

applications, the Agency concurred with the applicants that spirotetramat was necessary to ensure thrips control in areas experiencing thrips resistance to available alternatives and, in particular, where 6 to 8 seasonal applications of alternative pesticides are required to achieve adequate control. Thrips are sucking insects and growers are concerned about managing them because their feeding behavior directly damages the crop and also vectors a plant disease known as Iris Yellow Spot Virus. At this time, managing the disease vector thrips is the growers' main strategy for controlling Iris Yellow Spot Virus. The Agency has confirmed this as an urgent, non-routine situation with potential for significant economic losses requiring the use of spirotetramat. As part of their 2010 recertification requests, the applicants assert that the emergency conditions described in their 2009 applications continue to exist. EPA will review the applications and other available data. The 2009 and 2010 application packages for each state are available for review at www.regulations.gov under Docket ID Number 2010-0178. Summary use information for each state is listed below:

1. *Ohio*. The Ohio Department of Agriculture proposes to make no more than two applications of Movento (which contains 22.4% spirotetramat) on a maximum of 400 acres of onion, dry bulb between July 1 and September 15, 2010 in Ohio.

2. *New Mexico*. The New Mexico Department of Agriculture proposes to make no more than two applications of Movento on a maximum of 6,000 acres of onion, dry bulb between May and October, 2010 in the New Mexico counties of Chaves, Curry, Dona Ana, Eddy, Hidalgo, Lea, Luna, Farmington, Roosevelt, and Sierra.

3. *Wisconsin*. The Wisconsin Department of Agriculture, Trade and Consumer Protection proposes to make no more than two applications of Movento on a maximum of 2,200 acres of onion, dry bulb between June 1 and September 15, 2010 in the Wisconsin counties of Columbia, Dodge, Green Lake, Jefferson, Kenosha, Marquette, Portage, Racine, Rock, Walworth, Waukasha, Waupaca, and Waushara.

This notice does not constitute a decision by EPA on the applications themselves, but provides an opportunity for public comment on the applications. EPA has determined that publication of a notice of receipt of these applications for specific exemptions is appropriate taking into consideration the December 23, 2009 decision of the U.S. District Court for the Southern District of New

York vacating the registration of the spirotetramat product that is the subject of these emergency exemption requests. This vacatur is available for review at www.regulations.gov under Docket ID Number 2010-0178.

The Agency will review and consider all comments received during the comment period in determining whether to issue the specific exemptions requested by the states of Ohio, New Mexico, and Wisconsin.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 25, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0048; FRL-8810-7]

Notice of Receipt of a Pesticide Petition Filed for Temporary Tolerance Exemption for Residues of Prohydrojasmon on Red Apple Varieties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Agency's receipt of an initial filing of a petition requesting a temporary exemption from the requirement of a tolerance for residues of pesticide chemicals in or on various commodities. This temporary tolerance exemption is for the use of prohydrojasmon (PDJ) on red apples varieties in the state of California, Maryland, Michigan, New York, North Carolina, Oregon, Pennsylvania, Virginia, Washington, and West Virginia. PDJ is intended for use as a plant growth regulator.

DATES: Comments must be received on or before May 7, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2010-0048 and the pesticide petition number (PP) 9G7656, 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-2010-0048 and the pesticide petition number (PP) 9G7656. 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 or e-mail. The 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, 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: Gina Casciano, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 605-0513; e-mail address: casciano.gina@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](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 a typical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of the pesticide chemical prohydrojasmon (PDJ) in or on various food commodities. EPA has determined that the pesticide petition described in this notice contains data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated

the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. Additional data may be needed before EPA can make a final determination on this pesticide petition.

In accordance with 40 CFR 180.7(f), a summary of the petition that is the subject of this notice, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available online at <http://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing a notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

Exemption from the Requirement of a Tolerance

PP 9G7656. Fine Agrochemicals, Ltd., c/o SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192, proposes establishment of a temporary tolerance exemption for residues of the plant growth regulator, prohydrojasmon (PDJ), in or on red apple varieties. The petitioner believes no analytical method is needed because this is an exemption from the requirement of a tolerance without any numerical limitation.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 30, 2010.

Keith A. Matthews,

Acting Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0209; FRL-8817-7]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide,