

registrations. These registrations are listed in Table 1 of this unit by registration number, product name,

active ingredient, and specific uses deleted:

TABLE 1.—REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Registration No.	Product Name	Active Ingredient	Delete from Label
10163-274	Rubigan AS Turf and Ornamental	Fenarimol	All turf uses except golf course tees, greens, and fairways and turf in professional athletic stadia
10163-276	Rubigan Technical	Fenarimol	All turf uses except golf course tees, greens, and fairways and turf in professional athletic stadia
10163-290	Riverdale Patchwork	Fenarimol	All turf uses except golf course tees, greens, and fairways and turf in professional athletic stadia
10163-302	Fenarimol Technical	Fenarimol	All turf uses except golf course tees, greens, and fairways and turf in professional athletic stadia

Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before December 14, 2009 to discuss withdrawal of the application

for amendment. This 30-day period will also permit interested members of the public to intercede with registrants prior to the Agency's approval of the deletion.

Table 2 of this unit includes the names and addresses of record for all registrants of the products listed in Table 1 of this unit, in sequence by EPA company number.

TABLE 2.—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Company Number	Company Name and Address
10163	Gowan Company, P.O. Box 5569, Yuma, AZ 85366-5569

### III. 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 amended to delete one or more uses. The 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, the Administrator may approve such a request.

### IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for use deletion must submit the withdrawal in writing to Mary L. Waller using the methods in **ADDRESSES**. The Agency will consider written withdrawal requests postmarked no later than December 14, 2009.

### V. Provisions for Disposition of Existing Stocks

The Agency has authorized the registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions

have been imposed, as in special review actions.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 29, 2009.

**G. Jeffrey Herndon,**

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

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### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0803; FRL-8796-5]

#### Pseudomonas Fluorescens; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a quarantine exemption request from the United States Department of Interior's Bureau of Reclamation to use the pesticide *Pseudomonas fluorescens*

CL145A (ATCC #55799) to treat dams, water distribution (e.g., canals, pipes and plumbing), water treatment, water pumping facilities, irrigation and power generation facilities infested with invasive quagga and zebra mussels and associated reservoirs, water holding marinas and watercraft, recreational facilities (e.g., beaches, boat launches), fish hatcheries and fish protection facilities (e.g., fish ladders and screens). The applicant proposes the use of a new chemical which has not been registered by the EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments must be received on or before November 27, 2009.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0803, 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-2009-0803. 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:** Andrew Ertman, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-9367; fax number: (703) 605-0781; e-mail address: [ertman.andrew@epa.gov](mailto:ertman.andrew@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, or pesticide manufacturer. 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 [www.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.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

##### **II. What Action is the Agency Taking?**

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The United States Department of Interior's Bureau of Reclamation has requested the Administrator to issue a quarantine exemption for the use of *Pseudomonas fluorescens* CL145A to treat dams, water distribution (e.g., canals, pipes and

plumbing), water treatment, water pumping facilities, irrigation and power generation facilities infested with invasive quagga and zebra mussels and associated reservoirs, water holding marinas and watercraft, recreational facilities (e.g., beaches, boat launches), fish hatcheries and fish protection facilities (e.g., fish ladders and screens). Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts that mussel infestations are causing physical obstruction of flow in water conveyance systems, ranging from roughening to complete blockage. Intake structures such as pipes and screens are becoming clogged, reducing delivery capacities, pumping capabilities, and hydropower generation functions. Flow obstruction from mussel settlement at Reclamation facilities has caused a significant increase in the frequency of high temperature alarms in cooling systems, requiring shut-downs for maintenance. It is often necessary to replace plugged equipment to avoid lengthy interruptions in operations. Invasive mussels affect all submerged components, conduits and other structures such as trashracks, fish screens, raw water distribution systems for turbine cooling, fire suppression systems, water intakes (service, domestic, and irrigation), irrigation canals, gauging stations, weirs, gates, diffuser gratings, drains, and virtually all types of instrumentation in contact with raw water. Chemical degradation (corrosion) of infrastructure is also resulting from mussel fouling of metallic structures and equipment. These impacts are increasing both in degree and frequency. The ongoing proliferation and dispersion of mussel populations threatens to seriously impact Reclamation operations, resulting in the interruption of hydropower and water delivery at significant economic costs.

*Method of Application:* MOI 401 (the product containing *Pseudomonas fluorescens* CL145A) will be applied using standard aquatic pesticide application equipment and or similar equipment commonly used for chemical injection in drinking water treatment. This includes equipment such as sprayers, mixers, injection pumps and/or weighted hoses. The material will be contained and transported in totes or appropriate plastic chemical application barrels. Application will be flow of volume based. For enclosed and confined systems (i.e. canals, irrigation, and pipes), treated water flow rates and chemical injection pump flow rates can be measured by using flow meters and

hand flow measurements. Turbidity measurements before and after application can be used as a surrogate to measure actual applied product.

*Maximum Rate of Application:* Up to 200 ppm for up to 24 hours per treatment.

*Maximum Number of Applications:* Maximum of 12 applications of MOI 401 end use product (84059-L) per site.

*Maximum Amount of Pesticide to be Used:* 60,000 kg active ingredient, which equals approximately 411,000 kg of end use product.

*Maximum Volume to be Treated:* Based on the maximum amount of pesticide to be used and the treatment rate of 200 mg a.i./L, the maximum volume of water that will be treated will be 1.67 acre-feet.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a quarantine exemption proposing use of a new chemical (i.e., an active ingredient) which has not been registered by EPA.

The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the quarantine exemption requested by the United States Department of Interior's Bureau of Reclamation.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 29, 2009.

**G. Jeffrey Herndon,**

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

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## FEDERAL MARITIME COMMISSION

### Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within ten days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (<http://www.fmc.gov>) or by contacting the Office of Agreements at (202) 523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 011426-046.

*Title:* West Coast of South America Discussion Agreement.

*Parties:* A.P. Moller-Maersk A/S; APL Co. Pte Ltd.; Compania Chilena de Navegacion Interoceanica, S.A.; Compania Sud Americana de Vapores, S.A.; Frontier Liner Services, Inc.; Hamburg-Süd; King Ocean Services Limited, Inc.; Mediterranean Shipping Company, SA; Seaboard Marine Ltd.; South Pacific Shipping Company, Ltd.; and Trinity Shipping Line.

*Filing Party:* Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

*Synopsis:* The amendment removes Maruba S.C.A. as a party to the agreement.

*Agreement No.:* 012037-002.

*Title:* Maersk Line/CMA CGM TA3 Space Charter Agreement.

*Parties:* A.P. Moeller-Maersk A/S and CMA CGM S.A.

*Filing Party:* Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW., Suite 900; Washington, DC 20036.

*Synopsis:* The amendment would reduce the amount of space being chartered, extend the duration of the agreement, incorporate other miscellaneous modifications, change the name of the agreement, and restate the agreement.

*Agreement No.:* 201202-002.

*Title:* Oakland MTO Agreement.

*Parties:* Eagle Marine Services, Ltd.; Ports America Outer Harbor Terminal, LLC; Seaside Transportation Service LLC; SSA Terminals (Oakland), LLC; Total Terminals International, LLC; Transbay Container Terminal, Inc.; and Trapac, Inc.

*Filing Party:* Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

*Synopsis:* The amendment would add SSA Terminals, LLC as a party to the agreement.

*Agreement No.:* 201203-002.

*Title:* Port of Oakland/Oakland

Marine Terminal Operator Agreement.

*Parties:* Eagle Marine Services, Ltd.; Ports of America Outer Harbor Terminal, LLC; Port of Oakland; Seaside Transportation Service LLC; SSA Terminals (Oakland), LLC; Total Terminals International, LLC; Transbay Container Terminal, Inc.; and Trapac, Inc.

*Filing Party:* Wayne R. Rohde, Esq.; Sher & Blackwell LLP; 1850 M Street, NW.; Suite 900; Washington, DC 20036.

*Synopsis:* The amendment would add SSA Terminals, LLC as a party to the agreement.

By Order of the Federal Maritime Commission.