

Endangered Species Act and the joint agency consultation thereunder at 50 CFR part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920; and (c) the Oregon State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Oregon Wave Energy Partners I, LLC, as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, section 305 of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act

m. Oregon Wave Energy Partners I, LLC filed a Pre-Application Document (PAD) with the Commission pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCONlineSupport@ferc.gov](mailto:FERCONlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, (202) 502-8659. A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at <http://ferc.gov/esubscribenow.htm> to be notified via e-mail of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

**Kimberly D. Bose,**  
Secretary.

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BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2008-0524; FRL-8373-4]

### Calcium Hydroxide; Receipt of Application for Emergency Exemption Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a quarantine exemption request from the Hawaii Department of Agriculture to use the pesticide calcium hydroxide (CAS No. 1305-62-0) to treat up to 4,000 acres of outdoor plants in nurseries, residential areas, parks, hotels and resorts, forest habitats, and natural areas to control Coqui and Greenhouse frogs. The applicant proposes the use of a new chemical which has not been registered by EPA. This is the second request by the State of Hawaii.

EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments must be received on or before August 13, 2008.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2008-0524, 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'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-2008-0524. 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 in [www.regulations.gov](http://www.regulations.gov). To access the electronic docket, go to <http://www.regulations.gov>, select "Advanced Search," then "Docket Search." Insert the docket ID number where indicated and select the "Submit" button. Follow the instructions on the [www.regulations.gov](http://www.regulations.gov) website to view the docket index or access available documents. 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:** Stacey Groce, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-2505; fax number: (703) 605-0781; e-mail address: [groce.stacey@epa.gov](mailto:groce.stacey@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

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

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).

- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. 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 [www.regulations.gov](http://www.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. What Action is the Agency Taking?**

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Hawaii Department of Agriculture has requested the Administrator to issue a quarantine exemption for the use of calcium hydroxide on outdoor plants in nurseries and residential areas, parks, hotels and resorts, forest habitats, and natural areas to control Coqui and Greenhouse frogs. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Hawaii Department of Agriculture asserts that it is necessary to control the Coqui and Greenhouse frogs (*Eleutherodactylus coqui* and *E. planirostris*) in areas of Hawaii where they have accidentally been introduced via infected nursery plants. These tropical frogs are not native to Hawaii, but come from the Caribbean, although one or both species is established on the continental United States in Florida, Louisiana, and Alabama. There is great concern that the frogs have the potential to cause serious damage to the native Hawaiian forest ecosystems, including endangered and threatened species. *E. Coqui* is now firmly established on Maui and the island of Hawaii with smaller populations on Kauai and Oahu. *E. planirostris* is also found on Kauai, Oahu, Maui, and the island of Hawaii. The sites where they are established include commercial plant nurseries, residential areas, resorts, hotels, parks, forest habitats and natural areas. These species are spread to additional sites primarily through the transportation of infested plant materials to uninfested sites.

The applicant asserts that these frogs pose a serious threat to both agriculture and to the native Hawaiian forest ecosystems, including many endangered species. In particular, *Eleutherodactylus* frogs have the potential to be a serious threat to native endangered bird species. The *E. cocqi* may exert predation pressure on a wide variety of native arthropods, many of which are already stressed due to the establishment of other alien predators and parasitoids. Additionally, these frog species will

compete for insect food sources with the native birds, the majority of which are partially or completely insectivorous. The Hawaiian hoary bat and many anthropod species also depend upon insects and spiders as a food source. According to the quarantine exemption application, another concern is that the rapid increase in populations of these frog species could provide a food source for and enhance the already large populations of introduced predators, such as rats and mongooses.

In 2005, EPA granted the Hawaii Department of Agriculture a quarantine exemption for use of calcium hydroxide to control the *Eleutherodactylus* frogs. This quarantine exemption program expired on April 26, 2008.

In this request, the applicant's projected acreage for 2008-2010 is 4,000 acres on outdoor plant nurseries, residential areas, resorts and hotels, parks, forest habitats, and natural areas throughout the entire state of Hawaii. According to the current request, use of calcium hydroxide is proposed for application as follows:

1. As dust application (to soil surface only) at a maximum rate of 500 lbs. of product per acre (485 lbs. a.i. per acre);
2. In combination with water as soil drench with application equipment at a maximum rate of 950 lbs. of product per acre (921.5 lbs. a.i. per acre); or
3. In combination with water as foliar application with ground equipment at a maximum rate of 500 lbs. of product per acre (485 lbs. a.i. per acre). A maximum of twelve applications may be made per year. Therefore, a total maximum of 136,800,000 lbs. of product or 132,696,000 lbs. a.i of calcium hydroxide could be applied to treated areas under this request.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a quarantine exemption proposing use of calcium hydroxide, which has not been registered by EPA.

An analogous exemption program intended to control introduced frogs in Hawaii involving calcium hydroxide recently expired and drew public interest. The notice provides an opportunity for public comment on this proposed application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the quarantine exemption requested by the Hawaii Department of Agriculture.

**List of Subjects**

Environmental protection, Pesticides and pests.

Dated: July 15, 2008.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. E8-17236 Filed 7-29-08; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OW-2007-0068; FRL-8699-1]

RIN 2040-AE60

**Drinking Water: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List**

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

**ACTION:** Notice.

**SUMMARY:** The Safe Drinking Water Act (SDWA), as amended in 1996, requires the United States Environmental Protection Agency (EPA) to periodically publish a list of unregulated contaminants (known as the Contaminant Candidate List or CCL) and determine whether to regulate at least five contaminants on each list. Today's action announces the Agency's final determinations on whether to issue national primary drinking water regulations (NPDWRs) for 11 contaminants listed on the second Contaminant Candidate List (CCL 2).

On May 1, 2007, EPA published preliminary regulatory determinations for 11 of the 51 contaminants listed on CCL 2 and requested public comment on the determinations, process, rationale, and supporting technical information for each contaminant. The 11 regulatory determination contaminants are boron; the dacthal mono- and di-acid degradates; 1,1-dichloro-2,2-bis(p-chlorophenyl)ethylene (DDE); 1,3-dichloropropene; 2,4-dinitrotoluene; 2,6-dinitrotoluene; s-ethyl dipropylthiocarbamate (EPTC); fonofos; terbacil; and 1,1,2,2-tetrachloroethane. In the May 2007 notice, the Agency made a preliminary determination that no regulatory action was appropriate for any of these 11 contaminants.

EPA received comments from nine individuals or organizations on the preliminary regulatory determinations for the 11 contaminants and additional comments for other contaminants on CCL 2: perchlorate, methyl tertiary butyl ether (MTBE), metolachlor, and

cyanotoxins. After careful review and consideration of these comments, the Agency is making a final determination that no regulatory action is appropriate at this time for any of the 11 CCL 2 contaminants for which the Agency made preliminary regulatory determinations in the May 2007 notice.

**DATES:** For purposes of judicial review, the regulatory determinations in this notice are issued as of July 30, 2008, as provided in 40 CFR 23.7.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-HQ-OW-2007-0068. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information 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 electronically through <http://www.regulations.gov> or in hard copy at the Water 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 EPA Docket Center is (202) 566-2426.

**FOR FURTHER INFORMATION CONTACT:**

Yvette Selby-Mohamadu, Standards and Risk Management Division, Office of Ground Water and Drinking Water, 4607M, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; *telephone number:* (202) 564-5245; *e-mail address:* [selby-mohamadu.yvette@epa.gov](mailto:selby-mohamadu.yvette@epa.gov). For general information contact the EPA Safe Drinking Water Hotline at (800) 426-4791, or (703) 412-3330, from 10 a.m. to 4 p.m., Eastern Time, Monday through Friday, excluding legal holidays.

**Abbreviations and Acronyms**

µg/L—micrograms per liter  
 ATSDR—Agency for Toxic Substances and Disease Registry  
 AwwaRF—American Water Works Association Research Foundation  
 CCL—Contaminant Candidate List  
 CCL 1—EPA's First Contaminant Candidate List  
 CCL 2—EPA's Second Contaminant Candidate List  
 1,3-DCP—1,3-dichloropropene  
 DCPA—dimethyl tetrachloroterephthalate (dacthal)

DDE—1,1-dichloro-2,2-bis(p-chlorophenyl)ethylene  
 DDT—1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane  
 DNT—dinitrotoluene  
 EPA—United States Environmental Protection Agency  
 EPTC—s-ethyl dipropylthiocarbamate  
 ESA—ethane sulfonic acid  
 FR—**Federal Register**  
 HRL—health reference level  
 IRIS—Integrated Risk Information System  
 kg—kilogram  
 L—liter  
 MAC—*Mycobacterium avium*  
 MCL—maximum contaminant level  
 MCLG—maximum contaminant level goal  
 MRL—minimum or method reporting limit (depending on the study or survey cited)  
 MTBE—methyl tertiary butyl ether  
 MTP—monomethyl-2,3,5,6-tetrachloroterephthalate  
 NDWAC—National Drinking Water Advisory Council  
 NIRS—National Inorganic and Radionuclide Survey  
 NRC—National Research Council  
 NPDWR—national primary drinking water regulation  
 OA—oxanilic acid  
 OPP—Office of Pesticide Programs  
 PWS—public water system  
 RSC—relative source contribution  
 SDWA—Safe Drinking Water Act  
 SOT—Society of Toxicology  
 TPA—2,3,5,6-tetrachloroterephthalic acid  
 TRI—Toxics Release Inventory  
 TT—treatment technique  
 UCM—Unregulated Contaminant Monitoring  
 UCMR 1—First Unregulated Contaminant Monitoring Regulation issued after the 1996 SDWA Amendments  
 US—United States of America  
 USGS—United States Geological Survey

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