

risks to public health or the environment. Therefore, EPA issued a registration for the Cry9C protein and the genetic material necessary for its production (called a plant-pesticide) in 1998 to AgrEvo (now Aventis CropScience). EPA limited the registration by requiring that all StarLink corn only be used in domestic animal feed and for industrial purposes. EPA did not approve the use of StarLink corn in foods destined for human consumption because of unanswered questions about the potential allergenicity of the Cry9C protein.

Because of Aventis' continuing interest in obtaining approval for use of StarLink in the production of human food and the novel scientific issues raised concerning the assessment of potential allergenicity, EPA called a meeting of the FIFRA Scientific Advisory Panel (SAP), on February 29, 2000 regarding Cry9C protein. (The SAP provides independent scientific advice and recommendations to the Agency as to the impact on health and the environment of regulatory actions concerning pesticides and pesticide-related issues.) The February 29, 2000 SAP report stated that it could not be determined whether or not Cry9C is a potential food allergen.

In September 2000, Cry9C DNA was detected in a finished food product - taco shells. Subsequently, the DNA and protein have been found in corn grain and other corn products in the food supply. These detections indicated that, despite the EPA restrictions, some quantities of StarLink corn had directly entered the human food chain.

On October 12, 2000, Aventis requested that the registration for their StarLink corn product be voluntarily cancelled. As a result, StarLink corn is not authorized for planting in future years. On October 25, 2000, Aventis amended its petition for a food tolerance exemption under the Federal Food, Drug, and Cosmetic Act (FFDCA) to ask for a temporary tolerance of 4 years to cover any Cry9C protein and Cry9C DNA that may be present in human food made from StarLink corn planted in 1998, 1999, and 2000. Aventis submitted additional information with its petition to support its contention that the Cry9C protein posed no allergenic risk to public health. EPA convened another SAP meeting on November 28, 2000 to consider the question of the potential of the Cry9C protein to be an allergen, whether there is an adequate amount of the protein in corn to cause sensitization, what amount of Cry9C might be in the human food supply if this time limited tolerance exemption were to be approved, and reports of

adverse incidents for alleged human exposure. More information including the Aventis submission, EPA's papers for SAP review, background information, and the SAP final reports can be found on the following web sites: <http://www.epa.gov/pesticides/biopesticides/cry9c/index.htm> <http://www.epa.gov/scipoly/sap/index.htm>

The final report from the November 28, 2000 SAP meeting, which was issued on December 1, 2000, expressed the consensus of the Panel that while Cry9C has a "medium likelihood" to be a food allergen, the combination of the expression level of the protein and the amount of corn found to be commingled poses a "low probability" to sensitize individuals to Cry9C.

The Panel report noted that the likelihood of the protein being detected in different corn products varied considerably, especially depending on the method of processing and whether the product was from white or yellow corn. The Cry9C DNA was only engineered into certain yellow corn varieties. The SAP report called on EPA to only include in our dietary assessment those ingredients from corn that contain protein after processing. The SAP report states that items such as corn syrup, corn oil, and starch contain virtually no protein.

In follow-up to the SAP report, EPA collected and evaluated information on the impacts of the wet milling process on levels of protein in finished human food products. The assessment concludes that use of StarLink corn in wet-milling results in no (or essentially no) residues of Cry9C protein in human food fractions - corn oil, corn syrup, alcohol, corn starch. This information would support a conclusion that there is no human health risk from eating such food fractions. EPA is now soliciting public comments on its analysis of the impact of wet milling on the Cry9C protein content in food.

In addition to the general public, The Agency will specifically contact and request comments from the following experts in the processing of corn for food:

1. Dr. R. Carl Hoseney of R and R Research in Manhattan, KS.
2. Dr. Barry Jacobsen of Montana State University in Bozeman, Montana.
3. Dr. David Lineback of the University of Maryland in College Park, Maryland.
4. Dr. Llyod Rooney of Texas A&M University in College Station, Texas.

The Agency will take into consideration all comments received and publish the availability of its final wet milling assessment in the **Federal Register**. The final wet milling

assessment will also be considered as part of EPA's overall review of Aventis' pending petition for an exemption for Cry9C in human food, PP 9F05050.

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

The Federal Food, Drug, and Cosmetic Act provides the legal authority for EPA to take this action.

List of Subjects

Environmental protection, plant-incorporated protectants.

Dated: March 7, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6961-1]

Notice of Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act of 1986

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: Notice is hereby given of a proposed Prospective Purchaser Agreement and Covenant Not To Sue, executed between the United States, on behalf of the U.S. Environmental Protection Agency ("EPA"), and Pulaski Industrial Corporation ("Purchaser") in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601-9675, as amended ("CERCLA"). The proposed agreement will allow reuse of an abandoned industrial facility associated with the Metcoa Radiation Superfund Site ("Site") in Pulaski, Lawrence County, Pennsylvania, and will resolve certain potential EPA claims under section 107 of CERCLA, 42 U.S.C. 9607, against the Purchaser. The proposed agreement is now subject to public comment, after which the United States may modify or withdraw its consent if comments received disclose facts or circumstances indicating that the proposed agreement is inappropriate, improper or inadequate.

The proposed agreement concerns a 21.74 acre property ("the Property") located within the approximately 22.5

acre Site. The Property is located on Route 551 and Metallurgical Way, approximately one-half mile north of the center of the village of Pulaski, and Route 208 in Pulaski, Lawrence County, Pennsylvania. The Property formerly was occupied by the Metallurgical Corporation of America, which conducted a metal reclamation business there between 1976 and 1983. Response actions and long term remedial actions have been conducted or overseen by EPA, the Nuclear Regulatory Commission ("NRC") and the Commonwealth of Pennsylvania at the Site since 1985. In 1997, EPA entered a Consent Decree with 187 parties, requiring them to conduct certain response actions to cleanup the Site. In March 2000, EPA issued a notice of completion to the parties stating that the required response actions had been performed satisfactorily. Under the terms of the proposed agreement, the Purchaser is required to cooperate with and provide access to EPA for any response activities on the Property, and is subject to certain property use restrictions.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed agreement. Comments should be submitted to Suzanne Canning, Regional Docket Clerk (3RC00), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103, or by e-mail to canning.suzanne@epa.gov, and should refer to the "Metcoa Radiation Superfund Site—Pulaski Industrial Corp. Prospective Purchaser Agreement" and "EPA Docket No. CERC-PPA-2001-0001." The proposed agreement and additional background information relating to it may be examined and/or copied at the above EPA office. A copy of the proposed agreement may be obtained by mail from Suzanne Canning at the above address.

FOR FURTHER INFORMATION CONTACT: Humane L. Zia (3RC41), Assistant Regional Counsel, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103; phone: (215) 814-3454.

Dated: March 26, 2001.

Thomas C. Voltaggio,
Acting Regional Administrator, Region III.
[FR Doc. 01-8131 Filed 4-2-01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6960-3]

Supplemental Notice of Proposed Administrative De Minimis Settlement, and Notice of Proposed Second Administrative De Minimis Settlement, Pursuant to Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act, and Notice of Public Meeting and Proposed Settlement Pursuant to Section 7003(d) of the Resource Conservation and Recovery Act; In Re: Lenz Oil Services, Inc., Site, Lemont, IL

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), and section 7003(d) of the Resource Conservation and Recovery Act, as amended ("RCRA"), the EPA is giving this supplemental notice of a proposed administrative *de minimis* settlement, and is giving notice of a proposed second administrative *de minimis* settlement, under section 122(h)(1) of CERCLA and section 7003 of RCRA concerning the Lenz Oil Services, Inc., site ("Site") in Lemont, Illinois. The United States Department of Justice has approved of these settlements, subject to review and comment by the public as provided by this notice. If the public requests a meeting pursuant to RCRA section 7003(d), EPA will hold a public meeting in the vicinity of the Site to discuss these settlements.

Both of these settlements resolve Environmental Protection Agency (EPA) claims under section 107(a) of CERCLA and section 7003 of RCRA, and a State of Illinois claim under section 22.2a of the Illinois Environmental Protection Act. The supplemental notice to the first settlement resolves claims against 15 parties who timely executed binding certifications of their consent to the settlement. The second settlement resolves claims against 12 parties who timely executed binding certifications of their consent to the second settlement. U.S. EPA identified 6 of these 27 settlers in the October 28, 1998, notice of the original *de minimis* settlement, but now requires additional public notice due to clarifications to the name of the party or the settling amount. The Supplemental Information Section below identifies the parties executing binding certifications of their consent to these settlements.

The supplemental notice for the first settlement identifies 15 settling parties who will pay a total of \$118,840.17 to the Hazardous Substances Superfund, Lenz Oil Services, Inc., Special Account, and a total of \$48,462.09, to the State of Illinois for costs incurred relating to past Site response actions. The second settlement identifies 12 parties who will pay a total of \$91,701.28 to the Hazardous Substances Superfund, Lenz Oil Services, Inc., Special Account, and a total of \$6,787.05, to the State of Illinois for costs incurred relating to past Site response actions.

Each settling party must pay an amount specified for that party in the settlement based on the volume of waste that party contributed to the Site; except as to 2 parties in this notice, who are paying a lesser amount based on an analysis of their ability to pay the settlement. Payments received shall be applied, retained or used to finance the response actions taken or to be taken at or in connection with the Site, including payments for past response costs, future oversight costs and/or other future costs of conducting the response.

The first settlement was modified as specified in an errata sheet to correct certain errors in the settlement documents and to supplement settlement terms relating to federal agency settlers. Consequently, following the public comment period, we are providing each supplemental notice party with an opportunity to ratify the errata changes, or to withdraw from the settlement without penalty.

For 30 days following the date of publication of this notice, and at the public meeting identified above, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the Lemont Town Hall, 418 Main Street, Lemont, Illinois and at the EPA, Region 5, 7th Floor File Room, 77 West Jackson Boulevard, Chicago, Illinois.

DATES: You must submit comments on or before May 3, 2001.

ADDRESSES: The proposed settlement, including the errata sheet, and additional background information relating to the settlement are available for public inspection at the Lemont Town Hall, 418 Main Street, Lemont, Illinois, and at the EPA, Region 5, 7th