

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. How Can I Get Copies of this Document and Other Related Information?

1. *Docket.* EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2007-0540. 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 Office of Pesticide Programs (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.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr>.

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

This notice announces the cancellation of all end-use and manufacturing-use bromonitrostyrene products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1.—BROMONITROSTYRENE PRODUCT CANCELLATIONS

Registration No.	Product Name
464-683	Giv-Gard BNS 25% AF
464-684	Bioban BNS 25% BA Industrial Preservative
464-686	Canguard 777 Industrial Preservative
74655-5	Spectrum RX-41
74655-8	Spectrum RX -45
74655-13	Spectrum RX -52

Table 2 of this unit includes the names and addresses of record for all

registrants of the products in Table 1 of this unit, in sequence by EPA company number.

TABLE 2.—REGISTRANTS OF CANCELLED BROMONITROSTYRENE PRODUCTS

EPA Company No.	Company Name and Address
464	The Dow Chemical Company 1500 E. Lake Cook Road Buffalo Grove, IL 60089
74655	Hercules Incorporated Paper Technology and Ventures 7910 Baymeadows Way Jacksonville, FL 32256

#### III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the August 27, 2008 **Federal Register** notice (73 FR 50614; FRL 8378-4) announcing the Agency's receipt of the requests for voluntary cancellation of all Bromonitrostyrene products.

#### IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of Bromonitrostyrene registrations identified in Table 1 of Unit II. Accordingly, the Agency orders that the Bromonitrostyrene product registrations identified in Table 1 of Unit II are hereby cancelled. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI. will be considered a violation of FIFRA.

#### V. 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.

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

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. The cancellation order issued in this notice includes the following existing stocks provisions.

#### List of Subjects

Environmental protection, Pesticides and pests, Bromonitrostyrene, Antimicrobials.

Dated: July 20, 2009.

**Joan Harrigan Farrelly,**

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

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**BILLING CODE 6560-50-S**

#### ENVIRONMENTAL PROTECTION AGENCY

[ FRL-8944-2 ]

#### Proposed CERCLA Administrative Settlement; Circle DE Lumber Site, Klamath Falls, OR

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

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

**SUMMARY:** In accordance with 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 administrative settlement for the recovery of past response costs incurred at the Circle DE Lumber Site in Klamath Falls, Oregon with settling parties: Mr. and Mrs. Daniel G. and V. Elouise Brown and associated entities including the Circle DE Lumber Company, Francis D. Brown and Son Logging, Inc., and the Daniel G. Brown Trust U.T.A.D. and Elouise Brown Trust U.T.A.D. The settlement requires the settling parties to implement institutional controls in the form of proprietary restrictions placed on the Circle DE Lumber Site, and to execute an Environmental Trust Agreement that assigns the rights under certain insurance policies issued to the settling parties to an environmental trust established for the benefit of the Agency. The settlement includes a covenant not to sue or take administrative action against the settling parties pursuant to Sections 106 or 107(a) of CERCLA, 42 U.S.C. 9606 or 9607(a). For thirty (30) days following

the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the U.S. EPA Region 10 offices, located at 1200 Sixth Avenue, Seattle, Washington 98101.

**DATES:** Comments must be submitted on or before September 11, 2009.

**ADDRESSES:** The proposed settlement is available for public inspection at the U.S. EPA Region 10 offices, located at 1200 Sixth Avenue, Seattle, Washington 98101. A copy of the proposed settlement may be obtained from Carol Kennedy, Regional Hearing Clerk, U.S. EPA Region 10, Mail Stop ORC-158, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101; (206) 553-0242. Comments should reference the Circle DE Lumber Site in Klamath Falls, Oregon, EPA Docket No. CERCLA-10-2009-0211 and should be addressed to Alexander Fidis, Assistant Regional Counsel, U.S. EPA Region 10, Mail Stop ORC-158, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101.

**FOR FURTHER INFORMATION CONTACT:** Alexander Fidis, Assistant Regional Counsel, U.S. EPA Region 10, Mail Stop ORC-158, 1200 Sixth Avenue, Suite 900, Seattle, Washington 98101; (206) 553-4710.

**SUPPLEMENTARY INFORMATION:** The Circle DE Lumber Site is located in Klamath Falls, Oregon (Site). Wood treating operations were conducted at the Site using a dip tank containing pentachlorophenol. These operations and others resulted in the release of hazardous substances including, but not limited to, pentachlorophenol, dioxin, diesel, poly aromatic hydrocarbons, total petroleum hydrocarbons, and metals. These hazardous substances were detected in soil and groundwater at the Site. The Agency conducted a time-critical removal action at the Site in February 2006 that involved removing the dip tank and associated structures, excavation and disposal of 437 cubic yards of contaminated soil, and the installation of monitoring wells to determine the extent of groundwater contamination. The Agency incurred approximately \$605,834 in response costs at the Site.

The Site is currently owned by Mr. and Mrs. Daniel G. and V. Elouise Brown. Mr. Brown operated the Site as a lumber mill between 1975 and 2000

and currently leases the Site as a staging area for equipment. The entities associated with Mr. Brown's Site operations include the Circle DE Lumber Company and Francis D. Brown & Son Logging, Inc. The Agency determined that settling parties have limited financial ability to pay the response costs incurred at the Site. Therefore, the Agency is proposing to enter into an administrative settlement that would require the settling parties to record an easement and equitable servitude as an institutional control for the Site, and to execute an agreement assigning the rights under certain insurance policies issued to the settling parties to an Environmental Trust established for the benefit of the Agency. The proposed settlement will release the settling parties from liability for past response costs incurred by the Agency subject to certain reserved rights.

Dated: August 3, 2009.

**Daniel D. Opalski,**

*Director, Office of Environmental Cleanup.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8937-5]

### Tentative Approval and Solicitation of Request for a Public Hearing for Public Water System Supervision Program Revision for the Commonwealth of Puerto Rico

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Commonwealth of Puerto Rico is revising its approved Public Water System Supervision Program to adopt EPA's National Primary Drinking Water Regulations for Lead and Copper: Short Term Regulatory Revisions and Clarifications; Final Rule. The EPA has determined that these revisions are no less stringent than the corresponding Federal regulations. Therefore, the EPA intends to approve these program revisions. All interested parties may request a public hearing.

**DATES:** This determination to approve Puerto Rico's primacy program revision application is made pursuant to 40 CFR 142.12(d)(3). It shall become final and effective unless (1) a timely and appropriate request for a public hearing is received or (2) the Regional Administrator elects to hold a public hearing on his own motion. Any

interested person, other than Federal Agencies, may request a public hearing. A request for a public hearing must be submitted to the Regional Administrator at the address shown below September 11, 2009. If a substantial request for a public hearing is made within the requested thirty day time frame, a public hearing will be held and a notice will be given in the **Federal Register** and a newspaper of general circulation. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective September 11, 2009.

**ADDRESSES:** Any request for a public hearing shall include the following information: (1) Name, address and telephone number of the individual, organization or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement on information that the requesting person intends to submit at such hearing; (3) the signature of the individual making the requests or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity. Requests for Public Hearing shall be addressed to: Regional Administrator, U.S. Environmental Protection Agency—Region 2, 290 Broadway, New York, New York 10007-1866.

All documents relating to this determination are available for inspection between the hours of 9 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Puerto Rico Department of Health,  
Public Water Supply Supervision  
Program, 9th Floor—Suite 903,  
Nacional Plaza Building, 431 Ponce  
De Leon Avenue, Hato Rey, Puerto  
Rico 00917.

U.S. Environmental Protection  
Agency—Region 2, 24th Floor  
Drinking Water Ground Water  
Protection Section, 290 Broadway,  
New York, New York 10007-1866.

**FOR FURTHER INFORMATION CONTACT:**  
Michael J. Lowy, Drinking Water  
Ground Water Protection Section, U.S.  
Environmental Protection Agency—  
Region 2, (212) 637-3830.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the United States Environmental Protection Agency (EPA) has determined to approve an application by the Commonwealth of Puerto Rico Department of Health to