

District of Columbia determined that "EPA's approach contravenes section 110(a)(2)(D)(i)(I)" (*North Carolina*, 531 F.3d at 921 and that "the resulting state budgets were arbitrary and capricious" (*id.*). Subsequently, the Court remanded CAIR, without vacatur, on this and several other issues "so that EPA may remedy CAIR's flaws." *North Carolina*, 550 F.3d at 1178. According to the company, revising the State budgets and State allowance allocation methodologies to eliminate the use of the fuel factors would result in the company's units in Louisiana being allocated a total of 10,764 more CAIR NO<sub>x</sub> annual allowances and 4,913 more CAIR NO<sub>x</sub> ozone season allowances in 2009 under the CAIR trading programs. Entergy's April 30, 2009 Compliance Supplement Pool CAIR NO<sub>x</sub> Allowance Request at 1. In its April 30, 2009 request for CAIR CSP allowance allocations, the company requested that its units in Louisiana therefore be allocated "from the Compliance Supplement Pool" 10,764 CAIR NO<sub>x</sub> annual allowances and 4,913 CAIR NO<sub>x</sub> ozone season allowances.<sup>4</sup> Entergy's April 30, 2009 Compliance Supplement Pool CAIR NO<sub>x</sub> Allowance Request at 1.

In this request, the company did not reference § 97.143(b) or (c) or claim that its units should be given CAIR CSP allowances under those provisions and provided only some of the information necessary to apply § 97.143(b) and none of the information necessary to apply § 97.143(c).<sup>5</sup> In essence, the company

<sup>4</sup> The company subsequently revised its calculations of additional amounts of CAIR allowances its units would be allocated as a result of eliminating the use of the fuel factors. These revisions resulted in turn in revisions of the amount of CAIR CSP allowances the company requested. See Entergy's July 13, 2009 Compliance Supplement Pool CAIR NO<sub>x</sub> Allowance Request by Entergy companies (supplementing the company's April 30, 2009 request). The company also noted that the CAIR CSP does not include any CAIR NO<sub>x</sub> ozone season allowances. The company indicated that EPA should allocate additional CAIR NO<sub>x</sub> allowances (apparently from the CAIR CSP) equal to the amount or the value of the CAIR NO<sub>x</sub> ozone season allowances requested by the company. See Entergy's July 13, 2009 Compliance Supplement Pool CAIR NO<sub>x</sub> Allowance Request by Entergy companies (supplementing the company's April 30, 2009 request). None of these changes in the amounts of CAIR CSP allowances requested by the company change the amounts of the CAIR CSP allowances allocated by EPA for the company's individual units in Louisiana or affect the basis for EPA's allocations and denials of allocations discussed in this NODA.

<sup>5</sup> The company's vague statement that it "believes that allowances may be in short supply at the end of 2009" and so the company should receive CAIR CSP allowances to "help ensure there is no disruption of service" (Entergy's July 7, 2009 Compliance Supplement Pool CAIR NO<sub>x</sub> Allowance Request by Entergy Companies at 1 (supplementing the company's April 30, 2009 request)) does not provide any of the detailed

requested that EPA allocate CAIR CSP allowances on grounds that § 97.143 does not allow to be used for making such allocations. Nevertheless, for reasons discussed above, EPA evaluated whether the company's units in Louisiana qualify for CAIR CSP allowance allocations under grounds provided for in § 97.143. Specifically, for the reasons discussed above, EPA is determining in this NODA that the units can be allocated CAIR CSP allowances to the extent the units qualify for allocations for early reductions under § 97.143(b). However, the amounts determined by EPA for the company's individual units are less than the amounts requested by the company, and, to the extent of the differences between these amounts for each individual unit, EPA is denying in whole (with regard to units for which EPA is allocating no CAIR CSP allowances) or in part (with regard to units for which EPA is allocating some CAIR CSP allowances) the company's request. In order to allocate the full, requested amount of CAIR CSP allowances for any of the individual units covered by the company's request, EPA would have to ignore, and contravene, the requirements of the rule (§ 97.143) governing the qualification of a unit for CAIR CSP allowance allocations and the calculation of the amount of such allocations. For these reasons, EPA denies in whole or in part (as applicable) the company's request for CAIR CSP allowance allocations for each of the company's units in Louisiana.

#### 5. How Do I Interpret the Data Made Available by This NODA?

As discussed above, the detailed unit-by-unit data, determinations, and calculations with respect to CAIR CSP allowance allocations and denials of allocations are contained in a technical support document, which is a single Excel spreadsheet titled "CAIR FIP CSP Allocations Data".

The Excel spreadsheet is divided into 4 worksheets. For each year 2007 and 2008, there are two worksheets: one addressing "allocations" of CAIR CSP allowances, *i.e.*, the allocations for all individual units receiving some allowances, whether the amount is less than,<sup>6</sup> equals, or exceeds the amount requested; and the other addressing "denials of allocations" of CAIR CSP allowances, *i.e.*, the denials for all individual units receiving no

information required in § 97.143(c)(1) and (2) and is entirely unsupported.

<sup>6</sup> The requests of these units are being denied in part.

allowances and so whose request is denied in full. The CAIR CSP allocation and denial worksheets include: the relevant data from units' quarterly emissions reports; column notes providing the basis for allocations and denials of allocations under § 97.143(b) and (d); and notes at the bottom explaining any adjustment, under § 97.143(d), of each individual unit's CAIR CSP allowance allocation to ensure that the total amount of CAIR CSP allowance allocations do not exceed the relevant State's portion of the CAIR CSP. The basis, provided in the technical support document, for each allocation and each denial (in full or in part) of allocations is summarized and supplemented in section 4 of this NODA.

Dated: July 31, 2009.

**Brian McLean,**

*Director, Office of Atmospheric Programs.*

[FR Doc. E9-18861 Filed 8-5-09; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0603; FRL-8431-6]

### Pesticide Product Registration Approval; Opportunity for Public Comment

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

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval of an application to register the pesticide product spirotetramat containing an active ingredient not included in any previously registered products pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, and the opening of a comment period on such approval.

**DATES:** Comments must be received on or before September 8, 2009.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0603, 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-2009-0603. 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 [regulations.gov](http://www.regulations.gov) or e-mail. The [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 [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:** Rita Kumar, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8291; e-mail address: [kumar.rita@epa.gov](mailto:kumar.rita@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, pesticide manufacturer, or interested member of the public. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. 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 [regulations.gov](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:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. 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.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

**II. Background**

*A. FIFRA Registrations*

On October 10, 2006, EPA received applications from Bayer CropScience, LLC, 2 T.W. Alexander Dr., Research Triangle Park, NC 27709, to register three new pesticide products containing spirotetramat as an active ingredient under section 3 of FIFRA, 7 U.S.C. 136a, seeking use of spirotetramat on a wide variety of agricultural use sites and on Christmas tree plantations.

Spirotetramat is a tetramic acid derivative insecticide. On February 5, 2007, EPA received another application from Bayer Environmental Science for an end-use product for use of spirotetramat for insect control in greenhouses, nurseries, and interior plantscapes and on April 27, 2007, EPA received an application from Bayer CropScience for another end-use product containing spirotetramat for agricultural use.

The applications for the technical and one end-use product were approved on June 30, 2008, as Spirotetramat Technical and Movento (EPA Registration Number 264-1049 and 264-1050, respectively) for control of insects on several agricultural crops and Christmas tree plantations. The application for Spirotetramat 240 SC Greenhouse and Nursery (EPA Registration Number 432-1471) was approved on August 8, 2008, for insect control in greenhouses, nurseries, and interior plantscapes. The application for BYI 8330 150 OD Insecticide (EPA

Registration Number 264–1051) was approved on September 24, 2008, for control of insects on several agricultural crops and Christmas tree plantations. The application for Ultor (EPA Registration Number 264–1065) was approved on December 16, 2008, for control of insects on several agricultural crops and Christmas tree plantations.

The Agency approved the applications after considering all required data on risks associated with the proposed use of spirotetramat, and information on social, economic, and environmental benefits to be derived from use. Specifically, the Agency considered the nature of the chemical and its pattern of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of spirotetramat when used in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects to the environment.

#### B. FFDCA Tolerances

Along with the applications for registration of Spirotetramat Technical, Movento 240 SC Insecticide, and Movento 150 OD Insecticide filed on October 10, 2006, Bayer CropScience also filed a petition under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, to establish tolerances for residues of spirotetramat in or on the raw agricultural commodities: Citrus (Crop Group 10); cucurbit vegetables (Crop Group 9); fruiting vegetables (Crop Group 8); grape (Crop Subgroup 13F); hops; leafy *Brassica* vegetables (Crop Group 5); leafy non-*Brassica* vegetables (Crop Group 4); pome fruit (Crop Group 11); potato and other tuberous and corm vegetables (Crop Subgroup 1C); stone fruit (Crop Group 12); tree nuts (Crop Group 14); import tolerances on onions and strawberries; milk; meat, fat; and meat byproducts of cattle, goat, hog, sheep, and horse.

EPA issued a notice pursuant to section 408(d)(3) of FFDCA, 21 U.S.C. 346a(d)(3), in the **Federal Register** issue of July 25, 2007 (72 FR 40877) (FRL–8137–1) announcing the filing of this petition. EPA also issued a final rule establishing tolerances for spirotetramat in the **Federal Register** issue of July 9, 2008 (73 FR 39251) (FRL–8367–1).

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

Although the Agency solicited comments on the application for a tolerance under FFDCA, it did not do so regarding the applications for

registration under FIFRA. Therefore, EPA is now seeking comment on the registrations for the spirotetramat technical and end-use products, issued under section 3 of FIFRA. After consideration of all comments received, the Agency will take appropriate action based on that consideration and issue another **Federal Register** notice responding to comments received.

#### List of Subjects

Environmental protection, Chemicals, Pests and pesticides.

Dated: July 30, 2009.

**Lois Rossi,**

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

[FR Doc. E9–18955 Filed 8–5–09; 8:45 am]

**BILLING CODE 6560–50–S**

#### FEDERAL COMMUNICATIONS COMMISSION

[IB Docket No. 04–286; DA 09–1585]

#### Third Meeting of the Advisory Committee for the 2011 World Radiocommunication Conference

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the third meeting of the WRC–11 Advisory Committee will be held at the Federal Communications Commission. The purpose of the meeting is to continue preparations for the 2011 World Radiocommunication Conference. The Advisory Committee will consider any preliminary views introduced by the Advisory Committee's Informal Working Groups.

**DATES:** September 1, 2009; 11 a.m. to 12 noon.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW–C305, Washington DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Alexander Roytblat, Designated Federal Official, WRC–11 Advisory Committee, FCC International Bureau, Strategic Analysis and Negotiations Division, at (202) 418–7501.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission (FCC) established the WRC–11 Advisory Committee to provide advice, technical support and recommendations relating to the preparation of United States proposals and positions for the 2011 World Radiocommunication Conference

(WRC–11). In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the third meeting of the WRC–11 Advisory Committee. The WRC–11 Advisory Committee has an open membership. All interested parties are invited to participate in the Advisory Committee and to attend its meetings. The proposed agenda for the third meeting is as follows:

#### Agenda

Third Meeting of the WRC–11 Advisory Committee, Federal Communications Commission, 445 12th Street, SW., Room TW–C305, Washington, DC 20554, September 1, 2009; 11 a.m. to 12 noon.

1. Opening Remarks.
2. Approval of Agenda.
3. Approval of the Minutes of the Second Meeting.
4. IWG Reports and Documents Relating to Preliminary Views.
5. Future Meetings.
6. Other Business.

Federal Communications Commission.

**John Giusti,**

*Acting Chief, International Bureau.*

[FR Doc. E9–18730 Filed 8–5–09; 8:45 am]

**BILLING CODE 6712–01–P**

#### FEDERAL MARITIME COMMISSION

#### Ocean Transportation Intermediary License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for license as a Non-Vessel-Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

#### Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants

Offshore Logistics, LLC, 400 West Knight Road, McDonough, GA 30253.  
*Officers:* Gregory M. Hinton, COO (Qualifying Individual), Dennis H. Jones, CEO.  
Kayla Logistics, Corp., 153–04 Rockaway Blvd., Jamaica, NY 11434.  
*Officers:* John S. Tomeo, Dir. of Global