

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.*

[FR Doc. E6-18941 Filed 11-7-06; 8:45 am]

**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.

### Table of Contents

- I. Introduction
- II. Was notice provided seeking public comments on Michigan's program submittal?
- III. Was a public hearing held?
- IV. Did EPA receive any public comments?
- V. Does EPA's approval affect Indian Country in Michigan?
- VI. Conclusion
- VII. **Federal Register** Notice of Approval of State NPDES Programs or Modifications
- VIII. Administrative Requirements
  - A. National Historic Preservation Act
  - B. Other Provisions

### 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.

**V. Does EPA's approval affect Indian Country in Michigan?**

MDEQ did not seek approval to administer and enforce the state biosolids management program for activities occurring in Indian Country. Our approval does not authorize MDEQ to carry out its biosolids management program in "Indian Country," as defined in 18 U.S.C. 1151 and applicable case law. Indian Country includes:

1. All lands within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. Any land held in trust by the U.S. for an Indian tribe; and

3. Any other land, whether on or off an Indian reservation that qualifies as Indian Country.

Therefore, our approval of the state's sewage sludge management program will have no effect in Indian Country where EPA continues to implement and administer the NPDES program.

**VI. Conclusion**

The Michigan Department of Environmental Quality has demonstrated that it adequately meets the requirements for program modification to include biosolids management (specifically, the land application of biosolids) as defined in the Clean Water Act and 40 CFR parts 123, 501, and 503.

At this time, EPA is withholding authorization to administer the biosolids management program for the

surface disposal of biosolids, the landfilling of biosolids, the incineration of biosolids, the land application of domestic septage, and activities occurring in Indian Country, as mentioned above.

**VII. Federal Register Notice of Approval of State NPDES Programs or Modifications**

EPA must provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. The following table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country. Today's **Federal Register** notice is to announce the approval of Michigan's authority to administer the sewage sludge management program.

STATE NPDES PROGRAM STATUS

State	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program	Approved general permits program	Approved sludge management program
Alabama	10/19/79	10/19/79	10/19/79	06/26/91	
Arizona	12/05/02	12/05/02	12/05/02	12/05/02	04/01/04
Arkansas	11/01/86	11/01/86	11/01/86	11/01/86	
California	05/14/73	05/05/78	09/22/89	09/22/89	
Colorado	03/27/75			03/04/82	
Connecticut	09/26/73	01/09/89	06/03/81	03/10/92	
Delaware	04/01/74			10/23/92	
Florida <sup>1</sup>	05/01/95	05/01/00	05/01/95	05/01/95	
Georgia	06/28/74	12/08/80	03/12/81	01/28/91	
Hawaii	11/28/74	06/01/79	08/12/83	09/30/91	
Illinois	10/23/77	09/20/79		01/04/84	
Indiana	01/01/75	12/09/78		04/02/91	
Iowa	08/10/78	08/10/78	06/03/81	08/12/92	
Kansas	06/28/74	08/28/85		11/24/93	
Kentucky	09/30/83	09/30/83	09/30/83	09/30/83	
Louisiana	08/27/96	08/27/96	08/27/96	08/27/96	
Maine	01/12/01	01/12/01	01/12/01	01/12/01	
Maryland	09/05/74	11/10/87	09/30/85	09/30/91	
Michigan	10/17/73	12/09/78	04/16/85	11/29/93	09/28/06
Minnesota	06/30/74	12/09/78	07/16/79	12/15/87	
Mississippi	05/01/74	01/28/83	05/13/82	09/27/91	
Missouri	10/30/74	06/26/79	06/03/81	12/12/85	
Montana	06/10/74	06/23/81		04/29/83	
Nebraska	06/12/74	11/02/79	09/07/84	07/20/89	
Nevada	09/19/75	08/31/78		07/27/92	
New Jersey	04/13/82	04/13/82	04/13/82	04/13/82	
New York	10/28/75	06/13/80		10/15/92	
North Carolina	10/19/75	09/28/84	06/14/82	09/06/91	
North Dakota	06/13/75	01/22/90	09/16/05	01/22/90	
Ohio	03/11/74	01/28/83	07/27/83	08/17/92	03/16/05
Oklahoma	11/19/96	11/19/96	11/19/96	09/11/97	11/19/96
Oregon	09/26/73	03/02/79	03/12/81	02/23/82	
Pennsylvania	06/30/78	06/30/78		08/02/91	
Rhode Island	09/17/84	09/17/84	09/17/84	09/17/84	
South Carolina	06/10/75	09/26/80	04/09/82	09/03/92	
South Dakota	12/30/93	12/30/93	12/30/93	12/30/93	10/22/01
Tennessee	12/28/77	09/30/86	08/10/83	04/18/91	
Texas	09/14/98	09/14/98	09/14/98	09/14/98	09/14/98
Utah	07/07/87	07/07/87	07/07/87	07/07/87	06/14/96
Vermont	03/11/74		03/16/82	08/26/93	
Virgin Islands	06/30/76				
Virginia	03/31/75	02/09/82	04/14/89	04/20/91	
Washington	11/14/73		09/30/86	09/26/89	
West Virginia	05/10/82	05/10/82	05/10/82	05/10/82	
Wisconsin	02/04/74	11/26/79	12/24/80	12/19/86	07/28/00

## STATE NPDES PROGRAM STATUS—Continued

State	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program	Approved general permits program	Approved sludge management program
Wyoming .....	01/30/75	05/18/81	.....	09/24/91	.....
Totals .....	46	41	35	44	08

Number of Fully Authorized Programs (Federal Facilities, Pretreatment, General Permits) = 33.

Number of authorized Sludge Management Programs = 8.

<sup>1</sup> The Florida authorizations of 05/01/95 represent a phased NPDES program authorization to be completed by the year 2000.

## VIII. Administrative Requirements

### A. National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470(f), requires Federal agencies to take into account the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on such undertakings. Under the ACHP's regulations (36 CFR part 800), agencies consult with the appropriate State Historic Preservation Officer (SHPO) on federal undertakings that have the potential to affect historic properties listed or eligible for listing in the National Register of Historic Places.

By letter dated June 19, 2006, we requested concurrence from the SHPO that approval of MDEQ to implement a biosolids management program would not have an adverse impact on historical and archeological resources. After discussions with SHPO staff, it was concluded that concurrence was not needed because our action is not an undertaking as the Michigan SHPO would interpret it. It is still believed that program approval will have no effect on historic or archeological resources within the State of Michigan because the transferring of the program is an administrative act.

### B. Other Provisions

Based on General Counsel Opinion 78-7 (April 18, 1978), EPA has long considered a determination to approve or deny a State Clean Water Act (CWA) program submission to constitute an adjudication because an "approval," within the meaning of the Administrative Procedure Act (APA), constitutes a "license," which, in turn, is the product of an "adjudication." For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here.

**Authority:** Clean Water Act 33, U.S.C. 1251 *et seq.*

Dated: October 6, 2006.

**Gary Gulezian,**

*Acting Regional Administrator, Region 5.*

[FR Doc. E6-18850 Filed 11-7-06; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

October 31, 2006.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before January 8, 2007. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should

advise the contact listed below as soon as possible.

**ADDRESSES:** You may submit your all Paperwork Reduction Act (PRA) comments by e-mail or U.S. postal mail. To submit your comments by e-mail send them to [PRA@fcc.gov](mailto:PRA@fcc.gov). To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1-C823, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection(s) send an e-mail to [PRA@fcc.gov](mailto:PRA@fcc.gov) or contact Cathy Williams at (202) 418-2918.

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060-0692.

*Title:* Home Wiring Provisions.

*Form Number:* Not applicable.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Individuals or households; business or other for-profit entities.

*Number of Respondents:* 30,500.

*Estimated Time per Response:* 5 minutes—5 hours.

*Frequency of Response:* Recordkeeping requirement; on occasion reporting requirement; annual reporting requirement; third party disclosure requirement.

*Total Annual Burden:* 45,614 hours.

*Total Annual Cost:* None.

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* This information collection accounts for the information collection requirement stated in 47 CFR 76.613, where MVPDs causing harmful signal interference may be required by the Commission's engineer in charge (EIC) to prepare and submit a report regarding the cause(s) of the interference, corrective measures planned or taken, and the efficacy of the remedial measures.

47 CFR 76.620 applies the Commission's signal leakage rules to all non-cable MVPDs. Our rules require that each cable system perform an independent signal leakage test