

with native bacteria and soil insects; 4) any effects on non-target species including pollinators and native insects exposed to Bt crops need to be addressed; 5) biotech crops have not been adequately tested for food uses and there is no evidence biotech food is safe; 6) effects of biotech crops on children are unknown; 7) biotech products should be labeled (at the supermarket); 8) organic farmers adversely affected by biotech should be compensated; 9) butterfly populations harmed by biotech should be restored; 10) ecological concerns including outcrossing and genetic drift need to be addressed; 11) adequate containment provisions are needed for the program.

After the **Federal Register** notice announcing this application was issued, Monsanto revised the program to eliminate the proposed acreage in Hawaii. Therefore, all comments and issues raised for the Hawaiian acreage are no longer germane for this EUP.

Based on submitted information, no significant or irreversible hazards to endangered species or non-target organisms in Puerto Rico are anticipated for this limited acreage, contained, crop destruct program.

Because the EUP has crop destruct provisions and is for non-food use only, no human dietary exposure is expected. As such, food safety issues (including food labeling, effects on children, and allergenicity concerns) are not germane for this EUP. There is no evidence that organic growers have been adversely affected by any EPA-registered Bt crop.

Outcrossing and genetic drift are unlikely due to the genetic containment provisions of the EUP, the lack of wild soybean relatives in test areas, and the low rate of soybean cross-pollination (soybeans are self-pollinated). All Cry1Ac soybeans grown under this EUP are required to be isolated from non-transgenic soybeans (not part of the program) by at least 6 meters. In addition, the following containment procedures are part of the experimental program: 1) Seeds will be stored in color-coded, marked bags in a secure location; 2) leftover seed will be destroyed or returned to Monsanto; 3) seeds will be double packaged for transport; 4) no plant material will be removed from the experimental sites without authorization; 5) field equipment and machinery will be thoroughly cleaned of any plant material and leftover seeds on-site before leaving the field; 6) soybeans are self-pollinating and have low potential for outcrossing (no special pollen-containment is needed); 7) seeds may be harvested for further research and harvesting equipment will be thoroughly cleaned;

8) all remaining plant material after harvest will be destroyed; 9) trial sites will be planted with a different crop the following year or left fallow; 10) trial sites will be monitored for 1 year to ensure no soybean regrowth or volunteers (those found will be eliminated).

Persons wishing to review this EUP are referred to the designated contact person. Inquiries concerning this permit should be directed to the person cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

List of Subjects

Environmental protection,
Experimental use permits.

Dated: February 6, 2001.

Janet L. Andersen,

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

[FR Doc. 01-5574 Filed 3-6-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-50880; FRL-6770-4]

Experimental Use Permits; Receipt of Applications Bt Corn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications 68467-EUP-G, 68467-EUP-L, 29964-EUP-R, and 29964-EUP-G from Mycogen Seeds c/o Dow AgroSciences and Pioneer Hi-Bred International requesting experimental use permits (EUPs) for the plant-pesticides *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP12560) in corn and *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP14352) 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, identified by docket control number OPP-50880, must be received on or before April 23, 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-50880 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-8715; e-mail address: mendelsohn.mike@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 interested in plant-pesticides or 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. 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-50880. 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-50880 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-50880. 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

Mycogen Seeds c/o Dow AgroSciences (9330 Zionsville Road, Indianapolis, IN 46268) and Pioneer Hi-Bred International (7250 NW 62nd Avenue, Johnston, IA 50131) have requested EUPs for the plant-pesticides *Bacillus thuringiensis* PS149B1 protein and the genetic material necessary for its production (from the insert of plasmid PHP12560) in corn and *Bacillus thuringiensis* PS149B1 protein and the

genetic material necessary for its production (from the insert of plasmid PHP14352) in corn. Both active ingredients are for control of corn rootworm.

Pioneer Hi-Bred has requested to test 191.6 acres in Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Texas, and Wisconsin.

Mycogen Seeds has requested to test 612.5 acres in Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Puerto Rico, South Dakota, and Wisconsin.

All EUPs are to be genetically contained. Corn grown during the EUPs is not to be used for food or feed.

III. What Action is the Agency Taking?

Following the review of the Mycogen Seeds and Pioneer Hi-Bred applications and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP requests for these EUP programs, and if issued, the conditions under which they are 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: February 16, 2001.

Janet L. Andersen,

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

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-50881; FRL-6770-5]

Experimental Use Permits; Receipt of Applications Bt Corn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of applications 68467-EUP-U and 29964-EUP-E from Mycogen Seeds c/o Dow AgroSciences and Pioneer Hi-Bred International requesting experimental use permits (EUPs) for the plant-pesticide *Bacillus thuringiensis*