

viewed at <http://www.epa.gov/region6/water/npdes/tmdl/index.htm>. The administrative record file may be examined by calling or writing Ms. Diane Smith at the address below. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:**  
Diane Smith, Environmental Protection Specialist, Water Quality Protection

Division, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733, (214) 665-2145.

**SUPPLEMENTARY INFORMATION:** In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the EPA, styled *Sierra Club, et al. v. Clifford et al.*, No. 96-

0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner.

#### **EPA Takes Final Agency Action on 30 TMDLs**

By this notice EPA is taking final agency action on the following 30 TMDLs for waters located within the Terrebonne River basin:

Subsegment	Waterbody name	Pollutant
120102 .....	Bayou Poydras .....	Dissolved Oxygen and Nutrients.
120103 .....	Bayou Choctaw .....	Dissolved Oxygen, Nutrients, Nitrogen, and Phosphorus.
120105 .....	Chamberlin Canal .....	Dissolved Oxygen, Nutrients, Nitrogen, and Phosphorus.
120106 .....	Bayou Plaquemine .....	Dissolved Oxygen and Nutrients.
120107 .....	Upper Grand River and Lower Flat River—Headwaters to Intracoastal Waterway.	Dissolved Oxygen
120109 .....	Intracoastal Waterway—in Morgan City to Port Allen Route—Port Allen Locks to Bayou Sorrel Locks.	Dissolved Oxygen and Nutrients
120110 .....	Bayou Cholpe—Headwaters to Bayou Choctaw .....	Dissolved Oxygen.
120202 .....	Bayou Black—Intracoastal Waterway to Houma .....	Dissolved Oxygen and Nutrients.
120204 .....	Lake Verret and Grassy Lake .....	Dissolved Oxygen and Nutrients.
120304 .....	Intracoastal Waterway—Houma to Larose .....	Dissolved Oxygen and Nutrients.
120403 .....	Intracoastal Waterway—Bayou Boeuf .....	Dissolved Oxygen.
120604 .....	Bayou Blue—Intracoastal Waterway to boundary between segments 1206 and 1207.	Dissolved Oxygen.
120401 .....	Bayou Penchant—Bayou Chene to Lake Penchant .....	Dissolved Oxygen.
120404 .....	Lake Penchant .....	Dissolved Oxygen.
120405 .....	Lake Hatch and Lake Theriot .....	Dissolved Oxygen and Nutrients.
120406 .....	Lake de Cade .....	Dissolved Oxygen and Nutrients.

EPA requested the public to provide EPA with any significant data or information that might impact the 30 Final TMDLs in the **Federal Register** Notice: Volume 73, Number 167, pages 50610 and 50611 (August 27, 2008). The comments which were received, the EPA's response to comments, and the final TMDLs may be found at <http://www.epa.gov/region6/water/npdes/tmdl/index.htm>.

Dated: September 30, 2008.

**William K. Honker,**

*Deputy Director, Water Quality Protection Division, EPA Region 6.*

[FR Doc. E8-23868 Filed 10-7-08; 8:45 am]

**BILLING CODE 6560-50-P**

#### **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OAR-2006-0922; FRL-8724-4]**

#### **Draft Risk and Exposure Assessment Report for Nitrogen Dioxide (NO<sub>2</sub>)**

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

**ACTION:** Notice of draft report for public review and comment.

**SUMMARY:** On or about October 3, 2008, the Office of Air Quality Planning and

Standards (OAQPS) of EPA is making available for public review and comment additional sections of a draft document titled, *Risk and Exposure Assessment to Support the Review of the NO<sub>2</sub> Primary National Ambient Air Quality Standard: Second Draft* which was originally announced in a September 2, 2008 **Federal Register** notice (73 FR 51297). The additional sections being released at this time are Chapter 8 and a revised Appendix B. The purposes of these two sections are to convey the approach taken to characterize NO<sub>2</sub> exposures, to convey the approach taken to characterize health risks associated with those exposures, and to present the results of those analyses.

**DATES:** Comments on the additional sections of the above report must be received on or before October 22, 2008.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2006-0922, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail:* Comments may be sent by electronic mail (e-mail) to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), Attention Docket ID No. EPA-HQ-OAR-2006-0922.

- *Fax:* Fax your comments to 202-566-9744, Attention Docket ID. No. EPA-HQ-OAR-2006-0922.

- *Mail:* Send your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2006-0922.

- *Hand Delivery or Courier:* Deliver your comments to: EPA Docket Center, 1301 Constitution Ave., NW., Room 3334, 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-OAR-2006-0922. The EPA's policy is that all comments received will be included in the public 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 [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov) or e-mail. The <http://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 <http://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 additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the <http://www.regulations.gov> index. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the Air Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays. The Docket telephone number is 202-566-1742; fax 202-566-9744.

**FOR FURTHER INFORMATION CONTACT:** Dr. Scott Jenkins, Office of Air Quality Planning and Standards (Mail Code C504-06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; e-mail: [Jenkins.scott@epa.gov](mailto:Jenkins.scott@epa.gov); telephone: 919-541-1167; fax: 919-541-0237.

## General Information

### A. What Should I Consider as I Prepare My Comments for EPA?

1. **Submitting CBI.** Do not submit this information to EPA through <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:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- 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.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

**SUPPLEMENTARY INFORMATION:** Under section 108(a) of the Clean Air Act (CAA), the Administrator identifies and lists certain pollutants which "cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare." The EPA then issues air quality criteria for listed pollutants, which are commonly referred to as "criteria pollutants." The air quality criteria are to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air, in varying quantities." Under section 109 of the CAA, EPA establishes national ambient air quality standards (NAAQS) for each listed pollutant, with the NAAQS based on the air quality criteria. Section 109(d) of the CAA requires periodic review

and, if appropriate, revision of existing air quality criteria. The revised air quality criteria reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. The EPA is also required to periodically review and revise the NAAQS, if appropriate, based on the revised criteria.

Air quality criteria have been established for the nitrogen oxides (NO<sub>x</sub>) and NAAQS have been established for nitrogen dioxide (NO<sub>2</sub>), an indicator for gaseous NO<sub>x</sub>. Presently, EPA is in the process of reviewing the NAAQS for NO<sub>2</sub>. As part of its review of the NAAQS, EPA is preparing an assessment of exposures and health risks associated with ambient NO<sub>2</sub>. A draft plan describing the proposed approaches to assessing exposures and risks is described in the draft document, *Nitrogen Dioxide Health Assessment Plan: Scope and Methods for Exposure and Risk Assessment*. This document was released for public review and comment in September, 2007 and was the subject of a consultation with the Clean Air Scientific Advisory Committee (CASAC) on October 24 and 25, 2007. Comments received from that consultation were considered in developing the document titled, *Risk and Exposure Assessment to Support the Review of the NO<sub>2</sub> Primary National Ambient Air Quality Standard: First Draft*, which was released for public review and comment in April 2008. This document was the subject of a CASAC review on May 1 and 2, 2008. Comments received from that review have been considered in developing the document titled, *Risk and Exposure Assessment to Support the Review of the NO<sub>2</sub> Primary National Ambient Air Quality Standard: Second Draft*, which was released (except for chapter 8 and part of appendix B) for public review and comment in August 2008. The EPA solicited advice and recommendations from the CASAC by means of a review of this draft document at a public meeting that was held on September 9-10, 2008 in Research Triangle Park, North Carolina. Chapter 8 of this document, and a revised appendix B, are being released on or about October 3, 2008.

Chapter 8 and the revised appendix B will be available online 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). Their purposes are to convey the approach taken to characterize NO<sub>2</sub> exposures, to convey the approach taken to characterize health risks associated with those exposures, and to present the results of those analyses. The EPA is soliciting advice and recommendations from the

CASAC by means of a review of chapter 8 and the revised appendix B at a public teleconference that will be held on October 22, 2008. Information on that meeting has been announced separately in the **Federal Register**. In preparing a final risk and exposure assessment report, EPA will consider comments received from the CASAC and the public at the meeting held on September 9–10 and at the teleconference to be held on October 22 as well as written comments received during the public comment periods.

Dated: September 18, 2008.

**Jenny Edmonds,**

*Acting Director, Office of Air Quality Planning and Standards.*

[FR Doc. E8–23856 Filed 10–7–08; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2007–0837; FRL–8384–1]

### Malathion; Notice of Receipt of Request to Amend to Terminate Uses of Certain Pesticide Registrations

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of a request by the technical registrant to voluntarily amend their registrations to terminate uses of certain products containing the pesticide malathion. The request would terminate malathion use in or on commercial storages/warehouses premises (excluding stored grain facilities such as silos), commercial transportation facilities – feed/food – empty, commercial transportation facilities – nonfeed/nonfood, commercial/institutional/industrial premises/equipment (indoor), commercial/institutional/industrial premises/equipment (outdoor), dairies/cheese processing plant equipment (food contact), eating establishments, food processing plants (excluding stored grain facilities such as silos), golf course turf, greenhouse – empty, indoor hard surfaces, indoor premises, residential dust formulations, residential lawns (broadcast), residential pressurized can formulations, and sewage systems. The request would not terminate the last malathion products registered for use in the United States. EPA intends to grant this request at the close of the comment period for this announcement unless the

Agency receives substantive comments within the comment period that would merit its further review of the request, or unless the registrant withdraws their request within this period. Upon acceptance of this request, any sale, distribution, or use of products listed in this notice will be permitted only if such sale, distribution, or use is consistent with the terms as described in the final order.

**DATES:** Comments must be received on or before November 7, 2008.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2007–0837, 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 Facility'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–2007–0837. 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 at <http://www.regulations.gov>. 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:** Eric Miederhoff, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 347–8028; fax number: (703) 308–7070; e-mail address: [miederhoff.eric@epa.gov](mailto:miederhoff.eric@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, 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. 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