

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 LLC is requesting to amend 68467-EUP-2 for the plant-pesticide *Bacillus thuringiensis* delta endotoxin as produced in corn by a cry1F gene and its controlling sequences as found on plasmid insert PHI8999. This amendment request entails the transfer of 55 acres in Nebraska to Puerto Rico. Specifically, the 55 acres in Nebraska were part of an Agronomic Observation Trial that were not used this past summer. In Puerto Rico, the 55 acres will be planted to two protocols, 20 acres to Breeding and Observation Trials and 35 acres to Agronomic Observation Trials. The transfer reduces the state acreage in Nebraska from 161.96 to 106.96 acres and increases the state acreage in Puerto Rico from 34 to 89 acres. The transfer also adds the Agronomic Observation protocol to Puerto Rico. The transfer does not change the total acres under the EUP. All plantings of corn containing the *Bacillus thuringiensis* Cry1F protein under these experimental programs will be contained. No portion of the crops will be used as food or feed.

## III. What Action is the Agency Taking?

Following the review of the Mycogen Seeds c/o Dow AgroSciences LLC 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 amended EUP program, and if amended, the conditions under which it is to be conducted. Any issuance of an amended EUP will be announced in the **Federal Register**.

## IV. What is the Agency's Authority for Taking this Action?

This action is issued under the authority of 40 CFR Part 172.

### List of Subjects

Environmental protection, Experimental use permits.

Dated: December 6, 2000.

Janet L. Andersen,

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6917-5]

### Palmyra Atoll; Proposed Notice of Administrative Settlement

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

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (CERCLA), 42 U.S.C. 9600 *et seq.*, notice is hereby given that a proposed Agreement and Covenant Not to Sue (Prospective Purchaser Agreement) associated with Palmyra Atoll was executed by the United States Environmental Protection Agency (EPA) on November 16, 2000. The proposed Prospective Purchaser Agreement would resolve certain potential claims of the United States under sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), and section 7003 of the Resource Conservation & Recovery Act (RCRA), 42 U.S.C. 6973, against The Nature Conservancy, a District of Columbia non-profit corporation (the Purchaser).

The Purchaser plans to acquire Palmyra Atoll, a group of coral islets approximately 680 acres in extent located in the tropical Pacific Ocean 900 miles south-southwest of Hawaii at Lat. 50 N, Long. 1620 W, to preserve it as a wildlife refuge. The Purchaser will pay EPA \$10,000 and commit to manage the atoll to protect its conservation values in cooperation with the U.S. Department of Interior's Fish & Wildlife Service.

For thirty (30) calendar days following the date of publication of this notice, EPA will receive written comments relating to the proposed settlement. If requested prior to the expiration of this public comment period, EPA will provide an opportunity for a public meeting in the affected area. EPA's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

**DATES:** Comments must be submitted on or before January 16, 2001.

**ADDRESSES:** The proposed Prospective Purchaser Agreement and additional background documents relating to the settlement are available for public inspection at the U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105. A copy of the proposed settlement may be obtained from William Keener, Assistant Regional Counsel (ORC-1), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105. Comments should reference "The Nature Conservancy PPA, Palmyra Atoll" and "Docket No. 2001-04" and should be addressed to William Keener at the above address.

**FOR FURTHER INFORMATION CONTACT:** William Keener, Assistant Regional Counsel (ORC-1), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; phone: (415) 744-1356; fax (415) 744-1041; e-mail: [keener.bill@epa.gov](mailto:keener.bill@epa.gov).

Dated: December 7, 2000.

**Michael Feeley,**  
*Acting Director, Superfund Division, Region IX.*

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