

Dated: December 14, 1999.

**Drusilla Hufford,**

*Director, Stratospheric Protection Division.*

[FR Doc. 99-33032 Filed 12-20-99; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[PF-867A; FRL-6098-2]

**Allergenicity Assessment of Cry9C BT Corn Plant Pesticide**

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

**ACTION:** Notice.

**SUMMARY:** The Agency is soliciting input on the assessment of the potential for allergenicity of non-digestible proteins expressed as plant-pesticides. The specific case in question concerns the Cry9C insecticidal protein derived from *Bacillus thuringiensis* and expressed in field corn. In addition to EPA data evaluation records, the Agency is asking for comment on questions within an EPA background document regarding the use of amino acid homology, the brown Norway rat model, and other items regarding the assessment for potential allergenicity. This issue will also be one of the subjects of a FIFRA Science Advisory Panel (SAP) meeting in early February, 2000.

**DATES:** Comments, identified by docket control number PF-867A, must be received on or before February 22, 2000. The actual meeting date and other details will be announced in a subsequent **Federal Register** publication.

**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 PF-867A in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** John Kough or Mike Mendelsohn, OPP/ BPPD (7511C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308 8267 or (703) 308-8715; tax number: (703) 308-7026; e-mail address: kough.john@epa.gov or 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 who are technical experts in human allergenicity or those persons who may be required to conduct testing to assess the potential for the allergenicity of non-digestible proteins expressed as plant-pesticides 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 in the "FOR FURTHER INFORMATION CONTACT" section.

*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 (including copies of EPA's data evaluation records, and the list of questions regarding allergenicity) that might be available electronically, from the EPA's Biopesticide Internet Home Page at <http://www.epa.gov/pesticides/biopesticides>. 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/fedrgrstr>.

2. *In person.* The Agency has established an official record for this action under docket control number PF-867A. The official record consists of the documents specifically referenced in this action (including copies of EPA's health effects reviews, the list of selected technical experts that comprise the technical peer review committee, and the list of questions regarding allergenicity), 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 Highway, 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 PF-867A 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, 401 M St., SW., 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 Highway, 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 PF-867A. 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 identified in the "FOR FURTHER INFORMATION CONTACT" section.

#### *E. What Should I Consider as I Prepare My Comments for EPA?*

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

- Explain your views as clearly as possible.
- Describe any assumptions that you used.
- Provide copies of any technical information and/or data you used that support your views.
- If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
- Provide specific examples to illustrate your concerns.
- Offer alternative ways to improve the rule or collection activity.
- Make sure to submit your comments by the deadline in this notice.
- 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?*

On April 7, 1999, EPA announced the receipt of a pesticide petition (PP 9F5050) (64 FR 16965) (FRL-6069-8) from AgrEvo USA Company. The petition, 9F5050, proposed an amendment to 40 CFR 180.1192 to expand the current exemption from the requirement of a tolerance for *Bacillus thuringiensis* subspecies *tolworthi* Cry9C protein and the genetic material necessary for its production in corn from corn used for feed only (and associated residues in meat, poultry, milk, or eggs resulting from animals fed such feed) to all food commodities. EPA has completed its initial review of the data submitted in support of this petition and is soliciting public comment on the data evaluation records, and a list of questions regarding human allergenicity assessment for non-digestible proteins expressed as plant-pesticides. This issue will also be one of the subjects of a FIFRA Science Advisory Panel (SAP) meeting in early February 2000.

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

The Agency is soliciting input to aid in determining whether there is a reasonable certainty of no harm for the proposed expansion of the exemption from the requirement of a tolerance under the Federal Food, Drug and Cosmetic Act (FFDCA).

#### List of Subjects

Environmental protection, Pesticides and pests.

Dated: December 9, 1999.

**Janet L. Andersen,**

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

[FR Doc. 99-32871 Filed 12-17-99; 9:17 am]

**BILLING CODE 6560-50-F**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6511-9]

### Proposed Settlement Agreement, Clean Air Act Citizen Suit

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Proposed Consent Decree; Request for Public Comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed partial consent decree, which was lodged with the United States District Court for the District of Columbia by the United States Environmental Protection Agency ("EPA") on December 1, 1999, to address a lawsuit filed by the Natural Resources Defense Council, Environmental Defense Fund, Conservation Law Foundation, Clean Air Council, Natural Resources Council of Maine, and Sierra Club (collectively referred to as "NRDC"). This lawsuit, which was filed pursuant to section 304(a) of the Act, 42 U.S.C. 7604(a), addresses EPA's alleged failure to meet a mandatory deadline under section 110(c) of the Act, 42 U.S.C. 7410(c), to promulgate federal implementation plans establishing attainment demonstrations for certain ozone nonattainment areas classified as serious or severe and located in the eastern part of the United States and to impose sanctions in those areas. *NRDC v. EPA*, No. 1:99CV02976 (D.D.C.).

**DATES:** Written comments on the proposed consent decree must be received by January 20, 2000.

**ADDRESSES:** Written comments should be sent to Jan M. Tierney, Air and Radiation Law Office (2344-A), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of the proposed consent decree are available from Phyllis J. Cochran, (202) 564-7606. A copy of the proposed consent decree was lodged with the Clerk of the United States District Court for the District of Columbia on December 1, 1999.

**SUPPLEMENTARY INFORMATION:** NRDC alleges that EPA has a mandatory duty to promulgate federal implementation plans (FIPs) and impose sanctions on 10 nonattainment areas located in 13 States and the District of Columbia. There are four areas that are classified as serious ozone nonattainment areas for the 1-hour ozone standard: Greater Connecticut located in Connecticut; Metropolitan Washington located in Washington, DC, Maryland and Virginia; Springfield/Western Massachusetts located in Massachusetts; and Atlanta located in Georgia. There are six areas classified as severe ozone nonattainment for the 1-hour ozone standard: New York-Northern New Jersey-Long Island located in Connecticut, New York and New Jersey; Philadelphia-Wilmington-Trenton located in Pennsylvania, Delaware, Maryland, and New Jersey; Baltimore located in Maryland; Houston-Galveston-Brazoria located in Texas; Chicago-Gary-Lake County located in Illinois and Indiana; and Milwaukee-Racine located in Wisconsin.

The proposed partial consent decree provides, in part, that EPA will promulgate full attainment FIPs by May 15, 2001 for the serious areas without fully approved attainment demonstration SIPs as of that date and will promulgate full attainment demonstration FIPs by June 14, 2002 for the severe areas without fully approved attainment demonstration SIPs as of that date. In addition, the consent decree provides for the FIP promulgation dates to be advanced (to February 28, 2001 for serious areas and July 31, 2001 for severe areas) if by May 31, 2000, EPA does not either (1) find that for purposes of transportation conformity the areas have adequate motor vehicle emissions budgets associated with submitted attainment demonstration SIPs, or (2) disapprove the submitted attainment demonstration SIPs. Finally, the consent decree provides that plaintiffs will file for dismissal of two lawsuits that are pending in the United States Court of Appeals for the District of Columbia Circuit and that were filed by some or all of the plaintiffs in the District Court