

follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2002-0353. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to opp-docket@epa.gov, Attention: Docket ID Number OPP-2002-0353. In contrast to EPA's electronic public docket, EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency (7502C), 1200 Pennsylvania Ave., NW., Washington, DC, 20460-0001, Attention: Docket ID Number OPP-2002-0353.

3. *By hand delivery or courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP-2002-0353. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

#### *D. How Should I Submit CBI To the Agency?*

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, 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 CBI). Information so marked will not be

disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any 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 and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

#### *E. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

## **II. Background**

Both Mycogen Seeds/Dow AgroSciences LLC and Pioneer Hi-Bred International have applied to amend EUPs 68467-EUP-3, 68467-EUP-5, 29964-EUP-1, and 29964-EUP-3 for *Bacillus thuringiensis* Cry34/35Ab1 protein and the genetic material necessary for its production (from the insert of plasmid PHP 14352) in corn and *Bacillus thuringiensis* Cry34/35Ab1 protein and the genetic material necessary for its production (from the insert of plasmid PHP 12560) in corn to allow plant material grown under these EUPs to be used for food and/or feed. The original notice of approval for these EUPs published in the **Federal Register** on February 20, 2002 (67 FR 7688)

(FRL-6820-3). Under the original notice, the Cry34/35Ab1 proteins were described as 149B1 protein since they had not yet received their *Bacillus thuringiensis* Pesticidal Crystal Proteins Nomenclature designation, [http://www.biols.susx.ac.uk/home/Neil\\_Crickmore/Bt/](http://www.biols.susx.ac.uk/home/Neil_Crickmore/Bt/). These proteins have now been designated as Cry34Ab1 and Cry35Ab1 by the *Bacillus thuringiensis* Pesticidal Crystal Proteins Nomenclature Committee, a non-governmental scientific committee.

Mycogen Seeds/Dow AgroSciences LLC and Pioneer Hi-Bred International have also applied for EUPs involving *Bacillus thuringiensis* Cry34/35Ab1 protein and the genetic material necessary for its production (from the insert of plasmid PHP 17662) in corn, and *Bacillus thuringiensis* Cry34/35Ab1 protein and the genetic material necessary for its production (from the insert of plasmid PHP 17658) in corn. These EUPs have been proposed as non-crop destruct.

For Mycogen Seeds/Dow AgroSciences LLC, 394 acres each are proposed under 68467-EUP-I and 68467-EUP-T for testing in Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Puerto Rico, South Dakota, Texas, and Wisconsin. Testing is to include maize breeding and observation nursery, maize agronomic observation, herbicide tolerance, maize efficacy, insect resistance management, and maize demonstration trials.

For Pioneer Hi-Bred International, 623 acres are proposed under 29964-EUP-U and 624 acres are proposed under 29964-EUP-L for testing in California, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, and Wisconsin. Testing is to include insect resistance management, maize agronomic observation, maize breeding and observation nursery, maize demonstration, maize efficacy, maize hybrid production plots, maize regulatory field studies, non-target organism, and herbicide tolerance trials.

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

Following the review of the Mycogen Seeds/Dow Agrosciences LLC and Pioneer Hi-Bred International's applications and any comments and data received in response to this notice, EPA will decide whether to issue or deny these EUP requests. Any issuance of EUPs will be announced in the **Federal Register**.