedule for the 20+ pyrethroids that are currently registered. The Agency believes that a well-designed set of *in vivo* and *in vitro* studies, and possibly *in silico* studies, would provide the Agency with the necessary scientific information to conduct a risk assessment. The Agency has identified some key scientific issues which are important in considering comparative age sensitivity for this class of pesticides such as, 1) the ontogeny of hydrolytic and oxidative metabolic enzymes; 2) the ontogeny and differentiation of sodium channels; 3) dose-dependent (high vs. low) effects; and 4) rodent to human concordance and species sensitivity.

Proposals submitted by May 21, 2010 will be reviewed by the Agency and presented to the FIFRA SAP for their independent evaluation. The Agency is asking the SAP to comment on the relevance and reliability, as well as the strengths and limitations of the proposal studies in addressing age-specific sensitivity to pyrethroids. Based on the recommendations of the SAP and comments from the public, the Agency will develop a scientifically-based study design for use in pyrethroid risk characterization.

### C. FIFRA SAP Documents and Meeting Minutes

EPA's background paper, related supporting materials, charge/questions to FIFRA SAP, FIFRA SAP composition (i.e., members and ad hoc members for this meeting), and the meeting agenda will be available by late June. In addition, the Agency may provide additional background documents as the materials become available. You may obtain electronic copies of these documents, and certain other related documents that might be available electronically, at <http://www.regulations.gov> and the FIFRA SAP homepage at <http://www.epa.gov/scipoly/sap>.

FIFRA SAP will prepare meeting minutes summarizing its

recommendations to the Agency approximately 90-days after the meeting. The meeting minutes will be posted on the FIFRA SAP website or may be obtained from the OPP Regulatory Public Docket at <http://www.regulations.gov>.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: April 27, 2010.

**Frank Sanders,**

Director, Office of Science Coordination and Policy.

[FR Doc. 2010-10229 Filed 4-29-10; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9143-8]

### Proposed Administrative Settlement Agreement Under Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act for the Chemical Leaman Tank Lines, Inc. Superfund Site Located in Logan Township, Gloucester County, NJ

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

**ACTION:** Notice of proposed administrative settlement and opportunity for public comment.

**SUMMARY:** The United States Environmental Protection Agency ("EPA") is proposing to enter into an administrative settlement agreement ("Settlement Agreement") with Quality Distribution, Inc. (the "Settling Party") pursuant to Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622. The Settlement Agreement provides for Settling Party payment of certain response costs incurred by EPA at the Chemical Leaman Tank Lines, Inc. Superfund Site ("Site") located in Logan Township, Gloucester County, New Jersey.

In accordance with Section 122(i) of CERCLA, 42 U.S.C. 9622(i), this notice is being published to inform the public of the proposed Settlement Agreement and of the opportunity to comment. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the proposed Settlement Agreement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that

indicate that the proposed settlement is inappropriate, improper or inadequate. EPA's response to any comments received will be available for public inspection at EPA Region 2, 290 Broadway, 17th floor, New York, New York 10007-1866.

**DATES:** Comments must be provided by June 1, 2010.

**ADDRESSES:** Comments should reference the Chemical Leaman Tank Lines, Inc. Superfund Site, EPA Index No. II-CERCLA-02-2010-2010 and should be sent to the U.S. Environmental Protection Agency, Office of Regional Counsel, New Jersey Superfund Branch, 290 Broadway—17th Floor, New York, NY 10007.

**FOR FURTHER INFORMATION CONTACT:** Juan M. Fajardo, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3132.

**SUPPLEMENTARY INFORMATION:** A copy of the proposed administrative settlement, as well as background information relating to the settlement, may be obtained from Juan M. Fajardo, Assistant Regional Counsel, New Jersey Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3132.

Dated: April 12, 2010.

**Walter Mugdan,**

*Director, Emergency and Remedial Response Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9143-7]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of Proposed Consent Decree; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or the "Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by Sierra Club in the United States District Court for the Western District of Wisconsin: *Sierra Club v. Jackson*, No. 09-cv-0751 (W.D. WI). Plaintiff filed a deadline suit to compel the Administrator to respond to an administrative petition seeking EPA's

objection to a CAA Title V operating permit issued by the Wisconsin Department of Natural Resources to Wisconsin Public Service Corporation's J.P. Pulliam Generating Station in Green Bay, Wisconsin. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by June 4, 2010, or within 20 days of the entry date of this Consent Decree, whichever is later.

**DATES:** Written comments on the proposed consent decree must be received by *June 1, 2010*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2010-XXXX, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to [oei.docket@epa.gov](mailto:oei.docket@epa.gov); by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:**

Amy Branning, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-1744; fax number (202) 564-5603; e-mail address: [branning.amy@epa.gov](mailto:branning.amy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Additional Information About the Proposed Consent Decree

This proposed consent decree would resolve a lawsuit alleging that the Administrator failed to perform a nondiscretionary duty to grant or deny, within 60 days of submission, an administrative petition to object to a CAA Title V permit issued by the Wisconsin Department of Natural Resources to Wisconsin Public Service Corporation's J.P. Pulliam Generating Station in Green Bay, Wisconsin. Under the terms of the proposed consent decree, EPA has agreed to respond to the petition by June 4, 2010, or within 20 days of the entry date of this Consent Decree, whichever is later. In addition, the proposed consent decree further states that, within 15 business days following signature, EPA shall deliver notice of such action to the Office of the Federal Register for prompt publication

and, if EPA's response contains an objection in whole or in part, transmit the signed response to the Wisconsin Department of Natural Resources. The proposed consent decree sets the attorneys' fees at \$2,624.71, and states that, after EPA fulfills its obligations under the decree, the case shall be dismissed with prejudice.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines that consent to this consent decree should be withdrawn, the terms of the decree will be affirmed.

#### 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-2010-XXXX) 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 <http://www.regulations.gov>. You may use <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 on paper, will be made available for public viewing online at <http://www.regulations.gov> without change,