

to the Freedom of Information Office (A-101), 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

**Authority:** 7 U.S.C. 136.

#### List of Subjects

Environmental protection, Pesticides and pests, Product registration.

Dated: August 26, 1997.

**Janet L. Andersen,**

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

[FR Doc. 97-23687 Filed 9-9-97; 8:45 am]

BILLING CODE 6560-50-F

#### ENVIRONMENTAL PROTECTION AGENCY

[OPP-30439; FRL-5740-5]

#### Certain Companies; Applications to Register Pesticide Products

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

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of applications to register a pesticide product containing a new active ingredient not included in any previously registered product and a product involving a change use pattern pursuant to the provisions of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATES:** Written comments must be submitted by October 10, 1997.

**ADDRESSES:** By mail, submit written comments identified by the document control number [OPP-30439] and the file symbols to: Public Information and Records Integrity Branch (7506C), Information Resources and Services Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460. In person, bring comments to: Environmental Protection Agency, Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under

"SUPPLEMENTARY INFORMATION." No Confidential Business Information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays.

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

Regulatory Action Leader	Office location/telephone number	Address
Michael Mendelsohn .....	5th floor, CS #1, 703-308-8715, e-mail: mendelsohn.mike@epamail.epa.gov.	2800 Crystal Drive, Arlington, VA
Sheila Moats, .....	Rm. 5-W39, CS #1, 703-308-1259, e-mail: moats.sheila@epamail.epa.gov.	-Do-

**SUPPLEMENTARY INFORMATION:** EPA received applications as follows to register a pesticide product containing an active ingredient not included in any previously registered product and a product involving a change use pattern pursuant to the provision of section 3(c)(4) of FIFRA. Notice of receipt of these applications does not imply a decision by the Agency on the applications.

#### I. Product Containing a New Active Ingredient Not Previously Registered

File Symbol: 70759-R. Applicant: EM Industries Inc./Rona, 7 Skyline Drive, Hawthorne, NY 10532. Product Name: Insect Repellent 3535. Biochemical. Active ingredient: 3-[N-Butyl-N-acetyl]-aminopropionic acid, ethyl ester at 98 percent. Proposed classification/Use: None. For use only in the formulation of insect repellent products against mosquitoes, deer ticks, body lice, and biting flies. (Sheila Moats)

#### II. Product Involving a Change Use Pattern

File Symbol: 65268-R. Applicant: Rogers Seed Company, 600 N. Armstrong Place, Boise, ID 83704.

Product Name: Attribute Insect Protected Sweet Corn. Active ingredient: *Bacillus thuringiensis* CryIA(b) delta-endotoxin and the genetic material (plasmid vector pZO1502) necessary for its production in corn at 0.0002-0.0006 percent. Proposed classification/Use: None. To include in its presently registered field corn use, a new use of the *Bt* protein plant pesticide active ingredient for the control of the European Corn Borer and Corn Earworm in sweet corn. (Mike Mendelsohn)

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application.

The official record for this notice, as well as the public version, has been established for this notice under docket

number [OPP-30439] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official notice record is located at the address in "ADDRESSES" at the beginning of this document.

Electronic comments can be sent directly to EPA at: opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-30439]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Written comments filed pursuant to this notice, will be available in the

Public Information and Records Integrity Branch, Information Resources and Services Division at the address provided, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding holidays. It is suggested that persons interested in reviewing the application file, telephone this office at (703-305-5805) to ensure that the file is available on the date of intended visit.

**Authority:** 7 U.S.C. 136.

#### List of Subjects

Environmental protection, Pesticides and pest, Product registration.

Dated: August 26, 1997.

**Janet L. Andersen,**

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

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#### ENVIRONMENTAL PROTECTION AGENCY

[OPP-30394A; FRL-5726-6]

#### Monsanto Company; Approval of a Pesticide Product Conditional Registration

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

**ACTION:** Notice.

**SUMMARY:** This notice announces Agency approval of an application submitted by Monsanto Company to conditionally register the product YieldGard for a changed use pattern pursuant to the provisions of section 3(c)(7)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**FOR FURTHER INFORMATION CONTACT:** By mail: Michael Mendelsohn, Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7501W), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Building North Tower, CS #1, Environmental Protection Agency, 2800 Crystal Drive, Arlington, VA 22202, 703-308-8715; e-mail: mendelsohn.mike@epamail.epa.gov.

#### SUPPLEMENTARY INFORMATION:

**Electronic Availability:** Electronic copies of this document and the Fact Sheet are available from the EPA home page at the Environmental Sub-Set entry for this document under "Regulations" (<http://www.epa.gov/fedrgstr/>).

EPA issued a notice, published in the **Federal Register** of November 1, 1995

(60 FR 55574; FRL-4979-7), which announced that Monsanto Company 700 Chesterfield Parkway North St. Louis, MO 63198, had submitted an application to register the product *Bacillus thuringiensis* subsp. *kurstaki* (B.t.k.) Insect Control Protein (EPA File Symbol 524-UIO).

The product was announced as containing the plant pesticide active ingredient *Bacillus thuringiensis* subsp. *kurstaki* delta-endotoxin as produced in corn by a cryIA(b) gene and its controlling sequences, an active ingredient not included in any previously registered product. Subsequent to this, the Agency approved a seed increase registration for this active ingredient on May 28, 1996, under EPA Registration No. 524-492.

The full commercial use application from Monsanto was approved on December 20, 1996, as YieldGard (formerly *Bacillus thuringiensis* subsp. *kurstaki* (B.t.k.) Insect Control Protein) for use on field corn (EPA Registration Number 524-489), the chemical was amended to read "*Bacillus thuringiensis* CryIA(b) delta endotoxin and the genetic material necessary for its production in corn at 0.023-0.029 percent."

This registration was conditionally granted to allow additional use of the active ingredient for food and feed in field corn in accordance with FIFRA section 3(c)(7)(B). This use is conditional upon data development in the area resistance management research and *Collembola* and *Daphnia magna* toxicity testing and limited by resistance management and expiration provisions of the registration.

A conditional registration may be granted under section 3(c)(7)(B) of FIFRA for a product involving a changed use pattern where certain data are lacking, on condition that such data are received as specified by EPA and the applicant has submitted satisfactory data pertaining to the proposed additional use and the amended registration would not significantly increase the risk of any unreasonable adverse effect.

The Agency has considered the available data on the risks associated with the proposed use of *Bacillus thuringiensis* CryIA(b) delta endotoxin and the genetic material necessary for its production in corn, and information on social, economic, and environmental benefits to be derived from such use. Based on these reviews, the Agency was able to make basic health and safety determinations which show that use of *Bacillus thuringiensis* CryIA(b) delta endotoxin and the genetic material

necessary for its production in corn consistent with the terms and conditions of registration during the period of conditional registration will not cause any unreasonable adverse effect on the environment.

This product is conditionally registered in accordance with FIFRA section 3(c)(7)(B). This registration will automatically expire on midnight April 1, 2001. EPA will reevaluate the effectiveness of Monsanto's resistance management plan before April 1, 2001, and decide whether to convert the registrations to a non-expiring registrations. If the conditions are not complied with the registration will be subject to cancellation in accordance with FIFRA section 6(e).

More detailed information on this conditional registration is contained in an EPA Pesticide Fact Sheet on Monsanto's *Bacillus thuringiensis* CryIA(b) delta-endotoxin and the genetic material necessary for its production in corn.

A copy of the fact sheet, which provides a summary description of the chemical, use patterns and formulations, science findings, and the Agency's regulatory position and rationale, may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

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 available for public inspection in the Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 1132, CM #2, Arlington, VA 22202 (703-305-5805). 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), 401 M St., SW., Washington, D.C. 20460. Such requests should: (1) Identify the product name and registration number and (2) specify the data or information desired.

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