

Drive, Arlington, VA 22202, 703-308-8712.

SUPPLEMENTARY INFORMATION: This notice announces that EPA has received notices of filing under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for the following petitions to amend 40 CFR part 180 to establish various exemptions from the requirement of a tolerance. The petitions are as follows:

Initial Filings

1. *PP 4E4410*. Ciba-Geigy Corp., P.O. Box 12257, Research Triangle Park, NC 27709-2257, has submitted the pesticide petition (PP) to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for the transgenic plant pesticide inert ingredient phosphinothricin acetyltransferase (PAT) as produced in corn by the bar gene and its controlling sequences as found on plasmid sector PCIB3064.

2. *PP 4F4395*. Ciba-Geigy Corp., P.O. Box 12257, Research Triangle Park, NC, 27709-2257, has submitted the pesticide petition (PP) to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for the plant pesticide *Bacillus thuringiensis* delta-endotoxin as produced in corn by a CryIA(b) gene and its controlling sequences as found on plasmid vector PCIB4431.

Authority: 21 U.S.C. 346a and 348.

Dated: January 20, 1995.

Flora Chow,

Acting Director, Registration Division, Office of Pesticide Programs.

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[OPP-50804; FRL-4929-7]

Glufosinate-Ammonium; Receipt of an Application for an Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On November 29, 1994, EPA received from AgrEvo USA Company, an application for an Experimental Use Permit (EUP) for the use of Liberty Herbicide which is a formulation of the herbicide glufosinate-ammonium, in the culture of corn and soybean plants that have been genetically modified to be tolerant to this herbicide. Due to recent interest in the introduction of transgenic plants into commercial agriculture, the Agency has determined that this application may be of regional and

national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting public comments on this application.

DATES: Written comments must be received on or before March 3, 1995.

ADDRESSES: Comments, in triplicate, should bear the docket control number OPP-50804 and be submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Written comments will be available for public inspection in Rm. 1128 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne I. Miller, Product Manager (PM) 23, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 237, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305-7830.

SUPPLEMENTARY INFORMATION: On November 29, 1994, an application for an EUP was received from AgrEvo USA Company, 2711 Centerville Road, Wilmington, DE 19808 for the use of Liberty Herbicide which contains the herbicide glufosinate-ammonium, a formulated product containing the active ingredient glufosinate-ammonium and which was previously field tested under EPA Experimental Use Permit Number 8340-EUP-10, in the culture of transgenic corn and soybean plants modified to be tolerant to the herbicide. The transgenic corn and soybean plants have been genetically transformed by inserting a gene identified as the Bialophos Resistance Gene (BAR) containing the information to produce the enzyme, Phosphinothricin Acetyl Transferase (PAT), which detoxifies the herbicide during plant metabolism.

The following are the proposed objectives for the testing program:

1. Evaluate the efficacy of the PAT enzyme in conferring tolerance to Liberty Herbicide in transgenic corn and soybean plants. Data will be collected for stand, crop injury, flowering dates, yield, weight, moisture and stalk strength.

2. Collect seed of transgenic lines for use in seed production.

3. Evaluate the non-selective activity of Liberty Herbicide, tank mixes with residual herbicides and combinations of use of Liberty Herbicide with cultivation weed management methods.

4. Evaluate the acceptability of a weed control program without the use of traditional soil preemergence residual herbicides.

5. Evaluate the Liberty Herbicide formulation for use in spray equipment and to determine if the applicator understands how to use the product.

The applicant requested the use of 449.0 pounds of the active ingredient on a total of 562 acres of corn and soybeans for the time period from approval to October 1, 1995. Testing is proposed for the states of Arkansas, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. No petition for a temporary tolerance was submitted with the application because the treated crop will be destroyed or used for research purposes only.

Upon review of the EUP request, any comments received in response to this notice and any other relevant information, EPA will decide whether to issue or deny the EUP. If issued, EPA will set conditions under which the experiments are to be conducted. Any issuance of an EUP by the Agency will be announced in the **Federal Register**.

EPA's Office of Pesticide Programs has a Public Docket Room where a copy of the EUP application deleted of all "Confidential Business Information" will be available for public inspection. The Public Docket Room is located at Rm. 1128, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; the hours of operation are from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Dated: January 19, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

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