Notices

Federal Register
Vol. 72, No. 6
Wednesday, January 10, 2007

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2006–0157]

Syngenta; Availability of Petition and Environmental Assessment for Determination of Nonregulated Status for Corn Genetically Engineered for Insect Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has received a petition from Syngenta Seeds, Inc., seeking a determination of nonregulated status for corn rootworm-resistant corn derived from a transformation event designated as MIR604. The petition has been submitted in accordance with our regulations concerning the introduction of certain genetically engineered organisms and products. In accordance with those regulations, we are soliciting comments on whether this corn presents a plant pest risk. We are also making available for public comment a draft environmental assessment for the proposed determination of nonregulated status.

DATES: We will consider all comments on the petition that are received on or before March 12, 2007. We will consider all comments on the draft environmental assessment that are received on or before February 9, 2007.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2006–0157 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2006–0157, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0157.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*.

FOR FURTHER INFORMATION CONTACT: Dr. Catherine Preston, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 734–5874, e-mail: *catherine.a.preston@aphis.usda.gov*. To obtain copies of the petition or the environmental assessment, contact Mr. Steve Bennett at (301) 734–5672, e-mail: *steven.m.bennett@aphis.usda.gov*. The petition and the environmental assessment are also available on the Internet at *http://www.aphis.usda.gov/brs/aphisdocs/04_36201p.pdf* and *http://www.aphis.usda.gov/brs/aphisdocs/04_36201p_ea.pdf*.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for a determination of nonregulated status must take and the information that must be included in the petition.

On December 27, 2004, APHIS received a request seeking a determination of nonregulated status (APHIS No. 04–362–01p) from Syngenta Seeds, Inc. (Syngenta) of Research Triangle Park, NC, for corn (*Zea mays* L.) designated as transformation event MIR604, which has been genetically engineered for resistance to corn rootworm (CRW), stating that corn line MIR604 does not present a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340. Syngenta responded to APHIS' subsequent request for additional information and clarification and submitted a revised petition on May 17, 2006. Another request for information and clarification was sent to Syngenta on July 25, 2006. Syngenta subsequently revised and resubmitted their petition and response to APHIS' request on August 2, 2006. The final two versions of the petition, submitted on May 17, 2006, and August 2, 2006, as well as Syngenta's written responses to APHIS' request sent on July 25, 2006, are available for public review and comment.

Analysis

As described in the petition, corn transformation event MIR604 has been genetically engineered to express two transgenes: (1) The modified *cry3A* (*mcry3A*) gene derived from a well-characterized gene sequence from *Bacillus thuringiensis*, encoding the mCRY3A insect control protein and (2) the *pmi* (*manA*) gene from *Escherichia coli*, which encodes the enzyme phosphomannose isomerase (PMI) for use as a selectable marker. Expression of the *mcry3A* gene by corn plants renders

the corn line resistant to CRW. Regulatory elements for the *mcry3A* and *pmi* genes were derived from maize and *Agrobacterium tumefaciens*. These regulatory sequences are not transcribed and do not encode proteins. The DNA was introduced into corn cells using *Agrobacterium*-mediated transformation methodology with the T–DNA transformation vector designated pZM26. In addition to transgenes necessary for insertion into the plant genome, the T–DNA vector also contained two additional genetic elements: (1) A gene conferring bacterial resistance to the antibiotics erythromycin, streptomycin, and spectinomycin and (2) the bacterial origin of replication. Plant cells containing the introduced DNA were then selected by culturing in the presence of mannose. After the initial incubation with *Agrobacterium*, the broad-spectrum antibiotic cefotaxime was included in the culture medium to kill any remaining *Agrobacterium*.

Transformation event MIR604 has been considered a regulated article under the regulations in 7 CFR part 340 because it contains gene sequences from plant pathogens. MIR604 corn has been field tested in the United States since 2001 under notifications and permits authorized by the U.S. Department of Agriculture (USDA). APHIS has presented three alternatives in the draft environmental assessment (EA) based on its analyses of data submitted by Syngenta, a review of other scientific data, and field tests conducted under APHIS oversight. APHIS may: (1) Take no action, (2) deregulate MIR604, or (3) deregulate MIR604 in part.

In § 403 of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing. APHIS views this definition broadly to cover direct or indirect injury, disease, or damage not just to agricultural crops, but also to other plants, for example, native species, as well as organisms that may be beneficial to plants, such as honeybees.

MIR604 corn is subject to regulation by other agencies. The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including herbicides, be registered prior to distribution or sale, unless exempt from EPA regulation. In cases in which genetically engineered plants allow for a new use of a pesticide or involve a different use pattern for the pesticide, EPA must approve the new or different use. Accordingly, Syngenta submitted two petitions to the EPA, which announced its receipt of the petitions in two notices published in the **Federal Register** on October 27, 2004. The first petition requested an exemption from tolerance from the requirement of a tolerance for residues of the mCRY3A protein and the genetic material necessary for their production in corn (69 FR 62688–62692), and the second was an application to register a pesticide product containing a new active ingredient (69 FR 62678–62680). On April 6, 2005, a temporary tolerance exemption was granted for residues of the mCRY3A protein and the genetic material necessary for their production in corn, concluding that there was a reasonable certainty of no harm from consumption of the protein, as it is digestible in gastric fluid and not considered an allergen (70 FR 17323–17327). This temporary exemption was subsequently renewed (69 FR 11431–11433) and is currently set to expire on October 15, 2007 (71 FR 13269–13274). On January 25, 2006, EPA announced the receipt of an application filed by Syngenta to amend an application for an Experimental Use Permit (EUP) to include the plant-incorporated protectant Event MIR604 mCry3A corn (71 FR 4141–4142). Also on January 25, 2006, EPA announced Syngenta applied for an extension to the tolerance exemption expiring on October 15, 2006 (69 FR 11431–11433). On January 25, 2006, the EPA announced a 2-day meeting (March 14–15, 2006) for the FIFRA Scientific Advisory Panel to consider and review human health and environmental issues associated with MIR604 Modified Cry3A Protein Bt Corn-Plant Incorporated Protectant (71 FR 4130–4133).

Under the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 301 *et seq.*), pesticides added to (or contained in) raw agricultural commodities generally are considered to be unsafe unless a tolerance or exemption from tolerance has been established. Residue tolerances for pesticides are established by EPA under the FFDCA and the Food and Drug Administration (FDA) enforces tolerances set by EPA under the FFDCA.

FDA's policy statement concerning regulation of products derived from new plant varieties, including those genetically engineered, was published in the **Federal Register** on May 29, 1992 (57 FR 22984–23005). Under this policy, FDA uses what is termed a consultation process to ensure that human and animal feed safety issues or other regulatory issues (*e.g.*, labeling) are resolved prior to commercial distribution of a bioengineered food. Syngenta submitted a summary of their safety assessment on February 25, 2005, and additional information on March 21, 2006. The Syngenta assessment submitted to the FDA indicated no changes in composition, safety, or other relative parameters. The consultation process for MIR604 corn as food and feed is nearing completion.

National Environmental Policy Act

To provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the proposed determination of nonregulated status for MIR604, a draft EA has been prepared. The draft EA was prepared in accordance with (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

In accordance with § 340.6(d)(2), we are publishing this notice to inform the public that APHIS will accept written comments regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 60 days from the date of this notice. We are also soliciting written comments for a period of 30 days from the date of this notice on the EA prepared to examine any environmental impacts of the proposed determination for the subject corn event. The petition, the draft EA, and any comments received are available for public review, and copies of the petitions and the draft EA are available as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. After reviewing and evaluating the comments on the petition and the EA and other data and information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the **Federal Register** announcing the regulatory status of Syngenta's insect-

resistant corn event MIR604 and the availability of APHIS' written decision.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 5th day of January 2007.

W. Ron DeHaven,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7–194 Filed 1–9–07; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

International Trade Administration

A–122–822

Notice of Extension of Time Limit for Final Results of Antidumping Duty Administrative Review: Certain Corrosion–Resistant Carbon Steel Flat Products from Canada

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: January 10, 2007.

FOR FURTHER INFORMATION CONTACT: Douglas Kirby or Joshua Reitze, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–3782 or (202) 482–0666, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 11, 2006, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on certain corrosion–resistant carbon steel flat products from Canada for the period of August 1, 2004, through July 31, 2005 *(see Certain Corrosion–Resistant Carbon Steel Flat Products from Canada: Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 53363, September 11, 2006) (*Preliminary Results*). The current deadline for the final results of this review is January 9, 2007.

Extension of Time Limit for Final Results of Review

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the final results in an administrative review within 120 days of the date on which the preliminary results were published. However, if it is not practicable to complete the review within this time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results to 180 days from the date of publication of the preliminary results.

The Department needs additional time to analyze the case briefs and rebuttal comments. Therefore, the Department finds that it is not practicable to complete the review by the original deadline of January 9, 2007. Consequently, in accordance with section 751(a)(3)(A) of the Act and section 351.213(h)(2) of the Department's regulations, the Department is extending the time limit for the completion of the final results of the review until no later than March 10, 2007, which is 180 days from the publication of the preliminary results.

This notice is issued and published in accordance with section 751(a)(3)(A) of the Act.

Dated: January 3, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration

[FR Doc. E7–196 Filed 1–9–07; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

(A–570–862)

Foundry Coke Products from the People's Republic of China: Continuation of Antidumping Duty Order

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (''the Department'') and the International Trade Commission (''ITC'') that revocation of the antidumping duty order on Foundry Coke Products from the People's Republic of China (''PRC'') would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing this notice of continuation of this antidumping duty (''AD'') order.

EFFECTIVE DATE: January 10, 2007.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik at (202) 482–6905 or Juanita Chen at (202) 482–1904 ; AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2006, the Department initiated a sunset review of the AD order on Foundry Coke from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). *See Initiation of Five-year (''Sunset'') Reviews*, 71 FR 43443 (August 1, 2006). The Department received notices of intent to participate from the following domestic parties within the deadline specified in 19 CFR 351.218(d)(1)(i): ABC Coke, Citizens Gas & Coke Utility, Erie Coke, Sloss Industries Corporation, and Tonawanda Coke Corporation (collectively, ''Petitioners''). These parties claimed interested party status under section 771(9)(C) of the Act and 19 CFR 351.102(b), as domestic manufacturers and producers of the domestic like product. The Department received a substantive response from Petitioners within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any of the respondent interested parties to these proceedings. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of this AD order.[1] On December 20, 2006, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the AD order on foundry coke would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

Scope Of The Order

The product covered under the antidumping duty order is coke larger than 100 mm (4 inches) in maximum diameter and at least 50 percent of which is retained on a 100–mm (4 inch) sieve, of a kind used in foundries.

The foundry coke products subject to the antidumping duty order were classifiable under subheading 2704.00.00.10 (as of Jan 1, 2000) and are currently classifiable under subheading 2704.00.00.11 (as of July 1, 2000) of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of the order is dispositive.

[1] *See Foundry Coke Products from the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order*, 71 FR 70956 (December 7, 2006).

[2] *See Foundry Coke from China*, 71 FR 78223 (December 28, 2006), and USITC Publication 3897, Investigation No. 731-TA-891 (December 20, 2006) (Review).