

**List of Subjects**

Environmental protection, Pesticides and pests, Antimicrobials, Bromine, Inorganic Halides, and Bromine Chloride.

Dated: March 6, 2009.

**Joan Harrigan-Farrelly,**

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

[FR Doc. E9-5712 Filed 3-17-09; 8:45 am]

**BILLING CODE 6560-50-S**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2007-1040; FRL-8405-4]

**Capric (Decanoic) Acid Registration Review Final Decision; Notice of Availability**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of EPA's final registration review decision for the pesticide Capric (Decanoic) Acid, case 5038. 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 causing 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.

**FOR FURTHER INFORMATION CONTACT:** For pesticide specific information, contact: Eliza Blair, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-7279; fax number: (703) 308-8481; e-mail address: [blair.eliza@epa.gov](mailto:blair.eliza@epa.gov).

For general information on the antimicrobials registration review program, contact: Diane Isbell, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8154; fax number: (703) 308-8481; e-mail address: [isbell.diane@epa.gov](mailto:isbell.diane@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 pesticide specific contact 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-2007-1040. 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. Background***A. What Action is the Agency Taking?*

Pursuant to 40 CFR 155.58(c), this notice announces the availability of EPA's final registration review decision for Capric (Decanoic) Acid, case 5038. Capric (Decanoic) Acid is an antimicrobial pesticide that is used as a food-contact surface sanitizer in commercial food handling establishments.

Pursuant to 40 CFR 155.57, a registration review decision is the Agency's determination whether a pesticide meets, or does not meet, the standard for registration in FIFRA. EPA has considered Capric (Decanoic) Acid in light of the FIFRA standard for registration. The Capric (Decanoic) Acid Final Decision document in the docket describes the Agency's rationale for

issuing a registration review final decision for this pesticide.

In addition to the final registration review decision document, the registration review docket for Capric (Decanoic) Acid also includes other relevant documents related to the registration review of this case. The proposed registration review decision was posted to the docket and the public was invited to submit any comments or new information. During the 60-day comment period, no public comments were received.

Pursuant to 40 CFR 155.58(c), the registration review case docket for Capric (Decanoic) Acid will remain open until all actions required in the final decision have been completed.

Background on the registration review program is provided at: [http://www.epa.gov/oppsrrd1/registration\\_review](http://www.epa.gov/oppsrrd1/registration_review). Links to earlier documents related to the registration review of this pesticide are provided at: [http://www.epa.gov/oppsrrd1/registration\\_review/capric\\_acid/index.htm](http://www.epa.gov/oppsrrd1/registration_review/capric_acid/index.htm).

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

Section 3(g) of FIFRA and 40 CFR part 155, subpart C, provide authority for this action.

**List of Subjects**

Environmental protection, Registration review, Pesticides and pests, Capric (Decanoic) Acid, antimicrobials.

Dated: March 3, 2009.

**Joan Harrigan Farrelly,**

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

[FR Doc. E9-5754 Filed 3-17-09; 8:45 am]

**BILLING CODE 6560-50-S**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL 8774-3]

**Clean Water Act Section 303(d): Availability of List Decisions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of EPA's final action identifying water quality limited segments and associated pollutants in New Mexico to be listed pursuant to Clean Water Act Section 303(d), and request for public comment. Section 303(d) requires that states submit and EPA approve or disapprove lists of

waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards and for which total maximum daily loads (TMDLs) must be prepared.

On February 6, 2009, EPA approved and disapproved New Mexico's 2008 Section 303(d) submittal. Specifically, EPA approved New Mexico's listing of 338 water body-pollutant combinations and associated priority rankings. EPA disapproved New Mexico's decisions not to list one water quality limited segments (or one water body-pollutant combination) and to list two water quality limited segments (or two water body-pollutant combinations). For the disapproval decision not to list one water quality limited segment, EPA identified this additional water body and pollutant along with priority ranking for inclusion on New Mexico's 2008 Section 303(d) List.

EPA is providing the public the opportunity to review its final decisions to both list and de-list waters and pollutants to New Mexico's 2008 Section 303(d) List, as required by EPA's Public Participation regulations (40 CFR part 25). EPA will consider public comments and if necessary amend its final action on the listing and de-listing of water bodies and pollutants identified on New Mexico's Final 2008 Section 303(d) List.

**DATES:** Comments must be submitted in writing to EPA on or before April 17, 2009.

**ADDRESSES:** Comments on the decisions should be sent to Diane Smith, Environmental Protection Specialist, Water Quality Protection Division, U. S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733, telephone (214) 665-2145, facsimile (214) 665-7373, or e-mail: [smith.diane@epa.gov](mailto:smith.diane@epa.gov). Oral comments will not be considered. Copies of the Record of Decision which explains the rationale for EPA's decisions can be obtained at EPA Region 6's Web site at <http://www.epa.gov/region6/water/npdes/tmdl/index.htm>, or by writing or calling Ms. Smith at the above address. Underlying documents from the administrative record for these decisions are available for public inspection at the above address. Please contact Ms. Smith to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:** Diane Smith at (214) 665-2145.

**SUPPLEMENTARY INFORMATION:** Section 303(d) of the Clean Water Act (CWA) requires that each state identify those

waters for which existing technology-based pollution controls are not stringent enough to attain or maintain state water quality standards. For those waters, states are required to establish Total Maximum Daily Loads (TMDLs) according to a priority ranking.

EPA's Water Quality Planning and Management regulations include requirements related to the implementation of Section 303(d) of the CWA (40 CFR 130.7). The regulations require states to identify water quality limited waters still requiring TMDLs every two years. The list of waters still needing TMDLs must also include priority rankings and must identify the waters targeted for TMDL development during the next two years (40 CFR 130.7).

Consistent with EPA's regulations, New Mexico submitted to EPA its listing decisions under Section 303(d) on August 12, 2008. On February 6, 2009, EPA approved New Mexico's listing of 338 water body-pollutant combinations and associated priority rankings. EPA disapproved New Mexico's decisions not to list one water quality limited segments (or one water body-pollutant combination) and to list two water quality segments (or two water body-pollutant combinations). EPA solicits public comment on its listing one water to New Mexico's 2008 Section 303(d) List and the de-listing of two waters from New Mexico's 2008 Section 303(d) List.

Dated: February 10, 2009.

**James R. Brown,**

*Acting Director, Water Quality Protection Division, Region 6.*

[FR Doc. E9-5853 Filed 3-17-09; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-OW-2008-0921; FRL-8778-7]

### Massachusetts Marine Sanitation Device Standard—Notice of Determination

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

**ACTION:** Notice of Determination.

**SUMMARY:** The Regional Administrator of the Environmental Protection Agency—New England Region, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the State waters of Revere, Saugus, Lynn, Nahant, and Swampscott.

**ADDRESSES:** *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 electronically in <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Ann Rodney, U.S. Environmental Protection Agency—New England Region, One Congress Street, Suite 1100, COP, Boston, MA 02114-2023. Telephone: (617) 918-0538. Fax number: (617) 918-1505. E-mail address: [rodney.ann@epa.gov](mailto:rodney.ann@epa.gov).

**SUPPLEMENTARY INFORMATION:** On January 5, 2009, EPA published a notice that the Commonwealth of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the State waters of Revere, Saugus, Lynn, Nahant, and Swampscott. Eighty-one comments were received on this petition. There were eighty comments in support of the designation and one comment in opposition. The response to comments can be obtained utilizing the above contact information.

The petition was filed pursuant to Section 312(f)(3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4, for the purpose of declaring these waters a No Discharge Area (NDA).

#### *Section 312(f)(3) States:*

After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

This Notice of Determination is for the State waters of Revere, Saugus, Lynn, Nahant, and Swampscott. The NDA boundaries are as follows: