

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:* Monsanto Company, (524-EUP-1).

*Pesticide Chemical:* *Bacillus thuringiensis* Cry1Ac protein and the genetic material necessary for its production (vector PV-GMIR9) in MON 87701 soybean.

*Summary of Request:* Monsanto Company has requested an amendment and extension of permit 524-EUP-1, which was first granted by EPA on September 13, 2007 and extended on April 11, 2008. Under the existing EUP, plantings are permitted through July 31, 2009. Monsanto is now proposing to extend the experimental program until December 31, 2010 and to amend it by conducting testing with up to 0.466 pounds of Cry1Ac protein and the genetic material necessary for its production in MON 87701 soybean on 1,362 acres (282.86 acres of non-PIP and border rows are also proposed for a total of 1,644.86 acres). Two trial protocols will be conducted, including:

- Breeding and observation.
- Regulatory trials.

States and Commonwealth involved in the trials include: Arkansas, Illinois, Indiana, Kentucky, Maryland, Missouri, North Carolina, Puerto Rico, South Carolina, and Virginia.

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 16, 2009.

**Janet L. Andersen,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8766-9]

### Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended; Atlas Iron and Metal Site

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

**ACTION:** Notice, request for public comments.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. 9622(i), notice is hereby given of a proposed Administrative Agreement for Recovery of Past Response Costs ("Agreement," Region 9 Docket No. 9-2009-04) pursuant to Section 122(h) of CERCLA concerning the Atlas Iron and Metal Site (the "Site"), located in Los Angeles, Los Angeles County, California. The settling parties are S&W Atlas Iron and Metal Co., Inc., and 10019 S. Alameda LLC ("Respondents"). Through the proposed Agreement, the Respondents will reimburse the United States \$74,000 for response costs incurred at the Site. The Agreement provides Respondents with a covenant not to sue for response costs at the Site, and contribution protection. For thirty (30) days following the date of publication of this Notice, the Agency will receive written comments relating to the proposed Agreement. The Agency's response to any comments received will be available for public inspection at EPA's Region IX offices, located at 75 Hawthorne Street, San Francisco, California 94105.

**DATES:** Comments must be submitted on or before March 6, 2009.

**ADDRESSES:** The proposed Agreement may be obtained from Andrew Helmlinger, in the Office of Regional Counsel, telephone (415) 972-3904. Comments regarding the proposed Agreement should be addressed to Andrew Helmlinger at the U.S. Environmental Protection Agency (ORC-3), 75 Hawthorne Street, San Francisco, California 94105, and should reference the Atlas Iron and Metal Site Agreement, and Region IX Docket No. 9-2009-04.

**FOR FURTHER INFORMATION CONTACT:** Andrew Helmlinger, Office of Regional Counsel, (415) 972-3904, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Dated: January 6, 2009.

**Keith A. Takata,**

*Director, Superfund Division.*

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