

### V. Attachment III Suspension Report—Explanatory Appendix

A discussion of the basis for the Notices of Intent to Suspend follows.

On March 3, 2006, the Agency issued the Phase 5 Reregistration Eligibility Decision (RED) Data Call-In Notice pursuant to sections 4(g)(2)(B) of FIFRA which required registrants of products containing MCPA used as an active ingredient to develop and submit certain data. The data/information was determined to be necessary to satisfy the reregistration requirements of section 4(g) of FIFRA. Failure to comply with the requirements of a Phase 5 Reregistration Eligibility Decision Product Data Call-In Notice (PDCI) is a basis for suspension under section 3(c)(2)(B) of FIFRA.

The Scotts Company (Scotts) received the MCPA RED on March 6, 2006 (as evidenced by the signed and dated U.S. Postal Service domestic return receipt card). They did not respond to the PDCI with the required 90-day PDCI response for any of the three products, nor with the required 8-month responses with the required data. A letter from Linda Propst to Sheila Kendricks of Scotts was sent on November 14, 2006, which indicated that the Agency had not received the required data by the established due dates. It also stated that if data were not submitted within 15 days, a Notice of Intent to Suspend would be initiated. The return receipt for that letter was postmarked on November 20, 2006. On March 20, 2007, a second letter from Linda Propst to Sheila Kendricks of Scotts was sent indicating that data had still not been received and a Notice of Intent to Suspend will be forthcoming if data were not received in 10 days. The return receipt for that letter was postmarked on March 27, 2007. That letter was our second and final attempt to obtain the necessary documentation to support these products.

Since neither the required 90-day nor 8-month responses have been submitted for the MCPA PDCI, this Notice of Intent to Suspend is being issued.

### VI. Conclusions

EPA issued a Notice of Intent to Suspend on the date indicated and the Notice of Intent to Suspend was received by the registrant on April 14, 2008. The Notice of Intent to Suspend became an effective suspension order on May 14, 2008. Any further information regarding this Notice or the suspension order may be obtained from the contact person noted above.

### List of Subjects

Environmental protection.

Dated: November 13, 2008.

**Steven Bradbury**

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

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**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 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 agreements are available through the Commission's Web site (<http://www.fmc.gov>) or contacting the Office of Agreements at (202)-523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 011962-006.

*Title:* Consolidated Chassis

Management Pool Agreement.

*Parties:* The Ocean Carrier Equipment Management Association and its member lines; the Association's subsidiary Consolidated Chassis Management LLC and its affiliates; China Shipping Container Lines Co., Ltd.; Companhia Libra de Navegacao; Compania Libra de Navegacion Uruguay; Matson Navigation Co.; Mediterranean Shipping Co., S.A.; Midwest Consolidated Chassis Pool LLC; Norasia Container Lines Limited; Westwood Shipping Lines; and Zim Integrated Shipping Services Ltd.

*Filing Party:* Jeffrey F. Lawrence, Esq.; Sher & Blackwell LLP; 1850 M Street, NW; Suite 900; Washington, DC 20036.

*Synopsis:* The amendment would add the Chicago Ohio Valley Consolidated Chassis Pool LLC as a party to the agreement.

*Agreement No.:* 012056.

*Title:* WWL/EUKOR Joint Operating Agreement.

*Parties:* EUKOR Car Carriers, Inc. and Wallenius Wilhelmsen Logistics AS.

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

*Synopsis:* The agreement would authorize the parties to engage in a broad range of operational and commercial cooperation in the U.S. foreign commerce.

*Agreement No.:* 012057.

*Title:* CMA CGM /Maersk Line Space Charter, Sailing and Cooperative Working Agreement Asia to USEC and PNW-Suez/PNW & Panama Loops.

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

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

*Synopsis:* The agreement authorizes the parties to share vessel space in the trades between the U.S. East and West Coasts and Asia.

*Agreement No.:* 200866-006.

*Title:* Lease and Operating Agreement between Broward County and King Ocean Service de Venezuela, S.A. and King Ocean Services, Ltd.

*Parties:* Broward County, King Ocean Service de Venezuela, S.A., and King Ocean Services, Ltd.

*Filing Party:* Candace J. Running; Broward County Board of County Commissioners; Office of the County Attorney; 1850 Eller Drive, Suite 502; Fort Lauderdale, FL 33316.

*Synopsis:* The amendment changes the location of Lessee's existing container terminal facility from Midport to Southport, Port Everglades and extends the lease term for an additional one year period.

*Agreement No.:* 201170-002.

*Title:* The Los Angeles and Long Beach Port Infrastructure and Environmental Programs Cooperative Working Agreement.

*Parties:* Port of Los Angeles and Port of Long Beach.

*Filing Party:* C. Jonathan Benner, Esq.; Troutman Sanders, LLP; 401 9th Street Suite 1000; Washington, DC 20004-2134.

*Synopsis:* The amendment confirms that the parties' authority to adopt joint measures regarding the terms and conditions of a concession does not extend to measures that require employee status for drivers of Drayage Trucks or permit or exclude independent owner-operator drivers from providing or operating Drayage Trucks in either Port.

*Agreement No.:* 201196-002.

*Title:* Los Angeles and Long Beach Marine Terminal Agreement.

*Parties:* City of Los Angeles and City of Long Beach.

*Filing Party:* Matthew J. Thomas, Esq.; Troutman Sanders LLP; 401 9th Street NW Suite 1000; Washington, DC 20004.

*Synopsis:* The amendment confirms that the parties' authority to adopt joint measures regarding terms and conditions of a concession does not extend to measures that require employee status for drivers of Drayage Trucks or permit or exclude independent owner-operator drivers from providing or operating Drayage Trucks in either Port.

By Order of the Federal Maritime Commission.

Dated: November 21, 2008.

**Karen V. Gregory,**  
*Secretary.*

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## 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  
Applicant:

CN Link Freight Services Inc. dba  
C & U Logistics, 182–16 149th Rd,  
Ste. 218, Jamaica, NY 11413.  
Officer: Luyin Zhang, President  
(Qualifying Individual).

Non-Vessel Operating Common Carrier  
and Ocean Freight Forwarder  
Transportation Intermediary  
Applicant:

Space Cargo USA, LLC, 230 SW 192  
Terrace, Pembroke Pines, FL 33029.  
Officer: Jose A. Romero, Director  
(Qualifying Individual).

**Karen V. Gregory,**  
*Secretary.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Federal Financial Participation in State Assistance Expenditures; Federal Matching Shares for Medicaid, the State Children's Health Insurance Program, and Aid to Needy Aged, Blind, or Disabled Persons for October 1, 2009 Through September 30, 2010

**AGENCY:** Office of the Secretary, DHHS.

**ACTION:** Notice.

**SUMMARY:** The Federal Medical Assistance Percentages and Enhanced Federal Medical Assistance Percentages

for Fiscal Year 2010 have been calculated pursuant to the Social Security Act (the Act). These percentages will be effective from October 1, 2009 through September 30, 2010. This notice announces the calculated "Federal Medical Assistance Percentages" and "Enhanced Federal Medical Assistance Percentages" that The U.S. Department of Health and Human Services (HHS) will use in determining the amount of Federal matching for State medical assistance (Medicaid) and State Children's Health Insurance Program (CHIP) expenditures, and Temporary Assistance for Needy Families (TANF) Contingency Funds, the Federal share of Child Support Enforcement collections, Child Care Mandatory and Matching Funds of the Child Care and Development Fund, Foster Care Title IV–E Maintenance payments, and Adoption Assistance payments. The table gives figures for each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Programs under title XIX of the Act exist in each jurisdiction. Programs under titles I, X, and XIV operate only in Guam and the Virgin Islands, while a program under title XVI (Aid to the Aged, Blind, or Disabled) operates only in Puerto Rico. Programs under title XXI began operating in fiscal year 1998. The percentages in this notice apply to State expenditures for most medical services and medical insurance services, and assistance payments for certain social services. The statute provides separately for Federal matching of administrative costs.

Sections 1905(b) and 1101(a)(8)(B) of the Act require the Secretary, HHS to publish the Federal Medical Assistance Percentages each year. The Secretary is to calculate the percentages, using formulas in sections 1905(b) and 1101(a)(8)(B), from the Department of Commerce's statistics of average income per person in each State and for the Nation as a whole. The percentages are within the upper and lower limits given in section 1905(b) of the Act. The percentages to be applied to the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are specified in statute, and thus are not based on the statutory formula that determines the percentages for the 50 States.

The "Federal Medical Assistance Percentages" are for Medicaid. Section 1905(b) of the Act specifies the formula for calculating Federal Medical Assistance Percentages as follows:

"Federal medical assistance percentage" for any State shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 45 per centum as the square of the per capita income of such State bears to the square of the per capita income of the continental United States (including Alaska) and Hawaii; except that (1) the Federal medical assistance percentage shall in no case be less than 50 per centum or more than 83 per centum, (2) the Federal medical assistance percentage for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be 50 per centum. \* \* \*

Section 4725(b) of the Balanced Budget Act of 1997 amended section 1905(b) to provide that the Federal Medical Assistance Percentage for the District of Columbia for purposes of titles XIX and XXI shall be 70 percent. For the District of Columbia, we note under the table of Federal Medical Assistance Percentages the rate that applies in certain other programs calculated using the formula otherwise applicable, and the rate that applies in certain other programs pursuant to section 1118 of the Social Security Act.

Section 2105(b) of the Act specifies the formula for calculating the Enhanced Federal Medical Assistance Percentages as follows:

The "enhanced FMAP", for a State for a fiscal year, is equal to the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)) for the State increased by a number of percentage points equal to 30 percent of the number of percentage points by which (1) such Federal medical assistance percentage for the State, is less than (2) 100 percent; but in no case shall the enhanced FMAP for a State exceed 85 percent.

The "Enhanced Federal Medical Assistance Percentages" are for use in the State Children's Health Insurance Program under title XXI, and in the Medicaid program for certain children for expenditures for medical assistance described in sections 1905(u)(2) and 1905(u)(3) of the Act. There is no specific requirement to publish the Enhanced Federal Medical Assistance Percentages. We include them in this notice for the convenience of the States.

**DATES: Effective Dates:** The percentages listed will be effective for each of the 4 quarter-year periods in the period beginning October 1, 2009 and ending September 30, 2010.

**FOR FURTHER INFORMATION CONTACT:** Thomas Musco or Carrie Shelton, Office of Health Policy, Office of the Assistant Secretary for Planning and Evaluation, Room 447D—Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201 (202) 690–6870.