

in labor costs, no capital/startup costs, and \$400,060 in operation and maintenance (O&M) costs.

*Changes in the Estimates:* There is no change in the labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) The regulations have not changed over the past three years, and are not anticipated to change over the next three years; and (2) the growth rate for the industry is very low, negative or non-existent, so there is no significant change in the overall burden. Also, there is no change in the cost burden. Since there are no changes in the regulatory requirements and there is no significant industry growth, the labor hours and cost figures in the previous ICR are used in this ICR and there is no change in burden to industry.

Dated: March 9, 2010.

**John Moses,**

Director, Collection Strategies Division.

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0178; FRL-8815-4]

### Spirotetramat; Receipt of Applications for Emergency Exemptions, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received specific exemption requests from the states of Colorado, Idaho, Michigan, New York, Oregon, Utah, and Washington, to use the pesticide spirotetramat (CAS No. 203313-25-1) to treat onion, dry bulb to control thrips. The applicants are proposing the use of a chemical whose registration was recently vacated. EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

**DATES:** Comments must be received on or before March 29, 2010.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2010-0178 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-2010-0178. 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:** Keri Grinstead, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8373; fax number: (703) 605-0781; e-mail address: [grinstead.keri@epa.gov](mailto:grinstead.keri@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. Colorado, Idaho, Michigan, New York, Oregon, Utah, and Washington have requested that the Administrator issue specific exemptions for the use of spirotetramat (CAS No. 203313-25-1) on onion, dry bulb, to control thrips. Information in accordance with 40 CFR part 166 was submitted as part of these requests, and

is available for review at [www.regulations.gov](http://www.regulations.gov) under Docket ID Number 2010-0178.

In 2009, all of the applicants submitted first-time exemption requests for the use of spirotetramat on dry bulb onions to control thrips. Based on the information provided in those 2009 applications, the Agency concurred with the applicants that spirotetramat was necessary to ensure thrips control in areas experiencing thrips resistant 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 can vector a plant disease known as Iris Yellow Spot Virus. At this time, managing the disease vector thrips is the grower's 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](http://www.regulations.gov) under Docket ID Number 2010-0178. Summary use information for each state in this unit.

1. *Colorado:* The Colorado Department of Agriculture proposes to make no more than 2 applications of *Movento* (which contains 22.4% spirotetramat) on a maximum of 10,000 acres of onion, dry bulb between May 16 and September 30, 2010 in the Colorado counties of Adams, Boulder, Larimer, Morgan, Weld, Baca, Bent, Crowley, Otero, Prowers, Pueblo, Delta, and Montrose.

2. *Idaho:* The Idaho State Department of Agriculture proposes to make no more than 2 applications of *Movento* on a maximum of 9,000 acres of onion, dry bulb between May 15 and September 15, 2010 in the Idaho counties of Ada, Canyon, Gem, Owyhee, Payette, and Washington.

3. *Michigan:* The Michigan Department of Agriculture proposes to make no more than 2 applications of *Movento* on a maximum of 3,800 acres of onion, dry bulb between June and September, 2010 in Michigan.

4. *New York:* The New York State Department of Environmental Conservation proposes to make no more than 2 applications of *Movento* on a maximum of 13,000 acres of onion, dry bulb between June 1, and September 15,

2010 in Orange, Orleans, Genesee, Oswego, Madison, Lewis, Herkimer, Steuben, Yates, Ontario, Wayne, and other counties of New York State.

5. *Oregon:* The Oregon Department of Agriculture proposes to make no more than 2 applications of *Movento* on a maximum of 21,900 acres of onion, dry bulb between April 15 and September 15, 2010 in the Oregon counties of Malheur, Morrow, Umatilla, Clackamas, Marion, and Klamath.

6. *Utah:* The Utah Department of Agriculture and Food proposes to make no more than 2 applications of *Movento* on a maximum of 1,753 acres of onion, dry bulb between June 1 and September 1, 2010 in the Utah counties of Box Elder, Weber, and Davis.

7. *Washington:* The Washington State Department of Agriculture proposes to make no more than 2 applications of *Movento* on a maximum 20,000 acres of onion, dry bulb between May 15 and September 15, 2010 in the Washington counties of Adams, Benton, Franklin, Grant, Kittitas, Klickitat, Walla Walla, and Yakima.

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](http://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 Colorado, Idaho, Michigan, New York, Oregon, Utah, and Washington.

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: March 3, 2010.

**Lois Rossi,**

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2010-5493 Filed 3-11-10; 8:45 am]

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