rulemaking activities under section 112 to control HAP emissions from electric utility steam generating units if the EPA finds such regulation is appropriate and necessary after considering the results of the study. The utility toxics study was completed and the Final Report to Congress issued on February 24, 1998. The Agency is required to make a finding as to whether it is appropriate and necessary to control HAP emissions from electric utility steam generating units no later than December 15, 2000.

In the Final Report to Congress, the EPA stated that mercury is the HAP emission of greatest potential concern from coal-fired utilities and noted several areas where additional research and monitoring were merited. Among the additional research areas noted were: (1) Collection and assessment of additional data on the mercury content of various types of coal; (2) collection and assessment of additional data on mercury emissions; (3) collection and assessment of additional information on control technologies or pollution prevention options that are available, or will be available, and the costs of those options; and (4) further review of the available data on the health impacts associated with exposure to mercury.

The EPA has ongoing investigations and analyses pertaining to these research areas. Three efforts are prominent. First, following issuance of the Final Report to Congress, the EPA initiated an information collection request to gather, under the authority of section 114 of the CAA, data on the mercury content of the coals burned in, and the exhaust gases from, coal-fired utility units during 1999. In addition, the EPA, in conjunction with the U.S. Department of Energy and other parties, is collecting information to assess the effectiveness and costs of various mercury pollution control technologies and pollution prevention options. Finally, the EPA has an agreement with the National Academy of Sciences to perform a review of the available data on the health impacts associated with exposure to mercury. In addition, the EPA is conducting or supporting investigations into mercury transport, human exposure, and other areas.

As indicated above, section 112(n)(1)(A) of the CAA requires the Administrator to regulate electric utility steam generating units under section 112 if such regulation is found to be appropriate and necessary. The Administrator believes that in addition to considering the results of the utility toxics study, she may consider any other available information in making her decision. The activities noted above will provide some of this other information. The EPA is also soliciting any additional information that the public may consider appropriate for consideration during the decision-making process.

Dated: February 17, 2000.

Robert Perciasepe,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 00–4786 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6544–4]

Proposed Settlement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''EPA''), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree in litigation instituted against the United States Environmental Protection Agency (''EPA'') by the South Coast Air Quality Management District (''District'' or ''plaintiff''). This lawsuit, filed on November 4, 1998, concerns EPA's failure to act under section 110(k) of the Clean Air Act, 42 U.S.C. 7401 et seq., to approve or disapprove the District's proposed revisions to the state implementation plan (SIP) for the South Coast.

DATES: Written comments on the proposed consent decree must be received by March 30, 2000.

ADDRESSES: Written comments should be sent to Dave Jesson, Air Division (AIR-2), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105–3901, (415) 744-1288, jesson.david&epa.gov. Copies of the proposed consent decree are available from Kay Kovitch at the above address, (415) 744-1267, kovitch.kay@epa.gov. On January 11, 2000, the parties lodged the proposed consent decree with the Clerk of the United States District Court for the Central District of California.

SUPPLEMENTARY INFORMATION: In *South Coast Air Quality Management District* v. *EPA,* No. 98–9789 (C.D. CA), the plaintiff alleges, among other things, that EPA failed to approve or disapprove the District's proposed revisions to the State Implementation Plan (SIP). The proposed revisions in the District's claim include ozone and particulate matter (PM–10) plans adopted by the District on November 15, 1996, approved by the State on January 23, 1997, and submitted to EPA on February 5, 1997; and 46 rules submitted at various times by the District through the State to EPA for inclusion in its SIP.

In order to resolve this matter without protracted litigation, the plaintiff and EPA have reached agreement on a proposed consent decree that has been signed by the parties and was lodged with the District Court on January 11, 2000. The proposed consent decree provides that EPA shall take final action on the following SIP submittals as specified: (1) Ozone plan submitted on February 5, 1997, no later than 20 days after the District provides written notice to EPA requesting such actions; (2) District Rules 429, 2002, and 2005 on or before January 31, 2000; and (3) District Rules 518.2 and 1623 on or before February 15, 2000. In the proposed consent decree, the District agreed to file a voluntary dismissal without prejudice of that portion of its complaint challenging EPA's failure to take final action on all of the remaining rules identified in the District's claim.

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 consent decree from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Dated: February 18, 2000.

Gary S. Guzy,

General Counsel.

[FR Doc. 00–4781 Filed 2–28–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6544–3]

Proposed Settlement Agreement, Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''Act''), notice is hereby given of a proposed settlement agreement in the following case: *Chemical Manufacturers*

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.

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 prejudge 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