

*Association v. U.S. Environmental Protection Agency*, Civ. No. 94-1778 (consol. with 96-1297) (C.A.D.C.). These actions were filed under section 307(b) of the Act, 42 U.S.C. 7607(b), contesting EPA's final regulations for Deposit Control Gasoline Additives, issued under sections 211 (l) and (c) of the Act. The final rules were published at 59 FR 54678 (November 1, 1994) and 61 FR 35310 (July 5, 1996). The Settlement Agreement concerns EPA undertaking a rulemaking to make certain amendments to portions of the Deposit Control Gasoline Additives Rules.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed agreement if the comments disclose facts or circumstances that indicate that such agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

A copy of the proposed settlement agreement is available from Phyllis J. Cochran, Air and Radiation Law Office (2344AR), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, (202) 564-5566. Written comments should be sent to Andrea Medici, Esq. at the above address and must be submitted on or before March 30, 2000.

Dated: February 18, 2000.

**Gary S. Guzy,**

*General Counsel.*

[FR Doc. 00-4782 Filed 2-28-00; 8:45 am]

**BILLING CODE 6560-50-M**

## ENVIRONMENTAL PROTECTION AGENCY

[NH-044-7171, FRL-6542-1]

### Adequacy Status of the Nashua, New Hampshire and Manchester, New Hampshire Submitted Carbon Monoxide Redesignation Requests for Transportation Conformity Purposes

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

**ACTION:** Notice of adequacy.

**SUMMARY:** In this notice, EPA is notifying the public that we have found the motor vehicle emissions budgets for the New Hampshire cities of Nashua and Manchester, received on February 8, 1999 as part of the carbon monoxide

redesignation requests for each of those areas, adequate for conformity purposes. On March 2, 1999, the D.C. Circuit Court ruled that submitted SIPs cannot be used for conformity determinations until EPA has affirmatively found them adequate. As a result of our finding, the New Hampshire Department of Transportation and the Federal Highway Administration are required to use the motor vehicle emissions budgets from the submitted carbon monoxide redesignation requests in future conformity determinations.

**DATES:** These budgets are effective March 15, 2000.

**FOR FURTHER INFORMATION CONTACT:** The finding and the response to comments will be available at EPA's conformity website: <http://www.epa.gov/oms/traq>, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity"). You may also contact Jeff Butensky, Environmental Planner, One Congress Street, Suite 1100 (CAQ), Boston, MA 02114-2023; (617) 918-1665; [butensky.jeff@epa.gov](mailto:butensky.jeff@epa.gov).

**SUPPLEMENTARY INFORMATION:** Today's notice is simply an announcement of a finding that we have already made. EPA New England sent a letter to the New Hampshire Department of Environmental Services on November 2, 1999 stating that the motor vehicle emissions budgets contained in the submitted carbon monoxide redesignation requests for Nashua and Manchester for the year 2010 were adequate for conformity purposes. This finding will also be announced on EPA's conformity website: <http://www.epa.gov/oms/traq>, (once there, click on the "Conformity" button, then look for "Adequacy Review of SIP Submissions for Conformity").

Transportation conformity is required by section 176(c) of the Clean Air Act. EPA's conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). Please note that an adequacy review is separate from EPA's completeness review, and it also should not be used to prejudice EPA's ultimate

approval of the SIP. Even if we find a budget adequate, the SIP could later be disapproved.

We've described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled "Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision"). We followed this guidance in making our adequacy determination.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: February 14, 2000.

**Mindy S. Lubber,**

*Acting Regional Administrator, EPA New England.*

[FR Doc. 00-4784 Filed 2-28-00; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-181073; FRL-6493-3]

### Thiabendazole; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received specific exemption requests from the Washington and Idaho Departments of Agriculture to use the pesticide thiabendazole (CAS No. 148-79-8) to treat seed sufficient for planting up to 100,000 acres of lentils to control *Ascochyta blight*. The Applicants propose a use which has been requested in 3 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

**DATES:** Comments, identified by docket control number OPP-181073, must be received on or before March 15, 2000.

**ADDRESSES:** Comments 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-181073 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** Andrea Beard, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone

number: (703) 308-9356; fax number: (703) 308-5433; e-mail address: beard.andrea@epa.gov.

#### SUPPLEMENTARY INFORMATION:

### I. General Information

#### A. Does this Action Apply to Me?

You may be potentially affected by this action if you petition EPA for emergency exemption under section 18 of FIFRA. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
State government	9241	State agencies that petition EPA for section 18 pesticide exemption

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. Other types of entities not listed in the table in this unit could also be regulated. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. To determine whether you or your business is affected by this action, you should carefully examine the applicability provisions in 40 CFR 166. 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" 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-181073. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable

comment period, 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-181073 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, Ariel Rios Bldg., 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-181073. 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 proposed rule or collection activity.
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

#### A. What Action is the Agency Taking?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. Washington and

Idaho Departments of Agriculture have requested the Administrator to issue specific exemptions for the use of thiabendazole on lentils to control *Ascochyta blight*. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicants assert that a new strain of *Ascochyta blight*, capable of spreading quickly over great distances has become established in northwest lentil fields, which is not controlled by the registered alternatives. This disease is likely to lead to significant economic losses if not adequately controlled. Thiabendazole, as a seed treatment, has proven to prevent this disease from becoming established.

The Applicants propose to make no more than one application, to be applied as a seed treatment, at a rate of 1.7 to 3.0 fluid ounces per 100 pounds of seed. A maximum amount of seed sufficient to plant 100,000 acres could be treated (55,000 acres in Washington; 45,000 acres in Idaho). This would amount to a maximum of 1,289 gallons of formulated product.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing a use which has been requested in 3 or more previous years, and a petition for tolerance has not yet been submitted to the Agency. The notice provides an opportunity for public comment on the applications.

The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Washington and Idaho Departments of Agriculture.

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 17, 2000.

**James Jones,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 00-4790 Filed 2-28-00; 8:45 am]

BILLING CODE 6560-50-F

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-6544-1]

#### Prospective Purchaser Agreement for Resolution of CERCLA Past Costs

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

**ACTION:** Notice; proposed CERCLA prospective purchaser agreement.

**SUMMARY:** U.S. EPA is proposing to execute a Prospective Purchaser agreement (PPA) under section 122 of CERCLA (and pursuant to the inherent authority of the Attorney General of the United States) for the arranged transfer of title of the Gary Lagoons Superfund Site property from a Potentially Responsible Party (PRP) Conant Land Limited (Conant) to the Indiana Department of Natural Resources (IDNR). In return for a covenant not to sue and contribution protection from U.S. EPA, and a covenant not to sue for federal and state Natural Resource Damages claims from the U.S. Department of the Interior (DOI) and the State of Indiana Department of Environmental Management (IDEM), IDNR will commit to maintaining the Site property in its pristine natural Dune and Swale ecological condition. U.S. EPA is today proposing to accept this arrangement because it forwards the Agency's public policy of protecting human health and the environment, and through the use of a PPA, it allows the State of Indiana to take control of the Site property for the public good. U.S. EPA will resolve outstanding costs of approximately \$4,031,000 dollars, as against IDNR.

**DATES:** Comments on this proposed settlement must be received on or before March 30, 2000.

**ADDRESSES:** Copies of the proposed settlement are available at the following address for review. (It is recommended that you telephone Mr. Derrick Kimbrough at (312) 886-9749 before visiting the Region V Office). Mr. Derrick Kimbrough, OPA (P19-J), Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P-19J), Chicago, Illinois 60604, (312) 886-9749.

Comments on this proposed settlement should be addressed to: (Please submit an original and three copies, if possible). Mr. Derrick Kimbrough, Coordinator, Office of Public Affairs, U.S. Environmental Protection Agency, Region V, 77 W. Jackson Boulevard (P-19J), Chicago, Illinois 60604, (312) 886-9749.

**FOR FURTHER INFORMATION CONTACT:** Mr. Derrick Kimbrough, Office of Public Affairs, at (312) 886-9749.

**SUPPLEMENTARY INFORMATION:** The Site is a 7-acre vacant property located at 5622 and 5624-34 Industrial Highway in Gary, Indiana (Lake County). The Site consisted of two unlined and uncovered lagoons situated in a sandy environment

and surrounded by marshes and wetlands. Pursuant to the terms of the prospective Purchaser Agreement, the Prospective Purchaser (IDNR) will receive this site free of CERCLA liability and Federal or State Natural Resource Damages claims, and EPA will release the federal CERCLA Lien currently placed on the site property. A 30-day period, beginning on the date of publication, is open pursuant to section 122(1) of CERCLA for comments on the proposed prospective Purchaser Agreement. Comments should be sent to Mr. Derrick Kimbrough of the Office of Public Affairs (P-19J), U.S. Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604.

**William E. Muno,**

*Director, Superfund Division.*

[FR Doc. 00-4780 Filed 2-28-00; 8:45 am]

BILLING CODE 6560-50-M

#### ENVIRONMENTAL PROTECTION AGENCY

[PB-402404-IL-A; FRL-6399-4]

#### Lead-Based Paint Activities in Target Housing and Child-Occupied Facilities; State of Illinois Interim Approval of Lead-Based Paint Activities Program

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

**ACTION:** Notice; interim approval of the Illinois TSCA Section 402/404 Lead-Based Paint Accreditation and Certification Program.

**SUMMARY:** On April 16, 1999, the State of Illinois, through the Illinois Department of Public Health, completed an application for EPA approval to administer and enforce training and certification requirements, training program accreditation requirements, and work practice standards for lead-based paint activities in target housing and child-occupied facilities under section 402 of the Toxic Substances Control Act (TSCA). Illinois provided a self-certification letter stating that its program is at least as protective of human health and the environment as the Federal program and it has the legal authority and ability to implement the appropriate elements necessary to receive interim enforcement approval. In the **Federal Register** of September 1, 1999 (64 FR 47807) (FRL-6087-1), EPA published a notice announcing receipt of the State's application and requesting public comment and/or opportunity for a public hearing on the State's application. EPA did not receive any comments regarding any aspect of the