## II. Introduction

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(2), the contract with Versar and SRC, prohibits use of the information for any purpose not specified in the contract; prohibits disclosure of the information to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Versar and SRC are required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor and it's subcontractor until the above requirements have been fully satisfied. Records of information provided to this contractor and subcontractor will be maintained by the Project Officers for this contract in the EPA Office of Pesticide Programs.

All information supplied to Versar and SRC by EPA for use in connection with this contract will be returned to EPA when Versar and SRC have completed their work.

### List of Subjects

Environmental protection, Transfer of data.

Dated: August 26, 1999.

**Richard D. Schmitt,**

*Acting Director, Information Resources and Services Division, Office of Pesticide Programs.*

[FR Doc. 99–23413 Filed 9–8–99; 8:45 am]

**BILLING CODE 6560–50–F**

## ENVIRONMENTAL PROTECTION AGENCY

**[PF–892; FRL–6095–9]**

## Notice of Filing Pesticide Petitions To Establish a Tolerance for Certain Pesticide Chemicals in or on Food

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

**ACTION: NOTICE.**

**SUMMARY:** This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

**DATES:** Comments, identified by docket control number PF–892, must be received on or before October 12, 1999.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the ''SUPPLEMENTARY INFORMATION'' section. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–892 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: The Regulatory Action Leader, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 listed in the table below:

| Regulatory Action Leader | Office location/telephone number | Address | Petition number |
|---|---|---|---|
| Denise Greenway ..... | 9th Floor, CM #2, 703–308–8263, e-mail: greenway.denise@epa.gov. | 1921 Jefferson Davis Hwy, Arlington, VA | PP 8E4926 |
| Diana Horne ..... | 9th Floor, CM #2, 703–308–8367, e-mail: horne.diana@epa.gov. | Do. | PP 9F6027 |

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. Does This Action Apply to Me?*

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

| Categories | NAICS | Examples of potentially affected entities |
|---|---|---|
| Industry | 111 | Crop production |
| | 112 | Animal production |
| | 311 | Food manufacturing |
| | 32532 | Pesticide manufacturing |

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have 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 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 PF–892. 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 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–892 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 5.1/6.1 or ASCII file format. All comments in electronic form must be identified by docket control number PF–892. 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:

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. Make sure to submit your comments by the deadline in this notice.

7. 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. What Action Is the Agency Taking?

EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various food commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

### List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 30, 1999.

**Janet L. Andersen,**

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

### Summaries of Petitions

Petitioner summaries of the pesticide petitions are printed below as required by section 408(d)(3) of the FFDCA. The summaries of the petitions were prepared by the petitioners and represent the views of the petitioners. EPA is publishing the petition summaries verbatim without editing them in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

### 1. AVA Chemical Ventures, L.L.C.

*PP 8E4926*

EPA has received a pesticide petition (PP 8E4926) from AVA Chemical Ventures, L.L.C., 65 Aviation Avenue, Portsmouth, New Hampshire, 03801 proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a, to amend 40 CFR part 180 by establishing an exemption from the requirement of a tolerance for residues of sucrose fatty acid esters in or on all food commodities. Pursuant to section 408(d)(2)(A)(i) of the FFDCA, as amended, AVA Chemical Ventures, L.L.C. has submitted the following summary of information, data, and arguments in support of their pesticide petition.

*A. Proposed Use Practices*

Sucrose octanoate fatty acid esters made with caprylic acid derived from 21 CFR-approved edible fats and oils are contact insecticides that are effective against whiteflies, aphids, mites, thrips and other soft-bodied insects. The mode of action is physical, whereby the surfactant effect of sucrose octanoate fatty acid esters de-waxes the cuticle of the target insect, causing it to dessicate.

Sucrose octanoate fatty acid esters are sprayed in a water solution at the rate of 0.2–0.5% volume/volume throughout the growing season at intervals of 3–10 days, as needed, to control soft-bodied insects. Treatments are applied up to 2 days before harvest.

*B. Product Identity/Chemistry*

Sucrose octanoate fatty acid esters are manufactured by the transesterification of sucrose and a caprylic fatty acid ester derived from an edible oil or fat in the presence of a polar solvent, such as dimethylsulfoxide (DMSO). Mono-, di-, and tri-esters of sucrose are formed (i.e., sucrose octanoate, sucrose dioctanoate and sucrose trioctanoate). The crude transesterification product is purified in a series of unit operations that may include vacuum distillation, filtration and liquid-liquid extraction. The resulting material is a high quality non-ionic surfactant.

*C. Toxicological Profile*

Sucrose fatty acid esters derived from edible vegetable oils, edible tallow or hydrogenated edible tallow were approved in 1983 by the Food and Drug Administration (FDA) for use as emulsifiers in certain foods and as post-harvest protective coatings for certain fruits (21 CFR 172.859). The range of foods in which use of sucrose fatty acid esters is permitted was expanded by the FDA in 1995. Since the initial approval for food use of sucrose fatty acid esters was granted in Japan in 1959, other major regulatory bodies, including the World Health Organization (WHO), have granted similar approvals.

Toxicological studies were conducted in connection with the above-referenced approvals of sucrose fatty acid esters for use as food emulsifiers. AVA Chemical Ventures, L.L.C. has reviewed these toxicological studies and summaries are presented below.

1. *Acute toxicity.* Sucrose fatty acid esters and sucroglycerides were evaluated by the WHO for acceptable daily intake (ADI) for man in 1969, 1973, 1976, and 1980.

WHO Food Additive Series No. 15 (1980), titled, ''Toxicological Evaluation of Certain Food Additives,'' reports on the results of sucrose fatty acid esters administered in short-term feeding studies of dogs and a long-term feeding study of rats. No effects attributable to the ingestion of sucrose fatty acid esters were found in any of the studies. The WHO concluded the ingestion level causing no toxicological effect in rat to be 10,000 parts per million (ppm) (1.0%) in the diet, equivalent to 500 milligrams/kilograms (mg/kg) of body weight (bwt). The estimate of ADI for man was 0–10 mg/kg of bwt.

Primary skin irritation and primary eye irritation studies performed on rabbits by AVA Chemical Ventures, L.L.C. with Manufacturing Use Product (MUP) and End Use Product (EUP) sucrose octanoate fatty acid esters have been submitted to EPA. The MUP was found to be slightly irritating to the skin and severely irritating to the eye. The EUP was found to be slightly irritating to the skin and to cause substantial but temporary eye injury.

2. *Genotoxicity.* The components of sucrose octanoate fatty acid esters (sucrose and caprylic acid) already have regulatory approval and are commonly consumed as foods or food components. Caprylic acid (octanoic acid) is obtained from coconut oil or palm oil where it is present in concentrations of 7.5% and 3.3%, respectively. Caprylic acid (octanoic acid) is approved by the FDA as a generally recognized as safe (GRAS) substance and direct food additive (21 CFR 184.1025 and 21 CFR 172.860)

3. *Reproductive and developmental toxicity.* In 1976, in WHO Food Additive Series No. 10, the WHO reported on the results of a reproduction study over three generations of rats using sucrose fatty acid esters at 0 and 1% of the diet for control and test groups, respectively. Mean litter size, physical appearance and growth of litter were comparable among test and control groups.

4. *Subchronic toxicity.* WHO Food Additive Series No. 15 (1980) reports the findings of a study in which sucrose fatty acid esters made from beef tallow were fed to beagle dogs at concentrations of 3,000, 10,000 or 30,000 ppm for 26–weeks. A control group was fed an identical diet with the exception of the sucrose fatty acid esters. Body weight changes, food intake and water consumption were not affected by the administration of the esters. The opthalmic and haemotologic examinations, urinalysis, organ weights and macroscopic examinations revealed no adverse effects which could be attributed to the intake of the sucrose fatty acid esters. The blood chemistry studies showed that the majority of parameters measured were within acceptable limits.

5. *Chronic toxicity.* An unpublished paper titled, ''Study of Chronic Toxicity of a Sucrose Ester of Fatty Acids'' (undated) was submitted to the FDA in connection with the registration of sucrose fatty acid esters for use as food additives. For up to 76 weeks mice and rats were fed standard feed to which had been added up to 3.0% sucrose fatty acid esters. Animals were examined for body weight, feed consumption, hematological findings, organ weights and histopathology of organs. No particular changes resulting from administration of sucrose fatty acid esters were found.

6. *Animal metabolism.* Sucrose fatty acid esters are derived from fatty acids produced from 21 CFR-approved edible fats and oils. Ethyl alcohol and butanol, two of the solvents used to produce sucrose octanoate fatty acid esters, are exempted from the requirement of a tolerance under 40 CFR 180.1001(c). DMSO, the other solvent used to produce sucrose octanoate fatty acid esters, is approved for use in the manufacture of food-grade sucrose fatty acid esters under 21 CFR 172.859.

7. *Metabolite toxicology.* The components of sucrose octanoate fatty acid esters (sucrose and caprylic acid) already have regulatory approval and are commonly consumed as foods or food components. Caprylic acid (octanoic acid) is obtained from coconut oil or palm kernal oil where it is present at concentrations of 7.5% and 3.3%, respectively. Caprylic acid (octanoic acid) is approved by the FDA as a GRAS substance and direct food additive (21 CFR 184.1025 and 21 CFR 172.860).

8. *Endocrine disruption.* Sucrose fatty acid esters are not derived from nor contain any compounds which are known to be, or suspected to be, endocrine disruptors. Sucrose fatty acid esters are derived from a variety of 21 CFR-approved edible fats and oils.

*D. Aggregate Exposure*

AVA Chemical Ventures, L.L.C. believes that sufficient data exist to assess the hazards of sucrose fatty acid esters and to make a determination on aggregate exposure, consistent with section 408(c)(2), for an exemption from the requirement of a tolerance. Such data were submitted to the FDA prior to that agency's approval of sucrose fatty acid esters for use as an emulsifier in foods and as fruit coatings.

1. *Dietary exposure from food and feed uses, drinking water and non-dietary exposure—* i. *Dietary exposure.* Sucrose fatty acid esters made from 21 CFR-approved edible fats and oils and conforming to 21 CFR 172.860 are approved for use as food emulsifiers and as fruit coatings (21 CFR 172.859). They are also approved for food use in Europe and by the WHO Joint Expert Committee on Food Additives, with an acceptable daily intake (ADI) of 10 mg/kg body weight/day. Current world consumption in food applications is estimated to be 5,000 metric tons. Pesticide use would increase usage by approximately 1,000 metric tons, much of which will biodegrade prior to consumption of the crops to which it is applied.

ii. *Drinking water.* No drinking water exposure is anticipated as sucrose fatty acid esters are not soluble in water and biodegrade rapidly following use.

iii. *Non-dietary exposure.* Non-occupational, non-dietary exposure is highly unlikely given that the inhalation potential or dermal absorption of these substances are not feasible.

*E. Cumulative Exposure*

Sucrose octanoate fatty acid esters are non-toxic materials made from edible starting materials (sucrose and caprylic acid), which are commonly consumed as foods or food components. Sucrose fatty acid esters also biodegrade rapidly following use. A cumulative risk assessment is therefore not necessary.

*F. Safety Determination*

1. *U.S. population.* Sucrose fatty acid esters derived from edible fats and oils

are approved for use as food emulsifiers and as fruit coatings under 21 CFR 172.859. The components of sucrose octanoate fatty acid esters (sucrose and caprylic acid) are commonly consumed as foods or food components.

Based on these materials' low-risk profiles, there is reasonable certainty that no harm to the U.S. population will result from aggregate exposure to sucrose fatty acid esters.

2. *Infants and children*. FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly or through the use of margin of exposure analysis through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

Due to the extensive toxicology data base that exists for the sucrose fatty acid esters, their widespread approval for use as food emulsifiers and as a component in protective coatings applied to fruits, as well as the fact that their starting materials are edible food commodities, AVA Chemical Ventures, L.L.C. does not believe a safety factor analysis is necessary in assessing the risk of these compounds. For the same reason, we believe an additional safety factor analysis is unnecessary.

*G. Analytical Method*

An analytical method for residues is not applicable as this petition proposes an exemption from the requirement of a tolerance.

*H. Existing Tolerances*

Sucrose fatty acid esters derived from edible fats and oils are approved for use as food emulsifiers and as fruit coatings under 21 CFR 172.859. Sucrose fatty acid esters are approved for use as food emulsifiers in Europe under E-470 and by the Joint FAO/WHO Expert Committee on Food Additives at an ADI of 10 mg/kg bwt/day.

There are no known approved CODEX maximum residue levels (MRLs) established for residues of sucrose fatty acid esters.

*I. Conclusion*

Based on the information and data considered, AVA Chemical Ventures, L.L.C. proposes that sucrose fatty acid esters derived from edible fats and oils be exempted from the requirement of a tolerance in or on all food commodities, when used as an insecticide in accordance with good agricultural practices.

**2. EDEN Bioscience Corporation**

*PP 9F6027*

*A. Proposed Use Practices*

EPA has received a pesticide petition PP 9F6027, from EDEN Bioscience Corporation, 11816 North Creek Parkway N., Bothell, WA 98011-8205, proposing pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for the biochemical pesticide Harpin protein in or on all food crops.

The commercial name for the end product containing harpin is Messenger ™. The product uses include the management of plant diseases, the significant improvement in growth and yields, and the suppression of certain insects and other pests.

*B. Product Identity/Chemistry*

1. *Identity of the pesticide and corresponding residues*. Harpin is a protein that is derived from and is chemically identical to a protein produced by a bacterium that is commonly found in nature. The harpin protein is an acidic, heat-stable, cell envelope associated protein with a molecular weight of about 40 kilodaltons. The protein consists of approximately 400 amino acid residues with no Cysteine. Harpin is characterized by its mobility on polyacrylamide SDS gel and high performance liquid chromotography (HPLC), and by laser desorption mass spectrometry.

2. *Magnitude of residue at the time of harvest and method used to determine the residue*. No residues of harpin protein are expected to occur at the time of harvest, as this proposes an exemption from the requirement of a tolerance.

3. *A statement of why an analytical method for detecting and measuring the levels of the pesticide residue are not needed*. This notice proposes an exemption from the requirement of a tolerance, and thus no analytical method is required.

*C. Mammalian Toxicological Profile*

Messenger exhibits little or no mammalian toxicity and studies indicate that Messenger is a Toxicity Category IV substance. No toxicity was observed in acute oral toxicity studies conducted with Messenger. Acute oral and dermal toxicity $LD_{50}$ values for Messenger were greater than 5,000 mg/kg in rat (Toxicity Category IV). The $LC_{50}$ for Messenger was greater than 2 mg/L in an acute inhalation study in rat. Messenger showed no effect in eye and dermal irritation studies. For example, the dermal irritation index for Messenger was zero at 500 mg and no eye irritation was shown in rabbit at 100 mg. There have been no reported incidents of Messenger-induced hypersensitivity in individuals exposed to Messenger during research, production, and/or field testing and there are no published reports indicating that harpin proteins are toxic. Further, the harpin protein has a non-toxic mode of action by eliciting a systemic acquired resistance response in plants, and it has been demonstrated that the product has no direct antimicrobial effect on bacteria and fungi. Based on these studies, EDEN Bioscience Corporation has concluded that harpin poses no unique or additional risk to children or infants, and has proposed an exemption from the requirement of a tolerance for harpin.

*D. Aggregate Exposure*

1. *Dietary exposure*— i. *Food*. Messenger is applied at very low rates of application (generally 2 to 7 grams of active ingredient per acre). Because of the low use rates, no active ingredient residues are detectable, using available methods, on treated crops even immediately after application. Dietary exposure to harpin via consumption of treated food or feed is very negligible, if any at all. The product's other ingredients, which generally represent over 90% of the product, consist of food grade substances or other such low risk compounds.

ii. *Drinking water*. The active ingredient of Messenger is highly sensitive to very small amounts of chlorine as contained in many municipal water systems. Therefore, residues of harpin are unlikely to occur in drinking water or food, given the low application rate of the product and its rapid degradation in soil and water.

2. *Non-dietary exposure*. The Company believes that the potential for non-dietary exposure to the general population including infants and children is unlikely as the proposed use sites are primarily commercial, agricultural and horticultural settings and that non-dietary exposures would not be expected to pose any quantifiable risks due to lack of residues of toxicological concern. Increased non-dietary exposure of harpin via lawn care, etc., is not considered likely because of the low use rates and the lack

of persistence of the active ingredient in the environment.

*E. Cumulative Exposure*

Consideration of a common mode of toxicity is not appropriate, given that there is no indication of mammalian toxicity of harpin protein and no information that indicates that toxic effects would be cumulative with any other compounds. Moreover, harpin does not exhibit a toxic mode of action in its target pests or diseases.

*F. Safety Determination*

1. *U.S. population.* Harpin's lack of toxicity has been demonstrated by the results of acute toxicity testing in mammals in which harpin caused no adverse effects when dosed orally and via inhalation at the limit dose for each study. Thus, the aggregate exposure to harpin over a lifetime should pose negligible risks to human health.

2. *Infants and children*. Based on the lack of toxicity and low exposure, there is a reasonable certainty that no harm to infants, children, or adults will result from aggregate exposure to harpin residues. Exempting harpin from the requirement of a tolerance should pose no significant risk to humans or the environment.

*G. Effects on the Immune and Endocrine Systems*

EDEN Bioscience Corporation has no information to suggest that harpin will adversely affect the immune or endocrine systems.

*H. Existing Tolerances*

There are no existing tolerances for harpin protein in the United States.

*I. International Tolerances*

EDEN Bioscience Corporation is not aware of any tolerances, exemptions from tolerance or MRL's issued for harpin protein outside of the United States.

[FR Doc. 99–23414 Filed 9–8–99; 8:45 am]

**BILLING CODE 6560–50–F**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–6435–1]**

### Carolina Creosoting Corporation Site; Notice of Proposed Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** Under section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, the United States Environmental Protection Agency (EPA) has entered into an Administrative Order on Consent (AOC) to settle claims for past response cost at the Carolina Creosoting Site located in Leland, North Carolina.

The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

Copies of the proposed settlement are available from: Attn: Paula V. Batchelor, Waste Management Division, U.S. EPA, Region 4, 61 Forsythe Street SW, Atlanta, Georgia 30303, (404) 562–8887.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of publication.

Dated: August 30, 1999.

**Franklin Hill,**

*Chief, Waste Programs Branch, Waste Management Division.*

[FR Doc. 99–23411 Filed 9–8–99; 8:45 am]

**BILLING CODE 6560–50–M**

## EXPORT-IMPORT BANK OF THE UNITED STATES

### Notice of Open Special Meeting of the Advisory Committee of the Export-Import Bank of the United States (Export-Import Bank)

**SUMMARY:** The Advisory Committee was established by Pub. L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank of the United States to Congress.

*Time and Place:* Tuesday, September 28, 1999, at 9:00 a.m. to 3:30 p.m. The meeting will be held at The Westin Peachtree Plaza, 210 Peachtree Street, French-American Rooms, Atlanta, GA 30303.

*Agenda:* The theme of this meeting will be ''Outreach''. This meeting will include a roundtable discussion on small business, panel discussion on non-traditional marketers and small business exporters.

*Public Participation:* The meeting will be open to public participation, and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, place contact, prior to September 22, 1999, Teri Stumpf, Room 1203, Vermont Avenue, NW, Washington, DC 20571, Voice: (202) 565–3502 or TDD (202) 565–3377.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact Teri Stumpf, Room 1203, 811 Vermont Avenue, NW, Washington, DC 20571, (202) 565–3502.

**Lisa G. Geberth,**

*Assistant General Counsel.*

[FR Doc 99–23345 Filed 9–8–99; 8:45 am]

**BILLING CODE 6690–01–M**

## FEDERAL COMMUNICATIONS COMMISSION

**[DA 99–805]**

### Annual Adjustment of Revenue Threshold

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This notice announces that the 1998 revenue threshold used for classifying carriers for accounting purposes remains at $112 million. Section 402(c) of the 1996 Act mandates that the Commission adjust the revenue requirements of certain rules on an annual basis to account for inflation.

**DATES:** Carriers exceeding the 1998 revenue threshold must file their initial cost allocation manual by December 8, 1999.

**ADDRESSES:** Federal Communications Commission, 445 '' 12th Street, SW, Room, TW–A325, Washington, D.C. 20554.

**FOR FURTHER INFORMATION CONTACT:** Debbie Weber, Accounting Systems Branch, Accounting Safeguards Division, Common Carrier Bureau at (202) 418–0812.

**SUPPLEMENTARY INFORMATION:**

This gives notice that the revenue threshold used for classifying carriers for accounting purposes remains at $112 million. Section 402(c) of the 1996 Act mandates that we ''adjust the revenue requirements'' of §§ 32.11, 64.903, and part 43 of our rules ''to account for inflation as of the release date of the Commission's Report and Order in CC Docket No. 91–141, and annually thereafter.'' Prior to passage of the 1996 Act, our rules established a $100 million threshold to classify carriers for accounting purposes in § 32.11, for filing cost allocation manuals in § 64.903, and for filing certain reports with the Commission in part 43.

The Commission uses the Gross Domestic Product Chain-type Price Index (GDP–CPI) to adjust the revenue threshold for inflation each year. We