

## 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 who are interested in agricultural biotechnology or may be required to conduct testing of pesticidal substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). 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. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through [www.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.

## II. Background

IR-4, Rutgers University, 500 College Road East, Suite 201W, Princeton, NJ 08540, on behalf of the Arizona Cotton Research and Protection Council, 3721 East Weir Avenue Phoenix, Arizona 85040-2933 proposes to treat pistachio in California. The registrant plans to use the a conditionally registered microbial pesticide containing *Aspergillus flavus* AF36, at 0.0008 percent (EPA Registration Number 71693-1). This pesticide is currently used on cotton in California.

## III. What Action is the Agency Taking?

Following the review of the IR-4 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 Agency is authorized to take this action under FIFRA section 5.

### List of Subjects

Environmental protection,  
Experimental use permits.

Dated: February 28, 2007.

**Janet L. Andersen,**

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

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**BILLING CODE 6560-50-S**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2007-0019; FRL-8285-7]

### Draft National Coastal Condition Report III

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

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** Notice of availability is hereby given for a 60-day public comment period on the draft National Coastal Condition Report III describing the condition of the Nation's coastal waters. Coastal waters are valuable from

both an environmental and economic perspective. These waters are vulnerable to pollution from diverse sources. EPA expects this report will increase public awareness of the extent and seriousness of pollution and advance efforts to protect and restore coastal waters. EPA seeks public input concerning the information in the report, the availability of additional data, and the appropriateness of conclusions drawn from the information presented.

**DATES:** Comments must be received on or before May 8, 2007.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OW-2007-0019, by one of the following methods:

*www.regulations.gov:* Follow on-line instructions for submitting comments.

*E-mail:* [ow.docket@epa.gov](mailto:ow.docket@epa.gov),

*Mail:* EPA Docket Center (EPA/DC), Environmental Protection Agency, Water Docket,

*Mailcode:* 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

*Hand Delivery:* EPA/DC, Water Docket, Environmental Protection Agency, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OW-2007-0019. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](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](http://www.regulations.gov) or e-mail. The [www.regulations.gov](http://www.regulations.gov) Web site 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](http://www.regulations.gov) your e-mail address will be automatically captured and included as part of the comment that is placed in the public 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Water Docket is (202) 566-2426.

**FOR FURTHER INFORMATION CONTACT:** Barry Burgan, Ocean and Coastal Protection Division, Office of Water, 4504T, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, *telephone number:* 202-566-1242; *fax number:* 202-566-1336; *e-mail address:* [Barry.Burgan@epa.gov](mailto:Barry.Burgan@epa.gov) or Virginia Engle, Gulf Ecology Division, Office of Research and Development, Environmental Protection Agency, 1 Sabine Island Drive, Gulf Breeze, Florida 32561; *telephone number:* (850) 934-9354; *fax number:* (850) 934-9201; *e-mail address:* [Engle.Virginia@epa.gov](mailto:Engle.Virginia@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### General Information

In 2001, the first National Coastal Condition Report was released, characterizing about 70% of the estuarine resources of the United States. Using available data from 1990-1996, EPA, the National Oceanic and Atmospheric Administration (NOAA), U.S. Geological Survey (USGS), U.S. Fish and Wildlife Service (USFWS), and U.S. Department of Agriculture (USDA) determined that the Nation's estuarine resources were in fair condition and presented this information in the first Report. The second National Coastal Condition Report, released in 2005, described the condition of 100% of the Nation's estuaries in the contiguous 48

states and Puerto Rico. This third edition of the National Coastal Condition Report serves as a continuing foundation for the Nation's efforts to protect, manage, and restore coastal ecosystems. Four Federal agencies (EPA, NOAA, USGS and the USFWS) and several state and regional/local organizations have come together to report on the current condition of the Nation's coasts.

The draft National Coastal Condition Report III describes the condition of coastal waters based on several available data sets from different agencies and areas of the country and summarizes them to present a continuing picture of the condition of coastal waters. Although the data sets presented do not cover all coastal areas (e.g., no data were collected in Alaska other than south central Alaska and the Trust Territories), they do provide a multi-regional assessment of coastal condition in the conterminous United States and Puerto Rico. For example, EPA's National Coastal Assessment is conducting estuarine monitoring in all 23 coastal states and Puerto Rico, accounting for 99.8% of estuarine acreage in the continental U.S. and Puerto Rico. Data from several regional and national programs conducted by NOAA, USGS and the USFWS are included in this assessment of coastal condition. This report serves as a useful tool for analyzing the progress of coastal programs implemented since the first Report and as a benchmark for the future and provides trends in condition over time. This report will be followed in subsequent years by reports focusing on continuing assessments of ecological condition, examinations of the trends in coastal condition, and assessments of more specialized coastal issues.

The draft National Coastal Condition Report III will undergo an external peer review conducted by EPA's Office of Research and Development. The peer review plan, including peer review charge questions, is available on EPA's Science Inventory Web site ([http://cfpub.epa.gov/si/si\\_record\\_view.cfm?dirEntryID=161923](http://cfpub.epa.gov/si/si_record_view.cfm?dirEntryID=161923)). You may view and download the draft Report on EPA's Internet site at the Office of Water homepage at <http://www.epa.gov/owow/oceans/nccr3/index.html> under Recent Additions.

Dated: March 2, 2007.

**Benjamin H. Grumbles,**

*Assistant Administrator for Water.*

[FR Doc. E7-4294 Filed 3-8-07; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-8286-5]

### Omega Chemical Superfund Site; Notice of Proposed CERCLA Administrative Settlement With Certain Ability To Pay Parties

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

**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), notice is hereby given of a proposed administrative settlement for recovery of past response costs concerning the Omega Chemical Site in Whittier, Los Angeles County, California with 12 settling ability to pay parties. The settlement is entered into pursuant to Section 122(h) of CERCLA, 42 U.S.C. 9622(h), and it requires the settling parties to pay approximately \$111,000 to the United States Environmental Protection Agency (EPA). The settlement includes a covenant not to sue the settling parties, pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 75 Hawthorne Street, San Francisco, CA 94105.

**DATES:** Comments must be submitted on or before April 9, 2007.

**ADDRESSES:** The proposed settlement is available for public inspection at EPA Region IX, 75 Hawthorne Street, San Francisco, California. A copy of the proposed settlement may be obtained from Steve Berninger, EPA Region IX, 75 Hawthorne Street, ORC-3, San Francisco, CA 94105, telephone number 415-972-3909. Comments should reference the Omega Chemical Superfund Site, Whittier, California and EPA Docket No. 2006-26, and should be addressed to Steve Berninger at the above address.

**FOR FURTHER INFORMATION CONTACT:** Steve Berninger, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75