

intended use are fulfilled.” Validation is typically performed in two phases. The first phase provides evidence on general performance of a measurement system for a range of materials that define a matrix class; the second phase (often called “verification”), demonstrates that the requirements for a specific use are met. Both phases are important for scientific and legal defensibility.

More general measurement requirements call for more specific validation processes. A general requirement on accuracy that is specified in a manner independent of technique, method, or instrument should be accompanied by detailed validation for each method of measurement. Conversely, a measurement quality requirement to use a particular procedure can require essentially no validation, as a detailed procedure often includes a complete specification of required quality control activities.

EPA intends to develop processes for validation that allow for an appropriate choice of specificity. For some applications, validation processes may continue to use defined procedures with ongoing quality control. For other applications, validation processes may place emphasis on greater flexibility and include verification that the requirements for a specific use are achieved.

(3) Increase Collaboration With Stakeholders To Develop Validation Processes for New Measurement Technology

Validation required for new technology may be difficult to specify in advance due to the wide variety of performance issues which may be encountered. The Agency anticipates that developing validation processes for applications of new technology will require collaborating with stakeholders to ensure timely development of these processes. During this process, the Agency expects to continue to play a key role in the validation development.

(4) Timely Assessment of New or Modified Technologies, Methods, and Procedures

In the event that the measurement requirements in a program are specific to a technology, method, or procedure, the Agency is committed to the assessment of proposed alternatives to these requirements and to rendering timely decisions of these alternatives when approval is sought.

Today's notice is not a formal agency action, but a statement of the Agency's approach to environmental measurement flexibility. It creates no

rights enforceable by any party in litigation with the United States.

Dated: June 30, 2009.

Kevin Teichman,

Acting EPA Science Advisor.

[FR Doc. E9-17402 Filed 7-21-09; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0481; FRL-8429-8]

Proposed Stipulated Injunction Involving Pesticides and Eleven Species Listed as Threatened or Endangered Under the Endangered Species Act; Notice of Availability; Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; reopening of comment period.

SUMMARY: EPA issued a notice in the **Federal Register** of July 1, 2009, announcing the availability of a proposed Stipulated Injunction that would establish a series of deadlines for the Agency to make “effects determinations” and initiate consultation, as appropriate, with the U.S. Fish and Wildlife Service for certain pesticides in regard to one or more of 11 species found in the greater San Francisco Bay area that are listed as endangered or threatened under the Endangered Species Act. The proposed Stipulated Injunction, if entered by the Court, would resolve a lawsuit brought against EPA by the Center for Biological Diversity in the United States District Court for the Northern District of California. The July 1, 2009 notice provided a 15-day comment period which closed on July 16, 2009. This document reopens the comment period for 30 days.

DATES: Comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-0481, must be received on or before August 17, 2009.

ADDRESSES: Follow the detailed instructions as provided under **ADDRESSES** in the **Federal Register** document of July 1, 2009.

FOR FURTHER INFORMATION CONTACT: Arty Williams, Environmental Fate and Effects Division (7507P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-7695; e-mail address: williams.arty@epa.gov.

SUPPLEMENTARY INFORMATION: On July 1, 2009 (74 FR 31427) (FRL-8425-1), EPA

issued a notice in the **Federal Register** opening a 15-day comment period on a proposed Stipulated Injunction. The proposed Stipulated Injunction if entered by the United States District Court for the Northern District of California, would resolve a lawsuit brought against EPA by the Center for Biological Diversity (*Center for Biological Diversity v. EPA*, No. C 07-02794 JCS (N.D.Cal.)).

The original comment period closed on July 16, 2009. However, based on comments received, EPA is reopening the comment period for 30 days to allow the public additional time to develop meaningful comments on the proposed Stipulated Injunction. Comments must be received on or before August 17, 2009.

To submit comments, or access the docket, please follow the detailed instructions as provided under **ADDRESSES** in the July 1, 2009 **Federal Register** document. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection,
Endangered species.

Dated: July 15, 2009.

Debra Edwards,

Director, Office of Pesticide Programs.

[FR Doc. E9-17396 Filed 7-17-09; 4:15 pm]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

EPA-HQ-OPP-2009-0484; FRL-8425-8]

Notice of Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the Agency's receipt of several initial filings of pesticide petitions proposing the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before August 21, 2009.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number and the pesticide petition number (PP) for the petition of interest as shown in the body of this document, 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 number and the pesticide petition number of interest as shown in the body of this document. 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: A contact person, with telephone number and e-mail address, is listed at the end of each pesticide petition summary. You may also reach each contact person by mail at Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. 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 applicability of this action to a particular entity, consult the person listed at the end of the pesticide petition summary of interest.

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.

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 a typical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What Action is the Agency Taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug,

and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or modification of regulations in 40 CFR part 174 or part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that the pesticide petitions described in this notice contain the data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that is the subject of this notice, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available on-line at <http://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerance Exemptions

1. *PP 7E7188*. (EPA-HQ-OPP-2009-0407). Sellew and Associates LLC., 84 Shadybrook Lane, Carlisle, MA 01741, proposes to establish an exemption from the requirement of a tolerance for residues of the microbial pesticide, *Trichoderma hamatum* Isolate 382, in or on all food commodities. The petitioner believes no analytical method is needed because Sellew and Associates LLC., is proposing to establish an exemption from the requirement of a tolerance without numerical limitation. For this reason an analytical method for detecting and measuring levels of the pesticide residue is considered unnecessary. Contact: Ann Sibold, (703) 305-6502, sibold.ann@epa.gov.

2. *PP 9F7558*. (EPA-HQ-OPP-2009-0440). Technology Sciences Group Inc., 1150 18th St., NW., Suite 1000, Washington, DC 20036, acting on behalf of Biomor Israel Ltd., PO Box 81, Qatzrin 12900, ISRAEL, proposes to establish an exemption from the requirement of a tolerance for residues of the biochemical pesticide, Tea Tree Oil, in or on all food commodities. The petitioner believes no analytical method is needed because Biomor Israel Ltd., is proposing to establish an exemption

from the requirement of a tolerance without numerical limitation. For this reason an analytical method for detecting and measuring levels of the pesticide residue is considered unnecessary. Contact: Raderrio Wilkins, (703) 308-1259, wilkins.raderrio@epa.gov.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 15, 2009.

W. Michael McDavit,

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

[FR Doc. E9-17401 Filed 7-21-09; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-0365; FRL-8425-4]

Azinphos-methyl; Notice of Receipt of Request for Label Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is seeking public comment on a June 18, 2009 request by azinphos-methyl (AZM) registrants to amend their registrations to change the rate reductions outlined in the November 16, 2006 final decision for some of the remaining uses of AZM, and to extend the use of aerial application on blueberries in Michigan through the end of the AZM phase out in 2012. On November 16, 2006, EPA issued a final decision to phase out all uses of AZM not later than September 30, 2012 and to require certain interim risk mitigation measures through label changes. Risk mitigation measures in the final decision include buffer zones around water bodies and occupied structures, application rate reductions, and stewardship programs. The request by the registrants is a request to change some of the rate reductions and certain application practices that have been required through the end of the AZM phaseout; the registrants have not requested to extend the use of AZM beyond the September 30, 2012 cancellation date for the remaining uses of AZM.

DATES: Comments must be received on or before September 21, 2009.

ADDRESSES: Submit your comments identified by the docket identification

(ID) number EPA-HQ-OPP-2009-0365, 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 number EPA-HQ-OPP-2009-0365. 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 or e-mail. The 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, 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