

3. *Insect Resistance Management*: A description of the compliance assurance program for MON 89034 x MON 88017 must be submitted within 90 days of the date of registration.

4. *Insect Resistance Management*: A revised Cry3Bb1 monitoring plan, incorporating MON 89034 x MON 88017, must be submitted within 90 days of the date of registration.

5. *Insect Resistance Management*: For the Cry3Bb1 portion of the product, a discriminating or diagnostic dose assay must be developed, validated, and submitted by January 31, 2010.

6. *Insect Resistance Management*: For the Cry3Bb1 portion of the product, rootworm damage guidelines must be finalized and submitted by January 31, 2010.

7. *Insect Resistance Management*: Annual reports, which focus specifically on annual sales, grower agreements, grower education, compliance assurance program activities, and compliance survey results for MON 89034 x MON 88017 must be submitted by January 31st of each year, beginning in 2010.

8. *Insect Resistance Management*: An annual report, summarizing insect resistance monitoring results for MON 89034 x MON 88017, must be submitted by August 31st of each year, beginning in 2010.

#### C. MON 89034 and MON 89034 x MON 88017

The following data/information must be submitted to the Agency to support the registrations of both MON 89034 and MON 89034 x MON 88017:

1. *Residue Analytical Method (Plants)*: An independent laboratory validation of the analytical method for the detection of Cry2Ab2 and/or Cry1A.105 must be submitted by April 1, 2009.

2. *Aquatic Invertebrate Acute Toxicity Testing (Freshwater Daphnids)*: A 7 - to 14-day Daphnia study must be performed (as per the 885 Office of Chemical Safety and Pollution Prevention (OCSPP) Harmonized Guidelines)) and submitted by April 1, 2009. Alternatively, a dietary study of the effects on an aquatic invertebrate, representing the functional group of a leaf shredder in headwater streams, can be performed and submitted in lieu of the Daphnia study.

3. *Insect Resistance Management*: Additional information on cross-resistance of Cry1A.105, Cry1Fa, and Cry1Ac (preferably including binding site models and use of resistant colonies) for the target pests and how such cross-resistance may impact the durability of MON 89034 must be submitted by April 1, 2009 (protocol due by August 1, 2008).

4. *Insect Resistance Management*: Baseline susceptibility studies and/or a discriminating concentration assay for the Cry1A.105 protein against European corn borer, southwestern corn borer, and corn earworm and for the Cry2Ab2 protein against southwestern corn borer and corn earworm must be submitted by April 1, 2009.

5. *Insect Resistance Management*: To support sweet corn uses, baseline susceptibility studies must be conducted on fall armyworm populations collected from sweet corn-growing areas and submitted by April 1, 2010.

#### V. Response to Comments

EPA published a notice of receipt in the **Federal Register** of July 25, 2007 (72 FR 40876) (FRL-8129-7), which announced that Monsanto Company had submitted applications to register pesticide products containing the new active ingredients, *Bacillus thuringiensis* Cry1A.105 and Cry2Ab2 proteins and the genetic material necessary for their production (vector PV-ZMIR245) in event MON 89034 corn (OECD Unique Identifier: MON-89034-3), for use on corn. Eight comments were received in response to the notice of receipt. One comment opposed granting Monsanto Company rights to produce, sell, or manufacture pesticide products containing the aforementioned active ingredients, but no scientific basis was provided to support this position. In general, the other seven comments expressed support for the applications from Monsanto Company. Ultimately, none of the eight comments affected the Agency's review or consideration of the applications, or the conclusions the Agency arrived at as a result of such review and consideration. Pursuant to its authority under FIFRA, the Agency conducted a rigorous and comprehensive assessment of the new active ingredients, along with their associated pesticide products, and concluded that use of the pesticides during the conditional registration period will not cause unreasonable adverse effects to human health or the environment and that use of the pesticides is in the public interest.

#### List of Subjects

Environmental protection, Chemicals, Pests and pesticides.

Dated: June 15, 2010.

**W. Michael McDavid,**

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

[FR Doc. 2010-15207 Filed 6-22-10; 8:45 am]

**BILLING CODE 6560-50-S**

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0639; FRL-8829-3]

#### 2-(Hydroxymethyl)-2-nitro-1,3-propanediol (Tris Nitro); Notice of Receipt of Request to Voluntarily Amend Registrations to Terminate Certain Uses

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

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of a request by the registrant to voluntarily amend its 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) product registrations to terminate or delete one or more uses. The request would delete 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) use in or on metalworking fluids; latex paints; resin/latex/polymer emulsions; specialty industrial products; livestock and poultry premises; paints, emulsions and thickener solutions; use as a preservative for packaged emulsions, solutions, or suspensions such as detergents and polishes containing water; use in pulp and paper-mill process water systems. The request would not terminate the last 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) products registered for use in the United States. EPA intends to grant this request at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the request, or unless the registrant withdraws its request. If this request is granted, any sale, distribution, or use of products listed in this notice will be permitted after the uses are deleted only if such sale, distribution, or use is consistent with the terms as described in the final order.

**DATES:** Comments must be received on or before July 23, 2010.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0639, 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-2009-0639. 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 [regulations.gov](http://www.regulations.gov) or e-mail. The [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 [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:** Rebecca Von-Dem Hagen, Antimicrobials Division (7501P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6785; fax number: (703) 308-8481; e-mail address: [vondem-hagen.rebecca@epa.gov](mailto:vondem-hagen.rebecca@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

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

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may 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 [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.

**II. Background on the Receipt of Requests to Cancel and/or Amend Registrations to Delete Uses**

This notice announces receipt by EPA of a request from registrant The Dow Chemical Company to delete certain uses of 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) product registrations. In letters dated November 19, 2009, The Dow Chemical Company requested EPA to amend to delete certain uses of pesticide product registrations identified in Table 1 of Unit III. Specifically, in response to the 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) (Case 3149) Preliminary Work Plan, dated September 16, 2009, the registrant submitted amendments requesting the deletion of the following the 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) end-uses from their product labels: use in metalworking fluids; latex paints; resin/latex/polymer emulsions; specialty industrial products; livestock and poultry premises; paints, emulsions and thickener solutions; as a preservative for packaged emulsions, solutions or suspensions, such as detergents and polishes containing water; and in pulp and paper-mill process water systems. Action on the registrants request to delete these uses will terminate the last 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) pesticide products registered in the United States for use in metalworking fluids; latex paints; resin/latex/polymer emulsions; specialty industrial products; paints, emulsions and thickener solutions; materials preservative for packaged emulsions, solutions or suspensions, such as detergents and polishes containing water; and in pulp and paper-mill process water systems. Action on the registrant request will not

terminate the last 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) pesticide product registered in the United States for livestock and poultry premises.

**III. What Action is the Agency Taking?**

This notice announces receipt by EPA of a request from a registrant to delete certain uses of 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) product registrations. The affected products and the registrants making the

requests are identified in Tables 1 and 2 of this unit.

Unless a request is withdrawn by the registrant or if the Agency determines that there are substantive comments that warrant further review of this request, EPA intends to issue an order amending the affected registrations.

TABLE 1. — 2-(HYDROXYMETHYL)-2-NITRO-1,3-PROPANEDIOL (TRIS NITRO) PRODUCT REGISTRATIONS WITH PENDING REQUESTS FOR AMENDMENT

Registration Number	Product Name	Company	Uses to be Deleted
464-657	Tris Nitro™ Solid Industrial Bacteriostat	The Dow Chemical Company	Use in metalworking fluids; Latex paints; Resin/latex/polymer emulsions; Specialty industrial products; Livestock and Poultry Premises.
464-658	Tris Nitro™ Brand of 50% (Aqueous) For Formulating Use	The Dow Chemical Company	Use in metalworking fluids; Latex paints; Resin/latex/polymer emulsions; Specialty industrial products; Livestock and poultry premises.
464-663	Tris Nitro™ Brand of 50% Aqueous Tris (hydroxymethyl) nitromethane	The Dow Chemical Company	Use in paints, emulsions and thickener solutions; Use in metalworking fluids; Use as a preservative for packaged emulsions, solutions, or suspensions, such as detergents and polishes containing water.
464-668	Tris Nitro™ Brand of 25% Aqueous Tris (hydroxymethyl) nitromethane	The Dow Chemical Company	Use in metalworking fluids; Use as a preservative for packaged emulsions, solutions, or suspensions, such as detergents and polishes containing water.
464-679	Tris Nitro™ Brand	The Dow Chemical Company	Use in paints, emulsions, and thickener solutions; Use in metalworking fluids; Use as a preservative for packaged emulsions, solutions, or suspensions, such as detergents and polishes containing water; Use in pulp and papermill process water systems.

Table 2 of this unit includes the name and address of record for the registrant of the products listed in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION AND/OR AMENDMENTS

EPA Company Number	Company Name and Address
464 .....	The Dow Chemical Company 1803 Building Midland, MI 48674

**IV. What is the Agency's Authority for Taking this Action?**

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires that EPA provide a 180-day comment period on a request for

voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The 2-(hydroxymethyl)-2-nitro-1,3-propanediol (tris nitro) registrant has requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

**V. Procedures for Withdrawal of Request**

Registrants who choose to withdraw a request for product cancellation or use deletion should submit the withdrawal

in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

#### VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the action. If the request for amendments to delete use is granted, the Agency intends to publish the cancellation order in the **Federal Register**.

In any order issued in response to this request for an amendment to delete uses, EPA proposes to include the following provisions for the treatment of any existing stocks of the products listed in Table 1 of Unit III.

For voluntary product cancellations, registrants will be permitted to sell and distribute existing stocks of voluntarily canceled products for 1 year after the effective date of the cancellation, which will be the date of publication of the cancellation order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the products identified in Table 1 of Unit III., except for export consistent with FIFRA section 17 or for proper disposal.

Once EPA has approved product labels reflecting the requested amendments to delete uses, registrants will be permitted to sell or distribute products under the previously approved labeling for a period of 18 months after the date of **Federal Register** publication of the cancellation order, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the deleted uses identified in Table 1 of Unit III., except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of products whose labels include the deleted uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the deleted uses.

#### List of Subjects

Environmental protection, Pesticides and pests, Antimicrobials.

Dated: June 7, 2010.

**Joan Harrigan-Farrelly**,  
Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 2010-15209 Filed 6-22-10; 8:45 am]

**BILLING CODE 6560-50-S**

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2010-0517; FRL-8832-3]

#### Registration Review; Pesticide Dockets Opened for Review and Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has established registration review dockets for the pesticides listed in the table in Unit III.A. With this document, EPA is opening the public comment period for these registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment. This document also announces the Agency's intent not to open a registration review docket for 2-hydroxyethyl octyl sulfide. This pesticide does not currently have any actively registered pesticide products and is not, therefore, scheduled for review under the registration review program.

**DATES:** Comments must be received on or before August 23, 2010.

**ADDRESSES:** Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., 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 the docket ID numbers listed in the table in Unit III.A. for the pesticides you are commenting on. 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-