

TABLE 1.—SUMMARY OF SELECTION CRITERIA FOR CARBAMATE CAG GROUPING—Continued

|             | N-methyl? | Registration                         |   | PDP Data                |                  | Phase Out or Cancellation? |
|-------------|-----------|--------------------------------------|---|-------------------------|------------------|----------------------------|
|             |           | Food Use Registration <sup>a</sup> ? | Non-Food Use Registration (e.g., Residential Uses)? | Any PDP Data Available? | Any PDP Detects? |                            |
| Molinate    |           |                                      |   | X                       |                  | X                          |
| Pebulate    |           |                                      |   | X                       |                  |                            |
| Vernolate   |           |                                      |   | X                       |                  |                            |
| Diallate    |           |                                      |   |                         |                  | X                          |
| Triallate   |           | X                                    |   | X                       |                  |                            |
| Thiobencarb |           | X                                    |   | X                       |                  |                            |
| Mancozeb    |           | X                                    | X   |                         |                  |                            |
| Maneb       |           | X                                    | X   |                         |                  |                            |
| Metiram     |           | X                                    | X   |                         |                  |                            |
| Zineb       |           |                                      |   |                         |                  | X                          |
| Metam Na, K |           | X                                    | X   |                         |                  |                            |
| Thiram      |           | X                                    | X   |                         |                  |                            |
| Ferbam      |           | X                                    | X   |                         |                  |                            |
| Ziram       |           | X                                    | X   |                         |                  |                            |

<sup>a</sup> This includes Food Handling Establishment use for carbaryl and propoxur

<sup>b</sup> 2-(ethoxyethoxy)ethyl 2-benzimidazole carbamate

<sup>c</sup> 3-iodo-2-propynyl butylcarbamate (aka Trotsan polyphase)

<sup>d</sup> Thiodicarb is a dimer of methomyl and is analyzed as methomyl by the PDP program

Note: The following carbamate pesticides were excluded from the above table since they are not N-methyl carbamates, they do not possess current U.S. registrations for food or non-food uses, there exist no detections in the USDA PDP program, and there is no indication that these have been actively phased out or cancelled: Alanycarb, allylcarb, benfuracarb, butacarb, butocarboxim, butoxycarboxim, carbanolate, carboxazole, chlorprocarb, decarbofuran, dichlormate, dicresyl, dimetan, dioxacarb, EMPC, fenasulam, fenethacarb fenobucarb furathiocarb, hyquincarb, nitrilcarb, promacyl tazimcarb, terbucarb thiocarboxime, thiofanox, XMC, xylycarb, and NaDMDTC.

#### D. References

1. International Life Sciences Institute (ILSI). 1999 Common Mechanism of Toxicity: Evaluation of Carbamate Pesticides, International Life Science Institute Report, Washington DC.

2. Mileson, B., JE Chambers, WL Chen, W Dettbarn, M Ehrich, AT Eldefrawi, DW Gaylor, K Hammernik, E Hodgson, AG Karczmar, S Padilla, CN Pope, RJ Richardson, DR Saunders, LP Sheets, LG Sultatos and KB Wallace. Common Mechanism of Toxicity: a case study of organophosphorus pesticides. Toxicological Sciences 41, pp.8–20.

3. USEPA, 1999a. A Science Policy on a Common Mechanism of Toxicity: The Carbamate Pesticides And the Grouping of Carbamate with the Organophosphorus Pesticides; draft document. August 30, 1999. <http://www.epa.gov/scipoly/sap/1999/september/carbam.pdf>.

4. USEPA, 1999b. SAP Report No. 99-05. November 18, 1999. <http://www.epa.gov/scipoly/sap/1999/september/finalrpt.pdf>.

[www.epa.gov/scipoly/sap/1999/september/finalrpt.pdf](http://www.epa.gov/scipoly/sap/1999/september/finalrpt.pdf).

5. USEPA, 2001a. Memorandum from Marcia Mulkey to Lois Rossi. Implementation of the Determinations of a Common Mechanism of Toxicity for N-Methyl Carbamate Pesticides and for Certain Chloroacetanilide Pesticides. July 12, 2001. [http://www.epa.gov/oppfead1/cb/csb\\_page/updates/carbamate.pdf](http://www.epa.gov/oppfead1/cb/csb_page/updates/carbamate.pdf).

6. USEPA, 2001b. Memorandum from Paul Lewis to Marcia Mulkey. SAP Report 2001–11. November 1, 2001. <http://www.epa.gov/scipoly/sap/2001/september7/september2001finalsapreport.pdf>.

7. USEPA, 2002a. Organophosphate Pesticides; Availability of the Revised Organophosphate Cumulative Risk Assessment. (67 FR 41993; June 20, 2002)

8. USEPA, 2002b. Guidance on Cumulative Risk Assessment of Pesticide Chemicals That Have a Common Mechanism of Toxicity.

January 14, 2002. (67 FR 2210; January 16, 2002) [http://www.epa.gov/pesticides/trac/science/cumulative\\_guidance.pdf](http://www.epa.gov/pesticides/trac/science/cumulative_guidance.pdf).

#### List of Subjects

Environmental protection.

Dated: January 20, 2004.

**James Jones,**

Director, Office of Pesticides Program.

[FR Doc. 04–2157 Filed 2–3–04; 8:45 am]

**BILLING CODE 6560–50–S**

#### ENVIRONMENTAL PROTECTION AGENCY

[OPP–2004–0008; FRL–7341–9]

#### Experimental Use Permit; Receipt of Application

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

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of an application 68467-EUP-6 from Dow AgroSciences requesting an experimental use permit (EUP) amendment/extension for the *Bacillus thuringiensis* variant Aizawai strain PS811 CryIF; *Bacillus thuringiensis* variant Kurstaki strain HD73 Cry1Ac insecticidal proteins in cotton. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

**DATES:** Comments, identified by docket ID number OPP-2004-0008, must be received on or before March 5, 2004.

**ADDRESSES:** Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Leonard Cole, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-5412; e-mail address: [cole.leonard@epa.gov](mailto:cole.leonard@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 may, however, be of interest to those persons involved in industry, crop production, animal production, food manufacturing, and pesticide manufacturing. 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?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2004-0008. 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, 1921 Jefferson Davis Hwy., 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.

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. Once in the system, select "search," then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. 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. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA

identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

*C. How and To Whom Do I Submit Comments?*

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. 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.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket/>, and follow the online instructions for submitting comments. Once in the system, select "search," and then key in docket ID number OPP-2004-0008. 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](mailto:opp-docket@epa.gov), Attention: Docket ID Number OPP-2004-0008. 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) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001, Attention: Docket ID Number OPP-2004-0008.

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-2004-0008. 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

Dow AgroSciences has applied to amend/extend EUP 68467-EUP-6 for *Bacillus thuringiensis* variant Aizawai strain PS811 CryIF; *Bacillus thuringiensis* variant Kurstaki strain HD73 Cry1Ac insecticidal proteins in cotton to allow the planting of 4,951 acres of cotton. The Dow AgroSciences program is authorized in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and

Virginia. The original notice of approval for this EUP was published in the **Federal Register** on November 19, 2003 (68 FR 65285) (FRL-7329-5).

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

Following the review of the Dow AgroSciences application and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

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

The specific legal authority for EPA to take this action is under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 5.

#### List of Subjects

Environmental protection,  
Experimental use permits.

Dated: January 22, 2004.

**Janet L. Andersen,**

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

[FR Doc. 04-2158 Filed 2-3-04; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[Docket ID Number OECA-2004-0002; FRL-; CWA-HQ-2003-6000; CAA-HQ-2003-6000; EPCRA-HQ-2003-6000; FRL-7618-4]

#### Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding Nash Finch Company

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

**ACTION:** Notice.

**SUMMARY:** EPA has entered into a consent agreement with Nash Finch Company ("Nash Finch" or "Respondent") to resolve violations of the Clean Water Act ("CWA"), the Clean Air Act ("CAA"), and the Emergency Planning and Community Right-to-Know Act ("EPCRA") and their implementing regulations.

The Administrator is hereby providing public notice of this consent agreement and proposed final order, and providing an opportunity for interested persons to comment on the CWA portions of this consent agreement, in accordance with CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C).