

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number.

**TABLE 2.—REGISTRANTS OF AMENDED PRODUCTS**

EPA Company Number	Company Name and Address
100	Syngenta Crop Protection, Inc. P.O. Box 18300 Greensboro, NC 27419–8300
4787	Cheminova, A/S P.O. Box 110566 One Park Drive, Suite 150 Research Triangle Park, NC 27709
67760	Cheminova, Inc. Washington Office 1600 Wilson Boulevard Suite 700 Arlington, VA 22209

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

During the public comment period provided, EPA received one comment in response to the February 10, 2010 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary amendments to terminate uses of products listed in Table 1 of Unit II.

The commenter, Stephen A. McFadden, stated that organophosphate insecticides (OP) as a class are too neurotoxic to be used safely in high human exposure applications, such as indoor uses, urban aerial spray programs, and uses that result in high residual levels in foods. McFadden suggested that high levels of exposure to cholinesterase inhibitors such as OP insecticides – may cause a state of permanent hypersensitivity to cholinesterase inhibitors. Nonetheless, the commenter supported the Agency's implementation of the voluntary use termination requests for malathion, an organophosphate insecticide.

The amendments to terminate uses that McFadden commented on were not risk-based actions resulting from an Agency risk assessment, but were voluntarily requested by the registrant. However, McFadden's comment suggests that organophosphate insecticides such as malathion are too toxic for uses other than those included in this cancellation action. Malathion is currently undergoing Registration

Review. During this process, the Agency intends to review and revise its existing risk assessments for malathion. The Agency will consider McFadden's comment as the human health risk assessment for malathion is revised.

For these reasons, the Agency does not believe that the comment submitted during the comment period merit further review or a denial of the requests for voluntary use termination.

**IV. Cancellation Order**

Pursuant to FIFRA section 6(f), EPA hereby approves the requested amendments to terminate uses of malathion and diquat dibromide registrations identified in Table 1 of Unit II. Accordingly, the Agency orders that the 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 effective date of the amendments to terminate uses is April 7, 2010. The cancellation order that is the subject of this notice includes the following existing stock provisions:

The registrant may sell and distribute existing stocks of products listed in Table 1 of Unit II. under the previously approved labeling which includes the deleted uses until April 7, 2011. Persons other than the registrant may sell and distribute existing stocks of products listed in Table 1 of Unit II. whose labels include the deleted uses until exhausted. Use of the products whose labels include the deleted uses listed in

Table 1 of Unit II. may continue until existing stocks are exhausted, provided that such use is consistent with the terms of the previously approved labeling on, or that accompanied, the products.

**List of Subjects**

Environmental protection, Pesticides and pests.

Dated: March 26, 2010.

**Richard P. Keigwin, Jr.,**  
*Director, Pesticide Re-evaluation Division,  
Office of Pesticide Programs.*

[FR Doc. 2010–7505 Filed 4–6–10; 8:45 am]

**BILLING CODE 6560–50–S**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA–HQ–OPP–2010–0178; FRL–8818–3]

**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 Ohio, New Mexico, and Wisconsin 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 April 22, 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 regulations.gov or e-mail. The 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 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(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. Ohio, New Mexico and Wisconsin 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 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](http://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, Waukesha, 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](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 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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**BILLING CODE 6560-50-S**

#### 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 regulations.gov or e-mail. The 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 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-