

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Project No. 2165–049]

Alabama Power Company; Notice  
Rejecting Request for Rehearing

On March 31, 2010, the Commission issued a new license to Alabama Power Company (Alabama Power) for the continued operation and maintenance of the Warrior River Hydroelectric Project No. 2165, located on the Black Warrior River and on the Sipsey Fork of the Black Warrior River, in Cullman, Walker, Winston, and Tuscaloosa Counties, Alabama.<sup>1</sup> The Smith Lake Improvement and Stakeholders Association (Lake Association) filed a timely request for rehearing of the order, and on November 15, 2012, the Commission issued an order denying rehearing and providing clarification of the March 31 Order.<sup>2</sup> On December 17, 2012, the Lake Association filed a timely request for rehearing of the November 15 Order.

Rehearing of an order on rehearing lies when the later order modifies the result reached in the original order in a manner that gives rise to a wholly new objection.<sup>3</sup> The November 15 Order does not modify the result of the March 31 Order. Further, the arguments Lake Association makes in its rehearing request were considered and denied in the November 15 Order. Therefore, the request for rehearing by the Lake Association is rejected.

This notice constitutes final agency action. Requests for rehearing by the Commission of this rejection must be filed within 30 days of the date of issuance of this notice pursuant to section 313(a) of the Federal Power Act, 16 U.S.C. 8251 (2006), and section 385.713 of the Commission's regulations, 18 CFR 385.713 (2012).

Dated: January 16, 2013.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2013–01287 Filed 1–22–13; 8:45 am]

**BILLING CODE 6717–01–P**

<sup>1</sup> *Alabama Power Co.*, 130 FERC ¶ 62,271 (2010) (March 31 Order).

<sup>2</sup> *Alabama Power Co.*, 141 FERC ¶ 61,127 (2012) (November 15 Order).

<sup>3</sup> See, e.g., *Union Electric Company d/b/a AmerenUE*, 114 FERC ¶ 61,230, at 61,745–46 (2006); *Duke Power*, 114 FERC ¶ 61,148, at P 1 (2006); *Gustavus Electric Co.*, 111 FERC ¶ 61,424, at P 3 (2005); *Symbiotic, L.L.C.*, 99 FERC ¶ 61,064, at 61,300 (2002); and *PacifiCorp*, 99 FERC ¶ 61,015, at 61,052 (2002). See also *Southern Natural Gas Co. v. FERC*, 877 F.2d 1066, 1073 (DC Cir. 1999) (citing *Tennessee Gas Pipeline v. FERC*, 871 F.2d 1109–10 (D.C. Cir. 1988)).

## DEPARTMENT OF ENERGY

National Nuclear Security  
AdministrationDefense Programs Advisory  
Committee

**AGENCY:** National Nuclear Security Administration, Office of Defense Programs, Department of Energy.

**ACTION:** Notice of Intent to Establish the Defense Programs Advisory Committee (DPAC).

**SUMMARY:** Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act (Pub. L. 92–463), and in accordance with Title 41, Code of Federal Regulations, § 102–3.65, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Defense Programs Advisory Committee (DPAC) will be established. The DPAC will provide advice and recommendations to the Deputy Administrator for Defense Programs on the stewardship and maintenance of the Nation's nuclear deterrent.

Additionally, the establishment of the Committee has been determined to be essential to the conduct of the Department's business and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy by law and agreement. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act and the rules and regulations in implementation of that Act.

**SUPPLEMENTARY INFORMATION:** The activities of the DPAC will include, but are not limited to:

- Periodic reviews of the diverse, scientific and technical activities of the Office of Defense Programs including:
- Ongoing analysis of the DP mission and its foundation in national strategic policy (including the Nuclear Posture Review, provisions of the New START Treaty and other relevant treaties).
- Potential application of DP capabilities to broader national security issues.
- Analysis of DP management issues, including facility operations and fiscal matters.
- Where appropriate, analysis of issues of broader concern to NNSA.

DPAC is expected to be continuing in nature. The Deputy Administrator for Defense Programs will appoint no more than 15 members. Members will be selected to achieve a balanced committee of scientific and technical experts in fields relevant to the Office of

Defense Programs. All members must possess a “Q” clearance.

The DPAC is expected to meet approximately two to four times per year. It is anticipated that certain DPAC meetings will be closed to the public due to the classified nature of the Committee's discussions. Meetings will be closed in accordance with FACA and its implementing regulations. Subcommittees may be utilized.

**FOR FURTHER INFORMATION CONTACT:** COL. Mark Visosky at (202) 287–5270.

Issued in Washington, DC on January 15, 2013.

**Carol A. Matthews,**  
Committee Management Officer.

[FR Doc. 2013–01253 Filed 1–22–13; 8:45 am]

**BILLING CODE 6450–01–P**

ENVIRONMENTAL PROTECTION  
AGENCY

[EPA–HQ–OPP–2010–0848; FRL–9374–6]

Notice of Intent To Suspend Certain  
Pesticide Registrations

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

**ACTION:** Notice.

**SUMMARY:** This notice, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), publishes two notices of intent to suspend issued by EPA. Each Notice of Intent to Suspend was issued following the Agency's issuance of a Data Call-In notice (DCI), which required the registrants of the affected pesticide products containing a certain pesticide active ingredient to take appropriate steps to secure certain data, and following the registrants' failure to submit these data or to take other appropriate steps to secure the required data. The subject data were determined to be required to maintain in effect the existing registrations of the affected products. Failure to comply with the data requirements of a DCI is a basis for suspension of the affected registrations under FIFRA.

**DATES:** Each Notice of Intent to Suspend included in this **Federal Register** notice will become a final and effective suspension order automatically by operation of law 30 days after the date of the registrant's receipt of the mailed Notice of Intent to Suspend or 30 days after the date of publication of this notice in the **Federal Register** (if the mailed Notice of Intent to Suspend is returned to the Administrator as undeliverable, if delivery is refused, or if the Administrator otherwise is unable to accomplish delivery to the registrant after making reasonable efforts to do so),

unless during that time a timely and adequate request for a hearing is made by a person adversely affected by the Notice of Intent to Suspend, or the registrant has satisfied the Administrator that the registrant has complied fully with the requirements that served as a basis for the Notice of Intent to Suspend. Unit IV. explains what must be done to avoid suspension under this notice (i.e., how to request a hearing, or how to comply fully with the requirements that served as a basis for the Notice of Intent to Suspend).

**FOR FURTHER INFORMATION CONTACT:**

Veronica Dutch, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-8585; [dutch.veronica@epa.gov](mailto:dutch.veronica@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, farm worker 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.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2010-0848, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the

Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The 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 OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**II. Registrants Issued Notices of Intent To Suspend Active Ingredient, Products Affected, and Dates Issued**

The Notices of Intent to Suspend were sent via the U.S. Postal Service (USPS), return receipt requested to, the registrants for the products listed in Table 1 of this unit.

TABLE 1—LIST OF PRODUCTS

| Registrant affected            | Active ingredient | EPA Registration No. | Product name          | Date EPA issued notice of intent to suspend |
|--------------------------------|-------------------|----------------------|-----------------------|---------------------------------------------|
| Adams Technology Systems ..... | MGK-264 .....     | 7754-41              | Bug Barrier II .....  | 12/11/12                                    |
| CTX Cenol Corporation .....    | MGK-264 .....     | 45385-93             | CTX/Cyber Blast ..... | 12/11/12                                    |

**III. Basis for Issuance of Notice of Intent To Suspend; Requirement List**

The registrants failed to submit the required data or information or to take

other appropriate steps to secure the required data for their pesticide products listed in Table 2 of this unit.

TABLE 2—LIST OF REQUIREMENTS

| Registrant affected       | EPA Registration No. | Guideline number as listed in applicable DCI | Requirement name                                                       | Date EPA issued DCI | Date registrant received DCI | Final data due date | Reason for notice of intent to suspend* |
|---------------------------|----------------------|----------------------------------------------|------------------------------------------------------------------------|---------------------|------------------------------|---------------------|-----------------------------------------|
| Adams Technology Systems. | 7754-41              | 830.1550                                     | Product identity and composition.                                      | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
| CTX Cenol Corporation ..  | 45385-93             | 830.1600                                     | Description of materials used to produce the product.                  | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.1620                                     | Description of production process.                                     | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.1650                                     | Description of formulation process.                                    | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.1670                                     | Discussion of formation of impurities.                                 | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.1700                                     | Preliminary analysis .....                                             | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.1750                                     | Certified limits .....                                                 | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.1800                                     | Enforcement analytical method.                                         | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.6302                                     | Color .....                                                            | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.6303                                     | Physical state .....                                                   | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.6304                                     | Odor .....                                                             | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.6313                                     | Stability to normal and elevated temperatures, metals, and metal ions. | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.6314                                     | Oxidizing or reducing action.                                          | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.6315                                     | Flammability .....                                                     | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                           |                      | 830.6316                                     | Explosibility .....                                                    | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |

TABLE 2—LIST OF REQUIREMENTS—Continued

| Registrant affected | EPA Registration No. | Guideline number as listed in applicable DCI | Requirement name                                                             | Date EPA issued DCI | Date registrant received DCI | Final data due date | Reason for notice of intent to suspend* |
|---------------------|----------------------|----------------------------------------------|------------------------------------------------------------------------------|---------------------|------------------------------|---------------------|-----------------------------------------|
|                     |                      | 830.6317                                     | Storage stability .....                                                      | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.6319                                     | Miscibility .....                                                            | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.6320                                     | Corrosion characteristics                                                    | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.6321                                     | Dielectric breakdown voltage.                                                | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7000                                     | pH .....                                                                     | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7050                                     | UV/Visible absorption .....                                                  | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7100                                     | Viscosity .....                                                              | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7200                                     | Melting point/melting range.                                                 | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7220                                     | Boiling point/boiling range.                                                 | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7300                                     | Density/relative density ..                                                  | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7370                                     | Dissociation constants in water.                                             | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7550                                     | Partition coefficient (n-octanol/water) shake flask method.                  | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7570                                     | Partition coefficient (n-octanol/water) estimation by liquid chromatography. | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7840                                     | Water solubility: Column elution method, shake flask method.                 | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7860                                     | Water solubility, generator column method.                                   | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 830.7950                                     | Vapor pressure .....                                                         | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 870.1100                                     | Acute oral toxicity .....                                                    | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 870.1200                                     | Acute dermal toxicity .....                                                  | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 870.1300                                     | Acute inhalation toxicity                                                    | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 870.2400                                     | Acute eye irritation .....                                                   | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 870.2500                                     | Acute dermal irritation ....                                                 | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |
|                     |                      | 870.2600                                     | Skin sensitization .....                                                     | 6/16/09             | 6/25/09                      | 3/16/10             | 1,3                                     |

\*1 No 90-day response received.

<sup>2</sup> Inadequate 90-day response received.

<sup>3</sup> No data received.

<sup>4</sup> Inadequate data received.

#### IV. How to avoid suspension under this notice?

1. You may avoid suspension under this notice if you, or another person adversely affected by this notice, properly request a hearing within 30 days of your receipt of the Notice of Intent to Suspend by mail or, if you did not receive the notice that was sent to you via USPS first class mail return receipt requested, then within 30 days from the date of publication of this **Federal Register** notice (see **DATES**). If you request a hearing, it will be conducted in accordance with the requirements of FIFRA section 6(d) and the Agency's procedural regulations in 40 CFR part 164. Section 3(c)(2)(B) of FIFRA, however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this notice and whether the Agency's decision regarding the disposition of existing

stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, any allegations of errors or unfairness in any proceedings before an arbitrator, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding. Section 3(c)(2)(B)(iv) of FIFRA, provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75-day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the

Agency will issue a final order at the conclusion of the hearing governing the suspension of your products. A request for a hearing pursuant to this notice must:

- Include specific objections which pertain to the allowable issues which may be heard at the hearing.
- Identify the registrations for which a hearing is requested.
- Set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing.

If a hearing is requested by any person other than the registrant, that person must also state specifically why he/she asserts that he/she would be adversely affected by the suspension action described in this notice. Three copies of the request must be submitted to: Hearing Clerk, 1900, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001.

An additional copy should be sent to the person who signed this notice. The

request must be received by the Hearing Clerk by the applicable 30-day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., in order to be legally effective. The 30-day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30-day time limit will result in automatic suspension of your registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business on the applicable 30th day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., and will not be subject to further administrative review. The Agency's rules of practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office of the Administrative Law Judges, the Office of the Environmental Appeals Board, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within the applicable 30 day deadline period as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., the Agency determines that you have taken appropriate steps to comply with the FIFRA section 3(c)(2)(B) Data Call-In notice. In order to avoid suspension under this option, you must satisfactorily comply with Table 2—List of Requirements in Unit II., for each product by submitting all required supporting data/information described in Table 2. of Unit. II. and in the

Explanatory Appendix (in the docket for this **Federal Register** notice) to the following address (preferably by certified mail): Office of Pesticide Programs, Pesticide Re-evaluation Division, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. For you to avoid automatic suspension under this notice, the Agency must also determine within the applicable 30-day deadline period that you have satisfied the requirements that are the bases of this notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your products. The suspension of the registration of your company's product pursuant to this notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this notice. Such compliance may only be achieved by submission of the data/information described in Table 2 of Unit II.

#### **V. Status of Products That Become Suspended**

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this notice and so informs you in writing.

After the suspension becomes final and effective, the registrants subject to this notice, including all supplemental registrants of products listed in Table 1 of Unit II., may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Persons other than the registrants subject to this notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Nothing in this notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. in any manner which would have been unlawful prior to the suspension.

If the registrations for your products listed in Table 1 of Unit II. are currently suspended as a result of failure to comply with another FIFRA section 3(c)(2)(B) Data Call-In notice or section 4 Data Requirements notice, this notice,

when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

It is the responsibility of the basic registrant to notify all supplementary registered distributors of a basic registered product that this suspension action also applies to their supplementary registered products. The basic registrant may be held liable for violations committed by their distributors.

Any questions about the requirements and procedures set forth in this notice or in the subject FIFRA section 3(c)(2)(B) Data Call-In notice, should be addressed to the person listed under **FOR FURTHER INFORMATION CONTACT**.

#### **VI. What is the Agency's authority for taking this action?**

The Agency's authority for taking this action is contained in FIFRA sections 3(c)(2)(B) and 6(f)(2), 7 U.S.C. 136 *et seq.*

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: January 10, 2013.

**Michael Goodis,**

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

[FR Doc. 2013–01311 Filed 1–22–13; 8:45 am]

**BILLING CODE P**

## **FARM CREDIT SYSTEM INSURANCE CORPORATION**

### **Board Meeting**

**AGENCY:** Farm Credit System Insurance Corporation.

**SUMMARY:** Notice is hereby given of the regular meeting of the Farm Credit System Insurance Corporation Board (Board).

**DATE AND TIME:** The meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 24, 2013, from 9:00 a.m. until such time as the Board concludes its business.

**FOR FURTHER INFORMATION CONTACT:** Dale L. Aultman, Secretary to the Farm Credit System Insurance Corporation Board, (703) 883–4009, TTY (703) 883–4056.

**ADDRESSES:** Farm Credit System Insurance Corporation, 1501 Farm Credit Drive, McLean, Virginia 22102.

**SUPPLEMENTARY INFORMATION:** This meeting of the Board will be open to the