

weight (increase in alcohol chain length). The *in vitro* hydrolysis kinetic parameters were similar for ethyl and isobutyl lactate (K_{max} 1.11 0.7 mM, V_{max} 70 and 180 nmol/min/mg respectively).

6. *Metabolite toxicology.* Butyl lactate is readily hydrolyzed to lactic acid and N butyl alcohol (both are exempt from requirements for tolerance 40 CFR 180.1001). Lactic acid is a normal metabolite in humans and is found in or added to foods (21 CFR 172.515). Lactic acid oral LD_{50} in rats is 3,730 mg/kg. It is not active in mutagenic tests. It will produce skin and eye irritation at high concentrations. The sodium salt of lactic acid is used in cosmetics as a skin moisturizer and parental solutions in the pharmaceutical industry. Butyl alcohol is found in certain foods and beverages and is used as an approved flavoring agent (21 CFR 172.515). It is used as a solvent in fingernail products. Butyl alcohol oral LD_{50} in rats ranges from 700–2,100 mg/kg. It is not active in mutagenic tests. It will produce skin and eye irritation at high concentrations. It is not a developmental hazard in animals. Its primary effect in man is intoxication and narcosis.

B. Aggregate Exposure

Non-dietary exposure. Butyl lactate will be used in animal, pre-harvest and post-harvest applications as a solvent, diluent, coalescence agent, surfactant and emulsifier at levels up to 50. It will be applied, at a maximum of 2–3 times per crop. The low vapor pressure would tend to keep airborne exposure low.

3. PURAC America Inc.

5E4515

EPA has received a pesticide petition (15E4515) from PURAC America Inc., 111 Barclay Boulevard, Lincolnshire Corporate Center, Lincolnshire, IL 60069 proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for ethyl lactate when used as an inert ingredient in pesticide formulations applied to growing crops, RACs after harvest or animals. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; 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.

A. Toxicological Profile

1. *Acute toxicity.* The oral LD_{50} of ethyl lactate in rats is greater than 2,000 mg/kg (top dose tested-per OECD Guideline No. 401). No mortality or macroscopic effects were noted. All animals gained weight after 3 days. The inhalation LC_{50} for ethyl lactate is 5,400 mg/m³ (top aerosol concentration generated). It is known that lactates hydrolyze to lactic acid and the corresponding alcohol. No mortality was noted. Macroscopic effects at autopsy revealed pale lungs with dark spots.

2. *Genotoxicity.* A *Salmonella*/Mammalian-Microsome Plate Assay (Ames) of ethyl lactate in five tester strains with and without metabolic activation did not show mutagenic activity.

3. *Reproductive and developmental toxicity.* Dermal developmental testing of ethyl lactate in groups of 25 pregnant rats was conducted at 0, 0.517, 1.551, or 3.619 g/kg/day for day 6–15 of gestation. No developmental effects or other sign of toxicity in the dams or fetus other than skin irritation in the dams at the top dose was observed. The maternal NOAEL (based on skin irritation) is greater than 1.551 g/kg/day. The developmental NOAEL was greater than 3.619 g/kg.

4. *Subchronic toxicity.* Subacute inhalation studies have been conducted on ethyl lactate. Degenerative changes in the nasal cavity were noted in both studies. Groups of rats (5 male and 5 females) were exposed by inhalation for 6 hours/day, 5 days/week for 4 weeks and then held 28 additional days before sacrifice. Exposure was 0, 150, 600, or 2,500 mg/m³ of ethyl lactate in the first study and 0, 25, 75, or 200 milligram/milliliter (mg/mL) in the second study. For ethyl lactate the effects were noted at 600 mg/m³ and higher, primarily damage in the olfactory epithelium. The NOAEL was 200 mg/m³.

5. *Animal metabolism.* The *in vitro* hydrolysis of lactate esters (methyl, ethyl, butyl, pentyl, isoamyl, isopropyl, isobutyl, 2-ethylhexyl) in rat olfactory epithelium homogenate has been evaluated. In general of the eight lactates evaluated, the rat nasal epithelium showed increased capacity to hydrolyze the lactates and increased affinity with increasing molecular weight (increase in alcohol chain length). Based on the similarity of effects and kinetic parameters it appears that lactic acid is most likely the cause of the lactate toxicity. An *in vivo* absorption and hydrolysis study in rats with ethyl lactate demonstrated 80% hydrolysis in rat plasma in 60 minutes

at room temperature. Ethyl lactate was detected in the portal blood indicate partial absorption by the gut.

6. *Metabolite toxicology.* Ethyl lactate is readily hydrolyzed to lactic acid and ethyl alcohol (both which are listed as inert ingredients exempt from requirements for tolerance - 40 CFR 180.1001). These breakdown products are also listed as synthetic flavoring substances (21 CFR 172.515). Lactic acid is a metabolic break down product of all lactates, It is a normal metabolite in humans and is found in or added to foods (21 CFR 172.515). Lactic acid oral LD_{50} in rats is 3,730 mg/kg. It is not active in mutagenic tests. It will produce skin and eye irritation at high concentrations. The sodium salt of lactic acid is used in cosmetics as a skin moisturizer and parental solutions in the pharmaceutical industry. Ethyl alcohol occurs naturally as a product of fermentation of carbohydrates. It is the primary alcohol in beer, wine and liquor and is found in certain foods and other beverages and is used as a favoring agent (21 CFR 172.515). It is used as a chemical intermediate and as a solvent in perfumers, cosmetics, adhesives, inks and preservatives. Ethyl alcohol oral LD_{50} in rats is 13,700 mg/kg. It is not active in mutagenic tests. It will produce mild skin irritation at high concentrations (dryness). It is a developmental hazard causing fetal alcohol syndrome in humans. Its primary acute effect in man is intoxication and narcosis. It can cause chronic liver damage.

B. Aggregate Exposure

Non-dietary exposure. Ethyl lactate will be used in animal, pre-harvest and post-harvest applications as a solvent, diluent, coalescence agent, surfactant and emulsifier at levels up to 50%. It will be applied, at a maximum of 2–3 times per crop. The low vapor pressure would tend to keep airborne exposure low.

[FR Doc. 00–9099 Filed 4–11–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6577–4]

Clean Water Act Section 303(d): Availability of Total Maximum Daily Loads (TMDLs) and Determinations That TMDLs Are Not Needed

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability for comment of the administrative record file for 19 TMDLs, and the calculations for these TMDLs prepared by EPA Region 6 for waters listed in the Mermentau and Vermilion/Teche river basins, under section 303(d) of the Clean Water Act (CWA). The above TMDLs were completed in response to the October 1, 1999, Court Order in the *Sierra Club, et al. v. Clifford et al.*, No. 96-0527 (E.D. La. Oct. 1, 1999). This Court Order required EPA to establish TMDLs for CWA section 303(d) listed waters in several basins, including the Mermentau and Vermilion/Teche river basins. This notice also announces the availability for comment of EPA determinations that TMDLs are not needed for 46 waterbody/pollutant combinations in the Mermentau and Vermilion/Teche river basins and an additional 2 listings in the Pearl River basin.

DATES: Comments must be submitted to EPA on or before May 12, 2000.

ADDRESSES: Comments on the 19 TMDLs and notice that TMDLs are not needed for 48 waterbodies should be sent to Ellen Caldwell, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202-2733. For further information, contact Ellen Caldwell at (214) 665-7513. Copies of the TMDLs and their respective calculations may be viewed at www.epa.gov/region6/water/tmdl.htm, or obtained by writing or calling Ms. Caldwell at the above address. The administrative record file for these TMDLs is available for public inspection at the above address as well. Please contact Ms. Caldwell to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Ellen Caldwell at (214) 665-7513.

SUPPLEMENTARY INFORMATION: In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (Plaintiffs), filed a lawsuit in Federal Court against the United States Environmental Protection Agency (EPA). Among other claims, plaintiffs alleged EPA failed to fulfill a mandatory duty under CWA section 303(d), submission of a reasonable schedule and establishment of TMDLs for all Louisiana waters not satisfying water quality standards.

By the October 1, 1999, judgment (*Sierra Club, et al. v. Clifford et al.*, No. 96-0527 [E.D. La. Oct. 1, 1999]), the Court disapproved EPA's proposed 12-year TMDL schedule. The Court, in part, ordered the following EPA actions:

(1) The defendants, EPA, shall prepare total maximum daily loads for Louisiana waters identified as not meeting water quality standards according to the following schedule:

- (a) By December 31, 1999, for all of the waters in the Mermentau and Vermilion/Teche basins.
- (b) By December 31, 2001, for all of the waters in the Calcasieu and Ouachita basins.
- (c) By December 31, 2003, for all of the waters in the Barataria and Terrebonne basins.
- (d) By December 31, 2005, for all of the waters in the Red and Sabine basins.
- (e) By December 31, 2006, for all of the waters in the Pontchartrain basins.
- (f) By December 31, 2007, for all of the waters in the Mississippi, Atchafalaya, and Pearl basins.

(2) The defendants, EPA, shall add or delete waters to the schedule as new data confirms that the waters are or are not meeting water quality standards. If a water is deleted from the identification of waters that do not meet water quality standards, the defendants need not prepare a total maximum daily load for the water. If an additional water is identified as not meeting water quality standards, the defendants shall prepare a total maximum daily load for the water by the applicable deadline in the schedule if the water is identified at least one year prior to the deadline. If the additional water is identified less than one year before the total maximum load would be due under the schedule, the defendants shall have discretion to prepare the load by the scheduled deadline or to extend the schedule.

(3) The defendants, EPA, may determine if the State of Louisiana wishes to assist the EPA in preparing any or all of the total maximum daily loads required by this schedule. If Louisiana elects to assume responsibility for preparation of any of the total maximum daily loads, it shall submit the load to the defendants by the dates indicated in the schedule described above. The defendants shall approve or disapprove any total maximum daily load submitted by the state within 30 days of its submission. If the defendants disapprove any total maximum daily load, the defendants shall prepare a total maximum load for the water within 30 days after the date of its disapproval. If after assuming responsibility for the preparation of any total maximum daily load, the state fails to submit the load to the EPA by the required deadline, the defendants shall prepare the total maximum daily load within 60 days after the deadline.

Consistent with earlier EPA representations, the administrative

record file and calculations for the following nineteen TMDLs, prepared on waters located within the Mermentau and Vermilion/Teche basins, are available for review and comment:

Subsegment	Waterbody name	Pollutant
050201	Bayou Plaquemine Brule.	Mercury.
050101	Bayou Des Cannes.	Mercury.
050702	Seventh Ward Canal (Intra-coastal Waterway).	Mercury.
060203	Chicot Lake	Mercury.
050901	Coastal waters of the Gulf of Mexico (Mermentau River Basin Coastal).	Mercury.
061201	Coastal waters of the Gulf of Mexico (Vermilion-Teche RB-CB&G).	Mercury.
050101	Bayou Des Cannes.	Fecal Coliform
050201	Bayou Plaquemine Brule.	Fecal Coliform
050301	Bayou Nezpique	Fecal Coliform
050501	Bayou Queue de Tortue.	Turbidity
060208	Bayou Boeuf	Fecal Coliform
060301	Bayou Teche	Fecal Coliform
060401	Bayou Teche	Fecal Coliform
060801	Vermilion River	Fecal Coliform
060802	Vermilion River	Fecal Coliform
060801	Vermilion River	Dissolved Oxygen
060802	Vermilion River	Nitrogen
060802	Vermilion River	Dissolved Oxygen
060802	Vermilion River	Nitrogen.

EPA regulations provide for public participation when the Agency establishes TMDLs. By this notice, and pursuant to 40 CFR part 130.7(d)(2), EPA is seeking comment on the above 19 TMDLs. While these TMDLs were prepared consistent with short time frames provided in the October 1, 1999, Court Order, EPA recognizes the importance of preparing both, timely and accurate TMDLs. Thus, EPA requests the public to provide any significant data and information that may impact these 19 TMDLs. If such data and information is submitted during the public comment period, EPA may determine it is necessary to revise any one, or some of the 19 TMDLs. After consideration of data and information submitted during the public comment period, and making any appropriate revisions, EPA will forward the TMDLs

to the Court and the Louisiana Department of Environmental Quality (LDEQ). LDEQ will incorporate the TMDLs into its current water quality management plan.

Through this notice, EPA is also making available for comment EPA's February 25, 2000 determination that TMDLs are not needed for 46 waterbody/pollutant combinations in the Mermentau and Vermilion/Teche river basins and 2 in the Pearl River basin.

In response to the Court's October 1, 1999 Order, EPA on October 28, 1999 disapproved Louisiana's 1998 CWA section 303(d) list and, on November 1, 1999, submitted to the Court a Court Ordered CWA section 303(d) list and administrative record. EPA made the Court Ordered List available for public comment on November 29, 1999 (64 FR 66635). After review of water quality data and monitoring information and public comments, EPA issued a Modified Court Ordered CWA section 303(d) list on February 25, 2000. As part of that decision, EPA determined that 46 waterbody/pollutant combinations in the Mermentau and Vermilion/Teche basins and 2 in the Pearl River basin should be removed from the Court Ordered CWA section 303(d) list. The rationale for the determinations is set out in the Decision Document for the Modified Court Ordered § 303(d) List and further explained in Appendix E of that document and provided as follows:

050101 Bayou Des Cannes—Headwaters to Mermentau	
Copper	New data shows it is meeting Water Quality Standards (WQS).
Lead	New data shows it is meeting WQS.
050201 Bayou Plaquemine Brule—Headwaters to Bayou Des Cannes	
Lead	New data shows it is meeting WQS.
Phosphorus ..	New data shows it is meeting WQS.
Turbidity	New data shows it is meeting WQS.
050301 Bayou Mermentau	
Copper	New data shows it is meeting WQS.
Lead	New data shows it is meeting WQS.
050401 Mermentau River — Origin to Lake Arthur	
Phosphorus ..	Assessment of data shows it is meeting WQS.
Copper	New data shows it is meeting WQS.
Lead	New data shows it is meeting WQS.
Mercury	New data shows it is meeting WQS.
Suspended Solids.	New data shows it is meeting WQS.

050501 Bayou Queue de Tortue—Headwaters to Mermentau	
Lead	New data shows it is meeting WQS.
050601 Lacassine Bayou—Headwaters to Intra-coastal Waterway	
Phosphorus ..	Assessment of data shows it is meeting WQS.
Suspended Solids.	New data shows it is meeting WQS.
Turbidity	New data shows it is meeting WQS.
Lead	New data shows it is meeting WQS.
050703 White Lake	
Siltation	Assessment of data and information shows it is meeting WQS.
Turbidity	Assessment of data and information shows it is meeting WQS.
Lead	New data shows it is meeting WQS.
050801 Mermentau River—Catfish Point Control Structure to Gulf of Mexico (Estuarine)	
Copper	New data shows it is meeting WQS.
060101 Spring Creek—Headwaters to Cocodrie Lake	
Siltation	Assessment of data shows it is meeting WQS.
Turbidity	New data shows it is meeting WQS.
Cadmium	New data shows it is meeting WQS.
Copper	New data shows it is meeting WQS.
Lead	New data shows it is meeting WQS.
Mercury	New data shows it is meeting WQS.
060102 Cocodrie Lake	
Cadmium	Original basis for listing determined to be inaccurate.
Copper	Original basis for listing determined to be inaccurate.
Lead	Original basis for listing determined to be inaccurate.
060201 Bayou Cocodrie from US Highway 167 to the Boeuf-Cocodrie Diversion Canal	
Lead	New data shows it is meeting WQS.
060203 Chicot Lake	
Copper	New data shows it is meeting WQS.
Lead	New data shows it is meeting WQS.
060204 Bayou Courtableau—Origin to West Atchafalaya Borrow Pit Canal	
Lead	New data shows it is meeting WQS.
060205 Bayou Teche—Headwaters at Bayou Courtableau to I-10	
Lead	New data shows it is meeting WQS.
060401 Bayou Teche—Keystone Locks & Dam to Charenton Canal	
Phosphorus ..	Assessment of data shows it is meeting WQS.
060501 Bayou Teche—Charenton Canal to Wax Lake Outlet	
Phosphorus ..	Assessment of data shows it is meeting WQS.
060702 Lake Fausse Point and Dauterive Lake	
Phosphorus ..	Assessment of data shows it is meeting WQS.
060801 Vermilion River—Headwaters at Bayou Fusilier-Bourbeaux Junction to New Flanders (Ambassador Caffery Bridge)	
Phosphorus ..	Assessment of data shows it is meeting WQS.

Cadmium	New data shows it is meeting WQS.
Lead	New data shows it is meeting WQS.
060802 Vermilion River from New Flanders (Ambassador Caffery Bridge) New Bridge, LA Hwy 3073 to Intracoastal Waterway	
Phosphorus ..	Assessment of data shows it is meeting WQS.
Lead	New data shows it is meeting WQS.
060902 Bayou Carlin (Delcambre Canal) Lake Peigneur to Bayou Petite Anse (Estuarine)	
Copper	New data shows it is meeting WQS.
061104 Vermilion Bay	
Copper	New data shows it is meeting WQS.
090101 Pearl River	
Copper	New data shows it is meeting WQS.
090202 West Pearl River	
Copper	New data shows it is meeting WQS.
110507 Bayou Anacoco	
Dioxin	Original basis for listing determined to be inaccurate, dioxin included with priority organics listing.

EPA request the public to provide any significant data or information warranting revision of EPA's decision to remove these 48 waterbody/pollutant combinations. If such data or information is submitted during the public comment period, EPA may revise the Modified Court Ordered List accordingly. EPA is not requesting comment on any other aspect of its February 25, 2000, decision on the Modified Court Ordered CWA section 303(d) list.

Dated: March 25, 2000.

Oscar Ramirez, Jr.,

Acting Director, Water Quality Protection Division, Region 6.

[FR Doc. 00-9093 Filed 4-11-00; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting, Thursday, April 13, 2000

April 6, 2000.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 13, 2000, which is scheduled to commence at 9:30 a.m. in room TW-C305, at 445 12th Street, S.W., Washington, D.C.