

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 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 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.

Pursuant to 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, Inc., (29964-EUP-RR).  
*Pesticide Chemicals:* (1) [TC1507] *Bacillus thuringiensis* Cry1F protein and the genetic material (plasmid insert PHI8999A) necessary for its production in corn event DAS-Ø15Ø7-1, (2) [DAS-59122-7] *Bacillus thuringiensis* Cry34Ab1 and Cry35Ab1 proteins and the genetic material necessary for their production (PHP17662 T-DNA) in event DAS59122-7 corn (OECD Unique Identifier: DAS-59122-7), (3) [MON810] *Bacillus thuringiensis* Cry1Ab delta-endotoxin and the genetic material necessary for its production (Vestor PV-ZMCT01) in event MON 810 corn (OECD Unique Identifier: MON-ØØ81Ø-6)], and (4) [MIR604] Modified Cry3A protein and the genetic material necessary for its production (via elements of pZM26) in corn (SYN-IR604-8).

*Summary of Request:* This application is for use on 3,336 acres between February 2011 and June 2012. Two protocols will be conducted, including: Insect resistance management and efficacy/expression. States and Commonwealth involved include: Arkansas, California, Colorado, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota,

Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, Washington, and Wisconsin.

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 12, 2011.

**Keith A. Matthews,**

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

[FR Doc. 2011-1473 Filed 1-25-11; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2010-0830; FRL-8854-2]

**Pesticides; Science Policies; Notice of Withdrawal and Notice of Availability**

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

**ACTION:** Notice.

**SUMMARY:** EPA announces the withdrawal of two pesticide science policy documents that are no longer in use, entitled: "The Incorporation of Water Treatment Effects on Pesticide Removal and Transformations in Food Quality Protection Act (FQPA) Drinking Water Assessments," dated October 25, 2001, and "Drinking Water Screening Level Assessments," dated September 1, 2000. EPA also announces the availability of two updated pesticide science policy documents, entitled: "The Development and Use of the Index Reservoir in Drinking Water Exposure Assessments," dated April 15, 2010, and "Guidance on Development and Use of Percent Cropped Area Adjustment," dated September 9, 2010.

**FOR FURTHER INFORMATION CONTACT:** Marietta Echeverria, Environmental Fate and Effects Division (7507P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-

8578; fax number: (703) 308-6181; e-mail address: [echeverria.marietta@epa.gov](mailto:echeverria.marietta@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, however, may be of interest to persons who produce or formulate pesticides or who register pesticide products. 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. How can I get copies of this document and other related information?

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2010-0830. 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 Office of Pesticide Programs (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.

### II. Background

The Food Quality Protection Act of 1996 significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*) and the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346). Among other changes, FQPA established a stringent health-based standard (“a reasonable certainty of no harm”) for pesticide residues in foods to assure protection from unacceptable pesticide exposure and strengthened health protections for infants and children from pesticide risks.

Working with stakeholders and a Federal advisory committee, the Agency identified several science policy issues that were key to the implementation of FQPA and tolerance reassessment. In the **Federal Register** of October 29, 1998 (63 FR 58038) (FRL-6041-5), EPA published a framework to describe the issues, and the public participation process that EPA would use to review the documents developed to address the issues identified. Following that process, EPA then issued a series of

draft and revised documents concerning the nine science policy issues that were identified. The documents are available at <http://www.epa.gov/oppfead1/trac/science/>. Since that time, EPA has periodically identified the need to update the documents to ensure that the policy and guidance provided is current. This **Federal Register** notice announces the withdrawal of two obsolete documents and the availability of two updated documents.

### III. Status Update for Pesticide Science Policy Documents

#### A. Withdrawn Documents

EPA is withdrawing the pesticide science policy document “The Incorporation of Water Treatment Effects on Pesticide Removal and Transformations in Food Quality Protection Act (FQPA) Drinking Water Assessments,” dated October 25, 2001, because it is obsolete. When drafted in 2001, this science policy document was developed with two objectives: (1) To present a preliminary literature review on the impact of different treatment processes on pesticide removal and transformation in treated drinking water derived from ground and surface water sources; and (2) to describe how OPP would consider the impacts of drinking water treatment in drinking water exposure assessments under FQPA. Since the issuance of this policy document, OPP has adjusted its methods for estimating pesticide concentrations in drinking water, using a variety of data and different models. Up to date information on the methods, models and databases used for drinking water exposure assessments is available at [http://www.epa.gov/pesticides/science/models\\_db.htm](http://www.epa.gov/pesticides/science/models_db.htm).

EPA is also withdrawing the science policy document entitled: “Drinking Water Screening Level Assessments,” dated September 1, 2000, because the information it provided has been superseded by the two updated documents whose availability is announced in the next section.

#### B. Updated Documents

The updated science policy document entitled “Development and Use of the Index Reservoir in Drinking Water Exposure Assessments,” dated April 15, 2010, updates and supersedes the science policy document entitled “Guidance for Use of the Index Reservoir in Drinking Water Exposure Assessments,” dated November 16, 1999. It also reflects changes in procedures, error corrections, and editorial modifications to improve clarity and completeness. This science

policy document is intended to provide guidance on the development and use of the index reservoir scenario for use in estimating pesticide concentrations in drinking water derived from vulnerable surface water supplies. Between 1996, after passage of the FQPA, and 2000 the Agency used the “standard pond” as an interim scenario for drinking water exposure. In 2000, the Agency began using the index reservoir scenario to represent a watershed capable of supporting a drinking water facility that is prone to high pesticide concentrations. With the use of the index reservoir scenario, the Office of Pesticide Programs was able to improve the quality and accuracy of its models for estimating pesticide concentrations in drinking water. This updated pesticide science policy document is available online at [http://www.epa.gov/oppfed1/models/water/index\\_reservoir\\_dwa.html](http://www.epa.gov/oppfed1/models/water/index_reservoir_dwa.html).

The updated science policy document entitled “Development and Use of Percent Cropped Area Adjustment Factors in Drinking Water Exposure Assessments,” dated September 9, 2010, merges two previous documents, entitled “Percent Crop Area Adjustment to Tier 2 Surface Water Model Estimates for Pesticide Drinking Water Exposure Assessments,” dated December 7, 1999, and “Use of Regional Percent Crop Area Factors in Refined Drinking Water Assessments,” dated July 23, 2003, and supersedes both of them. The updated science policy document is intended to provide guidance on the development and use of the percent cropped area (PCA) adjustment factors in estimating the exposure in drinking water derived from vulnerable surface water supplies. Since the passage of FQPA in 1996 through 2000, the Agency assumed the entire area of the watershed was planted with the crop of interest (*i.e.* crop coverage). In 2000, the Agency began using the PCA adjustment factor to account for the percentage of the watersheds planted with a crop, recognizing that a watershed large enough to support a drinking water facility will not usually be planted completely with a single crop. Use of this factor improves the quality and accuracy of OPP’s modeling of drinking water exposure for pesticides. This updated pesticide science policy document is available online at [http://www.epa.gov/oppfed1/models/water/pca\\_adjustment\\_dwa.html](http://www.epa.gov/oppfed1/models/water/pca_adjustment_dwa.html).

### IV. Policies Not Rules

The policy documents discussed in this notice are intended to provide guidance to EPA personnel and decision makers, and to the public. As a guidance

document and not a rule, the policies in this guidance are not binding on either EPA or any outside parties. Although this guidance provides a starting point for EPA risk assessments, EPA will depart from its policy where the facts or circumstances warrant. In such cases, EPA will explain why a different course was taken. Similarly, outside parties remain free to assert that a policy is not appropriate for a specific pesticide or that the circumstances surrounding a specific risk assessment demonstrate that a policy should not be applied.

**List of Subjects**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: January 19, 2011.

**Stephen A. Owens,**

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2011-1633 Filed 1-25-11; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2010-0014; FRL-8861-4]

**Product Cancellation Order for Certain Pesticide Registrations**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 of Unit II., pursuant to section 6(f)(1) of the Federal Insecticide,

Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a June 16, 2010 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 2 of Unit II. to voluntarily cancel these product registrations. In the June 16, 2010 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 180-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the Agency received notice from Waterbury Companies, Inc. to withdraw its cancellation request for product 9444-170. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

**DATES:** The cancellations are effective January 26, 2011.

**FOR FURTHER INFORMATION CONTACT:**

Maia Tatinclaux, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; *telephone number:* (703) 347-0123; *fax number:* (703) 308-8090; *e-mail address:* [tatinclaux.maia@epa.gov](mailto:tatinclaux.maia@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. How can I get copies of this document and other related information?*

EPA has established a docket for this action under docket identification (ID) number EPA-HQ-OPP-2010-0014. 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 Office of Pesticide Programs (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.

**II. What action is the agency taking?**

This notice announces the cancellation, as requested by registrants, of 54 products registered under FIFRA section 3 or section 24(c). These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Product name	Active ingredients
000004-00059	Bonide Rose & Flower Dust	Malathion Carbaryl Captan.
000228-00629	SFM E-PRO 75 EG Herbicide	Sulfometuron.
000228-00683	ET-002	Sulfometuron.
000279-03392	CB-38-3 WB	Piperonyl Butoxide Pyrethrins.
000432-00800	Esbiol 90% Concentrate	S-Bioallethrin.
000432-00801	Esbiothrin 90% Concentrate	Esbiothrin.
000432-00802	Bioallethrin 90% Concentrate	Bioallethrin.
000432-00841	DS 215 Professional Insecticide	S-Bioallethrin Deltamethrin.
000432-00848	DS 210 Professional Insecticide	S-Bioallethrin Deltamethrin.
000432-0870	Esbiol 300 Insecticide	S-Bioallethrin.
000432-0871	Esbiol 2000 Insecticide	S-Bioallethrin.
000498-0149	Chase-MM Flying and Crawling Insect Killer	Bioallethrin MGK 264 Permethrin.
000498-00170	Spraypak Wasp & Hornet Killer, Formula 2	d-Allethrin Phenothrin.
000769-00594	R&M Permethrin Flea & Tick Dip #2	MGK 264 Permethrin.
000769-0965	Sureco Permethrin Powder	Permethrin.
002517-00022	Double Duty Bird Guard	Paradichlorobenzene.
002517-00049	Sergeant's Pump Soap for Dogs	Bioallethrin MGK 264 Phenothrin.
002517-00059	Sergeant's Skip-Flea Soap (with D-Phenothrin)	MGK 264 Phenothrin.
002517-00067	Sergeant's Flea and Tick Dip	MGK 264 Permethrin.
002517-00074	Sergeant's Flea & Tick Spray	MGK 264 Permethrin.