

treatment did not induce any morphological changes in endocrine organs and tissues.

### C. Aggregate Exposure

1. *Dietary exposure*—i. *Food*. For the purposes of assessing the potential dietary exposure under the proposed tolerance, Novartis Crop Protection has estimated aggregate exposure from all crops for which tolerances are established or proposed (i.e., rape seed).

a. *Chronic exposure*. Under the conservative exposure assumption of residue levels being at tolerance level, less than 15% of the reference dose (RfD) will be utilized by the U.S. general population. EPA generally has no concern for exposures below 100% of the RfD. Therefore, based on the completeness and reliability of the toxicity data supporting this petition, Novartis Crop Protection believes that there is a reasonable certainty that no harm will result from aggregate exposure to residues arising from this requested use, including anticipated dietary exposure and all other types of non-occupational exposures. From toxicity studies supporting the registration of mefenoxam, the active ingredient is classified as a Group "E" compound (evidence of noncarcinogenicity for humans). There was no evidence of carcinogenicity in a 24-month feeding trial in mice nor in a 24-month feeding study in rats at the dosage levels tested. The doses tested were adequate for identifying a cancer risk.

b. *Acute exposure*. The risk from acute dietary exposure to mefenoxam is considered to be very low. The NOAEL in a 28-day study was 50 mg/kg, which is 6-fold higher than the chronic NOAEL. Since chronic exposure assessment did not result in any unacceptable exposure for even the most impacted population subgroup, it is anticipated that also the acute exposure will be in an acceptable range. Calculations show that with the most exposed group (non-nursing infants) only 26% of the acute RfD will be utilized; the requested tolerance for rape seed (i.e., canola does not add any measurable contribution to this exposure according to our analysis).

ii. *Drinking water*. Novartis Crop Protection anticipates the potential exposure from residues of drinking water to be insignificant due to the proposed seed treatment use pattern associated with this petition.

2. *Non-dietary exposure*. Given the seed treatment use pattern proposed in this petition, there are no anticipated non-dietary exposures resulting from this requested tolerance. Mefenoxam is

registered for use as a product for use on turf and ornamentals for control of soil-borne diseases. However, the product is not used residentially by homeowners and the potential exposure to the general public from turf and ornamentals is thought to be negligible.

### D. Cumulative Effects

Novartis Crop Protection believes that consideration of a common mechanism of toxicity is not appropriate at this time since there is no information to indicate that toxic effects produced by mefenoxam would be cumulative with those of any other chemicals.

### E. Safety Determination

1. *U.S. population*—i. *Acute risk*. The risk from acute dietary exposure to mefenoxam is considered to be very low. The NOAEL in a 28-day study was 50 mg/kg, which is 6-fold higher than the chronic NOAEL. Since chronic exposure assessment did not result in any unacceptable exposure for even the most impacted population subgroup, it is anticipated that also the acute exposure will be in an acceptable range. Again, the requested tolerance on rape seed (i.e., canola) was found not to contribute any measurable additional impact on acute exposure to mefenoxam so that for the general population less than 15% of the acute RfD is utilized.

ii. *Chronic risk*. Under the conservative exposure assumptions of residue levels being at tolerance level, less than 10% of the RfD will be utilized by the U.S. general population. Use on canola does not measurably contribute to this exposure, particularly given that no detectable residues were found even when 3x the use rate was utilized. Therefore, based on the completeness and reliability of the toxicity data supporting this petition, Novartis Crop Protection believes that there is a reasonable certainty that no harm will result from aggregate exposure to residues of mefenoxam taking into account dietary and non-occupational exposures.

2. *Infants and children*. There is no indication that mefenoxam interferes with the prenatal or neonatal development, even when experimental animals were exposed to very high doses leading to maternal toxicity. Infants and children are not expected to show any particular sensitivity to mefenoxam.

i. *Acute risk*. The risk from acute dietary exposure to mefenoxam is considered to be very low. The NOAEL in a 28-day study was 50 mg/kg, which is 6-fold higher than the chronic NOAEL. According to our analysis there is no measurable impact of the

requested tolerance on the exposure to mefenoxam. The utilization of the acute RfD from the most exposed group is 26% (non-nursing infants).

ii. *Chronic risk*. Calculated on the basis of the theoretical maximum residue contribution (TMRC) for mefenoxam, utilization of RfD from dietary exposure of children is estimated as: 4.3% for nursing infants, 14% for non-nursing infants, 21% for 1 to 6 years old, and 12% for children 7 to 12 years old.

### F. International Tolerances

There are no Codex maximum residue levels established for CGA329351.

[FR Doc. 00-18519 Filed 7-20-00; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6839-3]

### Proposed CERCLA Administrative Cost Recovery Settlement for the Hertel Landfill Superfund Site, Clintondale, Town of Plattekill, Ulster County, New York

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

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

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given by the U.S. Environmental Protection Agency ("EPA"), Region II, of a proposed administrative settlement pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h), for recovery of past response costs concerning the Hertel Landfill Superfund Site ("Site") located in Clintondale, Town of Plattekill, Ulster County, New York, with Mark Goodson Enterprises, Ltd. (d/b/a Kingston Daily Freeman or The Daily Freeman) and Brown & Sharpe Manufacturing Company (hereinafter collectively referred to as "Settling Parties"). The settlement requires the Settling Parties to each pay \$43,798.00 to the EPA Hazardous Substance Superfund in reimbursement of EPA's past response costs incurred with respect to the Site. The Settling Parties shall each also pay \$43,798.00 to the Hertel Steering Committee Escrow Account to be applied toward funding the Site remedial work that has been or is being performed by the parties that comprise the Hertel Steering Committee. The settlement includes a covenant not

to sue the Settling Parties pursuant to section 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a), for all past response costs incurred at or in connection with the Site by the United States, and all response costs incurred and to be incurred by the United States and the Hertel Steering Committee at or in connection with the Site through the completion of the Site landfill cap (and operation and maintenance thereof). For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. EPA will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. EPA's response to any comments received will be available for public inspection at the EPA Region II offices located at 290 Broadway, New York, New York 10007-1866.

**DATES:** Comments must be submitted on or before August 21, 2000.

**ADDRESSES:** The proposed settlement is available for public inspection at the EPA Region II offices located at 290 Broadway, New York, New York 10007-1866. Comments should reference the Hertel Landfill Superfund Site and the index number of the settlement, CERCLA-02-99-2004. A copy of the proposed settlement may be obtained from the individual listed below.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Garvey, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency Region II, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3181.

Dated: June 30, 2000.

**William J. Muszynski,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 00-18535 Filed 7-20-00; 8:45 am]

**BILLING CODE 6560-50-P**

## COUNCIL ON ENVIRONMENTAL QUALITY

### Annual Report on Endangered Species Act Exemption

**AGENCY:** Council on Environmental Quality, Executive Office of the President.

**ACTION:** Availability of report.

**SUMMARY:** This notice announces the availability of the Annual Report submitted by Basin Electric Power Cooperative, as Project Manager for the

Missouri Basin Power Project in the matter of an exemption granted from the requirements of the Endangered Species Act to Grayrocks Dam. The lead federal agency in the project is the Rural Electrification Administration.

**DATES:** The report was submitted to the Council in November, 1999.

**ADDRESSES:** The Annual Report is available from Basin Electric Power Cooperative, 1717 East Interstate Avenue, Bismarck, ND 58501-0564; Telephone: (701) 223-0441.

**FOR FURTHER INFORMATION CONTACT:** Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC 20503; Telephone (202) 395-7421.

**SUPPLEMENTARY INFORMATION:** Under the Endangered Species Act, any agency granted an exemption under 16 U.S.C. § 1536(h) must submit to the Council on Environmental Quality an annual report describing its compliance methods with the mitigation and enhancement measures prescribed by 16 U.S.C. § 1536. See 16 U.S.C. § 1536(1)(2). This sub-section further requires that the Council publish availability of the report in the **Federal Register**.

On February 7, 1979, the Endangered Species Committee granted an exemption from the requirements of the Endangered Species Act to Grayrocks Dam. In granting the Exemption Order, the committee, as required by the act, established requirements for reasonable mitigation and enhancement measures. These requirements are set out in an "Agreement of Settlement and Compromise" and is part of the Annual Report announced here.

Dated: July 10, 2000.

**George T. Frampton,**

*Acting Chair.*

[FR Doc. 00-18384 Filed 7-20-00; 8:45 am]

**BILLING CODE 3125-01-M**

## FEDERAL COMMUNICATIONS COMMISSION

[DA 00-1582 (Auction No. 32)]

### AM Auction Remedial Filing Window; Notice and Filing Requirements Regarding July 31—August 4, 2000 Remedial Filing Window for AM Auction

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document announces an AM auction remedial filing window for corrective submissions by entities that timely filed only one of the two

documents required by Commission AM auction procedures. Those entities will be permitted to supplement their prior submissions, between July 31, 2000, and August 4, 2000 ("AM Auction Remedial Window"), by filing either the previously omitted FCC Form 175 or the FCC Form 301 Section I and Tech Box of Section III-A.

**DATES:** The AM Auction Remedial Filing Window is between July 31, 2000, and August 4, 2000.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Burnley, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660; Jean Ann McGovern, Audio Services Division, Mass Media Bureau, at (202) 418-2700.

**SUPPLEMENTARY INFORMATION:** This is a summary of a public notice released July 14, 2000 ("AM Auction Remedial Filing Window Public Notice"). The complete text, including all attachments, of the *AM Auction Remedial Filing Window Public Notice* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW, Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (ITS, Inc.) 1231 20th Street, NW, Washington, DC 20035, (202) 857-3800. It is also available on the Commission's website at <http://www.fcc.gov/wtb/auctions>.

List of Attachments available at the FCC:

Attachment A—Pending FCC Form 301 Application—No Record of a Timely Filed FCC Form 175; FCC Form 175 Filed—No Record of Timely Filed Required FCC Form 301 Sections; and Required FCC Form 301 Sections Filed Between January 21, and February 1, 2000—No Record of a Timely Filed Associated FCC Form 175

Attachment B—Electronic Filing and Review of the FCC Form 175  
Attachment C—Accessing the FCC Network To File FCC Form 175

### I. General Information

#### A. Introduction

1. On July 14, 2000, the Mass Media Bureau ("MMB") and the Wireless Telecommunications Bureau ("WTB") (collectively, the "Bureaus") released the *AM Auction Remedial Filing Window Public Notice*, which announces an AM auction remedial filing window for corrective submissions by entities that timely filed only one of the two documents required