

Elizabeth Fertich, (703) 347-8560;  
*fertich.elizabeth@epa.gov*.

2. *PP 9E7581*. (EPA-HQ-OPP-2009-0610). Dow AgroSciences, LLC, 9330 Zionsville Road, Indianapolis, IN 46268, proposes to establish an exemption from the requirement of a tolerance for residues of the dibenzylidene sorbitol (DBS) (CAS No. 32647-67-9); IUPAC D-Glucitol, bis-O-(phenylmethylene) (CAS No. 32647-67-9) under 40 CFR 180.920 when used as an inert ingredient in a pesticide formulation. A limitation to herbicides only with a 3% formulation cap is proposed. The petitioner believes no analytical method is needed because this petition is a request for an exemption from the requirement of a tolerance. Contact: Elizabeth Fertich, (703) 347-8560;  
*fertich.elizabeth@epa.gov*.

#### List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 24, 2009.

**Lois Rossi,**

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

[FR Doc. E9-21395 Filed 9-3-09; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8953-5]

### Proposed Settlement Agreement

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

**ACTION:** Notice of proposed settlement agreement; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement agreement to address a lawsuit filed by Colorado Citizens Against ToxicWaste and Rocky Mountain Clean Air Action (collectively "Plaintiffs") in the United States District Court for the District of Colorado: *Colorado Citizens Against ToxicWaste et al. v. Jackson*, No. 08-cv-1787 (D. Colo). On or about August 21, 2008, Plaintiffs filed a Complaint alleging that EPA failed to perform a non-discretionary duty to review, and if appropriate revise, 40 CFR Part 61, Subpart W, National Emission Standards for Radon Emissions from Operating Mill Tailings, to comply with the requirements of CAA section 112(d). Under the terms of the proposed

settlement agreement, Plaintiffs shall file a motion for voluntary dismissal of the Complaint, with prejudice, within 10 business days after publication in the **Federal Register** of either: EPA's issuance of a final determination not to revise Subpart W; or EPA's promulgation of a final revision of Subpart W.

**DATES:** Written comments on the proposed settlement agreement must be received by *October 5, 2009*.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2009-0679, online at *http://www.regulations.gov* (EPA's preferred method); by e-mail to *oei.docket@epa.gov*; by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

**FOR FURTHER INFORMATION CONTACT:** Susan Stahle, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-1272; fax number (202) 564-5603; e-mail address: *stahle.susan@epa.gov*.

#### SUPPLEMENTARY INFORMATION:

#### I. Additional Information About the Proposed Settlement Agreement

This proposed settlement agreement would settle a deadline suit filed by Plaintiffs for EPA's failure to review, and if appropriate revise, 40 CFR Part 61, Subpart W, National Emission Standards for Radon Emissions from Operating Mill Tailings, to comply with the requirements of CAA section 112(d). Under the terms of the proposed settlement agreement, within 10 business days after Plaintiffs and EPA have signed this agreement, the Parties shall file a joint motion with the Court notifying it of this agreement and request that this case be stayed pending completion of the process under section 113(g) of the CAA as set forth in Paragraph 12 of this agreement. Within 10 business days of the date this agreement becomes final, Plaintiffs shall file a motion to administratively close this case. If EPA signs and submits for publication in the **Federal Register**

EPA's promulgation of either (1) EPA's issuance of a final determination not to revise Subpart W or (2) EPA's promulgation of a final revision of Subpart W, Plaintiffs shall file a motion for voluntary dismissal of the Complaint, with prejudice, pursuant to Fed. R. Civ. P. 41(a), within 10 business days of such publication. Paragraph 3 contains additional steps that EPA will complete under the agreement.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed settlement agreement from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice determines, based on any comment submitted, that consent to this settlement agreement should be withdrawn, the terms of the agreement will be affirmed.

#### II. Additional Information About Commenting on the Proposed Settlement Agreement

##### A. How Can I Get a Copy of the Settlement Agreement?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2009-0679) contains a copy of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center 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 OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through *http://www.regulations.gov*. You may use *http://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket identification number.

It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at <http://www.regulations.gov> without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

#### *B. How and to Whom Do I Submit Comments?*

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment and with any disk or CD-ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

Use of the <http://www.regulations.gov> Web site to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment. In contrast to EPA's electronic public

docket, EPA's electronic mail (e-mail) system is not an "anonymous access" system. If you send an e-mail comment directly to the Docket without going through <http://www.regulations.gov>, your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: September 1, 2009.

**Richard B. Ossias,**

*Associate General Counsel.*

[FR Doc. E9-21400 Filed 9-3-09; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8952-9]

### **Notice of Proposed Settlement Agreement and Opportunity for Public Comment: Coeburn Produce Disposal Site**

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(h)(1), notice is hereby given of a Proposed Settlement Agreement and Administrative Order, Docket No. CERC-03-2009-0076CR (Proposed Settlement Agreement), that is intended to resolve the potential liability under CERCLA of two parties for response costs incurred by EPA and the United States Department of Justice on behalf of EPA, in connection with the Coeburn Produce Disposal Site, Coeburn, Wise County, Virginia (Site).

**DATES:** Written comments on the Proposed Settlement Agreement must be received by October 5, 2009.

**ADDRESSES.** Submit your comments, identified by Docket No. CERC-03-2009-0076-CR, by mail to: Docket Clerk (3RC00), United States Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

**FOR FURTHER INFORMATION CONTACT:** James Van Orden (3RC42), Office of Regional Counsel, U.S. EPA, 1650 Arch Street, Philadelphia, PA 19103-2029, telephone: (215) 814-2693, fax number (215) 814-2603 e-mail address: [Vanorden.james@epa.gov](mailto:Vanorden.james@epa.gov).

Maria Goodine (3HS62), U.S. EPA, 1650 Arch Street, Philadelphia, PA 19103-2029, telephone: (215) 814-2488, fax number (215) 814-2603, e-mail address: [Goodine.maria@epa.gov](mailto:Goodine.maria@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Additional Information About the Proposed Settlement Agreement**

Notice is hereby given of a Proposed Settlement Agreement and Administrative Order, Docket No. CERC-03-2009-0076CR, among the United States Environmental Protection Agency, Fuller Investments, Inc. and the Town of Coeburn, that has been approved, subject to public comment, pursuant to Section 122(h)(1) of CERCLA. The Proposed Settlement Agreement was signed by the Director of the Hazardous Site Cleanup Division, EPA Region III, on August 5, 2009. The Proposed Settlement Agreement provides for recovery of \$185,000.00 from Fuller Investments, Inc., which represents approximately 7.11% of the \$2,600,864.50 in costs incurred by EPA and the U.S. Department of Justice on behalf of EPA in connection with the Site. The Town of Coeburn will not make any payment, but will be required to impose institutional controls at the Site and to maintain the remedy at the Site.

The Environmental Protection Agency will receive written comments on the Proposed Settlement Agreement for a period of thirty (30) days from the date of publication of this Notice. EPA or the Department of Justice may withdraw or withhold consent to the Proposed Settlement Agreement if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of CERCLA. Unless EPA or the Department of Justice determines, based on any comments which may be submitted, that consent to the Proposed Settlement Agreement should be withdrawn, the terms of the agreement will be affirmed.

### **II. Additional Information About Commenting on the Proposed Settlement Agreement**

#### *A. How Can I Get A Copy of the Proposed Settlement Agreement?*

A copy of the Proposed Settlement Agreement can be obtained from the United States Environmental Protection Agency, Region III, Office of Regional Counsel (3RC00), 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029 by contacting James Van Orden, Assistant Regional Counsel, at (215) 814-2693, or via e-mail at [Vanorden.James@epa.gov](mailto:Vanorden.James@epa.gov). It is important to note that it is EPA's policy to make public comments, whether submitted electronically or in paper, available to the public, unless the comment contains copyrighted material,