

distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the cancelled products.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: June 7, 2011.

Richard P. Keigwin, Jr.,

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

[FR Doc. 2011-14765 Filed 6-14-11; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9319-7]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

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 WildEarth Guardians and Elizabeth Crowe in the United States District Court for the Northern District of California: *WildEarth Guardians and Elizabeth Crowe v. Jackson*, No. 4:11-cv-02205-SI (N.D. Cal.). On May 5, 2011, Plaintiffs filed a complaint alleging that EPA failed to perform a mandatory duty under the CAA to act on a State Implementation Plan submitted by the State of Arizona. In accordance with section 113(g) of the Clean Air Act, as amended (“CAA”), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree, between Petitioners: WildEarth Guardians and Elizabeth Crowe, and Respondent, the U.S. Environmental Protection Agency (EPA) (collectively “the Parties”). On or about June 13, 2007, the Petitioners submitted to EPA, Arizona’s State Implementation Plan for the 1997 8-hour ozone nonattainment area of Phoenix-Mesa, Arizona (Phoenix-Mesa SIP). The Petitioners allege that EPA failed to take timely final action to approve, disapprove, or partially approve/disapprove the Phoenix-Mesa SIP. Under the terms of the proposed consent decree deadlines have been established for EPA to take action.

DATES: Written comments on the proposed consent decree must be received by *July 15, 2011*.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-

HQ-OGC-2011-0350, online at <http://www.regulations.gov> (EPA’s preferred method); by e-mail to oei.docket@epa.gov; mailed 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: Jan Tierney, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5598; fax number: (202) 564-5603; e-mail address: tierney.jan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree establishes deadlines for EPA to take final action under section 110(k) of the CAA to approve, disapprove, or partially approve/disapprove the Phoenix-Mesa SIP. The proposed consent decree requires that no later than May 31, 2012, EPA shall sign for publication in the **Federal Register** a notice taking final action pursuant to section 110(k) of the CAA, 42 U.S.C. 7410(k), on the portions of the Phoenix-Mesa SIP that do not pertain to New Source Review (NSR). The proposed consent decree also requires that no later than October 31, 2012, EPA shall sign for the publication in the **Federal Register** a notice of the Agency’s final action on the portions of the Phoenix-Mesa SIP that pertain to NSR. In addition, the proposed consent decree states that within fifteen (15) business days following signature of such action(s), EPA shall deliver notice of such action to the Office of the Federal Register for publication. The proposed consent decree further states that if EPA takes final action on its proposed rule to classify the Phoenix-Mesa, Arizona nonattainment area under Title I, part D, subpart 2 of the CAA before May 31, 2012 or if EPA takes final action redesignating the Phoenix-Mesa, Arizona nonattainment area to attainment or unclassifiable before May 31, 2012 then the deadline for action on the non-NSR portions of the plan is

voided and that if EPA takes final action on either of those two rules by October 31, 2012, then the deadline for action on the NSR portion of the SIP is voided. The proposed consent decree also states that after EPA fulfills its obligations under the decree, the parties will file a joint request to the Court to dismiss this matter 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 were 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, based on any comment submitted, 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-2011-0350) 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 the <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 <http://www.regulations.gov>.

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 e-mail 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 <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, e-mail 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 (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through <http://www.regulations.gov>,

your e-mail 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.

Dated: June 8, 2011.

Richard B. Ossias,

Associate General Counsel.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9319-6]

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 lawsuits filed by WildEarth Guardians, National Parks Conservation Association, and the Environmental Defense Fund (collectively, "Plaintiffs") in the United States District Court for the District of Colorado: *WildEarth Guardians, et al. v. Jackson*, No. 1:11-cv-0001-CMA-MEH (D. CO) and consolidated case (No. 11-cv-00743-CMA-MEH). Plaintiffs filed complaints alleging that EPA failed to perform certain nondiscretionary duties under sections 110(k)(2) and 110(c) of the CAA, 42 U.S.C. 7410(k)(2). Specifically, Plaintiffs' complaints alleged that EPA: failed to act on two State Implementation Plan ("SIP") submissions, one addressing Colorado regional haze and the other addressing North Dakota excess emissions during startup, shutdown, malfunction and maintenance; failed to act on a Wyoming SIP submission addressing Wyoming regional haze, and failed to promulgate regional haze Federal Implementation Plans ("FIPs") for Montana, North Dakota, Colorado and Wyoming; and failed to promulgate a regional haze FIP for the State of Colorado or, alternatively, to finally approve a regional haze SIP for the State of Colorado. Under the terms of the proposed consent decree, deadlines are established for EPA to take action on the relevant SIPs and FIPs.

DATES: Written comments on the proposed consent decree must be received by *July 15, 2011*.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2011-0533, online at <http://www.regulations.gov> (EPA's preferred method); by e-mail to 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: Lea Anderson, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5571; fax number (202) 564-5603; e-mail address: anderson.lea@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree would resolve lawsuits filed by Plaintiffs for EPA's alleged failure to take timely action under CAA sections 110(k)(2) and 110(c) on SIPs and FIPs as described in the Summary section of this notice. Under the terms of the proposed consent decree, deadlines are established for EPA to sign rulemaking actions to meet the relevant obligations. In addition, the proposed consent decree requires that no later than 10 business days following signature of the notice of any proposed or final rulemaking, EPA shall send the notice to the Office of the Federal Register for review and publication. After EPA fulfills its obligations under the proposed consent decree, the consent decree may be terminated.

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 were 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