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II. Did EPA Conditionally Approve the Application?

A conditional registration may be granted under section 3(c)(7)(C) of FIFRA for a new active ingredient where certain data are lacking, on condition that such data are received by the end of the conditional registration period and do not meet or exceed the risk criteria set forth in 40 CFR 154.7; that use of the pesticide during the conditional registration period will not cause unreasonable adverse effects; and that use of the pesticide is in the public interest. The Agency has considered the available data on the risks associated with the proposed use of *Beauveria bassiana* strain 447, and information on social, economic, and environmental benefits to be derived from such use. Specifically, the Agency has considered the nature and its pattern 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 use of *Beauveria bassiana* strain 447 during the period of conditional registration will not cause any unreasonable adverse effect on the environment, and that use of the pesticide is, in the public interest.

Consistent with section 3(c)(7)(C) of FIFRA, the Agency has determined that this conditional registration is in the public interest. Use of the pesticides are of significance to the user community, and appropriate labeling, use directions, and other measures have been taken to ensure that use of the pesticides will not result in unreasonable adverse effects to man and the environment.

III. Conditionally Approved Registrations

EPA issued a notice, published in the **Federal Register** of September 19, 2001 (66 FR 48256) (FRL-6791-1), which

announced that SafeScience, Inc., now known as GlycoGenesys, 31 St. James Ave., 8th Floor, Boston, MA 02116, had submitted an application to conditionally register the pesticide product, Healthy Indoors Brand, Ant and Cockroach Bait Station, now known as BAITs MOTEL Stay Awhile - Rest Forever™, for use as an indoor, non-food use, microbiological bait for control of fire ants and cockroach (EPA File Symbol 70464-U), containing *Beauveria bassiana* strain 447 at 10%, an active ingredient not included in any previously registered product.

One comment was received in response to the original publication of the notice of receipt of this application. The comment referred to the isolation of the microorganism in Brazil and the recognition of the Brazilian contribution. The applicant, GlycoGenesys, confirmed the original isolation of the fungus in Brazil. Following approved importation and release of the fungus in Gainesville, Florida, the applicant recovered it from release sites in Florida. A biologically pure culture of a novel isolate, specific for imported fire ants, was deposited in the American Type Culture Collection and is recognized as ATCC 20872 (December 29, 1987). *Beauveria bassiana* strain 447 is the subject of invention in U.S. registered patents, which names the commenter as the co-inventor.

On the basis of data submitted to the Agency, the pesticide was considered acute toxicology Category III for primary eye irritation and IV for acute oral and pulmonary effects. Certain data requirements were waived by the Agency based on the low exposure levels associated with this method of application. Efficacy data support the use of the pesticide as a bait against ants and fire ants. While the active ingredient is efficacious against cockroaches as a spray, its efficacy in the form of a bait needs further study. Because the pesticide is proposed for control of fire ants, it qualifies for an automatic presumptive finding, and its use is presumed to be in the public interest. The conditional registration allows use against ants and fire ants until the applicant provides analysis of five batches to demonstrate adequate production Quality Control and Assurance procedures. Further data are required should the applicant wish to register the pesticide for control of cockroach and other extensive agricultural use patterns. The label prohibits use in/on or near food storage, handling areas, or utensils.

The application was conditionally approved on September 27, 2002 for the

end-use product BAITs MOTEL Stay Awhile - Rest Forever™ (EPA Registration Number 70464-4) for indoor bait use on the basis of data submitted to the Agency. The pesticide contains 10% w/w (1×10^{10} cfu/gram) of the active ingredient *Beauveria bassiana* strain 447, a new active ingredient. This strain of *Beauveria bassiana* can be distinguished from the other strains of *Beauveria bassiana* by isozyme analysis. Like the other strains, it is also an entomopathogenic fungus, which germinates on the cuticles of insects, which it kills by secreting enzymes in their soft tissue.

List of Subjects

Environmental protection, Pesticides and pest.

Dated: December 23, 2002.

Janet L. Andersen,

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

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-7441-2]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation and Liability Act; Vienna PCE Site

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1), notice is hereby given of a proposed administrative settlement concerning the Vienna PCE Site, Vienna, Wood County, West Virginia. The administrative settlement was signed by the United States Environmental Protection Agency, Region III's Regional Administrator on December, 2002, and is subject to review by the public pursuant to this document.

The Environmental Protection Agency is proposing to enter into a settlement pursuant to sections 122(g)(7) and (h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. 9622(g)(7) and (h). The proposed settlement resolves EPA's claims for past and future response costs under section 107 of CERCLA, 42 U.S.C. 9607 against Mr. Woodrow Moss for response