

approval prefix N-95, P-95, or R-95, coveralls, long sleeved shirt and long pants, and shoes plus socks so exposure should not be a problem.

#### D. Aggregate Exposure

1. *Dietary Exposure.* *Aspergillus flavus* isolate AF36 is a naturally occurring organism, which does not produce aflatoxin and is thus safer than the *A. flavus* isolates that produce aflatoxin. Proposed uses and application rates will not result in increases in the total population of *A. flavus* on the mature crop beyond naturally occurring background levels.

2. *Food.* FDA does not allow cottonseed products containing aflatoxin at 20 ppb or higher to be used in dairy rations. FDA regulations also do not allow cottonseed products above 300 ppb to be used for feeding beef cattle. *A. flavus* isolate AF36, when applied to the soil just prior to bloom, has been shown to significantly reduce the levels of aflatoxin in cottonseed at harvest. Furthermore, the proposed use and application rate will not increase exposure of humans to *A. flavus* by dietary means. There is minimal dietary exposure to *A. flavus* from cottonseed. There is no mechanism for *A. flavus* to be transferred from the seed to cow products and there is no evidence that the fungus readily contaminates meats or milk. Seed is typically extracted for oil with hexane and that process kills the fungus. Furthermore, applications of *A. flavus* AF36 do not increase the indigenous populations of *A. flavus* associated with the harvested crop. The applications merely alter the composition of the fungal community associated with the mature crop so that aflatoxin producing strains are far less frequent. The result is a much lower incidence of aflatoxins in the crop and in the environment associated with the developing and mature crop.

3. *Drinking Water.* *Aspergillus flavus* isolate AF36 is a naturally occurring organism that is already widespread in the environment and is not considered to be a risk to drinking water. Both percolation through soil and municipal treatment of drinking water would reduce the possibility of exposure of *A. flavus* through the drinking water. Applications of *A. flavus* AF36 do not increase the long-term populations of *A. flavus* in the environment, and thus are not expected to influence the relationship of *A. flavus* to water sources. Applications merely change the composition of the *A. flavus* community so that aflatoxins are less common in the environment.

4. *Non-dietary exposure.* The potential for non-occupational, non-

dietary exposure to the general population is not expected to be significant and is not expected to present any risk of adverse health effects.

#### E. Cumulative Exposure

There are no other registered products containing *A. flavus* isolate AF36 or any other isolates (strains) of the microbial active ingredient. Data submitted show that the fungal metabolite of concern which is aflatoxin is not produced by *A. flavus* isolate AF36 in the crop or in artificial media in the lab. When applied prior to flowering, *A. flavus* isolate AF36 has been shown to exclude aflatoxin producing fungi competitively from the developing crop and to reduce aflatoxin contamination of cottonseed. Data show that the proposed use will not result in appreciable increases in the long-term population of *A. flavus* on the crop beyond naturally occurring levels. Furthermore, there is no expectation of cumulative effects with other pesticides.

#### F. Safety Considerations

*Aspergillus flavus* isolate AF36 is a naturally occurring organism. This isolate has low toxicity as demonstrated by the acute oral toxicity study in rats. *A. flavus* is ubiquitous throughout the hot desert valleys in Arizona. Studies have shown that treatment of cotton fields just prior to flowering with sterile wheat seed colonized by *A. flavus* isolate AF36 at 10 lbs. per acre does not increase the long-term populations of *A. flavus* either on the crop at maturity or in the soil 1 year after application. Based on this information, IR-4 is of the opinion that the aggregate exposure to *A. flavus* over a lifetime should not change with application of AF36, and exposure to both aflatoxin producing *A. flavus* strains and aflatoxin should decrease. This should be beneficial to human health. Thus, there is a reasonable certainty that no harm will result from aggregate exposure to *A. flavus* isolate AF36. Extending the exemption of *A. flavus* isolate AF36 from the requirement of a temporary tolerance should be considered safe and pose insignificant risk.

#### G. Existing Tolerances

A temporary tolerance exemption on cotton in conjunction with an Experimental Use Permit for *A. flavus* isolate AF36 is currently in effect (61 FR 30235-30236, June 14, 1996).

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6234-4]

### Proposed CERCLA Prospective Purchaser Agreement for the Schafer Manufacturing/Hawkens Furniture Site

**AGENCY:** U.S. Environmental Protection Agency ("U.S. EPA").

**ACTION:** Proposal of CERCLA prospective purchaser agreement for the Schafer Manufacturing/Hawkens Furniture site.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), 42 U.S.C. 9601 *et seq.*, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA"), Public Law 99-499, notice is hereby given that a proposed prospective purchaser agreement ("PPA") for the Schafer Manufacturing/Hawkens Furniture Site ("the Site") located in Union City, Michigan, has been executed by the Village of Union City. The proposed PPA has been submitted to the Attorney General for approval. The proposed PPA would resolve certain potential claims of the United States under Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, against the Village of Union City. The proposed PPA would require the Village of Union City to pay the United States \$2,000 to be applied toward outstanding response costs incurred by the United States in conducting federally funded removal activities at the Site. The Site is not on the NPL, and no further response activities at the Site are anticipated at this time.

**DATES:** Comments on the proposed PPA must be received by March 22, 1999.

**ADDRESSES:** A copy of the proposed PPA is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Terry Branigan at (312) 353-4737, prior to visiting the Region 5 office. Comments on the proposed PPA should be addressed to Terry Branigan, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code C-14), Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Terry Branigan at (312) 353-4737, of the U.S. EPA Region 5 Office of Regional Counsel.

A 30-day period, commencing on the date of publication of this document, is open for comments on the proposed

PPA. Comments should be sent to the addressee identified in this document.

**Wendy L. Carney,**

*Acting Director, Superfund Division, Region 5.*

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## FEDERAL COMMUNICATIONS COMMISSION

[DA 99-266; Report No. AUC-99-23-B (Auction No. 23)]

### Auction of Local Multipoint Distribution Service Spectrum; Auction Notice and Filing Requirements for 168 Local Multipoint Distribution Service Licenses Scheduled for April 27, 1999; Minimum Opening Bids and Other Procedural Issues

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** On January 29, 1999, the Wireless Telecommunications Bureau ("Bureau") released a Public Notice announcing the minimum opening bids and other auction procedures for the auction of Local Multipoint Distribution Service ("LMDS") spectrum, consisting of 168 licenses.

**DATES:** The LMDS auction will begin on April 27, 1998.

**ADDRESSES:** See text of the Public Notice and related attachments for information regarding important addresses.

**FOR FURTHER INFORMATION CONTACT:** Auctions and Industry Analysis Division: Kathryn Garland, Operations at (717) 338-2801; Tim Salmon, Auctions Analysis; and Arthur Lechtman, Legal Branch at (202) 418-0660. Public Safety and Private Wireless Division: Ronald Quirk or Cathy Fox at (202) 418-0680. Media Contact: Meribeth McCarrick at (202) 418-0654.

**SUPPLEMENTARY INFORMATION:** This is a summary of a Public Notice that was released on January 29, 1999. The complete text of this Public Notice is available in its entirety, including all Attachments, for inspection and copying during normal business hours in the Wireless Telecommunications Bureau Reference Center, Room 5608, 2025 M Street N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, fax (202) 857-3805, 1231 20th Street, N.W., Washington, D.C. 20036. It is also available on the Commission's website at <http://www.fcc.gov>.

Synopsis of the Public Notice:

### A. Introduction

1. This Public Notice announces the procedures and minimum opening bids for the upcoming Local Multipoint Distribution Service ("LMDS") auction. On November 6, 1998, the Wireless Telecommunications Bureau ("Bureau") released a Public Notice (See "Local Multipoint Distribution Service Spectrum Re-Auction of 168 Licenses Scheduled for April 27, 1999; Application Deadline Set for March 29, 1999; Comment Sought on Reserve Prices or Minimum Opening Bids and Other Auction Procedures," *Public Notice*, DA 98-2266 (rel. November 6, 1998) ("LMDS Public Notice"), 63 FR 64502-01 (November 20, 1998), seeking comment on the establishment of reserve prices or minimum opening bids for the LMDS auction, in accordance with the Balanced Budget Act of 1997. In addition, the Bureau sought comment on a number of procedures to be used in the LMDS auction. The Bureau received two comments and no replies in response to the *LMDS Public Notice*. Comments were filed on November 30, 1998, by the Wireless Communications Association International, Inc. ("WCA") and by ABS LMDS Venture, Catfish Communications, L.L.C., ENMR Telephone Cooperative, Inc., and SKSW LMDS Venture, filing jointly (collectively "ABS et al").

2. The licenses available in this auction are licenses for which there was no winning bidder in the original LMDS auction that closed on March 25, 1998, or are licenses on which the winning bidder defaulted. The three licensees in default include Baker Creek Communications, L.P., New Wave Networks, L.L.C., and Pinpoint Communications, Inc. Licenses B038-B, B144-B, B254-B, B371-B, B372-B, and B392-B are the subject of a pending waiver request filed by New Wave Networks, L.L.C. (See New Wave Networks, L.L.C. Request for Waiver of Rule Sections 101.1105(b) and 1.2109(a)-(c), filed August 13, 1998; Supplement filed September 2, 1998; Second Supplement filed September 9, 1998; Third Supplement filed December 9, 1998.) Licenses B185-B, B270-A, and B270-B are the subject of a pending Petition for Reconsideration filed by Pinpoint Communications, Inc. (See Pinpoint Communications, Application for Local Multipoint Distribution Service Licenses to Serve BTA 185, Hastings, Nebraska and BTA 270, McCook, Nebraska, Petition for Reconsideration, filed October 23, 1998.) Two blocks of spectrum are allocated for LMDS systems:

- (1) Block A (1,150 MHz): 27,500-28,350 MHz and 29,100-29,250 MHz and 31,075 -31,225 MHz
- (2) Block B (150 MHz): 31,000-31,075 MHz and 31,225-31,300 MHz

One license will be awarded for each of these spectrum blocks in each of 122 Block A Basic Trading Areas (BTAs) and 46 Block B BTAs designated for LMDS. Rand McNally is the copyright owner of the Major Trading Area (MTA) and Basic Trading Area (BTA) Listings, which list the BTAs contained in each MTA and the counties within each BTA, as embodied in Rand McNally's Trading Area System MTA/BTA Diskette, and geographically represented in the map contained in Rand McNally's Commercial Atlas & Marketing Guide. The conditional use of Rand McNally copyrighted material by interested persons is authorized under a blanket license agreement dated February 10, 1994, and covers use by LMDS applicants. This agreement requires authorized users of the material to include a legend on reproductions (as specified in the license agreement) indicating Rand McNally ownership. These licenses are listed in Attachment A to this Public Notice. The BTA licenses designated for the LMDS auction comprise various portions of the following areas: (1) continental United States and (2) Puerto Rico. Thus, there are a total of 168 LMDS licenses to be auctioned.

3. **Auction Date:** The auction will begin on April 27, 1999. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding will be conducted on each business day until bidding has stopped on all licenses.

4. **Auction Title:** The Local Multipoint Distribution Service—Auction No. 23.

5. **Bidding Methodology:** Simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

6. **Pre-Auction Deadlines:**
- Auction Seminar—March 10, 1999.
  - Short Form Application (FCC Form 175)—March 29, 1999; 5:30 p.m. ET.
  - Upfront Payments (via wire transfer)—April 12, 1999; 6:00 p.m. ET.
  - Orders for Remote Bidding Software—April 13, 1999; 5:30 p.m. ET.
  - Mock Auction April 22, 1999.

7. **Telephone Contacts:**

- Auctions Hotline—(888) CALL-FCC ((888) 225-5322), press Option #2 or (717) 338-2888 (direct dial).

(For Bidder Information Packages, General Auction Information, and Seminar Registration. Hours of service: 8 a.m.-5:30 p.m. ET.)