

**ICR Numbers:** EPA ICR Number 1666.08, OMB Control Number 2060-0283.

**ICR Status:** This ICR is scheduled to expire on July 31, 2010. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the CFR, after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, and displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers in certain EPA regulations is consolidated in 40 CFR part 9.

**Abstract:** The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the Provisions specified at 40 CFR part 63, subpart O. Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 37 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** Commercial ethylene oxide sterilization and fumigation operations.

**Estimated Number of Respondents:** 119.

**Frequency of Response:** Initially, occasionally, and semiannually.

**Estimated Total Annual Hour Burden:** 8,662.

**Estimated Total Annual Cost:** \$1,467,301, which includes \$819,301 in labor costs, \$65,000 in capital/startup costs, and \$583,000 in operation and maintenance (O&M) costs.

**Changes in the Estimates:** There is no change in the labor hours to respondents 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. Therefore, the labor hours in the previous ICR reflect the current burden to the respondents and are reiterated in this ICR.

The increase in labor cost to the respondents and the Agency is due to the updating of labor rates to reflect current cost figures.

Dated: May 17, 2010.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. 2010-12276 Filed 5-20-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0411; FRL-8826-7]

### Calcium Hydroxide; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a quarantine exemption request from the Hawaii Department of Agriculture to use the pesticide calcium hydroxide (CAS No. 1305-62-0) to treat up to 1,000 acres of outdoor potted and field-grown ornamental plants, groundcover/floors, and perimeters of commercial nurseries to control *Eleutherodactylus* frogs. The applicant proposes the use of a new chemical which has not been registered by EPA.

EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments must be received on or before *15 days after date of publication in the Federal Register*.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2010-0411, 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-2010-0411. 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:** Stacey Groce, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-2505; fax number: (703) 605-0781; e-mail address: [groce.stacey@epa.gov](mailto:groce.stacey@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. The Hawaii Department of Agriculture has requested the Administrator to issue a quarantine exemption for the use of calcium hydroxide on outdoor potted and field-grown ornamental plants, groundcover/floors, and perimeters of commercial nurseries to control *Eleutherodactylus* frogs. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Hawaii Department of Agriculture asserts that calcium hydroxide is necessary to control the tropical frogs, *Eleutherodactylus coqui* and *E. planirostris*, two relatively new species accidentally introduced to Hawaii from infested nursery plants. These species are native to the Caribbean, although one or both species is established on the continental United States in Florida, Louisiana, and Alabama. *E. coqui* is now firmly established on Maui, and the island of Hawaii with smaller populations on Kauai and Oahu; *E. planirostris* is also found on Kauai, Oahu, Maui, and the island of Hawaii. The sites where they are established include commercial plant nurseries, residential areas, resorts and hotels, forest habitats, and natural areas. The *Eleutherodactylus coqui* and *E. planirostris* species are spread to additional sites primarily through the transportation of infested plant materials to uninfested areas.

Further, the applicant asserts, that there is great concern that these tropical frogs pose a threat to the native Hawaiian forest ecosystem, including many endangered species. In particular, *Eleutherodactylus* frogs have the potential to be a serious threat to native endangered bird species. The *E. coqui* may exert predation pressure on a wide variety of native invertebrates, many of which are already stressed because of the establishment of other alien predators and parasitoids. In addition, these frog species will compete for insect food sources with native birds, the majority of which are partially or completely insectivorous. The Hawaiian hoary bat and many invertebrate species also depend upon insects and spiders as food sources. According to the quarantine exemption application, another concern is that the rapid increase in the populations of these frog species could provide a food source and increase the already large populations of

introduced predators, such as rats and mongooses.

EPA granted the Hawaii Department of Agriculture a quarantine exemption in 2005 for use of calcium hydroxide to control *Eleutherodactylus* frogs. This quarantine exemption program expired on April 26, 2008. The applicant withdrew a subsequent request in 2008 for use of calcium hydroxide on 4,000 acres of outdoor plant nurseries, residential areas, resorts and hotels, parks, forest habitats, and natural areas throughout the entire state of Hawaii.

In this request, the Hawaii Department of Agriculture's projected acreage for 2010–2012 is 1,000 acres on outdoor potted and field-grown ornamental plants, groundcover/floors, and perimeters of commercial nurseries throughout the state of Hawaii in the following counties: Honolulu, Maui, Kauai, and Hawaii. According to the current submission, use of calcium hydroxide is proposed for application as follows:

1. For dust application at 500 pounds per acre (485 lbs. active ingredient (a.i.) per acre).
2. For foliar applications on potted or field-grown outdoor ornamental plants at 250 pounds of product per acre (242.5 lbs. a.i. per acre) at a 3% dilution.
3. For foliar applications on vegetation of nursery perimeters or as a soil drench at 500 pounds per acre (485 lbs. a.i. per acre) at a 6% dilution. A maximum of twelve applications may be made per site per year. Therefore, a total maximum of 18,000,000 lbs. (9,000 tons) of product or 17,280,000 lbs. (8,640 tons) of a.i. of calcium hydroxide can be applied to treated areas under this request.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a quarantine exemption proposing use of calcium hydroxide which has not been registered by EPA.

The notice provides an opportunity for public comment on this proposed application.

The Agency will review and consider all comments received during the comment period in determining whether to issue the quarantine exemption requested by the Hawaii Department of Agriculture.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 12, 2010.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2010–12100 Filed 5–20–10; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL–9154–2; Docket ID No. EPA–HQ–ORD–2010–0395]

#### Draft EPA's Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments

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

**ACTION:** Notice of Public Comment Period.

**SUMMARY:** EPA is announcing a 90-day public comment period for the external review draft entitled, "EPA's Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments" (EPA/600/R–10/038A). This draft report responds to the key recommendations and comments included in the National Academy of Sciences (NAS) 2006 report. In addition, it includes new analyses on potential human effects that may result from exposure to 2,3,7,8-tetrachlorodibenzo-*p*-dioxin (TCDD). These analyses have not been in previous versions of draft reports related to EPA's dioxin reassessment activity. This draft report is now considered to be under EPA's Integrated Risk Information System (IRIS) program, and thus, the new IRIS process announced in May 2009 (<http://www.epa.gov/iris/process/>) is being followed. Per the May 2009 process, this draft report is beginning Step 4—-independent external peer review and public review and comment. This draft dioxin report was prepared by the National Center for Environmental Assessment (NCEA) within the EPA Office of Research and Development (ORD).

The draft document, "EPA's Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments," is also being provided to EPA's Science Advisory Board (SAB), a body established under the Federal Advisory Committee Act, for independent external peer review. The SAB will convene an expert panel composed of scientists knowledgeable about technical issues related to dioxins and risk assessment. The SAB is expected to hold a public teleconference on or about June 24, 2010, and a public panel meeting on July 13–15, 2010. The SAB peer review meetings will be announced by the SAB staff office in a

separate **Federal Register** Notice. EPA intends to forward all public comments submitted before July 7, 2010, in response to this notice to the SAB peer review panel for their consideration. Members of the public who wish to ensure that their technical comments are provided to the SAB expert panel before each meeting should also e-mail their comments separately to Thomas Armitage, the SAB Designated Federal Officer at [armitage.thomas@epa.gov](mailto:armitage.thomas@epa.gov), following the procedures in the **Federal Register** Notice announcing the SAB public meetings. When completing this draft dioxin report, EPA will consider any written public comments that EPA receives in accordance with the detailed instructions provided below under **SUPPLEMENTARY INFORMATION**. The public comment period and SAB external peer review are independent processes that provide separate opportunities for all interested parties to comment on the draft report.

EPA is releasing this draft report solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This draft report has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination.

**DATES:** The public comment period begins May 21, 2010, and ends August 19, 2010. Comments should be in writing and must be received by EPA by August 19, 2010.

Due to the timing of the SAB's peer review meeting, EPA can only guarantee that those comments received by July 7, 2010, in response to this **Federal Register** notice will be provided to the SAB panel prior to the SAB meeting. Comments received after July 7, will still be provided to the SAB panel and will also inform the Agency's revision of the draft report.

**ADDRESSES:** The external review draft titled, "EPA's Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments" (EPA/600/R–10/038A) is available primarily via the Internet on the NCEA home page under the Recent Additions and Publications menus at <http://www.epa.gov/ncea>. A limited number of paper copies are available from the Information Management Team (Address: Information Management Team, National Center for Environmental Assessment (Mail Code: 8601P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8561; facsimile: 703–347–8691). If you request a paper copy,