

**ENVIRONMENTAL PROTECTION AGENCY****[EPA-HQ-OPP-2008-0650; FRL-8398-6]****Petition for Rulemaking Requesting EPA Regulate Nanoscale Silver Products as Pesticides; Extension of Comment Period****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice; extension of comment period.

**SUMMARY:** EPA issued a notice in the *Federal Register* of November 19, 2008, concerning a petition for rulemaking and collateral relief filed by the International Center for Technology Assessment (ICTA) and others. In general, the petition requests that the Agency classify nanoscale silver as a pesticide, require formal pesticide registration of all products containing nanoscale silver, analyze the potential human health and environmental risks of nanoscale silver, take regulatory actions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) against existing products that contain nanoscale silver, and take other regulatory actions under FIFRA as appropriate for nanoscale silver products. This document extends the comment period for 60 days from January 20, 2009 to March 20, 2009.

**DATES:** Comments, identified by docket identification (ID) number EPA-HQ-OPP-2008-0650, must be received on or before March 20, 2009.

**ADDRESSES:** Follow the detailed instructions as provided under **ADDRESSES** in the *Federal Register* document of November 19, 2008 (73 FR 69644).

**FOR FURTHER INFORMATION CONTACT:** Nathanael R. Martin, Field and External Affairs Division (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 703-305-6475; e-mail address: [martin.nathanael@epa.gov](mailto:martin.nathanael@epa.gov).

**SUPPLEMENTARY INFORMATION:** This document extends the public comment period established in a notice that was published in the *Federal Register* of November 19, 2008 (73 FR 69644) (FRL-8386-4). In that document, the Agency made the petition submitted by ICTA et al., available for review and asked for public comment on the same. On December 12, 2008, EPA received a request from ICTA to extend the comment period on the petition. EPA is hereby extending the comment period,

which was set to end on January 20, 2009, to March 20, 2009.

To submit comments, or access the public docket, please follow the detailed instructions as provided under **ADDRESSES** in the November 19, 2008 *Federal Register* document. If you have questions, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

**List of Subjects**

Environmental protection, Nanotechnology, Pesticides and pests.

Dated: January 8, 2009.

**Martha Monell,**

*Acting Director, Office of Pesticide Programs.*  
[FR Doc. E9-622 Filed 1-13-09; 8:45 am]

**BILLING CODE 6560-50-S****ENVIRONMENTAL PROTECTION AGENCY****[FRL-8762-2]****Request for Amendment of Designation Prohibiting Discharges of Dredged or Fill Material to the Bayou aux Carpes Clean Water Act Section 404(c) Site, Louisiana****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of Public Hearing and Request for Comments.

**SUMMARY:** In 1985, EPA prohibited the discharge of dredged or fill material to wetlands in the Bayou aux Carpes Swamp pursuant to Section 404(c) of the Clean Water Act (CWA). On November 4, 2008, the New Orleans District of the U.S. Army Corps of Engineers (Corps) requested that EPA modify that designation to accommodate discharges to the Bayou aux Carpes wetlands associated with post-Katrina upgrades to the West Bank and Vicinity Hurricane Protection Levee system in Jefferson Parish, Louisiana. EPA solicits written public comment on that request and will hold a public hearing for receipt of comments.

**Public Hearing:** The public hearing will be held in the District Assembly Room at the U.S. Army Corps of Engineers New Orleans District office, 7400 Leake Avenue, New Orleans, LA 70118. The public hearing will commence at 6 p.m. on February 11, 2009, and will end when all comments have been received. During the hearing, any member of the public may submit written comments or present comments verbally.

**Public Comments:** In addition to providing comments at the public hearing, written comments on the CWA

Section 404(c) modification request may be submitted to EPA for 30 days following the date of this notice.

Comments should be addressed to Ms. Barbara Keeler (6WQ-EC), EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202-2733. All comments should directly address whether the 1985 Bayou aux Carpes CWA Section 404(c) EPA Final Determination should be modified as requested by the Corps.

**FOR FURTHER INFORMATION CONTACT:** For information regarding this matter, contact Ms. Barbara Keeler by phone at (214) 665-6698 or by e-mail at [keeler.barbara@epa.gov](mailto:keeler.barbara@epa.gov). Copies of the modification request and supporting documentation are available online at: [http://www.nolaenvironmental.gov/nola\\_public\\_data/projects/usace\\_levee/docs/original/ModificationLetterToEPA4Oct08.pdf](http://www.nolaenvironmental.gov/nola_public_data/projects/usace_levee/docs/original/ModificationLetterToEPA4Oct08.pdf). Additional project information may be found at: [http://www.nolaenvironmental.gov/projects/usace\\_levee/IER.aspx?IERID=12](http://www.nolaenvironmental.gov/projects/usace_levee/IER.aspx?IERID=12).

**SUPPLEMENTARY INFORMATION:** The Bayou aux Carpes CWA Section 404(c) site is located approximately ten miles south of New Orleans, Louisiana, on the West Bank of Jefferson Parish. The site covers approximately 3200 acres, including about 3000 acres of wetlands subject to federal jurisdiction under the CWA. The area is bounded on the north by the east-west Old Estelle Pumping Station Outfall Canal, on the east by Bayou Barataria (Gulf Intracoastal Waterway), on the south by Bayou Barataria and Bayou des Familles, and on the west by State Highway 3134 and the "V-Levee." Immediately across State Highway 3134 to the west of the site is the Barataria Unit of Jean Lafitte National Historical Park and Preserve.

Section 404(c) of the CWA authorizes EPA to restrict or prohibit the use of a wetland area as a disposal site for dredged or fill material if the discharge will have unacceptable adverse effects on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. EPA published a CWA Section 404(c) Final Determination prohibiting, with three exceptions, future discharges of dredged or fill material to wetlands in the Bayou aux Carpes site at 50 FR 47267 (November 15, 1985). Since then, the Agency has received two other requests for modification.

In connection with initial construction of the West Bank Hurricane Protection Levee, the Corps requested that EPA modify its CWA Section 404(c) designation to allow extension of the toe of the "V-Levee"