

methodologies and protocols that are intended to provide data to inform regulatory decisions under TSCA, FIFRA, and/or FFDCA. The test guidelines provide guidance for conducting the test, and are also used by EPA, the public, and the companies that are subject to data submission requirements under TSCA, FIFRA, and/or the FFDCA.

As a guidance document, the test guidelines are not binding on either EPA or any outside parties, and the EPA may depart from the test guidelines where circumstances warrant and without prior notice. The procedures contained in the test guidelines are recommended for generating the data that are the subject of the test guideline, but EPA recognizes that departures may be appropriate in specific situations. You may propose alternatives to the recommendations described in the test guidelines, and the Agency will assess them for appropriateness on a case-by-case basis.

II. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are or may be required to conduct testing of pesticides and chemical substances for submission to EPA under FIFRA and/or FFDCA, 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 technical 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 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 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 the estimate.
- vi. Provide specific examples to illustrate your concerns and suggested 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.

III. Overview

A. What Action is EPA Taking?

EPA is announcing the availability for public review and comment of the following four draft test guidelines under Series 810—Product Performance Test Guidelines for Public Health Uses of Antimicrobial Agents:

- OPPTS 810.2000 - General Considerations for Public Health Uses of Antimicrobial Agents.
- OPPTS 810.2100 – Sterilants - Efficacy Data Recommendations.
- OPPTS 810.2200 - Disinfectants for Use on Hard Surfaces—Efficacy Data Recommendations.
- OPPTS 810.2300 - Sanitizers for Use on Hard Surfaces—Efficacy Data Recommendations.

These guidelines address efficacy testing for antimicrobial agents intended to be used on hard, inanimate, environmental surfaces, and which bear label claims as sterilants, disinfectants, and/or sanitizers. Data from these studies are used to support the labeling claims for public health related antimicrobial agents.

B. How Were These Test Guidelines Developed?

The product performance use guidelines for antimicrobial agents were last updated in 1982 under the “Pesticide Assessment Guidelines -

Subdivision G, Product Performance.” Since then, the Agency has presented several issues at two separate meetings of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) (one in September 1997 and the other in July 2007) related to the conduct of studies for antimicrobial agents. In addition to formatting changes to incorporate the guidelines into the OPPTS guidelines series 810, EPA has added sections that incorporate the recommendations from the two SAPs, new guidelines and clarifications from other guidance documents, and comments from the regulated industry. In particular, a new section has been added that describes the data to be submitted to support labeling claims against two spore forming bacteria, *Bacillus anthracis* and *Clostridium difficile*. Altogether, these revised guidelines, once final, will represent the Agency’s current recommendations for conducting studies to support antimicrobial pesticide label claims.

On October 8, 2008, EPA published in the **Federal Register** a proposed rule entitled “Data Requirements for Antimicrobial Pesticides” (73 FR 59382). Proposed § 158.2220 (40 CFR part 158) contains a table entitled “Antimicrobial Product Performance Data Requirements,” which referenced under the Guidelines Number column the 91 series of guidelines. EPA’s intention is to replace the 91 series designations with the appropriate reference to the 810 series designations under 810.2000. Therefore, at the time of the publication of the final rule, appropriate references to the OPPTS test guideline numbers and names will be incorporated into the final data requirement regulations.

List of Subjects

Environmental protection, Chemical testing, Test guidelines.

Dated: January 15, 2010.

Stephen A. Owens,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 2010–1323 Filed 1–26–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0091; FRL–8807–3]

Pesticide Experimental Use Permit; Receipt of Amendment and Extension Application; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application 29964-EUP-6 from Pioneer Hi-Bred International, Incorporated requesting to amend and extend an existing experimental use permit (EUP) for the following plant-incorporated protectants (PIPs) and their associated combined-trait hybrids. The Agency has determined that the permit may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments must be received on or before February 26, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0091, 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-2009-0091. 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: Jeannine Kausch, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-8920; e-mail address: kausch.jeannine@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 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:

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- 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 the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP 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.

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

Submitter: Pioneer Hi-Bred International, Incorporated, (29964-EUP-6).

Pesticide Chemicals: *Bacillus thuringiensis* Cry1F protein and the genetic material necessary (vector PHP8999) for its production in corn event TC1507 (Organization for Economic Cooperation and Development (OECD) Unique Identifier: DAS-01507-1), *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material necessary (vector PHP17662) for their production in corn event DAS-59122-7 (OECD Unique Identifier: DAS-59122-7), *Bacillus thuringiensis* Cry1Ab delta-endotoxin protein and the genetic material necessary (vector pZO1502) for its production in corn event Bt11 (OECD Unique Identifier: SYN-BT011-1), *Bacillus thuringiensis* Cry1Ab delta-endotoxin protein and the genetic material necessary (vector PV-ZMCT01) for its production in corn event MON 810 (OECD Unique Identifier: MON-00810-6), *Bacillus thuringiensis* Vip3Aa20 insecticidal protein and the genetic material necessary (vector pNOV1300) in corn event MIR162 (OECD Unique Identifier: SYN-IR162-4), and *Bacillus thuringiensis* mCry3A protein and the genetic material necessary (vector pZM26) in corn event MIR604 (OECD Unique Identifier: SYN-IR604-5).

Summary of Request: Pioneer Hi-Bred International, Incorporated has requested an amendment and extension of experimental use permit 29964-EUP-6, which was first granted on April 22, 2009. Under the existing EUP, plantings are permitted through March 31, 2010. Pioneer Hi-Bred International, Incorporated is now proposing to extend the experimental program until June 30,

2011 and to amend it by conducting testing with up to 1.52 pounds of Cry1F protein, 19.52 pounds of Cry34Ab1 and Cry35Ab1 proteins, 0.16 pounds of Cry1Ab protein (MON 810), 14.51 pounds of Vip3Aa20 protein, 0.47 pounds of mCry3A protein, and 0.16 pounds of Cry1Ab protein (Bt11) on 33,311 acres (1,414 acres of non-PIP and border corn plants are also proposed for a total of 34,725 acres). The proposed program will be conducted in the Commonwealth of Puerto Rico and States of Arkansas, California, Colorado, Georgia, Hawaii, Iowa, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, North Carolina, Nebraska, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Washington, and Wisconsin. Trial protocols will concentrate on nursery/breeding observation, yield and agronomic evaluation, efficacy, insect resistance management, inbred and hybrid seed production, and regulatory studies.

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

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

List of Subjects

Environmental protection,
Experimental use permits.

Dated: January 14, 2010.

Keith A. Matthews,

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

[FR Doc. 2010-1356 Filed 1-26-10; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0930; FRL-8806-5]

Pesticide Products: Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications to register pesticide products containing a new active ingredient not included in any currently registered products pursuant to the provisions of section 3(c)(4) of the

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

DATES: Comments must be received on or before February 26, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0930, 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-2009-0930. 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.