

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 62<sup>nd</sup> 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.*

[FR Doc. 01-5579 Filed 3-6-01; 8:45 am]

**BILLING CODE 6560-50-S**

## 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*

moCry1F protein and the genetic material necessary for its production (plasmid insert PHP 12537) 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-50881, 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-50881 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/fedrgrstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-50881. 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.

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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-50881 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.

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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-50881. Electronic comments may also be filed online at many Federal Depository Libraries.

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

1. Explain your views as clearly as possible.
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3. Provide copies of any technical information and/or data you used that support your views.
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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 62<sup>nd</sup> Avenue, Johnston, IA 50131) have requested EUPs for the plant-pesticide *Bacillus thuringiensis* moCry1F protein and the genetic material necessary for its production (plasmid insert PHP 12537) in corn.

Pioneer Hi-Bred has requested to test 154.01 acres in Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Texas, and Wisconsin.

Mycogen Seeds has requested to test 564 acres in Colorado, Hawaii, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Puerto Rico, South Dakota, and Wisconsin.

Both EUPs are to be genetically contained. Corn grown during the EUPs is not to be used for food or feed. However both Mycogen Seeds and Pioneer Hi-Bred have indicated that they intend to apply to amend the EUPs in the future and link them to the pending temporary tolerance petition (OG6112) submitted and pending for Mycogen Seeds currently approved crop destruct Cry1F Bt corn EUP, 68467-EUP-2. The pending temporary tolerance petition (OG6112) published in the **Federal Register** on June 15, 2000 (65 FR 37545) (FRL-6558-6).

### 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.*

[FR Doc. 01-5580 Filed 3-6-01; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6948-9]

### Stressor Identification Guidance Document; Notice of Availability

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

**ACTION:** Notice of availability.

**SUMMARY:** EPA is announcing the availability of the *Stressor Identification Guidance Document* (EPA 822-B-00-025) published under the authority of Section 304(a)(2) of the Clean Water Act (CWA). This technical guidance document is designed to assist water quality managers in identifying unknown causes of biological impairments in any type of water body. Section 101(a) of the Clean Water Act states that it is the objective of the Act to restore and maintain the chemical, physical and *biological integrity* of the Nation's waters. To achieve this objective, numerous States and Tribes are using biological assessments and biocriteria to help protect the Nation's waters. Using these tools, State and Tribal water quality experts are finding water bodies where the fish, invertebrate, algae or plant communities (or other aquatic life) have been detrimentally impacted by different singular or multiple causes. In many cases, the cause, or causes, of these biological impairments have not yet been identified. The *Stressor Identification Guidance Document* provides a logical, scientific process by which State, Tribal, and other water quality experts can evaluate available information to identify the stressor(s) causing the biological impairments. The process has three main steps: (1) List candidate causes of impairment, (2) analyze the evidence, and (3) characterize the causes. When evidence is adequate, using this guidance, investigators should be able to successfully identify the likely cause, or causes. This guidance will also help investigators identify where evidence is weak or lacking and needs to be developed to be able to successfully identify the stressor(s). Once the causes of the biological impairments are identified, water resource managers will be better able to locate the sources of the stressor, or stressors, and take management actions aimed at improving the biological condition of the water body.

This guidance is advisory in nature and its use is not mandatory. As such this guidance does not impose legally-binding requirements on EPA, the

States, Tribes, industry, the public or any other entity.

*Availability of Documents:* The guidance document is being published by EPA with the title and document number; *Stressor Identification Guidance Document* (EPA-822-B-00-025), dated December 2000. Paper copies can be obtained from the U.S. EPA, Water Resource Center by phone at: (202) 260-7786, or by sending an e-mail to the Center at center.water-resource@epa.gov, or through conventional mail by sending a letter of request to U.S. EPA Water Resource Center, Ariel Rios Building, 1200 Pennsylvania Ave., Washington, DC 20460. Copies of the document may also be obtained from the U.S. EPA National Center for Environmental Publications and Information (NCEPI), 11029 Kenwood Road, Cincinnati, OH 45242 or (513) 489-8190. The document and fact sheet are also available on the EPA website at [www.epa.gov/OST/biocriteria](http://www.epa.gov/OST/biocriteria).

#### FOR FURTHER INFORMATION CONTACT:

Susan Cormier at (513) 569-7995 or email at [cormier.susan@epa.gov](mailto:cormier.susan@epa.gov); Glenn Suter at (513) 569-7808 or by email at [suter.glenn@epa.gov](mailto:suter.glenn@epa.gov); Sue Norton at (202) 564-3246 or by email at [norton.susan@epa.gov](mailto:norton.susan@epa.gov); or William Swietlik at (202) 260-9569 or by e-mail at [swietlik.william@epa.gov](mailto:swietlik.william@epa.gov).

Dated: January 17, 2001.

**Geoffrey H. Grubbs,**

*Director, Office of Science and Technology.*

[FR Doc. 01-5563 Filed 3-6-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6949-9]

### Metalex Superfund Site; Notice of Proposed Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed agreement.

**SUMMARY:** The Environmental Protection Agency is proposing to enter into an agreement with Libby Corporation pursuant to 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, regarding the Metalex Superfund Site located in Lexington County, Lexington, South Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the