

merit its further review of these requests, or unless the registrant withdrew their requests within this period. The Agency did not receive any comments on the notice. Further, the registrant did not withdraw their requests. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the triclosan products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

**DATES:** The cancellations are effective July 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Heather Garvie, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-0034; fax number: (703) 305-5620; e-mail address: [garvie.heather@epa.gov](mailto:garvie.heather@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. 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-2007-0513. 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, as requested by registrants, of certain manufacturing-use triclosan products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1.—TRICLOSAN PRODUCT CANCELLATIONS

EPA Registration Number	Product Name
70404-2	Irgasan DP300R
70404-5	Irgaguard B1000

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 TRICLOSAN PRODUCTS

EPA Company Number	Company Name and Address
70404	Ciba Corporation 4090 Premier Drive High Point, NC 27265

**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 April 22, 2009 **Federal Register** notice (74 FR 18378; FRL-8410-6) announcing the Agency’s receipt of the requests for voluntary cancellations of triclosan.

**IV. Cancellation Order**

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of triclosan registrations identified in Table 1 of Unit II. Accordingly, the Agency orders that the triclosan product registrations identified in Table 1 of Unit II. are hereby canceled. 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. Registrants may sell and distribute existing stocks for one year from the date of the cancellation request. The products may be sold, distributed, and used by people other than the registrant until existing stocks have been exhausted, provided that such sale, distribution, and use complies with the EPA-approved label and labeling of the product.

**List of Subjects**

Environmental protection, Pesticides and pests, Triclosan, Antimicrobials.

Dated: July 17, 2009.

**Joan Harrigan Farrelly**

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

[FR Doc. E9-18196 Filed 7-29-09; 8:45 am]

BILLING CODE 6560-50-S

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPPT-2009-0180; FRL-8426-1]

**Product Stewardship Program for Six Siloxanes Conducted Under a Memorandum of Understanding (MOU) Signed by EPA and The Dow Corning Corporation; Notice of Receipt and Availability of the MOU Data**

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

**ACTION:** Notice.

**SUMMARY:** This document announces the receipt of toxicity and exposure data and information that were developed through a Product Stewardship Program (PSP) agreed upon under a

Memorandum of Understanding (MOU) signed by EPA and Dow Corning Corporation. The MOU covered six siloxanes deemed representative of a broad class of siloxanes that have widespread use in a variety of industrial and consumer applications. A docket has been established to make data and information developed through this MOU available to the public.

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 564-8182; e-mail address: [lintner.colby@epa.gov](mailto:lintner.colby@epa.gov).

For technical information contact: Robert Jones, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number (202) 564-8161; e-mail address: [jones.robert@epa.gov](mailto:jones.robert@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 particular interest to those persons who are or may be interested in the information developed on the six siloxane chemicals subject to the PSP MOU. If you have any questions regarding the completion of the MOU or the availability of the information from this effort, consult the technical 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-OPPT-2009-0180. 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., Confidential Business Information (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 electronically at <http://www.regulations.gov>, or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, EPA West Bldg., 1301

Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

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. Background**

The 30th Report of the TSCA Interagency Testing Committee (ITC) to the EPA Administrator recommended 56 silicone chemicals for health effects testing to meet data needs expressed by the U.S. Food and Drug Administration (57 FR 30608, July 9, 1992). The six siloxanes covered by this MOU between EPA and the Dow Corning Corporation are included among the 56 silicone chemicals recommended by the ITC in its 30th Report to EPA. In response to that ITC recommendation, EPA issued a final TSCA section 8(d) information reporting rule (58 FR 28511, May 14, 1993) requiring manufacturers, importers, and processors of the 56 silicone chemicals to submit to EPA unpublished health and safety data on those chemicals; information concerning the uses of and exposure to the chemicals was submitted voluntarily by industry directly to the ITC. On review of the TSCA section 8(d) information materials received, the ITC considered the need for formal designations for testing under section 4 of TSCA. EPA issued a notice titled *Testing Consent Agreement; Development for Octamethylcyclotetrasiloxane (OMCTS); Solicitation of Interested Parties* (53 FR 11341, April 6, 1988) and a final rule titled *Testing Consent Order for Octamethylcyclotetrasiloxane* (54 FR 818, January 10, 1989) docket number OPTS-42071B.

These actions lead to the more broadly based discussion of an appropriate PSP based on the Responsible Care principles developed by the Chemical Manufacturers Association—now the American Chemistry Council. Dow Corning Corporation agreed to develop a specific

PSP for six siloxane chemicals including: Octamethylcyclotetrasiloxane (D4) CAS No. 556-67-2; decamethylcyclopentasiloxane (D5) CAS No. 541-02-6; dodecamethylcyclohexasiloxane (D6) CAS No. 540-97-6; hexamethyldisiloxane (HMDS) CAS No. 107-46-0; polydimethylsiloxane (PDMS 10 cst) CAS No. 63148-62-9; and polydimethylsiloxane (PDMS 350 cst) CAS No. 63148-62-9. These were selected because they are representative of the broad class of siloxane materials that have widespread use in industrial and consumer applications. Dow Corning Corporation and EPA signed the formal PSP MOU on April 9, 1996. The MOU was initiated in 1996 with a baseline report, and a Project Plan for assessing exposure. The MOU was monitored through annual progress reports and regular scientific briefings with EPA.

This notice acknowledges that work agreed upon in the MOU has been received and announces that the data and information produced under the MOU is available in the public docket at <http://www.regulations.gov> at docket number EPA-HQ-OPPT-2009-0180. Materials include annual progress reports, over 88 reports assessing potential toxicity and exposures concerning the six siloxanes, and related TSCA section 8(e) notices and FYI submissions. The MOU and a baseline report describe the PSP based on "Implementing Product Stewardship: a Resource Guide," Chemical Manufacturers Association (CMA), 1992. The program included a description of the PSP goals, plans for communicating health and safety information, toxicity testing, exposure assessment and monitoring, identifying any additional data needs for risk assessment, development and implementation of pollution prevention, waste minimization, and exposure reduction plans, and exercising its environmental responsibility through design of processes, products, packaging, etc. to minimize the consumption of natural resources and energy and eliminate, where feasible, generation of waste materials and releases to the environment.

**List of Subjects**

Environmental protection, Hazardous chemicals, Siloxanes.

Dated: July 21, 2009.

**Jim Willis,**

*Director, Chemical Control Division, Office of Prevention, Pesticides and Toxic Substances.*

[FR Doc. E9-18195 Filed 7-29-09; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8937-3]

### Proposed Consent Decree and Proposed Settlement Agreement, Clean Air Act Citizen Suit

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

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

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (“CAA” or “Act”), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree and proposed settlement agreement to address a lawsuit filed by the Business Coalition for Clean Air (BCCA) Appeal Group, Texas Association of Business, and Texas Oil and Gas Association in the United States District Court for the Northern District of Texas, Dallas Division in *BCCA Appeal Group, et al. v. EPA, No. 3-08CV1491-G (N.D. Tex.)*. Plaintiffs filed a complaint in this action on August 25, 2008, which alleges that EPA has failed to perform nondiscretionary duties pursuant to section 110(k)(1)(B) and (k)(2) of the Federal CAA, 42 U.S.C. 7410(k)(1)(B) and (k)(2), to take final action on numerous Texas State Implementation Plan (“SIP”) air quality revisions by the statutory deadline. The SIP revisions are related to Texas New Source Review (NSR) air permitting and banking and trading rules. The proposed consent decree and proposed settlement agreement, if finalized, will collectively resolve plaintiffs’ claims in this matter. A schedule for acting on the SIP revisions is attached to the proposed consent decree and proposed settlement agreement.

**DATES:** Written comments on the proposed consent decree and proposed settlement agreement must be received by August 31, 2009.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OGC-2009-0560, online at <http://www.regulations.gov> (EPA’s preferred method); by e-mail to [oei.docket@epa.gov](mailto: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:

Victoria L. Johnson, Office of Regional Counsel, U.S. Environmental Protection Agency, Region 6 (6RC-M), 1445 Ross Ave., Dallas, TX 75202-2733; telephone: (214) 665-7569; fax number (214) 665-2182; e-mail address: [johnson.victoria@epa.gov](mailto:johnson.victoria@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Additional Information About the Proposed Consent Decree and Proposed Settlement Agreement

The proposed consent decree and proposed settlement agreement resolve a lawsuit filed by BCCA seeking to compel action by the EPA under section 110(k) of the CAA on identified SIP revisions submitted by the Texas Commission on Environmental Quality (TCEQ). The SIP revisions involve Texas NSR air permitting and banking and trading rules. The proposed consent decree and proposed settlement agreement provide that EPA shall sign for publication in the **Federal Register** a notice of final rulemaking to approve or disapprove, in whole or in part, the SIP revisions identified by the deadline specified in the Exhibit attached to each document and to deliver the notice promptly to the Office of the Federal Register. If EPA has discharged its obligations under the consent decree, the case will be dismissed with prejudice. Plaintiffs have agreed to stay this case in its entirety pending completion of, and subject to the terms of, the consent decree and settlement agreement.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed consent decree and 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 consent decree and proposed settlement agreement if comments disclose facts or circumstances indicating 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 which may be submitted, that consent to the consent decree and settlement agreement should be withdrawn, the terms of the decree and agreement will be affirmed.

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

*A. How Can I Get A Copy of the Proposed Consent Decree and Proposed Settlement Agreement?*

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2009-0560) contains a copy of the proposed consent decree and 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