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**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:** Melody Banks, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5413; e-mail address: [banks.melody@epa.gov](mailto:banks.melody@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 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. Registration Applications

EPA received applications as follows to register pesticide products containing active ingredients not included in any previously registered products pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

File Symbol: 71711-GN. Applicant: Nichino America, Inc., 4550 New Linden Hill Rd., Linden Park, Suite 501, Wilmington, DE 19808. Product Name: Tolfenpyrad Technical 15EC. Active Ingredient: Tolfenpyrad PC Code: 090111. Tolfenpyrad is a METI site 1 (iRAC Class 21) insecticide. Use: Tolfenpyrad PC will be used to control thrips (including Western Flower), aphids, and scales in the greenhouse on non-food ornamentals. The product will be applied as a direct spray, with a backpack sprayer or similar low-volume equipment in the greenhouse. The end-use product, 71711-GR, is a 15% emulsifiable concentrate (EC). (M. Banks).

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: November 18, 2008.

**Donald R. Stubbs,**  
Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. E8-28595 Filed 12-2-08; 8:45 am]

**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2007-0837; FRL-8391-2]

### Malathion; Amendments to Terminate Uses

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the amendments to terminate uses, voluntarily requested by the registrant and accepted by the Agency, of products containing the pesticide malathion, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

This cancellation order follows an October 8, 2008 **Federal Register** Notice of Receipt of Request (73 FR 58952) (FRL-8384-1) from the malathion registrant to voluntarily terminate uses of their malathion product registrations. For the affected product registrations, this cancellation order terminates malathion use in or on commercial storage/warehouse premises (excluding stored grain facilities such as silos), commercial transportation facilities – feed/food – empty, commercial transportation facilities – nonfeed/nonfood, commercial/institutional/industrial premises/equipment (indoor), commercial/institutional/industrial premises/equipment (outdoor), dairies/cheese processing plant equipment (food contact), eating establishments, food processing plants (excluding stored grain facilities such as silos), golf course turf, greenhouse – empty, indoor hard surfaces, indoor premises, residential dust formulations, residential lawns (broadcast), residential pressurized can formulations, and sewage systems. These are not the last malathion products registered for use in the United States. In the October 8, 2008 Notice, EPA indicated that it would issue an order implementing the amendment to terminate uses, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrant withdrew their request within this period. The Agency received comments on the notice but none merited its further review of the requests. Further, the registrant did not withdraw their request. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested amendments to terminate uses. Any distribution, sale, or use of the malathion 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 December 3, 2008.

**FOR FURTHER INFORMATION CONTACT:** Eric Miederhoff, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-8028; fax number: (703) 308-7070; e-mail address: [miederhoff.eric@epa.gov](mailto:miederhoff.eric@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-2007-0837. 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 amendments to terminate uses, as requested by a registrant, of certain manufacturing-use malathion products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this unit.

**TABLE 1.—MALATHION PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES**

EPA Registration Number	Product Name
4787-5	Fyfanon Technical
4787-43	Malathion Technical

Table 2 of this unit includes the name and address of record for the registrant of the products in Table 1 of this unit by EPA company number.

**TABLE 2.—REGISTRANT OF AMENDED MALATHION PRODUCTS**

EPA Company Number	Company Name and Address
4787	Cheminova, Inc. Washington Office, 1600 Wilson Boulevard, Suite 700, Arlington, VA 22209

**III. Summary of Public Comments Received and Agency Response to Comments**

The Agency received four comments during the 30-day comment period. Two comments recommended cancellation of all malathion uses. However, neither comment provided a substantive rationale for the course of action suggested. A third comment suggested that termination of the use of malathion in greenhouses will limit control options for commercial growers treating ornamental grasses for cereal leaf beetle. Prior to publication of the malathion reregistration eligibility decision in 2006, the technical registrant for malathion requested that greenhouse uses be deleted from the malathion registrations. Consequently, potential risks associated with the use of malathion in greenhouses were not evaluated during the reregistration process. Also, the Agency has determined that there are several alternative chemicals which are suitable for control of cereal leaf beetle on ornamental grasses. The fourth comment indicated support for the continued use of malathion on mushrooms. This order does not address malathion use on mushrooms. For these reasons, the Agency does not believe that the comments submitted during the comment period merit further review or a denial of the requests for voluntary cancellation.

**IV. Cancellation Order**

Pursuant to FIFRA section 6(f), EPA hereby approves the requested amendments to terminate uses of malathion registrations identified in Table 1 of Unit II. Accordingly, the Agency orders that the malathion product registrations identified in Table 1 of Unit II. are hereby amended to terminate the affected uses. 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.

1. The registrant may continue to sell and distribute existing stocks of Fyfanon Technical, EPA Reg. No. 4787-5, and Malathion Technical, EPA Reg. No. 4787-43, with previously approved labeling that includes uses terminated by this cancellation order, until June 3, 2009.

2. Persons other than the registrant may continue to sell and/or distribute existing stocks of Fyfanon Technical, EPA Reg. No. 4787-5, and Malathion Technical, EPA Reg. No. 4787-43, with previously approved labeling that includes the terminated uses until such stocks are exhausted.

3. Persons other than the registrant may continue to use existing stocks of Fyfanon Technical, EPA Reg. No. 4787-5, and Malathion Technical, EPA Reg. No. 4787-43, with previously approved labeling that includes the terminated uses, provided that they are not used to formulate products labeled for any use described in Unit II. of this cancellation order, until such stocks are exhausted.

### List of Subjects

Environmental protection, Pesticides and pests.

Dated: November 25, 2008.

**Steven Bradbury,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

[FR Doc. E8-28664 Filed 12-2-08; 8:45 am]

BILLING CODE 6560-50-S

## EXPORT-IMPORT BANK OF THE UNITED STATES

### Sunshine Act Meeting

**ACTION:** Notice of a Partially Open Meeting of the Board of Directors of the Export-Import Bank of the United States.

**TIME AND PLACE:** Friday, December 5, 2008 at 9:30 a.m. The meeting will be held at Ex-Im Bank in Room 1143, 811 Vermont Avenue, NW., Washington, DC 20571.

**OPEN AGENDA ITEMS:** Item No. 1: Ex-Im Bank Advisory Committee for 2009.

**PUBLIC PARTICIPATION:** The meeting will be open to public participation for Item No. 1 only.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact: Office of the Secretary, 811 Vermont Avenue, NW., Washington, DC 20571 (Tele. No. 202-565-3957).

**Kamil Cook,**

*Deputy General Counsel.*

[FR Doc. E8-28623 Filed 12-2-08; 8:45 am]

BILLING CODE 6690-01-M

## FEDERAL MARITIME COMMISSION

[Docket No. 08-06]

### Western Holding Group, Inc., Marine Express, Inc. and Corporación Ferries del Caribe, Inc. v. Mayagüez Port Commission and Holland Group Port Investment (Mayagüez), Inc.; Notice of Filing of Complaint and Assignment

Notice is given that a complaint has been filed with the Federal Maritime Commission ("Commission") by Western Holding Group, Inc. ("Western Holding"), Marine Express, Inc. ("Marine Express") and Corporación Ferries del Caribe, Inc. ("Ferries del Caribe"), hereinafter "Complainants". Complainants assert that they are for-profit corporations organized and existing pursuant to the laws of the Commonwealth of Puerto Rico. Complainants allege that Respondent Mayagüez Port Commission ("Port Commission") is a public corporation and that Respondent Holland Group Port Investment (Mayagüez), Inc. ("Holland Group") is a for-profit corporation. Complainants further allege that both Respondent corporations are organized and existing pursuant to the laws of the Commonwealth of Puerto Rico.

Complainants assert that Complainant Western Holding owns and charters the vessel *M/V CARIBBEAN EXPRESS*.

Complainants aver that Marine Express and Ferries del Caribe transport passengers, goods and vehicles between the Dominican Republic and Puerto Rico on said vessel. Complainants Ferries del Caribe and Marine Express maintain that they are common carriers within the meaning of the Shipping Act of 1984, as amended ("The Shipping Act"). See 46 U.S.C. 40102(6).

Complainants assert that Respondent Mayagüez Port Commission is responsible for all port business within the Port of Mayagüez, and that Respondent Holland Group administers and operates the Mayagüez port facilities. Complainants contend that Respondents Mayagüez Port Commission and Holland Group are marine terminal operators within the meaning of The Shipping Act. See 46 U.S.C. 40102(14).

Complainants allege that ownership of the Port of Mayagüez was transferred to Respondent Port Commission in July 2004, with a requirement to honor the terms of Complainant Marine Express' existing lease, and that this requirement was not honored. Complainants contend that Respondents' actions, including aforesaid action, constitute violations of The Shipping Act including unjust, unreasonable and unlawful practices in violation of Section 41102(c), and unreasonable refusals to negotiate, unreasonable discrimination and undue or unreasonable prejudice and disadvantages in violation of Sections 41106(1)-(3). 46 U.S.C. 41102(c), 41106(1)-(3).

Complainants request that the Commission order Respondents to: (1) Cease and desist from the violations of The Shipping Act described in this Complaint; (2) establish and put in force such practices as the Commission determines lawful and reasonable; (3) pay to the Complainants reparations of \$25,000,000.00 including attorney's fees, interests and costs; and (4) take any other action or provide any other relief as the Commission determines to be warranted under the circumstances.

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that