

ornamental herbaceous plants, ornamental non-flowering plants, ornamental woody shrubs and vines, pine, and tobacco. Carbofuran is applied by aircraft or ground equipment by methods that include broadcast, banded, in furrow, and drip irrigation. An estimated 1.5 million pounds of carbofuran are used annually.

EPA is providing an opportunity, through this notice, for interested parties to provide comments and input on the Agency's risk assessment for carbofuran. Such comments and input could address, for example, the availability of additional data to further refine the risk assessments, such as data pertaining to dietary, drinking water or worker exposure, or could address the Agency's risk assessment methodologies and assumptions as applied to this specific pesticide.

EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, 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, unusually high exposure to carbofuran, compared to the general population.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004 (69 FR 26819) (FRL-7357-9), explains that in conducting these programs, EPA is

tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. EPA plans to review carbofuran through the full 6-Phase public participation process. However, if as a result of comments received during the current Phase 3 public comment period the Agency finds that issues can be resolved without a second comment period in Phase 5, EPA may proceed directly to the end of the process and develop a risk management decision.

Comments should be limited to issues raised within the risk assessment(s) and associated documents. Failure to comment on any such issues as part of this opportunity will not limit a commenter's opportunity to participate in any later notice and comment processes on this matter. All comments should be submitted using the methods in Unit I. of the **SUPPLEMENTARY INFORMATION**, and must be received by EPA on or before the closing date. Comments will become part of the Agency Docket for carbofuran. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

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

Section 4(g)(2) of FIFRA as amended directs that, after submission of all data concerning a pesticide active ingredient, "the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration," before calling in product-specific data on individual end-use products and either reregistering products or taking other "appropriate regulatory action."

Section 408(q) of the FFDCA, 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006.

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: September 1, 2005

**Debra Edwards,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

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**BILLING CODE 6560-50-S**

#### **ENVIRONMENTAL PROTECTION AGENCY**

[OPP-2005-0199; FRL-7724-4]

#### **Pesticide Product; Registration Approval**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval of an application to register the pesticide product, *Mycogen Brand B.t. moCry1F* Insect Resistant Corn Seed and *Florbac Slurry* containing active ingredients not included in any previously registered product pursuant to the provisions of section 3(c)7 and 3(c)5 respectively of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** The Regulatory Action Leader listed in the table in this unit:

File Symbol	Regulatory Action Leader	Mailing Address	Telephone Number/E-mail Address
68467-4	Sharlene R. Matten	Biopesticides and Pollution Prevention Division (7511C), Office of Pesticides, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001	(703) 605-0514 matten.sharlene@epa.gov
73049-68	Alan H. Reynolds	Do.	(703) 605-0515 reynolds.alan@epa.gov

#### **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 persons listed under **FOR FURTHER INFORMATION CONTACT**.

*B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2005-0199. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

In accordance with section 3(c)(2) of FIFRA, a copy of the approved label, the list of data references, the data and other scientific information used to support registration, except for material specifically protected by section 10 of FIFRA, are also available for public inspection. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. The request should: Identify the product name and registration number and specify the data or information desired.

A paper copy of the fact sheet, which provides more detail on this registration, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22161.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents

of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

## II. Did EPA Approve the Application?

The Agency approved the application after considering all required data on risks associated with the proposed uses of *Bacillus thuringiensis* var. *aizawai* strain PS811 Cry1F insecticidal crystal protein and the genetic material necessary for its production (plasmid insert PHP12537) in Event DAS-06275-8 corn, and *Bacillus thuringiensis* var. *aizawai* strain NB 200, and information on social, economic, and environmental benefits to be derived from using them. Specifically, the Agency has considered the nature of the chemicals and their patterns of use, application methods and rates, and level and extent of potential exposure. Based on these reviews, the Agency was able to make basic health and safety determinations which show that uses of *Bacillus thuringiensis* var. *aizawai* strain PS811 Cry1F insecticidal crystal protein and the genetic material necessary for its production (plasmid insert PHP12537) in Event DAS-06275-8 corn, and *Bacillus thuringiensis* var. *aizawai* strain NB 200 when used in accordance with widespread and commonly recognized practice, will not generally cause unreasonable adverse effects on the environment.

## III. Approved Application

1. EPA issued a notice, published in the **Federal Register** of September 1, 2004 (69 FR 53432) (FRL-7370-3), which announced that Mycogen Seeds, c/o Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268, had submitted an application to register the pesticide product, *Mycogen Brand B.t. moCry1F* Insect Resistant Corn Seed (EPA File Symbol 68467-U), a plant-incorporated protectant, containing *Bacillus thuringiensis* var. *aizawai* strain PS811 Cry1F insecticidal crystal protein and the genetic material necessary for its production (plasmid insert PHP12537) in Event DAS-06275-8. This product was not previously registered.

The Agency received one public comment in response to the September 1, 2004 notice. A private citizen objected to the registration of *Bacillus thuringiensis* *moCry1F* protein and the genetic material for its production

(plasmid insert PHP 12537) in Event DAS-06275-8 corn, based on unspecified environmental and human health effects associated with genetically modified crops. The Agency understands the commenter's concerns. Pursuant to its authority under the Federal Insecticide, Fungicide, and Rodenticide Act, EPA conducted an assessment of this plant-incorporated protectant and concluded that it will pose no unreasonable adverse effects to human health or the environment.

This application was approved on May 27, 2005, as *Mycogen Brand B.t. moCry1F* Insect Resistant Corn Seed (EPA Registration Number 68467-4) for control of black cutworm, corn earworm, European corn borer, fall armyworm, Southwestern corn borer, and Western bean cutworm.

2. EPA issued a notice, published in the **Federal Register** of September 19, 2001 (66 FR 48256) (FRL-6794-5), which announced that Valent Biosciences Corporation, 870 Technology Way, Libertyville, IL 60048, had submitted an application to register the pesticide product, *Florbac Slurry*, a microbial insecticide (EPA File Symbol 73049-AI), containing *Bacillus thuringiensis* var. *aizawai* strain NB 200. This product was not previously registered.

This application was approved on June 10, 2005, as *Florbac Slurry* (EPA Registration Number 73049-68) for manufacturing use.

## List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: September 1, 2005.

**Phil Hutton,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7968-6]

### Omega Chemical Superfund Site; Notice of Proposed CERCLA Administrative De Minimis Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i),