

your e-mail address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

Dated: January 7, 2010.

**Richard B. Ossias,**

*Associate General Counsel.*

[FR Doc. 2010-483 Filed 1-12-10; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0615; FRL-8433-2]

### Pesticide Experimental Use Permits; Receipt of Applications; Comment Requests

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's receipt of applications 29964-EUP-I and 29964-EUP-O from Pioneer Hi-Bred International, Inc. requesting experimental use permits (EUPs) for seed blends of the plant-incorporated protectants (PIPs) [DAS-59122-7] *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material (vector PHP 17662) necessary for their production in Event DAS-59122-7 corn and [TC1507] *Bacillus thuringiensis* Cry1F protein and the genetic material (vector PHP8999) necessary for its production in Event TC1507 corn and [MON810] *Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material necessary for its production (Vector PV-ZMCT01) in Event MON810 corn (Organization for Economic Cooperation and Development (OECD) Unique Identifier MONØØ81Ø-6). The Agency has determined that the permits may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on these applications.

**DATES:** Comments must be received on or before February 12, 2010.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0615, 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-2009-0615. 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:

Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8715; e-mail address: [mendelsohn.mike@epa.gov](mailto:mendelsohn.mike@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons interested in agricultural biotechnology or those who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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 5 of FIFRA, 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain EUPs before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP applications may be of regional and national significance, and therefore is seeking public comment on the EUP applications:

*Submitter:* Pioneer Hi-Bred International, Inc., (29964–EUP–I).

*Pesticide Chemical:* [DAS–59122–7] *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material (vector PHP 17662) necessary for their production in Event DAS–59122–7 corn (a maximum of 40.8 lbs Cry34Ab1 and 2.2 lbs Cry35Ab1) and [TC1507] *Bacillus thuringiensis* Cry1F protein and the genetic material (vector PHP8999) necessary for its production

in Event TC1507 corn (a maximum of 2.6 lbs Cry1F).

*Summary of Request:* The 29964–EUP–I application is for a total of 36,670 acres in 11 states from March 1, 2010 to May 31, 2011 in order to continue research, testing, and evaluation of blended refuge concepts. 35,200 acres are proposed for testing under a grower evaluation protocol and will include seed blends of: 1) 5% Cry1F corn with 95% Cry34Ab1/35Ab1 x Cy1F corn, 2) 10% Cry1F corn with 95% Cry34Ab1/35Ab1 x Cy1F corn, 3) 95% Cry34Ab1/35Ab1 x Cy1F corn with 5% non-Bt corn, and 4) 90% Cry34Ab1/35Ab1 x Cy1F corn with 10% non-Bt corn. 1,470 acres are proposed for testing under a research trial protocol and will include the seed blends mentioned in this paragraph along with Cry34Ab1/35Ab1 x Cy1F corn and Cry34Ab1/35Ab1 corn as comparators and non-PIP corn as a control. States involved include: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

*Submitter:* Pioneer Hi-Bred International, Inc. (29964–EUP–O).

*Pesticide Chemical:* [DAS–59122–7] *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material (vector PHP 17662) necessary for their production in Event DAS–59122–7 corn (a maximum of 0.630 lbs Cry34Ab1 and 0.040 lbs Cry35Ab1), [TC1507] *Bacillus thuringiensis* Cry1F protein and the genetic material (vector PHP8999) necessary for its production in Event TC1507 corn (a maximum of 0.110 lbs Cry1F), and [MON810] *Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material necessary for its production (Vector PV–ZMCT01) in Event MON810 corn (OECD Unique Identifier MONØØ81Ø–6) (a maximum of 0.011 lbs Cry1Ab).

*Summary of Request:* The 29964–EUP–O application is for 3,495.4 acres in 34 states from February 1, 2010 to June 30, 2011 in order to continue research, testing, and evaluation of blended refuge concepts. The following are proposed for testing: 1) 300.4 acres of a 95% blend of Cry1F x Cry1Ab corn and 5% non-Bt corn, 2) 295 acres of a blend of 90% Cry34Ab1/35Ab1 x Cy1F and 10% non-Bt corn, 3) 333.4 acres of a 95% blend of Cry1F x Cry1Ab x Cry34Ab1/35Ab1 corn and 5% non-Bt corn, 4) 328 acres of a 90% blend of Cry1F x Cry1Ab x Cry34Ab1/35Ab1 corn and 10% non-Bt corn, 5) 734.4 acres of other registered PIPs, 6) 300.4 acres of Cry1F x Cry1Ab corn, 7) 333.4 acres of Cry1F x Cry1Ab x Cry34Ab1/35Ab1 corn, and 8) 870.4 acres of non-PIP corn.

Four trial protocols will be conducted, including:

- Trait advancement trial (TAT).
- Agronomic observations.
- IRM/efficacy.
- University.

States involved include: Alabama, Arkansas, California, Colorado, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and Wisconsin.

A copy of the applications and any information submitted is available for public review in the docket established for these EUP applications as described under **ADDRESSES**.

Following the review of the applications and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP requests, and if issued, the conditions under which it is to be conducted. Any issuance of EUPs will be announced in the **Federal Register**.

## List of Subjects

Environmental protection,  
Experimental use permits.

Dated: December 29, 2009.

**W. Michael McDavit,**

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

[FR Doc. 2010–334 Filed 1–12–10; 8:45 am]

**BILLING CODE 6560–50–S**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0917; FRL–8805–6]

### Notice of Receipt of a Pesticide Petition Filed for Residues of Polymeric Polyhydroxy Acid in or on All Food Commodities

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the Agency's receipt of an initial filing of a pesticide petition proposing the establishment of a regulation for residues of the plant growth regulator, polymeric polyhydroxy acid, in or on all food commodities.

**DATES:** Comments must be received on or before February 12, 2010.

**ADDRESSES:** Submit your comments, identified by docket identification (ID)