

develop a National Action Plan on Demand Response (National Action Plan). The purpose of this technical conference is to elicit input from interested stakeholders on the possible elements of the National Action Plan as discussed in the *Discussion Draft on Possible Elements of a National Action Plan on Demand Response* (Discussion Draft), released today in the above-referenced docket number. Commission Staff will utilize the Discussion Draft at the technical conference to frame the discussions.

The technical conference will include panel sessions on the first day to discuss the overall approach and scope of the Discussion Draft. The second day will include breakout sessions that will focus on each of the three statutory objectives listed below. A closing plenary session will summarize the break-out discussions.

The conference will be open to the public, and all interested persons are invited to participate. For logistical purposes, staff requests those planning to attend to pre-register via an electronic form at: <https://www.ferc.gov/whats-new/registration/nap-11-19-form.asp>. Advance registration is not required to participate.

The Commission is extending the deadline to Friday, November 6, 2009 for those interested in speaking during the November 19th afternoon panels at the conference. Those interested should complete an online form describing the elements that they will address at <https://www.ferc.gov/whats-new/registration/nap-11-19-speaker-form.asp>. The Commission also requests that those parties that previously completed the online speaker form resubmit it to indicate that they are available on the new date. Due to time constraints, we may not be able to accommodate all those interested in speaking on panels; however, the panels will represent a balance of stakeholder interests.

All conference attendees are invited to attend the panel sessions on November 19th, participate in the break-out session discussions and attend the plenary session on November 20th. A detailed agenda, including panel speakers, will be published at a later date.

The Commission is seeking input in the form of written comments on the Discussion Draft and discussions at the technical conference on the best ways to meet the objectives that Congress identified for the National Action Plan: (1) Identification of requirements for

technical assistance to States to allow them to maximize the amount of demand response resources that can be developed and deployed; (2) design and identification of requirements for implementation of a national communications program that includes broad-based customer education and support; (3) development or identification of analytical tools, information, model regulatory provisions, model contracts, and other support materials for use by customers, States, utilities and demand response providers.<sup>2</sup>

Written comments on the Discussion Draft and on the discussions at the technical conference are due by Friday, December 4, 2009. Commission Staff will draw on the written comments received and the discussions at the technical conferences to prepare the National Action Plan. Comments may be filed electronically via the Internet. Instructions for submitting comments are available on the Commission's Web site (<http://www.ferc.gov/docs-filing/ferconline.asp>) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov); call toll-free at (866) 208-3676; or, for TTY, contact (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an e-mail to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free (866) 208-3372 (voice) or (202) 208-1659 (TTY), or send a FAX to (202) 208-2106 with the required accommodations.

For further information about these conferences, please contact:

Caroline Daly (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, (202) 502-8931, [Caroline.Daly@ferc.gov](mailto:Caroline.Daly@ferc.gov).

Christina Switzer (Legal Information), Office of the General Counsel—Energy Markets, Federal Energy Regulatory Commission, 888 First Street, NE.,

Washington, DC 20426, (202) 502-6379, [Christina.Switzer@ferc.gov](mailto:Christina.Switzer@ferc.gov).

Kimberly D. Bose,  
Secretary.

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BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0628; FRL-8794-9]

### Pesticides; Draft Guidance for Pesticide Registrants on Pesticide Drift Labeling

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

**ACTION:** Notice of availability.

**SUMMARY:** The Agency is announcing the availability of and seeking public comment on two documents – a draft Pesticide Registration Notice (draft PR Notice) entitled "Pesticide Drift Labeling" (PRN 2009-X) and a draft explanatory document entitled "Pesticide Drift Labeling Interpretation." PR Notices are issued by the Office of Pesticide Programs (OPP) to inform pesticide registrants and other interested persons about important policies, procedures, and registration related decisions, and serve to provide guidance to pesticide registrants and OPP personnel. This particular draft PR Notice provides guidance to the applicants and registrants of certain pesticide products for revising labeling statements intended to protect people and other non-target organisms and sites from adverse effects that may be caused by off-target pesticide drift. The draft explanatory document provides guidance for state and tribal regulatory officials responsible for enforcement of user compliance with the requirements of pesticide labeling on how to interpret the labeling statements contained in the draft PR Notice. An additional supporting document, entitled "Draft PR Notice 2009-X: Additional Information and Questions for Commenters," provides background and supplemental information that explain the Agency's rationale for its proposed guidance on drift labeling. This document also requests responses by readers to specific questions concerning draft PR Notice 2009-X. All three documents are available in the public docket.

**DATES:** Comments must be received on or before January 4, 2010.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0628, 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-2009-0628. 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:** Véronique LaCapra, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 605-1525; fax number: (703) 308-8005; e-mail address: [lacapra.veronique@epa.gov](mailto:lacapra.veronique@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

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

This action is directed to those persons who manufacture, distribute, sell, apply, or regulate pesticide products that are for use outdoors, including agricultural, commercial, and residential products (NAICS codes 32532 and 32561). 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. 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 information in this notice, 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.

EPA has identified questions about the PR Notice on which the Agency would like to receive specific input from commenters. These questions are presented in a supporting document entitled "Draft PR Notice 2009-X: Additional Information and Questions for Commenters," which is available in the public docket.

##### **II. What Guidance Does this PR Notice Provide?**

EPA's purpose in issuing draft PR Notice 2009-X is to provide guidance to registrants and applicants for registration on labeling statements concerning pesticide drift, and to inform the public of EPA's policies with regard to the prevention of pesticide drift. The draft PR Notice proposes labeling statements and formats intended to improve communication of drift management requirements to pesticide applicators and as a result, to improve protection of people and other non-target organisms and sites from potential adverse effects that may be caused by off-target pesticide drift. The recommended statements should appear on products whose application may result in drift.

The draft PR Notice contains two types of statements: (1) A general drift statement containing a risk-protective standard which varies according to product type, and (2) examples of

product-specific drift use restrictions, along with a format for presenting these statements on product labeling. The draft PR Notice also informs registrants about the procedures they should use to amend their registrations to adopt these statements. The Agency believes the use of these statements and formats on labels will provide users consistent, understandable, and enforceable directions about how to protect human health and the environment from harm that might result from pesticide drift.

Along with draft PR Notice 2009–X, EPA is issuing for comment a draft “Pesticide Drift Labeling Interpretation” guidance document, which provides guidance to state and tribal officials about how EPA intends the new drift labeling statements to be interpreted, as well as typical examples of how the labeling could be interpreted in real-world spray drift cases.

A supporting document entitled “Draft PR Notice 2009–X: Additional Information and Questions for Commenters” is also being made available in the public docket. This document contains background information on pesticide drift, and a description of current and planned EPA actions to address drift, including the PR Notice, guidance to state enforcement officials on interpreting the new labeling, information on best management practices to reduce drift, and EPA’s drift reduction technology (DRT) project. The document also provides a reader’s guide to the draft PR Notice, including a description of key terms and concepts, explanatory rationales, and specific questions on which EPA is seeking input from stakeholders.

### III. Do PR Notices Contain Binding Requirements?

The draft PR Notice discussed in this notice is intended to provide guidance to EPA personnel and decision-makers and to pesticide registrants. While the requirements in the statutes and Agency regulations are binding on EPA and the applicants, the PR Notice is not binding on EPA personnel, pesticide registrants and applicants, or the public. EPA may depart from the guidance where circumstances warrant and without prior notice. Likewise, pesticide registrants may assert that the guidance is not appropriate generally or not applicable to a specific pesticide or situation.

The draft Notice is not intended to limit EPA’s authority under FIFRA to require additional mitigation measures, on a case-by case basis, when appropriate. Nor is it intended to limit the authority of a state or tribe to impose

additional restrictions on the use of a pesticide.

### List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Pesticide drift, Spray drift, Labeling.

Dated: October 26, 2009.

**Debra Edwards,**

*Director, Office of Pesticide Programs.*

[FR Doc. E9–26594 Filed 11–3–09; 8:45 am]

**BILLING CODE 6560–50–S**

### ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0684; FRL–8798–3]

#### Receipt of Petition Requesting EPA to Suspend the Registration of Rozol Prairie Dog Bait and Cancel Certain Application Sites; Extension of Comment Period

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

**ACTION:** Notice; extension of comment period.

**SUMMARY:** EPA issued a notice in the *Federal Register* of October 7, 2009, concerning the receipt of a petition that requested the suspension of Rozol Prairie Dog Bait and also requested the cancellation of certain application sites for the product. This document extends the comment period for 31 days, from November 6, 2009 to December 7, 2009. **DATES:** Comments, identified by docket identification (ID) number EPA–HQ–OPP–2009–0684, must be received on or before December 7, 2009.

**ADDRESSES:** Follow the detailed instructions as provided under **ADDRESSES** in the *Federal Register* document of October 7, 2009.

**FOR FURTHER INFORMATION CONTACT:** Dan Peacock, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 605–5407; e-mail address: [peacock.dan@epa.gov](mailto:peacock.dan@epa.gov).

**SUPPLEMENTARY INFORMATION:** This document extends the public comment period established in the *Federal Register* of October 7, 2009 (74 FR 51601) (FRL–8436–1). In that document, EPA provided an opportunity for public comment on a petition received from the World Wildlife Fund (WWF) that asked the Agency to suspend the registration of Rozol Prairie Dog Bait (EPA Reg. No. 7173–286) and cancel

certain application sites for the product. The primary basis for the petition is the potential effect of this product on non-target species, including certain predators and scavengers of the black-tailed prairie dog. EPA is hereby extending the comment period, which was set to end on November 6, 2009 to December 7, 2009.

To submit comments, or access the docket, please follow the detailed instructions as provided under **ADDRESSES** in the October 7, 2009 *Federal Register* document. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

### List of Subjects

Environmental protection, pesticides, and pests.

Dated: October 29, 2009

**Debra Edwards,**

*Director, Office of Pesticide Programs.*

[FR Doc. E9–26522 Filed 11–3–09; 8:45 am]

**BILLING CODE 6560–50–S**

### ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–0825; FRL–8797–4]

#### Petition to Protect Children from Pesticide Drift; Notice of Availability

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

**ACTION:** Notice.

**SUMMARY:** On October 13, 2009, EPA received a petition from Earthjustice and Farmworker Justice, on behalf of several other organizations, requesting that the Agency systematically evaluate children’s exposures to pesticide drift and require interim prohibitions on the use of certain pesticides near homes, schools, and other places where children congregate. With this notice, the Agency is soliciting comments on the petition. In a separate notice published elsewhere in this issue of the *Federal Register*, the Agency is soliciting comments on a draft Pesticide Registration (PR) notice providing guidance on pesticide drift labeling (see [www.regulations.gov](http://www.regulations.gov), docket identification number EPA–HQ–OPP–2009–0628).

**DATES:** Comments must be received on or before January 4, 2010.

**ADDRESSES:** Submit your comments identified by the docket identification (ID) number EPA–HQ–OPP–2009–0825, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.