

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2006-782; FRL-8095-7]

**Experimental Use Permit; Receipt of Application****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of an application 67979-EUP-A from Syngenta Seeds, Inc. requesting an experimental use permit (EUP) for the plant-incorporated protectants MIR162 *Bacillus thuringiensis* Vip3A protein and the genetic material (plasmid vector pNOV1300) necessary for its production in corn, Bt11 *Bacillus thuringiensis* Cry1Ab protein and the genetic material (plasmid vector pZO1502) necessary for its production in corn, and MIR604 *Bacillus thuringiensis* mCry3A protein and the genetic material (plasmid vector pZM26) necessary for its production in corn. 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 must be received on or before December 8, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2006-782, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

*Instructions:* Direct your comments to docket ID number EPA-HQ-OPP-2006-782. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at <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 [regulations.gov](http://regulations.gov) or e-mail. The Federal [regulations.gov](http://regulations.gov) website 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 [regulations.gov](http://regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the 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.

*Docket:* All documents in the docket are listed in the docket 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, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Alan Reynolds, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 605-0515; e-mail address: [reynolds.alan@epa.gov](mailto:reynolds.alan@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 interested in agricultural biotechnology and those persons who are or may be required to conduct testing of chemical 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 [regulations.gov](http://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:

- Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).
- 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.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- 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

The 67979-EUP-A application is for 536 acres of MIR162, 220 acres of Bt11, 199 acres of MIR604, 469 acres of Bt11 x MIR162, 468 acres of Bt11 x MIR162 x MIR604, and 1,207 acres of non plant-incorporated protectant border areas. MIR162 contains the lepidopteran protecting *Bacillus thuringiensis* Vip3A protein and the genetic material (plasmid vector pNOV1300) necessary for its production. Bt11 contains the lepidopteran protecting *Bacillus thuringiensis* Cry1Ab protein and the genetic material (plasmid vector pZO1502) necessary for its production. MIR604 contains the coleopteran protecting *Bacillus thuringiensis* mCry3A protein and the genetic material (plasmid vector pZM26) necessary for its production.

Proposed shipment/use dates are March 1, 2007 through February 29, 2008. Five trial protocols have been proposed, including the following:

- Breeding and observation.
- Efficacy evaluation.
- Agronomic observation.
- Inbred and hybrid seed production.
- Regulatory studies.

States and commonwealths involved include: California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Puerto Rico, South Dakota, Texas, and Wisconsin.

## III. What Action is the Agency Taking?

Following the review of the Syngenta Seeds, Inc. 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's authority for taking this action is under FIFRA section 5.

### List of Subjects

Environmental protection,  
Experimental use permits.

Dated: October 27, 2006.

**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

[FRL-8240-8]

### Water Pollution Control; Approval of Modification to Michigan's Approved National Pollutant Discharge Elimination System Permitting Program To Administer a Partial State Sewage Sludge Management Program

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

**ACTION:** Notice; approval of application.

**SUMMARY:** On September 28, 2006, pursuant to Section 402(b) of the Clean Water Act (CWA), the Acting Regional Administrator for EPA, Region 5, approved the State of Michigan's modification of its existing National Pollutant Discharge Elimination System (NPDES) program to include the administration and enforcement of a partial state sewage sludge (biosolids) management program where it has jurisdiction.

**FOR FURTHER INFORMATION CONTACT:** John Colletti, at (312) 886-6106, NPDES Programs Branch, (WN-16J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or electronically at [colletti.john@epa.gov](mailto:colletti.john@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document "we", "us", or "our" means EPA.

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### I. Introduction

Michigan's application to modify its existing NPDES program to administer and enforce a partial state biosolids management program was submitted on March 28, 2002. Specifically, the state sought approval of a biosolids management program which addresses the land application of biosolids. On April 21, 2005, the state amended its submittal limiting the state's request to the activity mentioned above within the state except if that activity occurs within "Indian Country" as defined in 18 U.S.C. 1151 and applicable case law. The state's biosolids management program does not extend to Indian

Country, and will not include lands within the exterior boundaries of Indian reservations within or abutting the State of Michigan. Michigan did not seek approval for the surface disposal of biosolids, the landfilling of biosolids, the incineration of biosolids, or the land application of domestic septage. The biosolids management program is administered by the Michigan Department of Environmental Quality (MDEQ). Modifications were made to the program submittal based on discussions between EPA and MDEQ. These modifications are part of the record of the program application and review process.

### II. Was notice provided seeking public comments on Michigan's program submittal?

Michigan's application was described in the August 4, 2006, **Federal Register** at Vol. 71, No. 150, pages 44291 to 44294, in which EPA requested public comments for a period of 45 days. Further notice was provided by way of publication in the following newspaper on August 4, 2006: The Bay City Times; The Flint Journal; The Traverse City Record-Eagle; The Grand Rapids Press; The Lansing State Journal; The Ann Arbor News, and; The Mining Journal (Marquette) in an effort to get wide coverage throughout the state. Additionally, notices were sent to all known Michigan NPDES permitted facilities that would be impacted by the program and to people or organizations that MDEQ determined might have an interest in the program application. Copies of MDEQ's application package were available for public review at the EPA Region 5 Office and at MDEQ's district offices.

### III. Was a public hearing held?

A public hearing was not held. The above notice explained that a hearing had not been scheduled and how a hearing could be requested. EPA will hold a public hearing whenever the Regional Administrator finds, on the basis of requests, a significant degree of public interest. No request for a hearing was received during the public comment period and therefore, no hearing was held.

### IV. Did EPA receive any public comments?

Pursuant to the public notice, we would accept written comments from the public postmarked on or before September 18, 2006. During the comment period, no comments were received.