

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(s) 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 Nevada Department of Agriculture has requested the Administrator to issue a specific exemption for the use of spirotetramat on onions to control thrips. Information in accordance with 40 CFR part 166 was submitted as part of this request, and is available for review at <http://www.regulations.gov> under docket ID number EPA-HQ-2010-0178.

This is the first request from this applicant for this use. The rationale for emergency approval of the use in the application is that onion thrips are sucking insects which both directly damage the crop and also vector the plant disease Iris Yellow Spot Virus. The application package for Nevada is available for review at <http://www.regulations.gov> under docket ID number EPA-HQ-2010-0178.

The Applicant proposes to make no more than two applications of Movento (22.4% spirotetramat) on a maximum of 5,000 acres of onions between May and September, 2010 in Nevada. Total amount of pesticide to be used is 50,000 fluid ounces of Movento (800 pounds of spirotetramat).

EPA has decided to open a shortened comment period and solicit input and comments from the public for 5 days. Ordinarily, the length of a comment period for an emergency exemption application is 15 days. However, EPA is shortening this comment period to 5 days because thrips have already begun to appear in Nevada, and once they begin transmitting plant disease control of the disease becomes increasingly difficult. Because of these factors, EPA determined that a 5 day comment period is appropriate.

This notice does not constitute a decision by EPA on the application itself but provides an opportunity for public comment on the application. EPA has determined that publication of a notice of receipt of this application for a specific exemption is appropriate, taking into consideration that the registration of the spirotetramat product

that is the subject of this emergency exemption request was recently cancelled as a result of the December 23, 2009 decision of the U.S. District Court for the Southern District of New York vacating its registration on procedural grounds. The vacatur decision is available for review at <http://www.regulations.gov> under docket ID number EPA-HQ-2010-0178.

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 specific exemption requested by the Nevada Department of Agriculture.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 18, 2010.

Daniel J. Rosenblatt,
Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2010-12587 Filed 5-25-10; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0397; FRL-8825-8]

Notice of Suspension of Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), announces certain Notices of Intent to Suspend issued by EPA pursuant to section 3(c)(2)(B) of FIFRA. Each Notice of Intent to Suspend was issued following the Agency's issuance of a Data Call-In notice (DCI), which required the registrants of the affected pesticide products containing a certain pesticide active ingredient to take appropriate steps to secure certain data, and following the registrant's failure to submit these data or to take other appropriate steps to secure the required data. The subject data were determined to be required to maintain in effect the existing registrations of the affected product(s). Failure to comply with the data requirements of a DCI is a basis for suspension of the affected registrations under section 3(c)(2)(B) of FIFRA.

DATES: The Notice of Intent to Suspend included in this **Federal Register** notice will become a final and effective suspension order automatically by operation of law 30 days after the date

of the registrant's receipt of the mailed Notice of Intent to Suspend or 30 days after the date of publication of this notice in the **Federal Register** (if the mailed Notice of Intent to Suspend is returned to the Administrator as undeliverable, if delivery is refused, or if the Administrator otherwise is unable to accomplish delivery to the registrant after making reasonable efforts to do so), unless during that time a timely and adequate request for a hearing is made by a person adversely affected by the Notice of Intent to Suspend or the registrant has satisfied the Administrator that the registrant has complied fully with the requirements that served as a basis for the Notice of Intent to Suspend. Unit IV. explains what must be done to avoid suspension under this notice (i.e., how to request a hearing or how to comply fully with the requirements that served as a basis for the Notice of Intent to Suspend).

FOR FURTHER INFORMATION CONTACT:

Terria Northern, Pesticide Re-evaluation Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7093; e-mail address: northern.terria@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 person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2010-0397. 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.

II. Registrants Issued Notices of Intent to Suspend Active Ingredients, Products Affected, and Date(s) Issued

The Notice of Intent to Suspend was sent via the U.S. Postal Service (USPS)

return receipt requested to the registrants for the products listed in Table 1 of this unit.

TABLE 1.—LIST OF PRODUCTS

Registrant Affected	Active Ingredient	EPA Registration Number	Product Name	Date EPA Issued Notice of Intent to Suspend
Bissell Homecare, Inc.	Benzoic Acid	6297-6	Bissell Acarosan Dust Mite Powder	March 9, 2010
Allegro Pharma Joachim Ganzer KG	Benzoic Acid	59820-4	Acarosan Moist Powder	March 9, 2010
Allegro Pharma Joachim Ganzer KG	Benzoic Acid	59820-5	Benzyl Benzoate Miticide Technical	March 9, 2010

III. Basis for Issuance of Notice of Intent to Suspend; Requirement List

The registrants failed to submit the required data or information or to take

other appropriate steps to secure the required data for their pesticide products listed in Table 2 of this unit.

TABLE 2.—LIST OF REQUIREMENTS

EPA Registration Numbers	Guideline # as Listed in Applicable DCI	Requirement Name	Date EPA Issued DCI	Date Registrant Received DCI	Final Data Due Date	Reason for Notice of Intent to Suspend
6297-6 59820-4 59820-5	830.1550	Product Identity and Composition	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.1600	Description of Materials Used to Produce the Product	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.1620	Description of Production Process	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.1650	Description of Formulation Process	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.1670	Discussion of Formation Impurities	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.1700	Preliminary Analysis	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.1750	Certified Limits	August 15, 2008	August 21, 2008	April 30, 2009	No data received

TABLE 2.—LIST OF REQUIREMENTS—Continued

EPA Registration Numbers	Guideline # as Listed in Applicable DCI	Requirement Name	Date EPA Issued DCI	Date Registrant Received DCI	Final Data Due Date	Reason for Notice of Intent to Suspend
6297-6 59820-4 59820-5	830.1800	Enforcement Analytical Method	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6302	Color	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6303	Physical State	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6304	Odor	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6313	Stability to Normal and Elevated Temperatures, Metals and Metal Ions	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6314	Oxidation/Reduction: Chemical Incompatibility	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6315	Flammability	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6316	Explosibility	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6317	Storage Stability	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6319	Miscibility	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6320	Corrosion Characteristics	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.6321	Dielectric Breakdown Voltage	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7000	pH	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7050	UV/Visible Absorption	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7100	Viscosity	August 15, 2008	August 21, 2008	April 30, 2009	No data received

TABLE 2.—LIST OF REQUIREMENTS—Continued

EPA Registration Numbers	Guideline # as Listed in Applicable DCI	Requirement Name	Date EPA Issued DCI	Date Registrant Received DCI	Final Data Due Date	Reason for Notice of Intent to Suspend
6297-6 59820-4 59820-5	830.7200	Melting Point/ Melting Range	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7220	Boiling Point/ Boiling Range	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7300	Density/Relative Density/ Bulk Density	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7370	Dissociation Constants in Water	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7550	Partition Coefficient (n-Octanol/ H ₂ O), Shake Flask Method	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7570	Partition Coefficient (n-Octanol/ H ₂ O), Estimation by Liquid Chromatograph	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7840	Water Solubility: Column Elution Method; Shake Flask Method	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7860	Water Solubility: Generator Column Method	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	830.7950	Vapor Pressure	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	870.1100	Acute Oral Toxicity	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	870.1200	Acute Dermal Toxicity	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	870.1300	Acute Inhalation Toxicity	August 15, 2008	August 21, 2008	April 30, 2009	No data received

TABLE 2.—LIST OF REQUIREMENTS—Continued

EPA Registration Numbers	Guideline # as Listed in Applicable DCI	Requirement Name	Date EPA Issued DCI	Date Registrant Received DCI	Final Data Due Date	Reason for Notice of Intent to Suspend
6297-6 59820-4 59820-5	870.2400	Acute Eye Irritation	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	870.2500	Acute Dermal Irritation	August 15, 2008	August 21, 2008	April 30, 2009	No data received
6297-6 59820-4 59820-5	870.2600	Skin Sensitization	August 15, 2008	August 21, 2008	April 30, 2009	No data received

While the Agency did not receive a certified mail return receipt from either Brazos Associates, the agent for Allelographa Joachim Ganzar KG, or from Allelographa Joachim Ganzar KG for EPA Reg. Nos. 59820–4 and 59820–5, the Agency has correspondence from the company's representative after the PDCI's issuance evidencing that Allelographa Joachim Ganzar KG received the PDCI and was aware of its requirements.

IV. How to Avoid Suspension Under this Notice?

1. You may avoid suspension under this notice if you or another person adversely affected by this notice properly request a hearing within 30 days of your receipt of the Notice of Intent to Suspend by mail or, if you did not receive the notice that was sent to you via USPS first class mail return receipt requested, then within 30 days from the date of publication of this **Federal Register** notice (see **DATES**). If you request a hearing, it will be conducted in accordance with the requirements of section 6(d) of FIFRA and the Agency's procedural regulations in 40 CFR part 164. Section 3(c)(2)(B) of FIFRA, however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the basis of this notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, any allegations of errors or unfairness in any proceedings before an arbitrator, and the risks and benefits associated with continued

registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding. Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75-day period may not be extended unless all parties in the proceeding stipulate to such an extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products. A request for a hearing pursuant to this notice must:

- Include specific objections which pertain to the allowable issues which may be heard at the hearing.
 - Identify the registrations for which a hearing is requested.
 - Set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing.
- If a hearing is requested by any person other than the registrant, that person must also state specifically why he/she asserts that he/she would be adversely affected by the suspension action described in this notice. Three copies of the request must be submitted to:

Hearing Clerk, 1900, Environmental Protection Agency, Pesticide Re-evaluation Division, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

An additional copy should be sent to the person who signed this notice. The request must be received by the Hearing Clerk by the applicable 30th day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., in order to be legally effective. The 30-day time limit is established by FIFRA and

cannot be extended for any reason. Failure to meet the 30-day time limit will result in automatic suspension of your registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business on the applicable 30th day deadline as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., and will not be subject to further administrative review. The Agency's rules of practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office of the Administrative Law Judges, the Office of the Environmental Appeals Board, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within the applicable 30 day deadline period as measured from your receipt of the Notice of Intent to Suspend by mail or publication of this notice, as set forth in **DATES** and in Unit IV.1., the Agency

determines that you have taken appropriate steps to comply with the FIFRA section 3(c)(2)(B) Data Call-In notice. In order to avoid suspension under this option, you must satisfactorily comply with Table 2.—List of Requirements in Unit II., for each product by submitting all required supporting data/information described in Table 2. of Unit. II. and in the Explanatory Appendix (in the docket for this **Federal Register** notice) to the following address (preferably by certified mail):

Office of Pesticide Programs,
Environmental Protection Agency,
Pesticide Re-evaluation Division, 1200
Pennsylvania Ave., NW., Washington,
DC 20460–0001.
For you to avoid automatic suspension under this notice, the Agency must also determine within the applicable 30–day deadline period that you have satisfied the requirements that are the bases of this notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your products. The suspension of the registrations of your company's products pursuant to this notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this notice. Such compliance may only be achieved by submission of the data/information described in Table 2 of Unit II.

V. Status of Products that Become Suspended

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this notice and so informs you in writing.

After the suspension becomes final and effective, the registrants subject to this notice, including all supplemental registrants of products listed in Table 1 of Unit II., may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Persons other than the registrants subject to this notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. Nothing in this notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or

receive and (having so received) deliver or offer to deliver, to any person, the products listed in Table 1 of Unit II. in any manner which would have been unlawful prior to the suspension.

If the registrations for your products listed in Table 1 of Unit II. are currently suspended as a result of failure to comply with another FIFRA section 3(c)(2)(B) Data Call-In notice or Section 4 Data Requirements notice, this notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

It is the responsibility of the basic registrant to notify all supplementary registered distributors of a basic registered product that this suspension action also applies to their supplementary registered products. The basic registrant may be held liable for violations committed by their distributors.

Any questions about the requirements and procedures set forth in this notice or in the subject FIFRA section 3(c)(2)(B) Data Call-In notice, should be addressed to the person listed under **FOR FURTHER INFORMATION CONTACT**.

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

The Agency's authority for taking this action is contained in sections 3(c)(2)(B) and 6(f)(2) of FIFRA, 7 U.S.C. 136 *et seq.*

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 14, 2010.

Richard P. Keigwin, Jr.,
Director, Pesticide Re-Evaluation Division,
Office of Pesticides Programs.

[FR Doc. 2010–12451 Filed 5–25–10; 8:45 am]

BILLING CODE 6560–50–S

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.

Agreement No.: 011741–014.

Title: U.S. Pacific Coast-Oceania Agreement.

Parties: ANL Singapore PTE Ltd.; A.P. Moller-Maersk A/S; CMA CGM S.A.; Hamburg-Süd; and Hapag-Lloyd AG.

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

Synopsis: The amendment increases the maximum size of vessels the parties are authorized to deploy.

Agreement No.: 201207.

Title: Terminal 6 Lease Agreement Between the Port of Portland and ICTSI Oregon, Inc.

Parties: Port of Portland and ICTSI Oregon, Inc.

Filing Party: Paul D. Coleman, Esq.; Hoppel, Mayer & Coleman; 1050 Connecticut Avenue, NW., 10th Floor; Washington, DC 20036.

Synopsis: The agreement provides for the lease of terminal facilities and other cooperative activities at the Port of Portland, OR.

Dated: May 21, 2010.

By Order of the Federal Maritime Commission.

Karen V. Gregory,
Secretary.

[FR Doc. 2010–12701 Filed 5–25–10; 8:45 am]

BILLING CODE 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 a license as a Non-Vessel-Operating Common Carrier (NVO) and/or Ocean Freight Forwarder (OFF)—Ocean Transportation Intermediary (OTI) pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. Chapter 409 and 46 CFR 515). Notice is also hereby given of the filing of applications to amend an existing OTI license or the Qualifying Individual (QI) for a license.

Interested persons may contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

A Shipping (NVO), 4728 Ivar Avenue, Rosemead, CA 91770. *Officers:* Tuong Q. Lam, CEO, (Qualifying Individual), Young H. Lam, Treasurer. *Application Type:* New NVO License.

Aerocosta Global Group, Inc. dba Aerocosta Global Systems Inc. (NVO), 2463 208th Street, #205, Torrance, CA 90501. *Officers:* Hwa S. Kil, Secretary, (Qualifying