

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004, (69 FR 26819) (FRL-7357-9) explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to their uses, risks, and other factors, d-phenothrin and sulfometuron methyl were reviewed through the modified 4-Phase public participation process. Acrolein was reviewed through the 6-phase process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for acrolein, d-phenothrin, and sulfometuron methyl.

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

Section 4(g)(2) of FIFRA, as amended, directs that, after submission of all data concerning a pesticide active ingredient, "the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration," before calling in product specific data on individual end-use products and either reregistering products or taking other "appropriate regulatory action."

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: October 31, 2008.

**Steven Bradbury**,

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

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**BILLING CODE 6560-50-S**

#### **ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OW-2008-0692; FRL-8740-1]

RIN 2040-ZA02

#### **Drinking Water: Preliminary Regulatory Determination on Perchlorate**

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

**ACTION:** Reopening of public comment period.

**SUMMARY:** EPA announced on October 10, 2008, its preliminary regulatory determination that a national primary drinking water regulation for

perchlorate would not present "a meaningful opportunity for health risk reduction for persons served by public water systems." In response to requests from several stakeholders, this action reopens the public comment period for an additional 15 days.

**DATES:** EPA must receive your comments on or before November 28, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2008-0692, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Mail:* Water Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.
- *Hand Delivery:* Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OW-2008-0692. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *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* or e-mail. The *www.regulations.gov* Web site 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* your e-mail address will be automatically captured and included as part of the comment that is placed in the public 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.

**FOR FURTHER INFORMATION CONTACT:** Eric Burneson, Office of Ground Water and Drinking Water, Standards and Risk Management Division, at (202) 564-5250 or e-mail *burneson.eric@epa.gov*. For general information contact the EPA Safe Drinking Water Hotline at (800) 426-4791 or e-mail: *hotline-sdwa@epa.gov*.

**SUPPLEMENTARY INFORMATION:** The Safe Drinking Water Act requires EPA to make determinations every five years of whether to regulate at least five contaminants on the Contaminant Candidate List (CCL). EPA included perchlorate on the first and second CCLs that were published in the **Federal Register** on March 2, 1998 (63 FR 10273) and February 24, 2005 (70 FR 9071). Most recently, EPA presented final regulatory determinations regarding 11 contaminants on the second CCL in a notice published in the **Federal Register** on July 30, 2008. On October 10, 2008 (73 FR 60262), EPA presented supporting rationale and requested public comment on its preliminary determination not to regulate perchlorate (please note that EPA has issued a new RIN number for this action which is 2040-AF02). EPA will make a final regulatory determination for perchlorate after considering comments and information provided in the comment period following this notice. The original comment deadline was November 10, 2008. Several stakeholders have requested a reopening to the comment period in order to evaluate EPA's findings, review the scientific literature and prepare comments. This action reopens the comment period for 15 days.

Dated: November 6, 2008.

**Benjamin H. Grumbles**,

*Assistant Administrator, Office of Water.*

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#### **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8739-8]

**Science Advisory Board Staff Office; Clean Air Scientific Advisory Committee (CASAC); Notification of a Public Advisory Committee Teleconference of the CASAC Oxides of Nitrogen Primary NAAQS Review Panel**

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public teleconference of the Clean Air Scientific Advisory Committee's (CASAC) Oxides of Nitrogen Primary NAAQS Review Panel (Panel) to review EPA's completed *Risk and Exposure Assessment to Support the Review of the NO<sub>2</sub> Primary National Ambient Air Quality Standard* and to provide advice for EPA to consider as it develops its Advance Notice for Proposed Rulemaking for nitrogen dioxide.

**DATES:** The teleconference will be held on December 5, 2008 from 1 p.m. to 3 p.m. (Eastern Daylight Time).

*Location:* The public teleconference will be conducted by telephone only.

**FOR FURTHER INFORMATION CONTACT:** Members of the public who wish to obtain the call-in number and access code to participate in the teleconference may contact Dr. Angela Nugent, Designated Federal Officer (DFO), EPA Science Advisory Board (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; via telephone/voice mail (202) 343-9981; fax (202) 233-0643; or e-mail at [nugent.angela@epa.gov](mailto:nugent.angela@epa.gov). General information concerning the CASAC and the CASAC documents cited below can be found on the EPA Web site at <http://www.epa.gov/casac>.

**SUPPLEMENTARY INFORMATION:**

*Background:* The Clean Air Scientific Advisory Committee (CASAC) was established under section 109(d)(2) of the Clean Air Act (CAA or Act) (42 U.S.C. 7409) as an independent scientific advisory committee. CASAC provides advice, information, and recommendations on the scientific and technical aspects of air quality criteria and national ambient air quality standards (NAAQS) under sections 108 and 109 of the Act. The CASAC is a Federal advisory committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The Panel will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six "criteria" air pollutants, including oxides of nitrogen (NO<sub>x</sub>). EPA is in the process of reviewing the primary NAAQS for nitrogen dioxide (NO<sub>2</sub>), an indicator for NO<sub>x</sub>. Primary standards set limits to protect public health, including the health of "sensitive"

populations such as asthmatics, children, and the elderly.

As part of its scientific advice to support EPA's review of the primary NAAQS for nitrogen dioxide (NO<sub>2</sub>), CASAC met on September 9-10, 2008 to conduct a peer review of the *Risk and Exposure Assessment to Support the Review of the NO<sub>2</sub> Primary National Ambient Air Quality Standard: Second Draft* (73 FR 43444-43445). At that time, EPA had not completed chapter eight of the draft assessment entitled "Exposure and Health Risk Characterization." CASAC also held a public teleconference on October 22, 2008 to conduct a peer review of the draft chapter 8 (73 FR 55074-55075).

The public may access completed CASAC advisory reports related to the primary NO<sub>2</sub> NAAQS, including the CASAC reports on the *Risk and Exposure Assessment to Support the Review of the NO<sub>2</sub> Primary National Ambient Air Quality Standard: Second Draft*, on the EPA Web site at <http://yosemite.epa.gov/sab/sabproduct.nsf/WebReportsbyTopicCASAC!OpenView>.

EPA now plans that the final document will include an additional chapter (chapter 10) that considers the scientific evidence and exposure-risk-based information specifically as it relates to the current and potential alternative standards. At the December 5, 2008 teleconference, the CASAC will review EPA's completed *Risk and Exposure Assessment* and provide advice for EPA to consider as it develops its Advance Notice for Proposed Rulemaking for nitrogen dioxide.

*Technical Contact:* Any questions concerning *Risk and Exposure Assessment to Support the Review of the NO<sub>2</sub> Primary National Ambient Air Quality Standard* should be directed to Dr. Scott Jenkins, OAR (by telephone (919) 541-1167 or e-mail [jenkins.scott@epa.gov](mailto:jenkins.scott@epa.gov)).

*Availability of Meeting Materials:* EPA's *Risk and Exposure Assessment to Support the Review of the NO<sub>2</sub> Primary National Ambient Air Quality Standard* will be accessible via the Agency's Office of Air Quality Planning and Standards Web site at [http://www.epa.gov/ttn/naaqs/standards/nox/s\\_nox\\_cr\\_rea.html](http://www.epa.gov/ttn/naaqs/standards/nox/s_nox_cr_rea.html) on or about November 21, 2008. Agendas and materials supporting the teleconference will be placed on the EPA Web site before the meeting on the CASAC meeting page, accessible through the calendar link on the blue navigation bar at <http://www.epa.gov/casac>.

*Procedures for Providing Public Input:* Interested members of the public may submit relevant written or oral

information for the CASAC Panel to consider during the advisory process.

*Oral Statements:* Interested members of the public may submit relevant written or oral information for the SAB Panel to consider during the advisory process. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker, with no more than a total of 30 minutes for all speakers. Interested parties should contact Dr. Angela Nugent, DFO, in writing (preferably via e-mail) by December 1, 2008 at the contact information noted above to be placed on the public speaker list for this meeting. *Written Statements:* Written statements for the public meeting should be received by Dr. Angela Nugent at the contact information above by December 1, 2008, so that the information may be made available to the Panel for their consideration prior to the teleconference. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature (optional), and one electronic copy via e-mail (acceptable file format: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format).

*Accessibility:* For information on access or services for individuals with disabilities, please contact Dr. Nugent at the phone number or e-mail address noted above, preferably at least ten days prior to the teleconference, to give EPA as much time as possible to process your request.

Dated: November 5, 2008.

**Anthony F. Maciorowski,**  
Deputy Director, EPA Science Advisory Board Staff Office.

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8739-9]

**Proposed Issuance of a General NPDES Permit (GP) for Federal Aquaculture Facilities and Aquaculture Facilities Located in Indian Country in the State of Washington (Permit Number WAG-13-0000)**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability of a draft general NPDES permit.

**SUMMARY:** Some of the federal and tribal aquaculture facilities proposed to be covered under this general permit have