

D. Aggregate Exposure

Since the Cry9C protein is expressed in plant tissues, dermal or inhalation will be negligible to non-existent. Drinking water is unlikely to be contaminated with Cry9C protein due to the rapid degradation of plant materials in the soil. Processed plant products may allow for low levels of exposure to the Cry9C protein, but the lack of mammalian toxicity and the lack of sequence homology to known toxins or allergens, has already been demonstrated.

E. Cumulative Exposure

The unique mode-of-action of *Bt* proteins in general, coupled with the lack of mammalian toxicity for the Cry9C protein provides no basis for the expectation of cumulative exposure with other compounds.

F. Safety Determination

Bt microbial pesticides containing Cry proteins have been applied for more than 30 years to food and feed crops consumed by the U.S. population. There have been no human safety problems attributed to Cry proteins. The extensive mammalian toxicity studies performed to support the safety of *Bacillus thuringiensis* - containing pesticides clearly demonstrate that the tested isolates are not toxic or pathogenic (McClintock, *et al.*, 1995, *Pestic. Sci.* 45:95-105). The lack of mammalian toxicity or allergenic properties of the Cry9C protein provides support for our request of an exemption from the requirement of a tolerance set forth in this petition. Non-dietary exposure of infants, children or the US population in general, to the Cry9C protein expressed in plant materials, are not expected due to the uses of this product within agricultural settings.

G. Existing Tolerances

No tolerances or tolerance exemptions have been granted for the *Bacillus thuringiensis* subsp. *tolworthi* Cry9C and the genetic material necessary for the production of this protein in or on all raw agricultural commodities.

[FR Doc. 97-24940 Filed 9-18-97; 8:45 am]

BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5895-2]

Notice of Proposed Assessment of Clean Water Act Class II Administrative Penalty to Arizona Public Service Company and Opportunity To Comment

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment.

SUMMARY: EPA is providing notice of a proposed administrative penalty assessment and proposed Consent Agreement for alleged violations of the Clean Water Act. EPA is also providing notice of the opportunity to comment on the proposed penalty assessment.

Under section 309(g) of the Clean Water Act, 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance.

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits, 40 CFR part 22. The procedures through which the public may comment on a proposed Class II penalty or participate in a Class II proceeding are set forth in the Consolidated Rules. The deadline for submitting public comment of a proposed Class II order is thirty days after publication of this document.

On the date identified below, EPA commenced the following Class II proceeding for the assessment of penalties:

In the matter of Arizona Public Service Company, P.O. Box 52034, Phoenix, AZ; EPA Docket No. CWA-IX-FY97-16; filed on September 11, 1997, with Mr. Steven Armsey, Regional Hearing Clerk, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1389, proposed penalty of \$42,000 for unpermitted discharges in August 1994, January 1997, February 1997 and March 1997 into the Gila River from their water reclamation supply system pipeline. EPA and Arizona Public Service Company have agreed to a proposed Consent Agreement in which Arizona Public Service Company shall pay a civil penalty of \$42,000.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated Rules, review the complaint or other documents filed in this proceeding, comment upon a proposed assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above. The administrative record for this proceeding is located in the EPA Regional Office identified above, and the file will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of this administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will take no final action in these proceedings prior to thirty (30) days after the date of publication of this document.

Dated: September 11, 1997.

John Ong,

Acting Director, Water Division.

[FR Doc. 97-24946 Filed 9-18-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5895-4]

EPA's Final Decision To Withdraw Phase I Total Maximum Daily Loads (TMDLs) for Copper in certain New Jersey Waters of New York-New Jersey Harbor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has determined that certain New Jersey waters of the New York-New Jersey Harbor are not water quality-limited for copper, and therefore, Phase I copper TMDLs are not required for these water segments. The New Jersey Harbor waters for which Phase I Copper TMDLs are being withdrawn are defined as Newark Bay, Hackensack River below the Oradell Dam, Passaic River below the Dundee Dam, Raritan River below the Fieldsville Dam, and Raritan Bay. EPA is hereby issuing public notice of its final decision to withdraw the Phase I TMDLs for copper established by EPA on January 24, 1996.

DATES: September 19, 1997.

ADDRESSES: Copies of the responsiveness summary and relevant supporting documents may be obtained by writing to Mr. Steven Wood, Fate & Effects Team, U.S. Environmental

Protection Agency Region II, 290 Broadway, 24th Floor, New York, New York 10006-1866, wood.steven@epamail.epa.gov, or by calling (212) 637-3866.

The administrative record containing background technical information is on file and may be inspected at the U.S. EPA, Region II office between the hours of 8 a.m. and 5:30 p.m., Monday through Friday, except holidays. Arrangements to examine the administrative record may be made by contacting Mr. Steven Wood.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Wood, telephone (212) 637-3866.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Public Notice of Draft Decision
- III. Final Determination

I. Background

A TMDL, or total maximum daily load, is the maximum amount of the pollutant that a waterbody can assimilate and still meet ambient water quality standards. TMDLs are established for water quality-limited segments, which are defined as "any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of technology-based effluent limitations * * *" (40 CFR 130.2(i)).

On January 24, 1996, EPA established certain phased TMDLs, including waste load allocations (WLAs) and load allocations (LAs) for copper. (61 FR 1930). Phased TMDLs were developed for copper because of the limited ambient data and uncertainty in the model calibration for the New Jersey Harbor waters. The Phase I TMDLs established in January 1996 required additional data collection in the New Jersey Harbor waters before the establishment, as necessary, of revised Phase II TMDLs. Phase II TMDLs were to be established only if the additional data and/or modeling indicated that it was necessary to reduce point and/or nonpoint sources of copper below Phase I levels. The New Jersey Harbor waters affected by this action are Newark Bay, Hackensack River below the Oradell Dam, Passaic River below the Dundee Dam, Raritan River below the Fieldville Dam and Raritan Bay.

The New Jersey Harbor Dischargers Group (NJHDG), in cooperation with the State of New Jersey and EPA, agreed to undertake the required additional monitoring and modeling. The first phase of the monitoring was designed to enhance the existing ambient database and to confirm whether copper

exceeded or potentially exceeded applicable water quality standards in the above defined New Jersey Harbor waters. Based on the results of this data collection effort, it was determined that copper does not exceed the appropriate water quality criteria, and therefore the Phase I copper TMDLs are being withdrawn, for the waters mentioned above.

For the Arthur Kill and Kill Van Kull, the Phase I copper TMDLs are not being withdrawn by today's action. The copper TMDLs for these waters remain in effect. Additional monitoring and modeling is currently ongoing for these two waters, and EPA expects to review these data and take appropriate action. Such action may include, without limitation, withdrawing the Phase I copper TMDLs, establishing Phase II copper TMDLs or taking no action to revise the Phase I copper TMDLs. In order to clarify EPA's position in this matter, EPA will, following review of the data, publish notice in the **Federal Register** of the results of its review and what further action, if any, it intends to take on the Arthur Kill and Kill Van Kull copper TMDLs.

II. Public Notice of Draft Decision

EPA's proposed withdrawal was public noticed in the **Federal Register** dated January 10, 1997 (62 FR 1454). A 30-day comment period followed, during which EPA received five comment letters. All comments have been addressed in a responsiveness summary which may be obtained by writing or calling Mr. Steven Wood as referenced above.

III. Final Decision

EPA is noticing its final decision to withdraw the Phase I copper TMDLs from the following New Jersey Harbor waters:

- Hackensack River below the Oradell Dam,
- Passaic River below the Dundee Dam,
- Raritan River below the Fieldville Dam,
- Newark Bay, and
- Raritan Bay.

This action has no effect on the TMDLs for other pollutants established for these waters.

Dated: August 28, 1997.

William J. Muszynski,
Acting Regional Administrator.

[FR Doc. 97-24944 Filed 9-18-97; 8:45 am]

BILLING CODE 6560-50-P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting; Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the October 9, 1997 regular meeting of the Farm Credit Administration Board (Board) will not be held. The FCA Board will hold a meeting at 9:00 a.m. on Wednesday, October 22, 1997. An agenda for this meeting will be published at a later date.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

Dated: September 16, 1997.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 97-25114 Filed 9-17-97; 2:24 pm]

BILLING CODE 6705-01-P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Amendment to Sunshine Act Meeting; Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), the Farm Credit Administration gave notice on September 10, 1997 (62 FR 47667) of the regular meeting of the Farm Credit Administration Board (Board) scheduled for September 11, 1997. This notice is to amend the agenda by adding an item to the open session of that meeting.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board were open to the public (limited space available), and parts of this meeting were closed to the public. The agenda for September 11, 1997, is amended by adding the following item:

Open Session

B. Report

—FCSBA's Quarterly Report