

8:30 a.m. (registration at 8 a.m.) to 5:30 p.m. The following day, June 11, the Board will hold a business meeting from 8 a.m. until 12 p.m.

**ADDRESSES:** The meeting will be held at Sycuan Resort, 3007 Dehesa Road, El Cajon, CA 92019, phone number 619/442-3425. The meeting is open to the public, with limited seating on a first-come, first-served basis.

**FOR FURTHER INFORMATION CONTACT:** Mark Joyce, Designated Federal Officer, [joyce.mark@epa.gov](mailto:joyce.mark@epa.gov), 202-564-3120, U.S. EPA, Office of Cooperative Environmental Management (1601M), 1200 Pennsylvania Avenue NW., Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** If you wish to make oral comments or submit written comments to the Board, please contact Mark Joyce at least five days prior to the meeting.

*General Information:* Additional information concerning the GNEB can be found on its Web site at <http://www.epa.gov/ocem/gneb>.

*Meeting Access:* For information on access or services for individuals with disabilities, please contact Mark Joyce at 202-564-2130 or by e-mail at [joyce.mark@epa.gov](mailto:joyce.mark@epa.gov). To request accommodation of a disability, please contact Mark Joyce at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: May 13, 2009.

**Mark Joyce,**

*Designated Federal Officer.*

[FR Doc. E9-11751 Filed 5-19-09; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-0837; FRL-8414-2]

### Malathion; Notice of Receipt of Requests To Voluntarily Cancel or To Amend To Terminate Uses of Certain Pesticide Registrations

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by the registrants to voluntarily cancel or amend their registrations to terminate uses of certain products containing the pesticide malathion. The requests would terminate the malathion uses listed with their respective products in Table 2. The requests would not terminate the last malathion products

registered for use in the United States. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests within this period. Upon acceptance of these requests, any sale, distribution, or use of products listed in this notice will be permitted only if such sale, distribution, or use is consistent with the terms as described in the final order.

**DATES:** Comments must be received on or before June 19, 2009.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2007-0837, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

*Instructions:* Direct your comments to docket ID number EPA-HQ-OPP-2007-0837. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through [www.regulations.gov](http://www.regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an

electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Eric Miederhoff, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-8028; fax number: (703) 308-7070; e-mail address: [miederhoff.eric@epa.gov](mailto:miederhoff.eric@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, 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. 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. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

- i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- iv. Describe any assumptions and provide any technical information and/or data that you used.
- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

**II. Background on the Receipt of Requests to Cancel and/or Amend Registrations to Delete Uses**

This notice announces receipt by EPA of requests from the registrants listed in Table 3 to cancel 12 and amend to terminate uses of 26 malathion product registrations. Malathion is a non-systemic, broad spectrum organophosphate pesticide with numerous commercial, agricultural and residential uses, as well as several wide area applications including use as a public health adulticide, as an

abatement treatment for fruit fly, and in the Boll Weevil Eradication Program. Registrants requested EPA to cancel affected product registrations or to amend to terminate uses of pesticide product registrations identified in this notice in Tables 1 and 2, respectively. These requests will not terminate the last malathion products registered in the United States.

**III. What Action is the Agency Taking?**

This notice announces receipt by EPA of requests from registrants to cancel or amend to terminate uses of malathion product registrations. The affected products and the registrants making the requests are identified in Tables 1, 2, and 3 of this unit.

Under section 6(f)(1)(A) of FIFRA, registrants may request, at any time, that their pesticide registrations be canceled or amended to terminate one or more pesticide uses. Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, section 6(f)(1)(C) of FIFRA requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The malathion registrants have requested that EPA waive the 180-day comment period. EPA will provide a 30-day comment period on the proposed requests.

Unless a request is withdrawn by a registrant within 30 days of publication of this notice, or if the Agency determines that there are substantive comments that warrant further review of this request, an order will be issued canceling or amending the affected registrations.

**TABLE 1—MALATHION PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued**

Registration Number	Product Name	Company
228-244	Riverdale 50% Malathion EC	Nufarm Americas, Inc.
228-252	Riverdale 4% Malathion Dust	Nufarm Americas, Inc.
228-274	Riverdale ULV Malathion	Nufarm Americas, Inc.
655-794	Prentox Malathion 57% EC	Prentiss, Inc.
5905-7	Fyfanon 5 LB Emulsion	Helena Chemical Company
5905-443	Helena Malathion 8 Insecticide	Helena Chemical Company
34704-3	Malathion 55 Insecticide Premium Grade	Loveland Products Inc.
34704-18	Malathion ULV Concentrate Insecticide	Loveland Products Inc.

**TABLE 1—MALATHION PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION**

Registration Number	Product Name	Company
228-68	Riverdale Malathion 5	Nufarm Americas, Inc.
228-93	Riverdale Bin Spray	Nufarm Americas, Inc.

TABLE 1—MALATHION PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration Number	Product Name	Company
34704-119	Clean Crop Malathion 8EC Insecticide	Loveland Products Inc.

TABLE 1—MALATHION PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration Number	Product Name	Company
34704-721	Niagara Malathion 5 Dust	Loveland Products Inc.

TABLE 2—MALATHION PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT

Registration Number	Product Name	Company	Terminate Use
192-96	Dexol Malathion Insect Control	Value Garden Supply	Residential lawns (broadcast)
239-739	Ortho Malathion 50 Insect Spray	The Scotts Company LLC	Residential lawns (broadcast)
655-310	Malathion 95% Technical Premium	Prentiss, Inc.	Greenhouse food crops, Commercial/Institutional/Industrial premises/equipment (outdoor), sewer systems
655-598	Prentox Malathion 50% Emulsifiable Insecticide	Prentiss, Inc.	Commercial/Institutional/Industrial premises/equipment (outdoor)
655-777	Prentox 5 LB Malathion Spray	Prentiss, Inc.	Greenhouse food crops, Commercial/Institutional/Industrial premises/equipment (outdoor), lentils, manure piles, residential lawns (broadcast)
769-736	SMCP Malathion Mole Cricket Bait Insecticide	Value Garden Supply	Residential lawns (broadcast), golf course turf
769-620	AllPro Malathion 57% Premium Grade	Value Garden Supply	Lentils, greenhouse uses, sewage systems, fly control for outdoor building surfaces
769-621	SMCP Malathion EM-5	Value Garden Supply	Residential lawns (broadcast)
769-644	SMCP MV Fog Solution	Value Garden Supply	Animal premise uses for dairy and livestock barns, stables and pens, food processing plants, outdoor use as a crack and crevice treatment around dairies and stables
769-844	Pratt Malathion Spray	Value Garden Supply	Residential lawns (broadcast)
769-961	Pratt Malathion 80	Value Garden Supply	Dairy cattle (lactating and nonlactating), poultry houses, cowpea forage and hay, cranberry, plum
5905-250	Fyfanon 8 LB Emulsion	Helena Chemical Company	Lentils, cowpea
9779-5	Malathion 5	WinField Solutions	Lentils
10088-56	Malathion 57%	Athea Laboratories, Inc.	Ornamental lawns and turf
10163-21	Prokil Malathion 8	Gowan	Lentils, greenhouse uses
10163-152	Malathion Technical	Gowan	Greenhouse food use
19713-217	Drexel Malathion 5EC	Drexel Chemical Company	Lentils
19713-402	Drexel Malathion Technical	Drexel Chemical Company	Greenhouse food crops, uses around commercial and industrial buildings, sewage systems
34704-108	Clean Crop Malathion 57 EC	Loveland Products, Inc.	Lentil

TABLE 2—MALATHION PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT—Continued

Registration Number	Product Name	Company	Terminate Use
34704-474	Cythion 8 Aquamul	Loveland Products, Inc.	Lentil
47000-107	Prozap Malathion	Chem-Tech Ltd.	Lentil, residential lawns (broadcast)
48273-26	Marman Malathion ULV	Nufarm	Lentils, greenhouse food uses
59144-1	Malathion 50% Insect Spray	Gro Tec, Inc.	Greenhouse uses
66330-220	Malathion 5 EC	Arysta LifeScience	Lentils, Greenhouse uses
66330-228	Malathion Technical	Arysta LifeScience	Greenhouse uses
66330-248	Malathion 8 EC	Arysta LifeScience	Greenhouse uses, lentils, Around the outside of buildings

Table 3 of this unit includes the names and addresses of record for the registrants of the products listed in Table 1 and Table 2 of this unit.

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS

EPA Company Number	Company Name and Address
239	The Scotts Company LLC 14111 Scottslawn Road Marysville, OH 43041
655	Prentiss Incorporated 509 Tower Valley Drive Hillsboro, MO 63050
769, 192	Value Garden Supply 9100 W. Bloomington Freeway, Suite 113 Bloomington, MN 55431
5905	Helena Chemical Company 7664 Moore Road Memphis, TN 38120
9779	WinField Solutions PO Box 64589 MS 5705 St. Paul, MN 55164-0589
10088	Athea Laboratories, Inc. PO Box 240014 Milwaukee, WI 53224
10163	Gowan PO Box 5569 Yuma, AZ 85366-5569
19713	Drexel Chemical Company 1700 Channel Avenue PO Box 13327 Memphis, TN 38113-0327

TABLE 3—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS—Continued

EPA Company Number	Company Name and Address
34704	Loveland Products, Inc. 7251 W 4th Street PO Box 1286 Greeley, CO 80632-1286
47000	Chem-Tech, Ltd. 4515 Fleur Dr. #303 Des Moines, IA 50321
48273, 228	Nufarm Americas, Inc. 150 Harvester Drive, Suite 200 Burr Ridge, IL 60527
59144	RegWest on behalf of Gro Tec, Inc. 30856 Rocky Road Greeley, CO 80631-9375
66330	Arysta Life Science North America 15401 Weston Parkway, Suite 150 Cary, NC 27513

#### IV. 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.

#### V. Procedures for Withdrawal of Request and Considerations for Reregistration of Malathion

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**, postmarked before June 19, 2009. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

#### VI. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The order effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed the **Federal Register** of June 26, 1991 (56 FR 29362) (FRL-3846-4). Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

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. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with the

EPA-approved label and labeling of the affected product. Exception to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in a special review action, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

If the requests for voluntary cancellation and use termination are granted, the Agency intends to publish the cancellation order in the **Federal Register** that will allow persons other than the registrant to continue to sell and/or use existing stocks of canceled products until such stocks are exhausted, provided that such use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled product. The order will specifically prohibit any use of existing stocks that is not consistent with such previously approved labeling. The Agency will publish the cancellation order in the **Federal Register**.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 7, 2009.

**Richard P. Keigwin, Jr.,**

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

[FR Doc. E9-11631 Filed 5-19-09; 8:45 am]

BILLING CODE 6560-50-S

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-8908-3]

#### Proposed CERCLA Settlement Agreement for Recovery of Past Response Costs Incurred at the Bueno Mill and Mine Site Located Adjacent to Jamestown in Boulder County, CO

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

**ACTION:** Notice and request for public comment.

**SUMMARY:** In accordance with the requirements of section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed Settlement Agreement for Recovery of Past Response Costs ("Agreement") under section 122(h)(1) of CERCLA, 42 U.S.C. 9622(h)(1), concerning the Bueno Mine and Mill Site located adjacent to Jamestown in

Boulder County, Colorado. This Agreement, as embodied in a CERCLA section 122(h) Settlement Agreement for Recovery of Past Response Costs, is designed to resolve the liability at the Site for Ozark-Mahoning Company and its parents Delaware Chemicals Corporation and Arkema Inc. ("Settling Parties") for past work and past response costs through covenants under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607. The proposed Agreement requires the Settling Party to pay \$1,321,619 to the EPA Hazardous Substances Superfund.

**Opportunity for Comment:** For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received, and may modify or withdraw its consent to the Agreement if comments received disclose facts or considerations which indicate that either the Agreement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Records Center, 1595 Wynkoop St., 3rd floor in Denver, Colorado.

**DATES:** Comments must be submitted on or before June 19, 2009.

**ADDRESSES:** The proposed Agreement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Records Center, 1595 Wynkoop St., 3rd Floor, in Denver, Colorado. Comments and requests for a copy of the proposed Agreement should be addressed to William Ross (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop St., Denver, Colorado 80202-1129, and should reference the Bueno Mine and Mill Site, in Boulder County, Colorado and the Docket Number CERCLA-08-2009-0001.

**FOR FURTHER INFORMATION CONTACT:** William Ross, Enforcement Specialist/SEE (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkop St., Denver, Colorado 80202-1129, (303) 312-6208.

**SUPPLEMENTARY INFORMATION:** Regarding the Agreement under section 122(h)(1) of CERCLA, 42 U.S.C. 9622(h)(1): In accordance with section 122(i) of CERCLA, 42 U.S.C. 9622(i), notice is hereby given that the terms of the Agreement have been agreed to by the Settling Parties which will pay a total of \$1,312,619 to the Hazardous Substance Superfund. This payment represents 100% of the past response costs attributable to the Settling Parties incurred by the United States through the effective date of the Agreement.

Dated: May 8, 2009.

**Sharon L. Kersher,**

*Acting Assistant Regional Administrator, Office of Enforcement, Compliance, and Environmental Justice, Region 8.*

[FR Doc. E9-11745 Filed 5-19-09; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-RCRA-2008-0787; FRL-8906-6]

#### Notice of Availability of RCRA Closure and Post-Closure Care Cost Estimating Software

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

**ACTION:** Notice of Availability.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing the availability of a software package, referred to as CostPro, which will estimate the costs of RCRA Closure and Post-Closure care. Persons interested in obtaining a copy of the software package can contact EPA for a copy of this software.

**DATES:** This software will be available on or after May 1, 2009.

**ADDRESSES:** The official public docket is identified by Docket ID No. EPA-HQ-RCRA-2008-0737. 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., Confidential Business Information (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 either electronically in <http://www.regulations.gov>, or in hard copy at the RCRA Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington DC. 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 RCRA Docket is (202) 566-0270.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding distribution of this software, contact Bob Maxey, Office of Resource Conservation and Recovery, (703) 308-7273, [maxey.bob@epa.gov](mailto:maxey.bob@epa.gov). Mail inquiries may be directed to the Office of Resource Conservation and Recovery, (5303P), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.