

microbial pesticide can be removed from food by peeling, washing, cooking, and processing.

ii. *Drinking water.* Exposure to humans from residues of *Bacillus pumilus* strain QST 2808 in consumed drinking water would be unlikely. *Bacillus pumilus* strain QST 2808 is a naturally occurring microorganism known to exist in terrestrial habitats. Although it may be found in water, it is not known to thrive in aquatic environments.

2. *Non-dietary exposure.* The potential for non-dietary exposure to the general population, including infants and children, is unlikely as the proposed use sites are agricultural settings. In addition, non-dietary exposures would not be expected to pose any quantifiable risk due to a lack of residues of toxicological concern. Personal protective equipment (PPE) mitigates the potential for exposure to applicators and handlers of the proposed products, when used in agricultural settings.

#### E. Cumulative Exposure

There is no indication of mammalian toxicity of *Bacillus pumilus* and no information to indicate that toxic effects would be cumulative. Therefore, consideration of a common mode of action is not appropriate. In addition, it is not expected that, when used as proposed, Sonata™ AS would result in residues that would remain in human food items.

#### F. Safety Determination

Risk and exposure to humans, infants, and children is likely to be minimal.

1. *U.S. population.* *Bacillus pumilus* strain QST 2808 is not pathogenic or infective to mammals. There have been no reports of toxins associated with the organism, and acute toxicity/pathogenicity studies have shown that *Bacillus pumilus* strain QST 2808 is non-toxic, non-pathogenic, and non-irritating. Residues of *Bacillus pumilus* strain QST 2808 are not expected on agricultural commodities, and therefore, exposure to the general U.S. population, from the proposed uses, is not anticipated.

2. *Infants and children.* As mentioned above, residues of *Bacillus pumilus* strain QST 2808 are not expected on agricultural commodities. There is a reasonable certainty of no harm for infants and children from exposure to *Bacillus pumilus* strain QST 2808 from the proposed uses.

#### G. Effects on the Immune and Endocrine Systems

*Bacillus pumilus* strain QST 2808 is a naturally occurring, non-pathogenic microorganism. There is no evidence to suggest that *Bacillus pumilus* strain QST 2808 functions in a manner similar to any known hormone, or that it acts as an endocrine disrupter.

#### H. Existing Tolerances

There is no U.S. EPA tolerance for *Bacillus pumilus* strain QST 2808.

#### I. International Tolerances

There is no Codex Alimentarius Commission maximum residue level (MRL) for *Bacillus pumilus* strain QST 2808.

[FR Doc. 01-11094 Filed 5-2-01; 8:45 am]

BILLING CODE 6560-50-S

### ENVIRONMENTAL PROTECTION AGENCY

[OPP-50878; FRL-6774-1]

#### Experimental Use Permit; Receipt of Application

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

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of an application 69592-EUP-R from AgraQuest, Inc., 1530 Drew Avenue, Davis, CA 95616 requesting an experimental use permit (EUP) for the microbial pesticide *Bacillus pumilus* Strain QST 2808. 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, identified by docket control number OPP-50878, must be received on or before June 4, 2001.

**ADDRESSES:** Comments and data may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-50878 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Susanne Cerrelli, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-8077; e-mail address: cerrelli.susanne@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 persons who are or may be required to conduct testing of microbial 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. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-50878. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

### *C. How and to Whom Do I Submit Comments?*

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP-50878 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP-50878. Electronic comments may also be filed online at many Federal Depository Libraries.

### *D. How Should I Handle CBI That I Want to Submit to the Agency?*

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any 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 version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about

CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

### *E. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

## **II. Background**

AgraQuest, Inc., 1530 Drew Avenue, Davis, CA 95616 has requested an EUP for the microbial pesticide *Bacillus pumilus* Strain QST 2808 for a 2 year period, commencing March 1, 2001 and ending March 1, 2003. The objective of this EUP is to obtain efficacy and phytotoxicity data over a large geographical area on many important minor crops. A total of 4,000 acres are proposed to be treated with 2,188 pounds of active ingredient. AgraQuest's proposed testing areas include the following states: Arizona, California, Colorado, Florida, Georgia, Indiana, Michigan, North Carolina, North Dakota, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, Washington, West Virginia, and Wisconsin. Proposed crop treatment sites include brassica, bulb vegetables, cereal grains, cucurbits, fruiting vegetables, grape, grass seed, hop, leafy vegetables, legume vegetables, mint, peanuts, pome fruits, root and tuber vegetables, roses (field) and stone fruits. The application methods proposed include ground, aerial, and chemigation methodology.

## **III. What Action is the Agency Taking?**

Following the review of the AgraQuest, 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 40 CFR part 172.

## **List of Subjects**

Environmental protection,  
Experimental use permits.

Dated: April 17, 2001.

**Kathleen F. Knox,**

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

[FR Doc. 01-11095 Filed 5-2-01; 8:45 am]

**BILLING CODE 6560-50-S**

## **FEDERAL COMMUNICATIONS COMMISSION**

[DA 01-933, ET Docket No. 98-206]

### **The MITRE Corporation Report on Technical Analysis of Potential Harmful Interference to DBS From Proposed Terrestrial Services in the 12.2-12.7 GHz Band**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice; request for comments.

**SUMMARY:** The MITRE Corporation delivered to the FCC a Report titled "Analysis of Potential MVDDS Interference to DBS in the 12.2-12.7 GHz Band." The MITRE Corporation report was conducted pursuant to Prevention of Interference to Direct Broadcast Satellite Services, of the Commerce, Justice, State and Judiciary Appropriations Act, (CJSJA Act), H.R. 5548 (enacted on December 21, 2000, as part of Public Law 106-553). The MITRE Corporation report addresses the question of possible interference from MVDDS to DBS. Pursuant to the statute, the Commission seeks comment on this report.

**DATES:** Comments Due: May 15, 2001; Reply Comments Due May 23, 2001.

**FOR FURTHER INFORMATION CONTACT:** Michael Marcus for the MITRE Study, and Tom Derenge for ET Docket No. 98-206, Office of Engineering and Technology, (202) 418-2418, and (202) 418-2451, respectively; internet mmarcus@fcc.gov and tderenge@fcc.gov, respectively.