

noted above, which assessed spent oil shale disposed of at Anvil Points for over thirty years, and discussed in the report, *Final Draft Engineering/Cost Analysis for Waste Shale and Impoundments at U.S. Navy Oil Reserve 1 & 3 March 2005*, indicates that spent oil shale samples did not exhibit the corrosivity characteristic when tested for the hazardous characteristic of corrosivity. Also, because oil shale undergoing above ground retorting is subject to high heat where destructive distillation occurs and results in most organics and hydrogen being removed, it is not likely from a chemical standpoint that spent oil shale could be corrosive.

#### 4. Reactivity

Based on the review of the literature noted above, the Agency has not found any information that identifies spent oil shale as potentially reactive. Review of the BLM Anvil Points studies do not indicate that spent oil shale disposed of in piles over long periods of time ever became reactive. Based on our review of the data noted above, it is not likely from a chemical standpoint that spent oil shale could be reactive.

#### D. Conclusion

The regulatory status of spent oil shale, from above ground retorting operations was determined as part of the 1989 final Bevill rulemaking. Spent oil shale from above ground oil shale operations is not Bevill-exempt. The Agency believes this NODA's clear statement will have little practical effect, because it believes—based on the data described in this notice—that spent oil shale from above ground retorting operations are very unlikely to be hazardous under RCRA Subtitle C. EPA seeks additional data relevant to this conclusion and seeks comment on the data presented that supports our conclusion.

Dated: December 17, 2008.

**Susan Parker Bodine,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. E8-30698 Filed 12-23-08; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-0037 FRL-8392-6]

### Chitin/Chitosan, Farnesol/Nerolidol and Nosema locustae Final Registration Review Decision; Notice of Availability

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's final registration review decisions for the pesticides Chitin/Chitosan (case 6063), Farnesol/Nerolidol (case 6061) and Nosema locustae (case 4104). Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

**ADDRESSES:** 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:** For information about the biopesticides included in this document, contact the specific Regulatory contact, as identified in the Table in Unit II.A. for the pesticide of interest. The mailing address and additional contact information is Biopesticides and Pollution Prevention Division, (7511P); Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8712; fax number: (703) 308-7026.

For general questions on the registration review program, contact, Kevin Costello, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5026; fax number: (703) 308-8090; e-mail address: [costello.kevin@epa.gov](mailto:costello.kevin@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. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### II. Background

###### A. What Action is the Agency Taking?

This notice announces the final registration decisions for Chitin/Chitosan, Farnesol/Nerolidol and Nosema locustae cases as shown in the following Table.

TABLE – REGISTRATION REVIEW DOCKETS – FINAL DECISIONS

Registration Review Case Name and Number	Pesticide Docket ID Number	Regulatory Contact name, Phone Number, E-mail Address
Chitin/Chitosan; Case 6063	EPA-HQ-OPP-2007-0566	Chris Pfeifer (703) 308-0031 <a href="mailto:pfeifer.chris@epa.gov">pfeifer.chris@epa.gov</a>

TABLE – REGISTRATION REVIEW DOCKETS – FINAL DECISIONS—Continued

Registration Review Case Name and Number	Pesticide Docket ID Number	Regulatory Contact name, Phone Number, E-mail Address
Farnesol/Nerolidol; Case 6061	EPA-HQ-OPP-2007-0569	Russell Jones (703) 308-5071 <a href="mailto:jones.russell@epa.gov">jones.russell@epa.gov</a>
Nosema locustae; Case 4104	EPA-HQ-OPP-2007-0997	Jeannine Kausch (703) 3477-8920 <a href="mailto:kausch.jeannine@epa.gov">kausch.jeannine@epa.gov</a>

The dockets for registration review of these pesticide cases include the final registration review decision documents as well as other relevant documents related to the registration review of the subject cases. Proposed registration review decisions were posted to the docket and public comments were requested. During the respective 60 day comment periods, no public comments were received. Background on the registration review program is provided at: [http://www.epa.gov/oppsrrd1/registration\\_review/](http://www.epa.gov/oppsrrd1/registration_review/). Quick links to earlier documents related to the registration review of this pesticide are provided at: [http://www.epa.gov/oppsrrd1/registration\\_review/reg\\_review\\_status.htm](http://www.epa.gov/oppsrrd1/registration_review/reg_review_status.htm).

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

FIFRA Section 3(g) and 40 CFR 155.58(c) provide authority for this action. A registration review decision is the Agency's determination whether a pesticide meets, or does not meet the standard for registration in FIFRA. Proposed registration review decisions were posted to the docket for the above cases and public comments were requested. During the respective 60 day comment periods, no public comments were received for the Chitin/Chitosan, Farnesol/Nerolidol or Nosema locustae cases. The final decisions that are subject to this notice continue to be supported by the rationales included in the proposed registration review decisions for each case. The documents in the subject registration review dockets describe the Agency's rationale for issuing these final decisions for the Chitin/Chitosan, Farnesol/Nerolidol or Nosema locustae cases. No risk mitigation measures are required or specified in the final decisions for these registration review cases and no labeling changes are required as a result of these final decisions.

#### **List of Subjects**

Environmental protection, registration review, pesticides, and pests.

Dated: December 12, 2008.

**Janet L. Andersen,**

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. E8-30496 Filed 12-23-08; 8:45 am]

**BILLING CODE 6560-50-S**

#### **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2008-1070; FRL-8391-4]**

#### **L-Latic Acid Registration Review Final Work Plan and Proposed Registration Review Decision; Notice of Availability**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's Final Work Plan and Proposed Registration Review Decision for the pesticides case L-Latic Acid, and opens a public comment period on the proposed registration review decision. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

**DATES:** Comments must be received on or before February 23, 2009.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) numbers EPA-HQ-OPP-2008-0383 for L-Latic Acid 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 and the regulatory contact listed under Table 1 for the case you are submitting a comment. EPA's policy is that all comments received will be included in the docket without change and may be made available online 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 [regulations.gov](http://www.regulations.gov) or e-mail. The [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 [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