

decision by the Agency on the applications.

*Products Containing Active Ingredients Not Included in Any Previously Registered Products*

1. File Symbol: 68467-E. Applicant: Mycogen Seeds, c/o Dow Agrosciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268. Product name: Mycogen Brand Bt Cry1F Corn. Active ingredient: *Bacillus thuringiensis* Cry1F protein and the genetic material necessary for its production (plasmid insert PHI8999) in corn plants. Proposed classification/Use: None. For full commercial use.

2. File Symbol: 29964-G. Applicant: Pioneer Hi-Bred International, Inc., 7250 NW 62nd Avenue, P.O. Box 552, Johnston, Iowa 50131-0552. Product name: Pioneer Brand Bt Cry1F Corn. Active ingredient: *Bacillus thuringiensis* Cry1F protein and the genetic material necessary for its production (plasmid insert PHI8999) in corn plants. Proposed classification/Use: None. For full commercial use.

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

Section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**List of Subjects**

Environmental protection, Pesticides and pest.

Dated: June 12, 2000.

**Janet L. Andersen,**

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

[FR Doc. 00-15722 Filed 6-21-00; 8:45 am]

**BILLING CODE 6560-50-F**

**ENVIRONMENTAL PROTECTION AGENCY**

**[OPP-50869; FRL-6592-5]**

**Issuance of an Experimental Use Permit**

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

**ACTION:** Notice.

**SUMMARY:** EPA has granted an experimental use permit (EUP) to the following pesticide applicant. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

**FOR FURTHER INFORMATION CONTACT:** By mail: Alan Reynolds, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs,

Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Highway, Rm. 910W46, CM #2, Arlington, VA, (703) 605-0515, e-mail: reynolds.alan@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Action Apply to Me?*

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, 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 information in this action, consult the designated contact person listed for the individual EUP.

*B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?*

You may obtain electronic copies of this document from the EPA Internet Home Page at <http://www.epa.gov/>. 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/>.

**II. EUP**

EPA has issued the following EUP: 524-EUP-91. Issuance. Monsanto Company, 700 Chesterfield Parkway North, St. Louis, MO 63198. This experimental use permit allows the use of 60.7 grams of the insecticidal *Bacillus thuringiensis* Cry1Ac protein in seeds shipped containing the plant-pesticide (*Bacillus thuringiensis* Cry1Ac protein and the genetic material for its production (Vector PV-GMBT01 and Vector PV-GMBT02) in soybean) on 61.3 acres of soybean to evaluate the control of soybean looper, stem borer, and velvetbean caterpillar. The program is authorized only in the States of Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Mississippi, Missouri, North Carolina, and Tennessee. The experimental use permit is effective from May 25, 2000 to May 31, 2001. This permit is issued with the limitation that all treated crops will be destroyed or used for research purposes only.

Persons wishing to review this EUP are referred to the designated contact person. Inquiries concerning this permit should be directed to the person cited

above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**Authority:** 7 U.S.C. 136.

**List of Subjects**

Environmental protection, Experimental use permits.

Dated: June 12, 2000.

**Janet L. Andersen,**

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

[FR Doc. 00-15721 Filed 6-21-00; 8:45 am]

**BILLING CODE 6560-50-F**

**ENVIRONMENTAL PROTECTION AGENCY**

**[FRL-6720-5]**

**Proposed Settlement Agreement, Application of Labor Standards Provision in the Clean Water Act State Revolving Fund program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement; request for public comment and notice of public meeting.

**SUMMARY:** The Environmental Protection Agency (EPA or the Agency) is seeking comment on a proposed settlement agreement between the Agency and the Building and Construction Trades Department, AFL/CIO (Building Trades) which would resolve a matter now pending before the Department of Labor's Wage and Hour Division Administrator. Under the proposed settlement agreement, EPA would prospectively apply the Davis-Bacon Act's prevailing wage rate requirements in the Clean Water State Revolving Fund (CWSRF) program established in title VI of the Federal Water Pollution Control Act, as amended (more commonly known as the Clean Water Act (CWA)), 33 U.S.C. 1381-1387, in the same manner as they applied before October 1, 1994.

Title VI of the CWA authorizes EPA to award grants to capitalize state revolving funds from which states, in turn, award loans and other types of assistance for the construction of publicly owned treatment works and other water quality projects. Appropriations for the CWSRF program were authorized only through fiscal year 1994, but Congress has continued to

appropriate funds for the program each year since.

CWA section 602(b)(6) required publicly owned treatment works funded with CWSRF assistance "directly made available by [capitalization grants]" that were "constructed in whole or in part before fiscal year 1995" (emphasis added) to comply with the requirements of a number of other CWA provisions. Among the provisions was CWA section 513, which applies Davis-Bacon Act requirements to treatment works for which grants are made under the CWA.

EPA interpreted the language of CWA section 602(b)(6) as limiting the application of the Davis-Bacon Act and other requirements to CWSRF-funded treatment works projects "constructed in whole or in part before fiscal year 1995", and, in an August 8, 1995, memorandum, announced that these requirements would not apply to CWSRF-assisted projects that begin construction on or after October 1, 1994 (the beginning of Fiscal Year 1995). Two years later, the Building and Construction Trades Department ("Building Trades"), AFL-CIO, asked the Department of Labor's Wage and Hour Division ("DOL") to rule that the requirements of the Davis-Bacon Act continue to apply to treatment works projects funded with CWSRF loans under CWA title VI. The Building Trades argued that the Davis-Bacon Act requirement applied to CWSRF-funded projects as long as Congress appropriated funds for the program. EPA responded in opposition to the Building Trades request for ruling.

EPA has closely considered the relationship of CWA section 513 and CWA section 602(b)(6) and the arguments of the Building Trades in its request for ruling. While the Agency's position to date rests on a reasonable legal interpretation, EPA is now persuaded of the appropriateness of the view that CWA section 513 imposes a continuing, independent obligation on the Agency to ensure that Davis-Bacon Act requirements apply to any grants made under the CWA for treatment works, including capitalization grants made under title VI of the CWA. The language of CWA section 602(b)(6) does not relieve the Agency of this obligation. Furthermore, as a matter of policy, the Agency has determined that prevailing wage rate requirements applicable to federally-assisted construction projects should continue to apply to federally-assisted treatment works construction in the CWSRF program.

Consequently, EPA and the Building Trades are proposing to enter into the settlement agreement published with this notice. Under the agreement, EPA

would include a condition in all capitalization grant agreements entered into between the Agency and the states on or after January 1, 2001, requiring the states to ensure that the requirements of section 513 of the CWA will be applied to publicly owned treatment works receiving CWSRF assistance in the same manner as they were applied before October 1, 1994. In exchange for EPA's commitment, Building Trades would agree not to pursue any further action on this matter before DOL or any other Federal administrative agency, or in litigation.

For a period of forty-five (45) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from any persons. A public meeting to discuss this proposed settlement agreement will also be held on Thursday, July 13, 2000, from 2 to 4 PM, at the Washington Plaza Hotel, 10 Thomas Circle, Washington, DC. EPA may withdraw from the proposed settlement agreement, or withhold its agreement, if these comments or consultations taking place with state and local government representatives, disclose considerations that indicate that entering into the settlement agreement would be inappropriate, improper or inconsistent with the requirements of the CWA.

Written comments should be sent to Geoff Cooper, Finance and Operations Law Office, Office of General Counsel (2377A), U.S. Environmental Protection Agency, 12th and Pennsylvania Avenue, NW., Washington, DC 20460 (or they may be e-mailed to [cooper.geoffrey@epamail.epa.gov](mailto:cooper.geoffrey@epamail.epa.gov)). Questions about the July 13, 2000, public meeting should be addressed to Angela Cracchiolo, Office of Wastewater Management, Office of Water (4204), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (or they may be e-mailed to [cracchiolo.angela@epamail.epa.gov](mailto:cracchiolo.angela@epamail.epa.gov)).

Dated: June 14, 2000.

**Gary S. Guzy,**  
General Counsel.

#### Proposed Settlement Agreement

*Whereas*, title VI of the Federal Water Pollution Control Act, as amended (more commonly known as the Clean Water Act (CWA)), 33 U.S.C. 1381—1387, authorizes the Environmental Protection Agency (EPA) to make grants to states to capitalize Clean Water State Revolving Funds (CWSRF), from which the states, in turn, make loans and other types of assistance for the construction of publicly owned treatment works and

other water quality projects and activities;

*Whereas*, section 602(b)(6) of the CWA, 33 U.S.C. 1382(b)(6), requires states to ensure that publicly owned treatment works "constructed in whole or in part before fiscal year 1995 with CWSRF funds directly made available by" capitalization grants comply with sixteen provisions of the CWA, including section 513 of the CWA, 33 U.S.C. 1372, which applies Davis-Bacon Act requirements to treatment works for which grants are made under the CWA;

*Whereas*, EPA has not required states to ensure that publicly owned treatment works that began construction on or after October 1, 1994, with CWSRF assistance will comply with the requirements identified in section 602(b)(6) of the CWA, including the requirements of the Davis-Bacon Act;

*Whereas*, the Building and Construction Trades Department, AFL-CIO, (Building Trades), challenged this position and requested a ruling by John R. Fraser, Acting Administrator of the Department of Labor's (DOL) Wage and Hour Division, that the requirements of the Davis-Bacon Act continued to apply to the construction of publicly owned treatment works receiving CWSRF assistance as long as Congress appropriates funds for grants under title VI of the CWA.

*Whereas*, Congress has continued to appropriate funds for grants to states for their CWSRF programs under the CWA;

*Whereas*, EPA replied in opposition to the Building Trades request for ruling;

*Whereas*, EPA published this settlement agreement in the Federal Register along with a request for the public to comment on whether EPA should again apply section 513 of the CWA to treatment works projects assisted with CWSRF funds directly made available by capitalization grants, and consulted with state and local government officials on the terms of this agreement;

*Whereas*, EPA has carefully considered the comments received on the **Federal Register** Notice and the comments provided by state and local governments during the consultation process;

*And Whereas*, EPA and the Building Trades have determined that it is in the public interest to resolve this matter expeditiously;

*It is therefore agreed that,*

1. EPA will issue a memorandum to its Regional Water Division Directors directing them to include a condition in all capitalization grant agreements entered into between EPA and the states under title VI of the CWA, on or after January 1, 2001, requiring the states to

ensure that the requirements of section 513 of the CWA will be applied to publicly owned treatment works receiving CWSRF assistance under those agreements in the same manner as section 513 requirements were applied before October 1, 1994.

2. The grant condition will require states to ensure that the requirements of section 513 of the CWA, and no other requirements identified in section 602(b)(6) of the CWA, will apply only to publicly-owned treatment works that are funded with funds "directly made available by" grants under title VI of the CWA, as that phrase is defined at 40 CFR 35.3105(g).

3. The grant condition will be included in all capitalization grant agreements entered into between EPA and the states under title VI of the CWA on or after January 1, 2001;

4. The Building Trades and EPA will submit this agreement to the Administrator of the Wage and Hour Division, DOL, with a joint request to dismiss the administrative proceeding on the Building Trades Department's request for ruling.

5. The Building Trades will not pursue any further action on the matter hereby resolved in this settlement agreement, either before DOL or any other Federal administrative agency, or in litigation.

6. In the event that EPA does not accomplish one or more of the items specified in Paragraphs 1, 2 and 3 above, the Building Trades sole remedy will be to reinstitute its request for ruling before the DOL.

7. Nothing in the terms of this agreement shall be construed to limit or modify the discretion accorded EPA by the CWA or by general principles of administrative law.

8. The undersigned representatives of each party certify that they are fully authorized by the parties they represent to bind the respective parties to the terms of this settlement agreement. This settlement agreement will be deemed to be executed when it has been signed by the representatives of the parties below.

*Agreed:*

**Gary S. Guzy,**

*General Counsel, United States  
Environmental Protection Agency, 1200  
Pennsylvania Avenue, Washington, D.C.  
20460.*

**Edward C. Sullivan,**

*President, Building and Construction Trades  
Department, AFL-CIO, American Federation  
of Labor/Congress of Industrial  
Organizations, 1155 Fifteenth Street, N.W.,  
4th Floor, Washington, D.C. 20005-2707.*

[FR Doc. 00-15719 Filed 6-21-00; 8:45 am]

BILLING CODE 6560-50-U

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6721-1]

### Notice of Availability of Letter From EPA to the State of Wisconsin Pursuant to Section 118 of the Clean Water Act and the Water Quality Guidance for the Great Lakes System

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

**ACTION:** Notice of availability.

**SUMMARY:** Notice is hereby given of a June 13, 2000 letter written from Region 5 of the Environmental Protection Agency (EPA) to the State of Wisconsin finding that certain provisions adopted as part of the State's water quality standards and National Pollutant Discharge Elimination System (NPDES) permits program are inconsistent with section 118(c) of the Clean Water Act (CWA) and 40 CFR part 132. EPA's findings are described in the June 13, 2000 letter to Wisconsin. The letter also expresses EPA's belief that, with the exceptions of those inconsistencies, Wisconsin has otherwise adopted requirements that are consistent with the remainder of 40 CFR part 132. EPA invites public comment on all aspects of that letter, particularly on the findings in the letter and on the course of action that EPA proposes to take if the State fails to adequately address EPA's findings.

**DATES:** Comments must be received in writing by August 7, 2000.

**ADDRESSES:** Written comments on EPA's findings as described in the June 13, 2000 letter may be submitted to Mery Jackson-Willis, Standards and Applied Sciences Branch (WT-15J), Water Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604. In the alternative, EPA will accept comments electronically. Comments should be sent to the following Internet E-mail address: [jackson-willis.mery@epamail.epa.gov](mailto:jackson-willis.mery@epamail.epa.gov). Electronic comments must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. EPA will print electronic comments in hard-copy paper form for the official administrative record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Eastern time) August 7, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mery Jackson-Willis, Standards and Applied Sciences Branch (WT-15J),

Water Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or telephone her at (312) 886-3717.

Copies of the June 13, 2000 letter described above is available upon request by contacting Ms. Jackson-Willis. That letter and materials submitted by the State in support of its submission that EPA relied upon in preparing that letter (i.e., the docket) are available for review by appointment at: EPA, Region 5, 77 W Jackson Boulevard, Chicago, Illinois (telephone 312-886-3717); and the Wisconsin Department of Natural Resources, 101 South Webster Street, Madison, Wisconsin (telephone: 608-267-2621). To access the docket material in Chicago, call Ms. Mery Jackson-Willis at (312) 886-3717 between 8 a.m. and 4:30 p.m. (central time) (Monday-Friday); in Wisconsin, call Mr. Robert Masnado at (608) 267-7662 between 8 a.m. and 4:30 p.m. (central time).

**SUPPLEMENTARY INFORMATION:** On March 23, 1995, EPA published the Final Water Quality Guidance for the Great Lakes System (Guidance) pursuant to section 118(c)(2) of the Clean Water Act, 33 U.S.C. 1268(c)(2). (March 23, 1995, 60 FR 15366). The Guidance, which was codified at 40 CFR Part 132, requires the Great Lakes States to adopt and submit to EPA for approval water quality criteria, methodologies, policies and procedures that are consistent with the Guidance. 40 CFR 132.4 & 132.5. EPA is required to approve of the State's submission within 90 days or notify the State that EPA has determined that all or part of the submission is inconsistent with the Clean Water Act or the Guidance and identify any necessary changes to obtain EPA approval. If the State fails to make the necessary changes within 90 days, EPA must publish a notice in the **Federal Register** identifying the approved and disapproved elements of the submission and a final rule identifying the provisions of Part 132 that shall apply for discharges within the State.

EPA reviewed the submittals from Wisconsin for consistency with the Guidance in accordance with 40 CFR 131 and 132.5. EPA determined that certain parts of Wisconsin's submittal are inconsistent with the requirements of the CWA or 40 CFR Part 132 and will be subject to EPA disapproval if not corrected. On June 13, 2000, in a letter from EPA Region 5 to the Wisconsin Department of Natural Resources, EPA described in detail those provisions determined to be inconsistent with the Guidance and subject to disapproval if