

required data, this Notice of Intent to Suspend is being issued.

#### *B. Boric Acid and its Sodium Salts*

On February 16, 1994, the Agency issued the Phase 5 Reregistration Eligibility Document Data Call-In Notice pursuant to sections 4(g)(2)(B) and 3(c)(2)(B) of FIFRA which required the registrants of products containing boric acid and its sodium salts used as an active ingredient to develop and submit certain data. These data/information were determined to be necessary to satisfy reregistration requirements of section 4(g). Failure to comply with the requirements of a Phase 5 Reregistration Eligibility Document Data Call-In Notice is a basis for suspension under section 3(c)(2)(B) of FIFRA.

Care-Flex One-Year Guarantee Company received the Boric Acid and Its Sodium Salts Reregistration Eligibility Document (RED) on March 11, 1994, as evidenced by a U.S. Postal Service green card. The Agency has not received either the 90-day response or the 8-month response to the Boric Acid and Its Sodium Salts RED for the product EPA Registration Number 66680-1. The 90-day response was due on June 11, 1994, and the 8-month response was due on November 11, 1994. The Agency has sent two follow-up letters to the registrant dated April 22, 2002 and August 19, 2002, respectively, and those letters were received by the registrant on April 27, 2002, and August 23, 2002, respectively, as evidenced by the U.S. Postal Service green cards. To date, the registrant has not responded.

Because Care-Flex One-Year Guarantee Company has not submitted the required DCI/RED responses and data, the Agency is issuing this Notice of Intent to Suspend.

#### *C. Methyl Nonyl Ketone*

On February 28, 1996, the Agency issued the Phase 5 Reregistration Eligibility Document Data Call-In Notice pursuant to sections 4(g)(2)(B) and 3(c)(2)(B) of FIFRA which required the registrants of products containing Methyl Nonyl Ketone used as an active ingredient to develop and submit certain data. These data/information were determined to be necessary to satisfy reregistration requirements of section 4(g). Failure to comply with the requirements of a Phase 5 Reregistration Eligibility Document Data Call-In Notice is a basis for suspension under section 3(c)(2)(B) of FIFRA.

Voluntary Purchasing Group received the Methyl Nonyl Ketone Reregistration Eligibility Document Data Call-In Notice (RED) on March 9, 1996, as evidenced by a U.S. Postal Service Domestic return receipt card. The 90-day response was received on June 26, 1996.

The Agency completed its review of the product chemistry data on February 28, 2002. The data requirements for Guideline 63-17 (Storage Stability) and Guideline 63-20 (Corrosion Characteristics) were not satisfied. The interim report submitted by Voluntary Purchasing Group by letter dated February 18, 2002 related to an unacceptable study and the data requirements remain unsatisfied. In an Agency letter dated March 6, 2002 to

Michael Jackson (consultant for Voluntary Purchasing Group) a time extension was granted since a new study had been reportedly initiated in December 2001, according to information provided to the Agency by Mr. Jackson. The new deadline for submission of the storage stability and corrosion characteristics data was January 2003. Subsequently, the Agency sent a letter dated January 15, 2003, as no data addressing these two outstanding requirements had been received as of that date. That letter, which was received by Mr. Jackson on January 21, 2003 (as evidenced by a U.S. Postal Service domestic return receipt card), informed him and his client that a Notice of Intent to Suspend would be initiated if the outstanding data were not received by January 31, 2003.

To date, the Agency has not received the required data. Because the required data have not been received, the Agency is issuing this Notice of Intent to Suspend.

#### **VII. What is the Agency's Authority for Taking this Action?**

The Agency's authority for taking this action is section 6(f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.*

#### **List of Subjects**

Environmental protection.

Dated: September 4, 2003.

**Richard Colbert,**

*Director, Agriculture Division, Office of Compliance, Office of Enforcement and Compliance Assurance.*

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#### **ENVIRONMENTAL PROTECTION AGENCY**

**[OPP-2003-0268; FRL-7321-8]**

#### **Dinocap; Availability of Reregistration Eligibility Decision Document for Comment**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces availability and starts a 30-day public comment period on the Reregistration Eligibility Decision (RED) document for the pesticide active ingredient dinocap, which consists of a voluntary cancellation of all United States (U.S.) product registrations. The registrant for dinocap, Dow AgroSciences, LLC, has indicated their intention to retain the existing tolerances for apples and grapes for import purposes. EPA finds that there is a reasonable certainty that no harm will result from dinocap use on apples and grapes imported into the U.S.

**DATES:** Comments, identified by docket identification (ID) number OPP-2003-0268, must be received on or before October 17, 2003.

**ADDRESSES:** Comments may be submitted electronically, by mail or through hand delivery/courier. Follow the detailed instructions as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**.

#### **FOR FURTHER INFORMATION CONTACT:**

Carmen Rodia, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0001; telephone number: (703) 306-0327; fax number: (703) 308-8041; e-mail address: [rodia.carmen@epa.gov](mailto:rodia.carmen@epa.gov).

#### **I. General Information**

##### *A. Does this Action Apply to Me?*

This action is directed to the public in general. This action may, however, be of interest to persons who are or may be required to conduct testing of chemical substances under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or the Federal Food, Drug, and Cosmetic Act (FFDCA); environmental, human health, and agricultural advocates; pesticides users; and members of the public interested in the use of pesticides. Since other entities may also 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. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket ID number OPP-2003-0268. The official public docket consists of the documents specifically referenced in this action, any public comments received and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Room 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, 22202-4501. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal