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federal register

WEDNESDAY, JANUARY 10, 1979

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

***NOTE: As of January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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The continuing listing will be resumed upon enactment of the first public law for the first session of the 96th Congress, which will convene on Monday, January 15, 1979.

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This is a list of documents relating to Federal grants programs which were published in the FEDERAL REGISTER during the previous week.

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[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This emergency amendment relieves the Sunday packaging prohibition on January 7 and 14, 1979, to allow the industry additional time to pack its marketable lettuce before rainy and freezing weather in the production area adversely affects it. It will promote orderly marketing and benefit consumers by making additional lettuce available.

EFFECTIVE DATE: January 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 114 and Order No. 971 regulate the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment is based upon recommendations made January 4 by the South Texas Lettuce Committee, which was established under the order and is responsible for its local administration. The industry needs additional time to salvage as much lettuce as possible before it is adversely affected by rainy and freezing weather in the production area. Therefore the committee requested relief on January 7 and 14, 1979, from the Sunday packaging prohibition.

EMERGENCY FINDINGS: It is hereby found that the amendment which follows will tend to effectuate the declared policy of the act. It is further found that due to the emergency it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers and consumers are to derive any benefits from it, (2) compliance with this amendment will not require any special preparation on the part of handlers, and (3) this amendment relieves restrictions on the handling of lettuce grown in the production area.

Regulation, as amended. In § 971.319 (43 FR 53704, 58355) the last sentence in the introductory paragraph is hereby amended by adding the following to it:

§ 971.319 Handling regulation.

* * *, except that the prohibition against the packing of lettuce on Sundays shall not apply on January 7 and 14, 1979.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Effective date. Dated January 5, 1979, to become effective January 7, 1979.

NOTE: This regulation has not been determined significant under Executive Order 12044.

CHARLES R. BRADER,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-890 Filed 1-9-79; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-1090, Amdt. No. 14]

PART 250—OVERSALES

Disclosure by Foreign Air Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., January 4, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: The denied boarding compensation rules are amended to relieve foreign air carriers from having to comply on inbound flights. If they do not comply, they are required to provide notice to that effect by ticket counter signs and by coupons included with tickets sold in the U.S.

DATES: Effective: February 5, 1979. Adopted: January 4, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5442.

SUPPLEMENTARY INFORMATION: Effective September 13, 1978 (ER-1050, 43 FR 24277, June 5, 1978), new Board rules were implemented to minimize the involuntary bumping of airline passengers holding confirmed reservations. These rules required the airlines to ask for volunteers before involuntarily bumping anyone from an oversold flight, established substantially greater compensation for those bumped, encouraged carriers to experiment with other reservation and boarding practices to reduce involuntary bumping, and expanded the public disclosure of boarding priorities and passenger rights.

These rules applied to all certificated and foreign permit carriers for all scheduled flights originating or terminating in the United States on which passengers had confirmed reserved space verified in the United States.

On September 1, 1978, in response to objections by foreign carriers and governments, the Board waived these rules as they applied to flights from a foreign point to a point in the United States, provided carriers using the waiver continued to follow the oversales regulations effective prior to amendment by ER-1050, for a period of 30 days (Order 78-9-6). One week later, the Board issued Notice of Proposed Rulemaking EDR-363 (43 FR 39806, September 7, 1978), proposing to require any carrier in foreign air transportation that does not comply with U.S. oversales rules to include in any advertisements or tickets sold in the United States a notice that they are not conforming to U.S Government rules for consumer protection on oversold flights. This rule was made final by ER-1078 (43 FR 50164, October 27, 1978). By Order 78-11-31 (43 FR 53208, November 15, 1978) and by ER-1084 (43 FR 57243, December 7, 1978), the effective date of the disclosure requirement was postponed until January 18, 1979, at the request of several foreign carriers (Air Canada, Canadian Pacific, Lufthansa, Swiss Air, and Swiss Air Transport) that have filed a petition for review in the U.S. Court of Appeals for the District of Columbia (*Air Canada, et al v. C.A.B.*, CADC Case Nos. 78-2073, 78-2143). Until the present amendment becomes effective, the status of the oversales rule is that all carriers must still comply with the new denied boarding compensation rules effective on September 3, 1978 (ER-1050) for flights originating in the United States and on October 3, 1978, for flights terminating in the United States, on which passengers had confirmed reserved space.

This amendment is prospective in nature. Cases arising against a foreign air carrier under previous or current Part 250 regulations are not affected by the changes of this amendment.

During the review of ER-1078, the Board has received a comment from the Department of State, and has received Diplomatic Notes from the governments of Canada, the Federal Republic of Germany, the United Kingdom, and Belgium. The Department of State stated that the rule as adopted by ER-1078 is arguably an unnecessary and unfair burden, and is the subject of reasonable concern by foreign governments.

The Department suggested that if some type of notice is required to warn consumers that an airline does not comply with the oversales rules, it should be limited to printed advertising and the language of the notice could be toned down. It suggested that the Board use the language proposed by the Federal Republic of Germany, to the effect that the carrier does conform to Board rules on flights departing from the United States, but that on other flights different rules may apply. The Government of Belgium made similar arguments that the Board's notice is contrary to international sovereignty, and that the wording is inaccurate and misleading. The United Kingdom and Canada joined with Germany and Belgium in opposing the application of the Board's rules to inbound flights by foreign carriers.

David B. Ortman, who represents Pacific Western Airlines, renewed the suggestion made in Docket 33031 (Hawaiian Airlines Petition for Amendment of the Overbooking Rules) that a waiver provision be included in the Board's oversales rules to allow different methods on different routes to accomplish the Board's goal of reducing overbooking. For the reasons stated in Order 78-12-81, dated December 12, 1978, denying Hawaiian's petition, the Board is denying the suggestion here. In ER-1050, the Board further explained its reasons for implementing one uniform rule, rather than permitting many different methods to be used for determining denied boarding compensation. The Board stated that the rate of oversales has shown no signs of substantial amelioration in the last several years, nor have carriers taken any sustained initiative to alleviate the arbitrary and deceptive aspects of then-existing bumping procedures. Under these circumstances, uniform regulatory action was imperative. These reasons remain valid today.

The issues before the Board are those that have remained throughout the Board's development of its overbooking rules for the past 4 years: whether consumer protection in the event of passenger overbooking should extend to passengers on inbound flights by foreign carriers for reservations made in the United States and, while the Board's jurisdiction under section 402(e) of the Act authorizes the Board to attach to foreign air carrier permits "such reasonable terms, conditions, or limitations as, in its judgment, the public interest may require," whether in the interest of international comity the Board should develop an approach other than overbooking rules for foreign carriers on their inbound flights.

In general, in answer to these issues, United States citizens, like other nationals traveling abroad, expect to be governed by the laws of the foreign country in which they are present. This expectation, however, does not appear to hold true with respect to the Board's denied boarding rules, as indicated by the hundreds of complaints received by the Board from bumped passengers. These passengers generally assume that they will be covered by the Board's rules if their reservations were confirmed by the carrier before they ever left the United States. In fiscal year 1977, an estimated 15,000 passengers were denied boarding on inbound flights on foreign carriers (based upon comparison to oversale data of U.S. carriers and to the incidence of bumping complaints involving foreign carriers). Passengers buying tickets and confirming reservations in this country deserve either to be covered by the Board's denied boarding rules or to be put on notice that their expectation of protection is unrealistic.

With respect to jurisdictional concerns, in the last four years the Board has stated in three issuances that U.S. Government jurisdiction over rules for consumer protection in the case of oversales extended to inbound flights by foreign carriers when the reservations are confirmed in the United States (ER-880, 39 FR 38087, October 29, 1974; ER-1050; ER-1078). Such regulations are designed to protect U.S. consumers from unfair practices occurring in connection with an activity that takes place within the United States, namely, the issuing of confirmed reservations to airline passengers. This is a concern of each sovereign State, and within the inherent power of its sovereignty to regulate. In general, foreign sellers wishing to do business in the market of another country must conform to the domestic laws of that country. The Board's oversales rules are intended to protect passengers from unfair practices, and are therefore certainly within this power. We thus reject any notion that the Board lacks power to impose its existing oversales regulations on foreign carriers.

Several foreign governments, however, have asked the U.S. Government to allow foreign carriers to follow only one set of rules, that of the country where the flight originates. They argue that his would eliminate the problem of carriers being subjected to different and conflicting rules, and would avoid the problem of the extraterritorial effect of the Board's rules. In view of the strong objections raised by these governments, and in the interest of maintaining good reciprocal relations within the international community, the Board has decided that foreign carriers operating inbound flights to the United States may follow the oversales rules of the country where the flight originates instead of those of the Board. Those foreign carriers wishing to continue to follow the Board's rules may do so. Those carriers not voluntarily following the Board's rules with respect to tickets sold and reservations confirmed in the U.S. must inform the passenger of their inapplicability by notices at each

ticket counter and in each ticket that such is the case. In further response to the comments of the Department of State and several foreign governments, the wording of the notice is changed to state that the carrier does not offer the consumer protections on inbound flights to the United States. This amendment to our rules should not be interpreted as agreement that the Board's jurisdiction does not extend to cover the sales and services of foreign carriers doing business in the United States. It is done in recognition that international comity among nations requires some latitude in the measures used to achieve our goal of giving consumers the best information, and passengers the best protection possible under the circumstances.

Although the Board had originally adopted a disclosure rule that would have required a statement to be put in all advertising in the United States, and although this type of disclosure may be the most effective means of notifying a potential passenger of his choices, upon review it is the Board's opinion that such a requirement is not needed at this time. The ticket counter display notice, and the notice included with the ticket, should give the consumer sufficient notice before picking up his verified ticket. If, however, the Board finds in the future that these notices are not effective, it will take whatever measures are needed to ensure that consumers purchasing tickets in the United States for air transportation are not misled and are treated fairly.

The amendments to the Board's oversales rules include a change in the applicability section to make clear that Part 250, other than §§ 250.10, 250.11, and 250.12, do not apply on a mandatory basis for inbound flights to the United States by foreign air carriers.

As the Board stated in ER-1078, it is important to have this notice distributed as soon as practical to avoid the possibility of consumers relying on carrier observance of Board regulations established for their protection. The requirements adopted in this amendment to our rules have been the subject of a notice of proposed rulemaking (EDR-363) in September, and a final rule adopted in October (ER-1078). The amendment in fact is relieving a restriction in removing the advertising requirement adopted in ER-1078 and substituting a lesser requirement in its place. We find, therefore, that further notice and comment are unnecessary and not in the public interest.[1]

[1]Because ER-1078 is under review in the court of appeals, our action is taken subject to any approval deemed necessary by the court.

SCHAFFER, MEMBER, DISSENTING

One of the most important, well-received and highly publicized of the Board's recent consumer initiatives was the adoption of the expanded denied boarding rules. The changes adopted by the Board today signal a retreat from that commitment to protect airline passengers from involuntary bumping due to overbooking and to provide the public with actual notice of the protections and remedies available.

It is unnecessary to restate the need for our denied boarding rules. The problems encountered by passengers involuntarily denied boarding both on domestic and international flights and the inadequacy of previous notice requirements have been well documented in a series of rulemaking proposals and amendments going back more than ten years.

No one can deny that a consumer problem of major import exists; we have recently characterized the bumping of passengers as a "* * * persistent and serious problem for a growing number of airline travelers * * *." (ER-1050, May 30, 1978, at 1) and only last May adopted expanded rules to minimize the number of passengers involuntarily denied boarding, increase the compensation to those involuntarily bumped, and give greater public notice of boarding procedures used by carriers in the event of overbooking.

In addition, we took the opportunity to note that the problem of bumping is not limited to domestic flights. In our May rule we pointed out that "* * * the rate of oversales in international operations is in fact higher than that for domestic flights * * *" and that "* * * more recent data show a significant increase in bumping from international flights in both absolute and relative terms." (Id. at 13.)

By its action today, the Board has reversed its decision to extend the rules to passengers on inbound flights by foreign carriers. I disagree with the majority. I have not been persuaded by the arguments of some foreign carriers that our new regulations, coupled with a requirement that notice of noncompliance be contained in advertising, are too heavy-handed. I believe the rules are needed and the advertising notice essential. There is ample precedent for the continued application of the Board's rules to the inbound flights of foreign carriers and the Board has heard and rejected the very same arguments made here by the foreign airlines on at least three prior occasions. No new or persuasive legal or policy argument has been advanced at this late date to warrant a change.

However, I reluctantly would be prepared to agree to the change in the scope of the denied boarding rules if the requirement that the notice be included in the carrier's advertising was not eliminated. The advertising disclosure rule originally proposed gave the consumer adequate notice of the conditions of sale. I do not believe that a ticket counter sign and ticket insert really will put passengers on notice that their expectation of protection is unrealistic. Many people book through travel agents or by telephone and, oftentimes, avoid ticket counters entirely. Travel plans generally are make well in advance of the trip and by the time the passenger actually receives the ticket, it may well be too late, inconvenient or impossible to change one's plans particularly if the traveler is utilizing a discount or advance purchase fare.

We should also be careful to distinguish between constructive and actual notice. Few travelers read the extensive assortment of ticket notices, disclaimers and the like, and I do not believe that the notice proposed here actually would alert an air traveler to the fact that he or she will not be protected by the Board's denied boarding rules on the return portion of the trip. The notice as drafted actually obscures the meaning of the warning because it is less explicit than that proposed originally and the notice holds open the possibility that the traveler may be protected by oversale rules in the country where the flight originates. In fact, few, if any other countries have such rules or offer any consumer protections.

Under these circumstances, I would adopt the rules as originally finalized in September.

GLORIA SCHAFFER.

Accordingly, the Board amends Part 250 of the Economic Regulations (14 CFR Part 250) as follows:

1. The Table of Contents is revised by changing the title of § 250.12 to read:

Sec.

* * * * *

250.12 Disclosure by foreign air carriers on inbound flights.

2. Section 250.2 is amended by designating the first paragraph as (a) and by adding a new paragraph (b) to read:

§ 250.2 Applicability.

(a) * * *

(b) The requirements of this part, other than §§ 250.10, 250.11, and 250.12, do not apply on a mandatory basis to flights from a foreign country to the United States by foreign air carriers. For these flights, only §§ 250.10, 250.11 and 250.12 are mandatory.

3. Section 250.12 is amended to read:

§ 250.12 Disclosure by foreign air carriers on inbound flights.

(a) Any foreign air carrier engaged in foreign air transportation that does not have on file with the Board tariffs conforming with §§ 250.3 and 250.4 of this part for inbound traffic to the United States shall include the following statement at the end of the notices required by paragraphs (a) and (b) of § 250.11:

[*Name of carrier*] does not offer these consumer protections on inbound flights to the United States.

(b) The statement required by this section shall be printed in type at least 2 points larger than that of the notices required by section 250.11, and in ink contrasting with both the stock and the section 250.11 notice.

(c) It shall be the responsibility of each such carrier to ensure that travel agents authorized to sell air transportation for that carrier comply with this section.

(Secs. 204, 402, 404, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 760, and 769; (49 U.S.C. 1324, 1372, 1374, 1381.))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-907 Filed 1-9-79; 8:45 am]

[6355-01-M]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

PART 1630—STANDARD FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS (FF 1-70)

Standard for the Surface Flammability of Carpets and Rugs; Statement of Enforcement Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of Commission policy.

SUMMARY: On July 11, 1978 the Consumer Product Safety Commission announced that it has the authority under the Flammable Fabrics Act to order the recall of carpets and rugs that do not comply with the Standard for the Surface Flammability of Carpets and Rugs, including installed carpet. The Commission indicated that that authority would be exercised prospectively. The staff of the Commission will only seek recall of noncomplying carpet in the possession of ultimate consumers where the carpet was domestically manufactured or imported after July 11, 1978. The Commission is publishing this notice to inform the public of its enforcement policy.

EFFECTIVE DATE: Policy now in effect.

ADDRESS: All documents referred to in this notice may be seen in, and are available from, the Office of the Secretary, Third Floor, 1111 18th Street N.W., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Earl Gershenow, Attorney, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, 301/492-6629.

SUPPLEMENTARY INFORMATION: Since assuming responsibility for enforcement of The Flammable Fabrics Act (FFA) as amended (15 U.S.C. 1191-1204) in May, 1973, the Consumer Product safety Commission has stated that the FFA authorizes the Commission to order the recall of any product which fails to comply with any standard issued under that Act (from all levels of distribution). This includes products in the hands of ultimate consumers. *In the Matter of Northwick Mills, Inc. et al.*, CPSC Docket No. 76-6, April 21, 1978, The Commission stated:

"To hold that this Commission lacks authority to order recall under the FFA, would stultify the Congressional purpose embodied in the Flammable Fabrics Act . . . , and would severely limit the Commission's ability to protect the public from the risks associated with flammable fabrics." (p. 12).

On three occasions the Commission has stated that the FFA authorizes the Commission to order a manufacturer to recall carpets and rugs which fail to comply with the Standard for the Surface Flammability of Carpets and Rugs (16 CFR Part 1630, Subpart A), which are in the possession of distributors and retailers, and those in the possession of the ultimate purchaser, that is, installed carpet. See *In the Matter of Northwick Mills, Inc., et al.*, supra; *In the Matter of Westland Carpet Mills, Inc., et al.*, CPSC Docket No. 75-21, July 11, 1978, and *In the Matter of Barrett Carpet Mills, Inc., et al.*, CPSC Docket No. 75-5, July 11, 1978.

However, the Commission has stated in the *Barrett* case that it would not invoke the authority to order the recall of noncomplying carpets and rugs in the possession of ultimate purchasers in certain cases. In that decision, the Commission stated:

[T]o avoid unfairness and to eliminate any uncertainty that may exist among those subject to the Carpet Standard that the Commission has authority to order a recall of installed carpet and that it may exercise that authority where the facts, including the number and pattern of pill test failures, indicate that such action is necessary and appropriate, the Commission has decided to exercise the authority to recall installed carpet *prospectively* . . . . [Emphasis added] (pp. 11-12).

In other words, although the Commission has the legal authority to order recall of any carpet which fails to comply with the Standard, including noncomplying carpet in the possession of ultimate purchasers, the Commission has stated that its will assert it authority under the FFA to order recall from ultimate purchasers only in cases involving noncomplying carpets and rugs which were shipped for distribution in commerce by domestic manufacturers, or which were imported into the United States, after July 11, 1978, the date of the *Barrett* decision.

In the *Barrett* Case, the Commission also stated that, in addition to the authority to recall contained in the FFA, sections 15 and 30 of the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*) empower the Commission to order a manufacturer of any consumer product to repurchase, repair, or replace any such product in the hands of the consumer which presents a "substantial product hazard."

Thus, while restricting the application of its authority under the FFA to order recall of noncomplying carpets and rugs in the possession of ultimate purchasers to those instances involving noncomplying carpets and rugs shipped by domestic manufacturers or imported into the United States after July 11, 1978, the Commission also stated in the *Barrett* decision that if noncomplying carpets and rugs shipped by domestic manufacturers, or imported into the United States on or before July 11, 1978, present a "substantial product hazard" within the meaning of section 15 of the Consumer Product Safety Act, the Commission could invoke the authority of the Consumer Product Safety Act to order repurchase, repair, or replacement of such carpets and rugs, including carpets and rugs in the possession of ultimate purchasers.

The Commission believes that the enforcement policy expressed in the *Northwick*, *Westland*, and *Barrett* decisions has significance for all manufacturers, distributors, retailers, and consumers of carpet subject to the Standard for the Surface Flammability of Carpets and Rugs. To articulate this policy as clearly as possible, and to make that policy as widely known as possible, the Commission has decided to publish the statement of policy set forth below. Because this is a statement of policy, notice of proposed rulemaking, opportunity for public comment, and a delayed effective date are not required by the Administrative

Procedure Act (5 U.S.C. 553(b)). Therefore, the Commission hereby amends Title 16, Chapter II, Subchapter D, Part 1630, by adding a new Subpart D, as follows:

Subpart D—Interpretations and Policies

§ 1630.81 Policy on recall of noncomplying carpets and rugs.

(a) *Purpose.* The purpose of this section is to state the policy of the Commission concerning recall of carpets and rugs which are subject to and fail to comply with the Standard for the Surface Flammability of Carpets and Rugs (FF 1-70) (16 CFR Part 1630, Subpart A). In this policy statement, the Commission reaffirms that provisions of the Flammable Fabrics Act (FFA) authorize recall of any product which fails to comply with an applicable flammability standard issued under that Act. Additionally, this policy statement announces general principles which will be followed by the Commission in exercising the authority contained in the FFA to require recall of carpets and rugs from various levels of distribution, including carpets and rugs in the possession of the ultimate consumer.

(b) *Recall from distributors and retailers.* The Commission will exercise the authority contained in the FFA to order recall of carpets and rugs which fail to comply with the Standard for the Surface Flammability for Carpets and Rugs and which are in the possession of any distributor, retailer, or other person or firm in the chain of distribution, where the facts, including the number and pattern of test failures, indicate that such action is necessary and appropriate.

(c) *Recall from consumers.* (1) In cases involving carpets and rugs distributed in commerce by a domestic manufacturer, or imported into the United States, after July 11, 1978, the Commission will exercise the authority contained in the FFA to order recall of carpets and rugs which fail to comply with the Standard for the Surface Flammability of Carpets and Rugs and which are in the possession of ultimate purchasers, including installed carpet, where the facts, including the number and pattern of test failures, indicate that such action is necessary and appropriate.

(2) The Commission may exercise the authority of section 15 of the Consumer Product Safety Act (15 U.S.C. 2064) to order the repair, replacement, or repurchase of any carpets or rugs in the possession of ultimate purchasers, including installed carpet, if such carpets and rugs present a "substantial product hazard" as that term is used in the Consumer Product Safety Act in any case involving carpets or rugs which were distributed in commerce by a domestic manufacturer or imported into the United States, on or before July 11, 1978, or any time thereafter.

AUTHORITY: Sec. 5, 15 U.S.C. 1194, 67 Stat. 112, June 30, 1953; Sec. 5, 15 U.S.C. 45(b), 38 Stat. 719, Sept. 26, 1914; Sec. 15, 15 U.S.C. 2064, 86 Stat. 1221, Oct. 27, 1972.

Dated: January 2, 1979.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-824 Filed 1-9-79; 8:45 am]

[4410-09-M]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Placement of Pentazocine Into Schedule IV

AGENCY: Drug Enforcement Administration.

ACTION: Final rule.

SUMMARY: This rule requires that the manufacture, distribution, dispensing, importation and exportation of pentazocine and its salts be subject to the controls provided by the Controlled Substances Act and regulations of the Drug Enforcement Administration, for substances in Schedule IV.

This rule is issued as a result of the Drug Enforcement Administration's request that the Assistant Secretary for Health, Department of Health, Education and Welfare, provide DEA with a scientific and medical evaluation of pentazocine regarding its placement into Schedule IV of the Act, the Assistant Secretary's transmittal of the requested recommendation and evaluation, publication of a Notice of Proposed Rulemaking to place pentazocine into Schedule IV in the FEDERAL REGISTER (43 FR 40884, Sept. 13, 1978), and receipt and review by DEA of comments submitted in response to the published Notice.

DATE: Effective date of schedule IV control: February 9, 1979, except as otherwise provided in Supplementary Information section of this order.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Regulatory Control Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, telephone 202-633-1366.

SUPPLEMENTARY INFORMATION: A notice was published in the FEDERAL REGISTER on September 13, 1978 (43 FR 40884) proposing that the drug pentazocine, and its salts, be placed into Schedule IV of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801-966), and that Title 21, Code of Federal Regulations (CFR) Section 1308.14 [Schedule IV] be amended accordingly.

All interested persons were given until October 13, 1978, to submit their comments or objections in writing regarding this proposal.

In response to the notice, nine comments were received by DEA. Of these, five were in support of DEA's proposal to place pentazocine in Schedule IV; two, submitted by the South Carolina Bureau of Drug Control, and by the Assistant Director of Pharmacy for the Methodist Hospital, Memphis, Tennessee, advocated pentazocine for Schedule II; one, by Crouse Irving Memorial Hospital, Syracuse, New York, was informational and advisory; and one, by Sterling Drug Inc., manufacturer of Talwin brand of pentazocine, set forth comments, objections and two requests for hearings concerning Talwin Compound, which is pentazocine combined with aspirin, and butorphanol, a drug newly marketed as an analgesic and currently not a controlled substance.

All the comments thus submitted were reviewed and considered by the Drug Enforcement Administration, and especially noted are the comments, data and materials provided by the Rhode Island Department of Health, Crouse Irving Memorial Hospital, the State of Wisconsin Controlled Substances Board, and the South Carolina Bureau of Drug Control; these submissions were especially helpful in providing profiles of pentazocine abuse cases and a heightened perspective of patterns of pentazocine abuse potential. Although this information and data could well support more stringent controls for pentazocine than are established by this Order, it all is being retained by DEA for use as a basis for further control of pentazocine if, in the future, more stringent controls for the drug are warranted. As to the aforementioned letter filed with DEA by Sterling Drug Inc., it has been reviewed by the Administrator, who has determined that it fails to present reasonable grounds for the proposed rulemaking concerning pentazocine not to be finalized. Sterling Drug Inc. has been notified of this action by letter, dated December 22, 1978.

Additionally, South Carolina, in commenting on the DEA proposal, objected to that proposal and disputed the Schedule IV findings regarding po-

tential for abuse and dependence by the Administrator as set forth therein. South Carolina provided additional information which it asserted would support the findings necessary for placing pentazocine in Schedule II, and advocated that the Administrator issue a proposed rule to that effect.

As noted above, DEA is retaining the information submitted by South Carolina in this regard for possible future use, and has notified the South Carolina Bureau of Drug Control accordingly.

Finally, of historical note, on October 5, 1971, a petition was filed with the Bureau of Narcotics and Dangerous Drugs, predecessor agency to DEA, to place injectable liquid pentazocine into Schedule III of the Act. The petition was filed by Joseph L. Fink, III, then a law student, and six other persons. In respect of the petition, a notice was published in the FEDERAL REGISTER on November 10, 1971, which advised that their petition had been accepted for filing and BNDD would conduct a review thereof to determine if the requested rulemaking proceedings should be initiated.

In view of the August 30, 1978, recommendation and evaluation received from the Assistant Secretary for Health concerning pentazocine, and the instant order issued today in respect thereof listing pentazocine in Schedule IV, the October 5, 1971, petition is hereby denied pending receipt by the Administrator of additional information from petitioners or any other interested person or persons which justifies initiating proceedings to transfer the injectable liquid form of pentazocine from Schedule IV to Schedule III.

No further comments nor objections were received, nor were there any other requests for a hearing, and in view thereof, and based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Assistant Secretary for Health in behalf of the Secretary of Health, Education, and Welfare, received pursuant to Sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, pentazocine has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Pentazocine has a currently accepted medical use in treatment in the United States.

3. Abuse of pentazocine may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Therefore, under the authority vested in him by the Act and regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby orders that § 1308.14(f) of title 21 of the Code of Federal Regulations (CFR) be amended to read:

§ 1308.14 Schedule IV.

* * * * *

(f) *Other substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

* * * * *

(2) Pentazocine 9709

EFFECTIVE DATES

1. *Registration.* Any person who manufactures, distributes, dispenses, imports or exports, pentazocine, or who proposes to engage in such activities, shall submit an application for registration to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations on or before February 9, 1979.

2. *Security.* Pentazocine must be manufactured, distributed, and stored in accordance with §§ 1301.71, 1301.72(b)-(d), 1301.73, 1301.74(a)-(f), 1301.75(b)-(c), and 1301.76 of Title 21 of the Code of Federal Regulations on or before July 9, 1979. From now until the effective date of this provision, it is expected that manufacturers and distributors of pentazocine will initiate whatever preparations as may be necessary, including undertaking handling and engineering studies and constructions programs, in order to provide adequate security for pentazocine in accordance with DEA regulations so that substantial compliance with this provision can be met by (180 days after date of publication). In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of pentazocine packaged after July 9, 1979, shall comply with the requirements of § 1302.03-1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations. In the event this effective date imposes special hardships on any manufacturer, as defined in Section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified requests for an extension of time.

4. *Inventory.* Every registrant required to keep records who possesses any quantity of pentazocine shall take an inventory prusuant to § 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of such substances on hand, February 9, 1979.

5. *Records.* All registrants required to keep records pursuant to § 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall maintain such records on pentazocine commencing on the date on which the inventory of such substances is required to be taken.

6. *Prescriptions.* All prescriptions for products containing pentazocine shall comply with §§ 1306.01-1306.06 and §§ 1306.21-1306.25 of Title 21 of the Code of Federal Regulations, beginning February 9, 1979. All prescriptions for products containing such substances issued before February 9, 1979, if authorized for refilling, shall as of that date be limited to five refills and shall not be refilled after August 8, 1979.

7. *Importation and exportation.* All importation and exportation of pentazocine shall, on or after February 9, 1979, be required to be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

8. *Criminal liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to pentazocine not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act, conducted after February 9, 1979, shall be unlawful, except that any person who is not now registered to handle this substance but who is entitled to registration under such Acts may continue to conduct normal business or professional practice with pentazocine under this authority between the date on which this Order is published and the date on which he obtains or is denied registration.

9. *Other.* In all other respects, this Order is effective February 9, 1979.

Dated: January 4, 1979.

PETER B. BENSINGER,
Administrator.

[FR Doc. 79-898 Filed 1-9-79; 8:45 am]

[4910-22-M]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

[FHWA Docket No. 78-28]

PART 637—CONSTRUCTION INSPECTION AND APPROVAL

Sampling and Testing of Materials and Construction; Revision

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This document simplifies the existing policy and procedures on construction inspection and approval which provides for an assessment of the quality and quantity control of materials and units of work to assure that each project is completed in reasonably close conformity with the approved plans and specifications.

DATES: Effective date: January 11, 1979. Comments must be received on or before April 10, 1979.

ADDRESS: Submit comments, preferably in triplicate, to FHWA Docket No. 78-28, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Ross E. Martinez, Construction and Maintenance Division, Office of Highway Operations, 202-426-0420; or Virginia Cherwek, Office of the Chief Counsel, 202-426-0786; Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The existing regulations were originally published at 39 FR 35649 on October 3, 1974. The revision codifies material contained in the Federal-Aid Highway Program Manual, volume 6, chapter 4, section 2, subsection 7.[1] The regulation simplifies the existing policy and procedures to conform to the recommendations of the Federal Highway Administration (FHWA) policy on minimization of redtape (43 FR 10578, March 14, 1978). This regulation does not contain significant additions to previous requirements nor substantial cost effect.

Anyone wishing to submit written comments related to this regulation is advised to submit them to FHWA Docket No. 78-28. These comments may be considered as a request for rule revision, if necessary, and will be utilized in processing future amendments to this regulation.

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

Issued on: December 26, 1978.

L. P. LAMM,
Acting Federal Highway Administrator.

Part 637, Subpart B of Chapter I, Title 23, Code of Federal Regulations, is revised to read as follows:

Subpart B—Sampling and Testing of Materials and Constuction

AUTHORITY: 23 U.S.C. §§ 114, 204, 206, 209, 210, and 315; 49 CFR 1.48(b).

Subpart B—Sampling and Testing of Materials and Construction

§ 637.201 Purpose.

The purpose of this regulation is to prescribe policies, procedures, and guides relating to sampling and testing of materials and construction in Federal-aid highway projects, except those constructed pursuant to 23 U.S.C. section 117.

§ 637.203 Definitions.

(a) The term "acceptance samples and tests" means all of the samples and tests used for determining the quality and acceptability of the materials and workmanship which have been or are being incorporated in the project.

(b) The term "independent assurance samples and tests" means independent samples and tests or other procedure performed by State personnel who do not normally have direct responsibility for process control and acceptance sampling and testing. They are used for the purpose of making independent checks on the reliability of the results obtained in acceptance sampling and testing.

(c) The term "National Reference Laboratories" means the American Association of State Highway and Transportation Officials (AASHTO) Materials Reference Laboratory (AMRL) and the Cement and Concrete Reference Laboratory (CCRL), each operated by the National Bureau of Standards.

§ 637.205 Policy.

(a) *Sampling and Testing Program.* It is the policy of the Federal Highway Administration (FHWA) that each State highway agency shall develop a sampling and testing program which will provide adequate assurance that the materials and workmanship incorporated in each Federal-aid highway construction project are in reasonably close conformity with the requirements of the approved plans and specifications including approved changes. The program shall have provisions for acceptance and independent assurance samples and tests. The program shall be approved by FHWA.

(b) *National Reference Laboratories.* It is the policy of FHWA to encourage all State highway agencies to participate in each regular inspection tour and comparative sample testing program of the CCRL and AMRL.

§ 637.207 Procedure.

Each State's acceptance and independent assurance sampling and testing program shall provide for the following:

(a) The point in the construction process at which sampling and testing is to be done.

(b) A guide schedule for sampling and testing materials which will give general guidance to personnel responsible for the program yet give them reasonable latitude for adaption to specific project needs.

(c) A reasonable portion of the independent assurance sampling and testing be performed by personnel who have no direct responsibility for acceptance sampling and testing using test equipment other than that assigned to the project. The program may permit the remainder of the independent samples and tests to be accomplished by independent observation of the acceptance sampling and testing or with the use of project assigned equipment.

(d) A prompt comparison of acceptance test results with independent assurance test results.

(e) The preparation and submission of a material certification conforming in substance to Appendix A of this regulation to the FHWA Division Administrator for each constuction project.

APPENDIX A

(GUIDE LETTER OF CERTIFICATION BY STATE ENGINEER)

Date _____
Project No. _____
This is to certify that:

The results of the tests on acceptance samples indicate that the materials incorporated in the construction work and the construction operations controlled by sampling and testing were in reasonably close conformity with the approved plans and specifi-

[1] This document is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

cations, and such results compare favorably with the results of independent assurance sampling and testing.
Exceptions to this certification are documented in the project records.

Director of Laboratory
or other
Appropriate State Official

[FR Doc. 79-872 Filed 1-9-79; 8:45 am]

[4310-84-M]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2440]

PART 4100—GRAZING ADMINISTRATION

Authorizing Grazing Use—Payment of Fees

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes the formula for computing grazing fees for public rangelands. The Public Rangelands Improvement Act of 1978 provides for a specific grazing fee formula for public rangelands. The intended effect is to adjust the grazing fee to fair market value in accordance with the statutory grazing fee formula.

DATE: Effective March 1, 1979.

ADDRESS: Director (330), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Ronald J. Younger, 202-343-6011.

SUPPLEMENTAL INFORMATION: The principal author of this document is Ronald J. Younger of the Washington Office, Division of Range Management, assisted by Billy R. Templeton of the Division of Legislation and Regulatory Management.

Proposed rulemaking relating to grazing fees was published jointly by the Forest Service and the Bureau of Land Management on pages 60108 through 60110 of the FEDERAL REGISTER on November 23, 1977. Written comments were invited through February 21, 1978, and six public meetings were held in five Western States to provide an opportunity for public input. Comments received by both the Forest Service and the Bureau of Land Management have been considered. These comments are summarized as follows:

Individual comments were received by mail from 13 units of State and local government, 55 special interest groups, and 434 individuals. The comments came from 41 States and Washington, D.C.

Additionally, four petitions bearing a total of 299 names were received.

The public meetings were attended by 476 persons. There were representatives speaking for 31 special interest groups and nine units of State and local government.

SUMMARY OF GENERAL COMMENTS

Those who favored the proposed rulemaking offered the following comments:

1. The proposed grazing fee increase is a means to achieve the objectives of range improvement, wildlife habitat improvement, and range and habitat maintenance. To some, the objective is served by generation of additional moneys for improvements through the "Range Betterment Fund" provisions of the Federal Land Policy and Management Act, (43 U.S.C. 1701, 1751); to others, the objective is served by decreasing the desirability for grazing livestock through higher fees.

2. The general public is entitled to receive fair market value for the use of the public resources.

3. Unless fair market value is charged for public grazing, those who have public grazing leases and permits enjoy an unfair competitive advantage over other livestock producers.

4. The procedure used to determine fair market value is appropriate.

Those who opposed the proposed rulemaking offered the following general comments:

1. Any increase in grazing fees would add an additional financial burden to an industry already burdened at this time by a depressed market for its products and trying to recover from drought-caused financial losses.

2. Few direct objections were offered to the concept of paying fair market value for the use of public resources. However, many objected to the procedures used to determine fair market value. Others believed that they are already paying fair market value, if all factors they consider pertinent would be considered in the determination of fair market value.

SPECIFIC COMMENTS AND RESPONSE

1. A considerable number of comments compared the "Technical Committee proposal" to the proposed regulation. Individuals and groups making these comparisons cited their estimate of the shortcomings in the proposed regulation and suggested replacement of the proposed regulation with the "Technical Committee proposal."

2. It was suggested that a two-tier grazing fee be adopted that would allow a lower fee for livestockmen who would guarantee access to public lands for recreation users.

3. It was suggested that public rangelands be open to competitive bidding to allow any interested person an equal chance to use public rangelands and to assure that fair market value is collected for livestock grazing.

4. It was suggested that the fee should be a variable fee based upon age and weight classes of animals. For example, a yearling consumes less forage than a cow with a calf and, therefore, it was suggested the fee should be lower.

5. Inclusion of permit value as a factor in determining (reducing) the grazing fee was suggested.

6. It was suggested that a variable fee be developed based upon forage production and nutritional value of forage.

7. It was suggested that fair market value be adjusted to account for differences in the cost of livestock operations on private land as compared to costs on public lands.

8. It was suggested that an allowance or credit be given to the permittees in return for permittee contributions to the construction of improvements and for maintaining improvements.

9. A schedule was suggested for a variable fee based upon the current season stocking rate and recent livestock prices. By this schedule, the fee per animal unit month would change by a fixed factor each time an increase or decrease in grazing capacity of one acre per animal unit month occurred and the fee would also change by a fixed amount each time the price per hundredweight of beef increased or decreased by one dollar.

10. It was suggested that permittees be required to post a performance bond to ensure protection of the range and rehabilitation of any damaged areas. This suggestion is not adopted. Livestock operations are generally stable, long-term operations and provisions of existing law and regulations (including cancellation of the grazing permit) are more appropriate means of reaching range improvement objectives than bonding.

The many thoughtful comments received on the proposed rulemaking are appreciated. However, a grazing fee formula was established in the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901). This final rulemaking has been prepared in accordance with that Act.

STATUTORY FEE FORMULA ADOPTED BY CONGRESS

Before final rules were adopted, a moratorium on any change in grazing fees for the 1978 grazing season was imposed by the Congress to provide additional time to study the issue. Then on October 25, 1978, the Public Rangelands Improvement Act (43 U.S.C. 1901) was signed into law. Section 6(a) of the Act adopted the fee formula known as the "Technical Committee Formula." The section 6(a) grazing fee formula may be expressed mathematically as follows:

$$\text{Grazing Fee} = \$1.23\ [FVI + (BCPI - PPI)]/100$$

The components of the formula are:

$1.23 = fair market value for base period 1964-1968.
FVI = Forage Value Index
BCPI = Beef Cattle Price Index
PPI = Prices Paid Index

The following data series, as suggested by the Technical Committee Report, will be used for the component values in the Congressional grazing fee formula.

The economic value of $1.23 established by the 1966 Western Livestock Grazing Survey for the base years 1964-1968 represents the difference between total cost associated with livestock grazing use of private leased grazing lands and total nonfee costs associated with livestock grazing use of allotments on Federal lands administered by the Forest Service and by the Bureau of Land Management in the Western States. The general items of cost included are: loss of animals, veterinary costs, movement of livestock to and from public or private grazing areas, herding and movement of livestock while on the grazing area., salting and feeding, travel by personnel to and from public or private grazing areas, pumping or hauling of water, horse use in movement and management of livestock, maintenance of fences and water facilities, depreciation of fences and other permanent structures, other miscellaneous costs, and costs paid through associations. In addition, payments to the landlord (the grazing lease rate) are included in the cost of using private grazing lands.

Forage Value Index (FVI) represents the annual change in private grazing lease rates from the 1964-1968 base years as collected by USDA using the June Enumerative Survey. The private lease rate value of $3.65 per animal unit month from the base period of 1964-1968 will continue to be the proper base value for the index of forage value.

Data year	Private grazing lease rate	Forage value index
1964-1968	3.65	100
1977	7.29	200
1978	7.11	195

The Beef Cattle Price Index (BCPI) represents the annual change in beef cattle prices in the 11-Western States compared with the base period (1964-1968) price of $22.04 per hundredweight. This data is collected by USDA for a calendar year of November-October and is composed of a weighted average beef cattle (excluding calves) price for the 11-Western States. The selection of the November calendar year does require a special tabulation but the basic price data are those normally published by ESCS in the *Agriculture Prices* series. The weighting by States is based on the volume (pounds liveweight) of marketings.

Data price year	Beef cattle price dol/cwt	Beef cattle price index
1964-1968	22.04	100
1969	27.00	123
1970	29.50	134
1971	29.50	134
1972	36.80	167
1973	43.00	195
1974	39.20	178
1975	35.20	160
1976	36.10	164
1977	36.00	163
1978	47.60	216

The Prices Paid Index (PPI) is developed from selected subindexes of the official USDA, ESCS index of prices paid with weights based on the Cost of Production Survey (COPS). It is an annual index on a November through October calendar year with a base period of 1964-1968 equal 100.

Date year	Prices paid index
1964-1968	100
1969	113
1970	118
1971	124
1972	130
1973	140
1974	168
1975	198
1976	215
1977	230
1978	246

The calendar year November through October was selected for the purpose of using the most recent data for determination of grazing fees. The grazing fee year starts on March 1 and a period of 4 months is needed to assess the data, compute the fee, publish the fee schedule in the FEDERAL REGISTER, compute the grazing billings, transmit the billings to the permittees, and collect the fees in advance of actual grazing use.

Utilizing the 1978 data year component values in the Congressional grazing fee formula results in an economic value grazing fee for the 1979 fee year of $2.03 per animal unit month (AUM):

$$\$1.23\ \frac{[195+(216-246)]}{100} = \$2.03/\text{AUM}$$

The 1979 grazing fee cannot exceed 25 percentum of the 1978 grazing fee; therefore, under this proposal the 1978 fee of $1.51 for BLM public domain lands is increased by 25 percentum to $1.89 per AUM for 1979. The higher grazing fees on some Bankhead-Jones lands and public lands in Western Oregon are also increased 25 percentum for 1979.

Other Federal land such as lands under the jurisdiction of the Department of Army and Veterans Administration, where livestock grazing is managed by BLM under interagency agreements, are not covered by the Public Rangelands Improvement Act of 1978. Competitive bidding will continue to be employed on these areas to establish value for livestock use of the land.

Fees for the grazing years 1979 through 1985 shall be established annually by the Secretary based on the grazing fee formula in the Public Rangelands Improvement Act of 1978. Starting in 1979, grazing fees shall be adjusted annually to the computed economic value subject only to the provision that adjustments shall be limited to not more than plus or minus 25 percentum of the previous year's fee.

Under the authority of the Taylor Grazing Act of 1934 as amended (43 U.S.C. 315); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751); and the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901), § 4130.5-1, Subpart 4130, Part 4100, Subchapter D, Chapter II, Title 43 of the Code of Federal Regulations is amended as set forth below.

GARY J. WICKS,
Acting Assistant Secretary of the Interior.

JANUARY 4, 1979.

1. Section 4130.5-1 is amended by adding paragraph (a) to read as follows:

§ 4130.5-1 Payment of fees.

(a) Grazing fees shall be established annually by the Secretary based upon the grazing fee formula in the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901).

$$\text{Economic Value (Grazing Fee)} = \$1.23\ \frac{[FVI+(BCPI-PPI)]}{100}$$

The components of the formula are:

$1.23=fair market value for base period 1964-1968.
FVI=Forage Value Index
BCPI=Beef Cattle Price Index
PPI=Prices Paid Index

Grazing fees shall be adjusted annually to the computed economic value; subject only to the provision that adjustments, either increases or decreases, shall not be more than 25 percent of the previous year's grazing fee.

[FR Doc. 79-843 Filed 1-9-79; 8:45 am]

[4910-06-M]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR-3, Notice No. 18]

PART 218—RAILROAD OPERATING RULES

Blue Signal Protection of Workmen

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Amendment to final rule.

SUMMARY: Part 218 prescribes minimum requirements for certain operating rules utilized by railroads in conducting train operations. This notice amends the requirements for blue signal protection to be afforded workmen engaged in the inspection, repair, testing and servicing of railroad rolling equipment.

DATES: This amendment is effective on January 31, 1979.

FOR FURTHER INFORMATION CONTACT:

PRINCIPAL AUTHORS

Principal Program Person: John A. McNally, Office of Safety, Washington, D.C. 20590. Phone (202) 426-9179.

Principal Attorney: Lawrence I. Wagner, Office of the Chief Counsel, Washington, D.C. 20590. Phone (202) 426-8836.

SUPPLEMENTARY INFORMATION: On October 2, 1978, FRA published an NPRM proposing to revise those provisions of Part 218 that relate to the blue signal protection to be afforded workmen engaged in the inspection, repair, testing and servicing of rolling equipment (43 FR 45416). The purpose of the proposed amendment is to resolve all of the known outstanding issues associated with the existing regulation.

COMMENTERS VIEWS

FRA solicited written comments and views on the proposed changes and indicated that a public hearing would be provided if FRA received a request for such a hearing. FRA did not receive a request for a public hearing and received only four written comments in response to the NPRM. The commenters all expressed support for the proposed changes and two commenters urged rapid action by FRA to adopt the proposal as a final rule. Only one commenter, a manufacturer of derails, urged a change in the regulatory language of the NPRM. This commenter suggested that higher speeds be permitted on tracks where a derail is used to provide protection for workmen. In support of this suggestion, the commenter indicated that field testing had demonstrated the ability of some of its devices to function as intended at speeds greater than 20 miles per hour.

FRA ANALYSIS OF COMMENTS

The low operating speed proposed by FRA pertains only to those specific instances in which a derail is located approximately 50 feet from the area where the workmen are performing tasks on rolling equipment. The low speed provision in this instance is intended to assure that rolling equipment will not travel more than 50 feet after derailment. FRA is concerned that, if rolling equipment encountered a derail at greater speeds, the equipment could endanger workmen in the area beyond the prescribed 50 foot buffer zone. Similarly in those instances where the buffer zone is increased to a distance of 150 feet, this speed restriction is not applicable. Since the distance travelled after derailment, not the effectiveness of a derail, is the safety concern addressed by the speed restriction, FRA has not adopted the change suggested by the derail manufacturer.

After consideration of the comments received, FRA has decided to adopt the regulation basically as it was proposed. However, FRA has made some technical language changes in the final rule. These changes are clarifying in nature.

In the preamble to the NPRM, FRA provided a section by section analysis of the proposed regulation. In view of the limited technical changes being made that analysis is not being repeated in its entirety. However, FRA does wish to point out the changes made in adopting the final rule.

In § 218.5, FRA has added paragraphs (k), (l) and (m). These paragraphs contain definitions that are pertinent to Subpart C of Part 218. They are currently contained in paragraphs (e), (f) and (g) of § 218.5 and have merely been renumbered and restated. In § 218.29, FRA has reworded the proposed language to eliminate cross references to other sections and to make it more understandable. Finally, § 218.31 of the proposed regulation has been renumbered as § 218.30 of the final rule. In addition, clarifying and conforming changes have been made in §§ 218.3(a)(2); 218.5(d)(3) and (j); 218.23(a); 218.25(a) and (b); 218.27(b), (c) and (d); 218.29; 218.30 and Appendix A.

The revision being adopted by FRA will serve to relieve an existing group of restrictions. Therefore, in accordance with the provisions of section 553 of the Administrative Procedure Act (5 U.S.C 553), this amendment is being made effective in less than 30 days after publication.

ECONOMIC IMPACT

FRA has reviewed its prior analysis of the economic impact of this proposal in light of the comments received in this proceeding and FRA has determined that this notice does not contain a significant regulatory proposal. Therefore, a Regulatory Analysis under Executive Order 12044 is not required (E.O. 12044, 43 FR 12661, March 24, 1978).

In addition, FRA has evaluated this final rule in accordance with DOT's existing and proposed policies for the evaluation of regulatory impacts. Since the regulation being adopted will not impose any additional requirements and will permit some cost savings to the railroads, as well as providing some unquantifiable benefits by improving the safety of railroad workers, FRA concluded that the regulatory proposal contained in this notice would have no measurable regulatory impact and that a detailed evaluation is not warranted. (Policies and Procedures for Simplification, Analysis, and Review of Regulations, 43 FR 9582, March 8, 1978; Proposed Regulatory Policies and Procedures, 43 FR 23925, June 1, 1978).

In consideration of the foregoing, Part 218, of Title 49 of the Code of Federal Regulations is amended as set forth below.

1. By amending the Table of Contents at the beginning of Part 218 to read as follows:

PART 218—RAILROAD OPERATING RULES

Subpart A—General

Sec.
218.1 Purpose.
218.3 Application.
218.5 Definitions.
218.7 Waivers.
218.9 Civil penalty.
218.11 Filing, testing and instruction.

Subpart B—Blue Signal Protection of Workmen

218.21 Scope.

AUTHORITY: Sec. 202, 84 Stat 971 (45 U.S.C. 431); Sec. 1.49(n) of the regulation of the Office of the Secretary of Transportation, 49 CFR 1.49(n)

2. By amending Subparts A and B to read as follows:

Subpart A—General

§ 218.1 Purpose.

This part prescribes minimum requirements for railroad operating rules and practices. Each railroad may prescribe additional or more stringent requirements in its operating rules, timetables, timetable special instructions, and other special instructions.

§ 218.3 Application.

(a) Except as provided in paragraph (b) of this Section, this part applies to railroads that operate rolling equipment on standard gage track which is part of the general railroad system of transportation.

(b) This part does not apply to—

(1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation, or

(2) A railroad that operates only on track used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area.

§ 218.5 Definitions.

As used in this part—

(a) "Workman" means railroad employees assigned to inspect, test, repair, or service railroad rolling equipment, or their components including brake systems. Train and yard crews are excluded except when assigned to perform such work on railroad rolling equipment that is not part of the train or yard movement they have been called to operate.

NOTE.—"Servicing" does not include supplying cabooses, locomotives, or passenger cars with items such as ice, drinking water, tools, sanitary supplies, stationery, or flagging equipment.

"Testing" does not include visual observations made by an employee positioned inside or alongside a caboose, locomotive, or passenger car.

(b) "Rolling equipment" includes locomotives, railroad cars, and one or more locomotives coupled to one or more cars.

(c) "Blue Signal" means a clearly distinguishable blue flag or blue light by day and a blue light at night. When attached to the operating controls of a locomotive, it need not be lighted if the inside of the cab area of the locomotive is sufficiently lighted so as to make the blue signal clearly distinguishable.

(d) "Effective Locking Device" when used in relation to a manually operated switch or a derail means one which is: (1) Vandal resistant; (2) tamper resistant; and (3) capable of being locked and unlocked only by the class, craft or group of employees for whom the protection is being provided.

(e) "Car shop repair track area" means one or more tracks within an area in which the testing, servicing, repair, inspection, or rebuilding of railroad rolling equipment is under the exclusive control of mechanical department personnel.

(f) "Locomotive servicing track area" means one or more tracks, within an area in which the testing, servicing, repair, inspection, or rebuilding of locomotives is under the exclusive control of mechanical department personnel.

(g) "Main Track" means a track, other than an auxiliary track, extending through yards or between stations, upon which trains are operated by timetable or train order or both, or the use of which is governed by a signal system.

(h) "Locomotive" means a self-propelled unit of equipment designed for moving other equipment in revenue service including a self-propelled unit designed to carry freight or passenger traffic, or both, and may consist of one or more units operated from a single control.

(i) "Switch providing access" means a switch which if traversed by rolling equipment could permit that rolling equipment to couple to the equipment being protected.

(j) "Group of workmen" means two or more workmen of the same or different crafts assigned to work together as a unit under a common authority and who are in communication with each other while the work is being done.

(k) "Interlocking" means the tracks between the opposing home signals of an interlocking.

(l) "Flagman's signals" means a red flag by day and a white light at night, and a specified number of torpedoes and fusees as prescribed in the railroad's operating rules.

(m) "Absolute block" means a block in which no train is permitted to enter while it is occupied by another train.

§ 218.7 Waivers.

(a) A railroad may petition the Federal Railroad Administration for a waiver of compliance with any requirement prescribed in this part.

(b) Each petition for a waiver under this section must be filed in the manner and contain the information required by Part 211 of this chapter.

(c) If the Administrator finds that waiver of compliance is in the public interest and is consistent with railroad safety, he may grant the waiver subject to any conditions he deems necessary. Notice of each waiver granted, including a statement of the reasons, therefore, is published in the FEDERAL REGISTER.

§ 218.9 Civil penalty.

Each railroad to which this part applies that violates any requirement prescribed by this part is liable to a civil penalty of at least $250, but not more than $2,500 for each violation. Each day of each violation constitutes a separate offense.

§ 218.11 Filing, testing, and instruction.

The operating rules prescribed in this part, and any additional or more stringent requirements issued by a railroad in relation to the operating rules prescribed in this part, shall be subject to the provisions of Part 217 of this chapter, Railroad Operating Rules: Filing, Testing, and Instruction.

Subpart B—Blue Signal Protection of Workmen

§ 218.21 Scope.

This subpart prescribes minimum requirements for the protection of railroad employees engaged in the inspection, testing, repair, and servicing of rolling equipment whose activities require them to work on, under, or between such equipment and subjects them to the danger of personal injury posed by any movement of such equipment.

§ 218.23 Blue signal display.

(a) Blue Signals displayed in accordance with §§ 218.25, 218.27, or 218.29 signify that workmen are on, under, or between rolling equipment. When so displayed—

(1) The equipment may not be coupled to;

(2) The equipment may not be moved, except as provided for in § 218.29;

(3) Other rolling equipment may not be placed on the same track so as to reduce or block the view of a blue signal, except as provided for in § 218.29 (a), (b) and (c); and

(4) Rolling equipment may not pass a displayed blue signal.

(b) Blue Signals must be displayed in accordance with §§ 218.25, 218.27, or

218.29 by each craft or group of workmen prior to their going on, under, or between rolling equipment and may only be removed by the same craft or group that displayed them.

§ 218.25 Workmen on a main track.

When workmen are on, under, or between rolling equipment on a main track:

(a) A blue signal must be displayed at each end of the rolling equipment; and

(b) If the rolling equipment to be protected includes one or more locomotives, a blue signal must be attached to the controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive.

(c) When emergency repair work is to be done on, under, or between a locomotive or one or more cars coupled to a locomotive, and blue signals are not available, the engineman or operator must be notified and effective measures must be taken to protect the railroad employees making the repairs.

§ 218.27 Workmen on track other than main track.

When workmen are on, under, or between rolling equipment on track other than main track—

(a) A blue signal must be displayed at or near each manually operated switch providing access to that track;

(b) Each manually operated switch providing access to the track on which the equipment is located must be lined against movement to that track and locked with an effective locking device; and

(c) The person in charge of the workmen must have notified the operator of any remotely controlled switch that work is to be performed and have been informed by the operator that each remotely controlled switch providing access to the track on which the equipment is located has been lined against movement to that track and locked as prescribed in § 218.30.

(d) If rolling equipment requiring blue signal protection as provided for in this section is on a track equipped with one or more crossovers, both switches of each crossover must be lined against movement through the crossover toward that rolling equipment, and the switch of each crossover that provides access to the rolling equipment must be protected in accordance with the provisions of subsections (a) and (b), or (c) of this section.

(e) If the rolling equipment to be protected includes one or more locomotives, a blue signal must be attached to the controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive.

§ 218.29 Alternate methods of protection.

Instead of providing blue signal protection for workmen in accordance with § 218.27, the following methods for blue signal protection may be used:

(a) When workmen are on, under, or between rolling equipment in a locomotive servicing track area:

(1) A blue signal must be displayed at or near each switch providing entrance to or departure from the area;

(2) Each switch providing entrance to or departure from the area must be lined against the movement to the area locked with an effective locking device; and

(3) A blue signal must attached to each controlling locomotive at a location where it is readily visible to the engineman or operator at the controls of that locomotive;

(4) If the speed within this area is restricted to not more than 5 miles per hour a derail, capable of restricting access to that portion of a track within within the area on which the rolling equipment is located, will fulfill the requirements of a manually operated switch in compliance with subparagraph (2) of this paragraph when positioned at least 50 feet from the end of the equipment to be protected by the blue signal, when locked in a derailing position with an effective locking device, and when a blue signal is displayed at the derail;

(5) A locomotive may be moved onto a locomotive servicing area track after the blue signal has been removed from the entrance switch to the area. However, the locomotive must be stopped short of coupling to another locomotive;

(6) A locomotive may be moved off of a locomotive servicing area track after the blue signal has been removed from the controlling locomotive to be moved and from the area departure switch;

(7) If operated by an authorized employee under the direction of the person in charge of the workmen, a locomotive protected by blue signals may be repositioned within this area after the blue signal has been removed from the locomotive to be repositioned and the workmen on the affected track have been notified of the movement; and

(8) Blue signal protection removed for the movement of locomotives as provided in subparagraphs (5) and (6) of this paragraph must be restored immediately after the locomotive has cleared the switch.

(b) When workmen are on, under, or between rolling equipment in a car shop repair track area:

(1) A blue signal must be displayed at or near each switch providing entrance to or departure from the area; and

(2) Each switch providing entrance to or departure from the area must be lined against movement to the area and locked with an effective locking device;

(3) If the speed within this area is restricted to not more than 5 miles per hour, a derail capable of restricting access to that portion of a track within the area on which the rolling equipment is located will fulfill the requirements of a manually operated switch in compliance with subparagraph (2) of this paragraph when positioned at least 50 feet from the end of the equipment to be protected by the blue signal, when locked in a derailing position with an effective locking device and when a blue signal is displayed at the derail;

(4) If operated by an authorized employee under the direction of the person in charge of the workemen, a car mover may be used to reposition rolling equipment within this area after workmen on the affected track have been notified of the movement.

(c) Except as provided in paragraph (a) and (b) of this section, when workmen are on, under, or between rolling equipment on any track, other than a main track:

(1) A derail capable of restricting access to that portion of the track on which such equipment is located, will fulfill the requirements of a manually operated switch when positioned no less than 150 feet from the end so such equipment; and

(2) Each derail must be locked in a derailing position with an effective locking device and a blue signal must be displayed at each derail.

(d) When emergency repair work is to be done on, under, or between a locomotive or one or more cars coupled to a locomotive, and blue signals are not available, the engineman or operator at the controls of that locomotive must be notified and effective measures must be taken to protect the workmen making the repairs.

§ 218.30 Remotely controlled switches.

(a) After the operator of the remotely controlled switches has received the notification required by § 218.27(c), he must line each remotely controlled switch against movement to that track and apply an effective locking device to the lever, button, or other device controlling the switch before he may inform the employee in charge of the workmen that protection has been provided.

(b) The operator may not remove the locking device unless he has been informed by the person in charge of the workmen that it is safe to do so.

(c) The operator must maintain for 30 days a written record of each notification which contains the following information:

(1) The date and time the operator received notification of the work to be performed;

(2) The name and craft of the employee in charge who provided the notification;

(3) The number or other designation of the track involved;

(4) The date and time the operator notified the employee in charge that protection had been provided in accordance with paragraph (a) of this section; and

(5) The date and time the operator was informed that the work had been completed, and the name and craft of the em-

ployee in charge who provided this information.

3. By amending Appendix A to read as follows:

* * * * *

218.23	Blue signal display.		
218.25	Workmen on main track.....	$750	$2,000
218.27	Workmen on other than main tracks.....	750	2,000
218.29	Alternate methods of protection.....	750	2,000
218.30	Remotely controlled switches:		
	(a) and (b).....	750	2,000
	(c).....	500	1,000

* * * * *

(Secs. 202 and 208, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431 and 437); § 1.49(n), Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).)

Issued in Washington, D.C., on January 4, 1979.

JOHN M. SULLIVAN,
Administrator.

[FR Doc. 79-815 Filed 1-9-79; 8:45 am]

[7035-01-M]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 282 (Sub-No. 1)]

PART 1111—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

Railroad Consolidation Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Revision of regulations.

SUMMARY: The Commission has revised its regulations at 49 CFR 1111.2 in order to clarify the regulatory scheme. The revisions are designed to correct the inadvertant omission of certain carriers participating in transactions under 49 U.S.C. 11343 (formerly section 5(2) of the Interstate Commerce Act) (Act), and to require less information in applications for lease renewals. Also, the regulations are revised to be consistent with other regulations adopted subsequently to the drafting of 49 CFR.

DATES: The revisions will be effective on January 10, 1979.

FOR FURTHER INFORMATION CONTACT:

G. Marvin Bober, (202) 275-7564.

SUPPLEMENTARY INFORMATION: These regulations govern applications filed by two or more carriers seeking merger, consolidation, control, acquisition, lease or trackage rights under section 11343. See 49 CFR 1111.1.

Specifically: § 1111.2(a) is revised to include a regulation advising applicants of the new energy regulations and 1111.2 (b), (c), and (d) are renumbered accordingly; §§ 1111.2 (a), (b), (c), and (d) are revised to include lease renewals among the transactions having minimal market and competition impact; and § 1111.2(c) is revised to include Class III carriers and railroad lessors as participants in transactions covered by the regulations.

Because these modifications, as set forth in the Appendix, merely clarify the regulations and incorporate existing regulations, and because petitioners could immediately utilize these modifications in their lease renewal application, we find that notice and public procedure on these revisions are unnecessary, impracticable and contrary to the public interest within the meaning of 5 U.S.C. 553(6)(B).

H. G. HOMME, Jr.
Secretary.

APPENDIX OF REVISIONS

§ 1111.2 [Amended]

49 CFR 1111.2(a)(11)(iii) is modified as follows:

(a) * * *

(ii) * * *

(iii) * * * or in the event the proposed transaction involves trackage rights, joint use or ownership of a railroad line, a coordination project or a lease renewal, then * * *

* * * * *

49 CFR 1111.2(a) is supplemented as follows:

(a) * * *

(13) As exhibit 13, information and data with respect to energy consumption prepared in accordance with the regulations in Part 1106 of this title of the Code of Federal Regulations.

(b) * * * except for those applications involving trackage rights, joint use or joint ownership of a railroad line, a coordination project or a lease renewal:

(1) As exhibit A-14, * * *
(2) As exhibit A-15, * * *
(3) As exhibit A-16, * * *
(v) * * * under section 1111.2 (b)(3)(ii), (exhibit A-16). * * *
(4) As exhibit A-17, * * *
(5) As exhibit A-18, * * *
(6) As exhibit A-19, * * *

49 CFR 1111.2(c) is modified as follows:

* * * * *

(c) * * * the following exhibits are also requird for applications involving one or more Class II railroads, Class III railroads or railroad lessors or applications involving a Class I railroad and a Class II or Class III railroad or a railroad lessor, except for those applications involving trackage rights, joint use or joint ownership of a railroad line, a coordination project or a lease renewal:

(1) As exhibit B-14, * * *
(2) As exhibit B-15, * * *
(3) As exhibit B-16, * * *
(4) As exhibit B-17, * * *
(5) As exhibit B-18, * * *
(6) As exhibit B-19, * * *

49 CFR 1111.2(d) is modified as follows:

* * * * *

(d) * * *, the following exhibits are also required for applications involving trackage rights, joint use or joint ownership of a railroad line, a coordination project or a lease renewal:

(1) As exhibit C-14, * * *
(2) As exhibit C-15, * * *
(3) As exhibit C-16, * * *

[FR Doc. 79-899 Filed 1-9-79 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505]

[No. 79-8]

PRICE LIST FOR COPIES OF PUBLIC DATA

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: This proposal would amend the Bank Board's price list for copies of financial and statistical data reported by lending institutions to the Bank Board. Such data, available to the public under the Freedom of Information Act, would be more closely priced according to the Board's estimated costs of reproduction, including equipment and manpower expenses. The proposal would also broaden the description of types of information to which the price list applies and include specific charges for copies of initial transcripts of Bank Board meetings.

The Bank Board requests that public comments be limited to the reasonableness of the proposed prices; justification for raising or lowering any price should be included in any comment letter suggesting such action.

DATE: Comments must be received on or before January 31, 1979.

ADDRESS: Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel. Telephone number: Area code 202-377-6440.

SUPPLEMENTARY INFORMATION: Federal Home Loan Bank Board considers it desirable to propose amendments to § 505.4(e) (12 CFR 505.4(e)) of its General Rules and Regulations for the purpose of revising the price list for preparing public copies of information made available to the public under § 505.

The Bank Board believes the proposed amendment would (1) simplify § 505.4(e) and facilitate its application to additional types of information which may be made available under the regulation and (2) bring the total charges imposed under the regulation more closely into line with the Bank Board's costs in making information available under it, while at the same time reducing charges to small users. The amendment would also specify charges for initial transcripts of Bank Board meetings.

Accordingly, the Bank Board hereby proposes to amend § 505.4 by revising subsection (e) thereof to read as follows:

§ 505.4 Access to Records.

* * * * *

(e) Fees for providing copies of records

(1) *Statistical and financial reports of individual institutions (including unpublished aggregates of these reports)*

(*a*) The charges for copies of such reports are as follows:

For printed copy: search charge of $2.00 per specific report requested (regardless of number of institutions for which data are requested) plus 30 cents a page copy charge.

For magnetic tape containing all individual institution information for a single period for specific report:

$50.00 for Format #1 (Board's internal format, 800 or 1600 BPI, odd parity, 9 track, no label or tape mark; data recorded in Sixbit imbedded Comp.)

$150.00 for Format #2 (Universal EBCDIC, 800 or 1600 BPI, odd parity, 9 track, no label or tape mark; data recorded in EBCDIC.)

(*b*) Procedure. Address all requests for statistical or financial records to: Office of Economic Research (Attention: Information Disclosure Section), Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Include requester's name, address, and telephone number. If requesting data for an individual institution, provide its accurate and complete name and home office address, and dates for specific data requested. For geographical requests, specify county and/or state in which the institutions or offices are located as well as dates for specific data requested. Requesters will be billed for copies. No advance payment will be accepted.

(2) *Other computer or information system records*

With respect to information obtainable only by processing through an information systems program, which has been made available under paragraph (a) of this section, a person requesting such information shall pay a fee equal to the full cost of retrieval and production of the information requested and the Director, Office of Economic Research, or his designee is authorized to determine the cost of such retrieval and production upon recommendation, where appropriate, of the Director, Information Systems Division, or his designee.

(3) *Transcripts of Bank Board meetings.* The charge for initial transcripts of Bank Board meetings shall be $3.00 per page or part thereof. This charge shall apply to all meetings open pursuant to 5 U.S.C. § 552b(c) and to those portions of closed meetings which are publicly available pursuant to 5 U.S.C. § 552b(f)(2).

(4) *All other records.* A person requesting access to or copies of particular records shall pay the cost of searching or copying such records at the rate of $10 per hour for searching and 10 cents per page for copying. Unless a requester states in his initial request that he will pay all costs regardless of amount, he shall be notified as soon as possible if there is reason to believe that the cost for obtaining access to and/or copies of such records will exceed $50. If such notice is given, the time limitations contained elsewhere in this Part shall not commence until the requester agrees in writing to pay such cost. The Secretary is authorized to require an advance deposit whenever in his judgment such a deposit is necessary to insure that the Board will receive adequate reimbursement of its costs. If such a deposit is required, the time limitations contained elsewhere in this Part shall not commence until the deposit is paid.

(5) *Waiver of charges.*

The Secretary or his designee or, where appropriate, the Director, Office of Economic Research, or his designee is authorized either to waive payment of charges under this section in instances in which total charges are less than $3.00 or to waive in full or in part such charges when unnecessary hardship would be inflicted upon the requesting person or when waiver would serve the public interest.

(Pub. L. 93-502 (5 U.S.C 552); Secs. 11, 17, 47 Stat. 733, 736, as amended; secs. 5, 402, 48

Stat. 132, 1256, as amended (12 U.S.C 1431, 1437, 1464, 1725). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071)

Dated January 4, 1979.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 79-897 Filed 1-9-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 208, 283, 399]

[EDR-370/PSDR-53; Docket No. 34397; Dated: January 4, 1979]

MILITARY AIR TRANSPORTATION MARKET

Elimination of Minimum Rate Provision

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed rulemaking would eliminate the minimum rate provisions applicable to domestic and international charter service and international individually ticketed or waybilled scheduled service pursuant to contract for the Department of Defense by air carriers. The exemption from tariff-filing requirements would be retained. The action is proposed on the Board's own initiative in response to changed circumstances in the military air transportation market and to the apparent need for reform of the Board's military ratemaking function in view of recent legislative changes and the Board's experience.

DATES: Comments by: March 12, 1979. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 34397, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Richard B. Hirst, Bureau of Pricing and Domestic Aviation, or Lawrence R. Myers, Office of the General Counsel, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202/673-5858; 673-5791.

SUPPLEMENTARY INFORMATION:

14 CFR Part 288 provides an exemption from section 403 of the Federal Aviation Act and from the related tariff-filing provisions of the Board's Economic Regulations for certain air transportation services supplied by commercial air carriers to the Department of Defense. The exemption is available only to air carriers which have contractually committed aircraft to the Civil Reserve Air Fleet (CRAF) program of the Department of Defense (DOD). It applies to the performance of domestic and international charter service and individually ticketed or waybilled transportation in international scheduled service under agreements between air carriers and DOD, acting through the Military Airlift Command (MAC).[1] The exemption provided by Part 288 is conditioned upon compliance by the carriers with minimum rates established by the Board for each category of military air service, as revised from time to time in rulemaking proceedings.

The Board has reviewed its military ratemaking function under Part 288. On the basis of this review, we proposed for three principal reasons to amend Part 288 to terminate our exercise of authority over the prices of military charter service, Category A scheduled service, and substitute service, and to rescind three related provisions of our Economic Regulations.[2] First, changes in the economic circumstances of the air charter industry appear to have eliminated any need to protect charter air carriers[3] from competition through the regulation of military rates. The protection of supplemental carriers was in large part the justification for the adoption of Part 288 in 1961. Second, our experience with Part 288 has led us to question whether the regulation of current military air transportation prices is an efficient way to supply DOD with both current air transportation and commitments to CRAF. Third, in a series of recent statutory changes, Congress has clearly signalled its intention to place the maximum possible reliance upon competitive market forces for the attainment of satisfactory service and price levels in air transportation. This new orientation was first stated and implemented in the case of domestic cargo service by Pub. L. 95-163, effective November 7, 1977, and further major changes made by Public Law 95-504, reflected in the revised policies of the Act, make it apparent that the same thrust toward less active regulation is to be pursued in the other spheres of Board regulation as well. The minimum rate regulation which is the core of Part 288 is essentially, and in some areas expressly, at odds with this new statutory mandate from Congress.

The minimum rates set forth in Part 288, first issued in 1961,[4] were designed to prevent individual price competition for MAC service from driving rates below industry average costs, on the theory that lower rates would jeopardize the health of some of the carriers and reduce the services available to DOD.[5] The competitive bidding system

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[1] "Charter service" (encompassing "Category B," "Logair" and "Quicktrans" services) and "Category A transportation," as defined in § 288.1, include the carriage of both persons and property. Part 288 also covers all "substitute service, "in which one air carrier performs such DOD transportation for another air carrier on a subcontract basis.

[2] 14 CFR 208.101 (conditions the operating authority of supplemental carriers on observance of the minimum rates set forth in Part 288); 14 CFR 399.16 (relates military exemption authority to Part 288); and 14 CFR 399.38 (relates tariff-based fares for certain individually ticketed military passengers to the Category A rate of Part 288).

[3] Effective October 24, 1978, Pub. L. 95-504, the Airline Deregulation Act of 1978, eliminated the concepts of "supplemental air carrier" and "supplemental air transportation" from the Act, replacing them with the broader concepts of "charter air carrier" and "charter air transportation." See *e.g.* sections 101(14) and (15), and 401(d)(3).

[4] 26 FR 6763 (1961).

[5] See *Military Air transportation: Hearings Before a Subcommittee of the House Committee on Government Operations*, 87th Cong., 1st Sess. 83-90 (1961) (statement of Alan S. Boyd).

Supplemental Air Carrier	Military charter Revenues 1960 ($)	Transport Revenues 1960 ($)	Military Chtr. Revenues (as % of total)
American Flyers	$1,065,000	$1,355,000	76
Associated Air Transport	645,000	1,156,000	56
Capital Airways	6,493,000	12,565,000	52
Imperial Airlines	396,000	760,000	52
Modern Air Transport	369,000	1,082,000	34
Overseas Nat'l Airways	23,527,000	23,746,000	99
Saturn Airways	520,000	1,350,000	39
Southern Air Transport	911,000	1,546,000	59
Trans Int'l Airlines	1,652,000	2,868,000	58
U.S. Overseas Airlines	6,424,000	11,402,000	56
World Airways	2,768,000	4,163,000	66

Source: *Proposed Amendments to the Federal Aviation Act: Hearings on H.R. 7318, H.R. 7512, and H.R. 7679 Before a Subcommittee of the House Committee on Interstate and Foreign Commerce*, 87th Cong., 1st Sess. 19-27 (1961).

which existed before 1961 was said to place pressure on the supplemental carriers, which were then small businesses heavily dependent on military revenues,[6] to enter bids below cost in order to avoid idle capacity. The setting of minimum rates by the Board at a level which guaranteed a return on investment to carriers operating at or near industry-wide average costs was thought necessary to eliminate the possibility that competitive pressures could cause uneconomic bidding by carriers reliant on military contracts.[7]

The economic condition of the air charter industry has changed substantially since 1961. Today the charter carriers serving the military market are no longer dependent on military business. They derive over three quarters of their system revenues from civilian sources, and are prevented by MAC procurement specifications[8] from obtaining more than 40 percent of their revenues from military sales. By contrast, in 1960 the supplementals contracting with DOD derived 70% of their revenues from military charters.[9] The supplementals' military charter revenues slightly more than doubled since 1960, from $45 million in 1960[10] to $114.1 million in 1977.[11] During the same period their civilian charter revenues grew from $10.6 million[12] to $359.9 million.[13] In 1977, military charter sales provided only 22.6 percent of the supplementals' overall operating revenues of $516.2 million.[14]

Since the Board adopted Part 288, it has eliminated numerous regulatory restrictions on commercial charter flights. Until the Board decided the *Transatlantic Charter Investigation* in 1963,[15] supplemental carriers could obtain overseas operating authority only by exemption,[16] and were confined by Board regulations to serving a narrow market segment.[17] Under these circumstances the international civilian market remained largely inaccessible to supplemental operators.[18]

In 1964, as a result of the *Transatlantic Charter Investigation*, two supplemental carriers became the first supplementals certificated to perform overseas air transportation. In the same proceeding, the Board first authorized the use of split charters[19] and relaxed other restrictions.[20] Two years later the Board certificated six additional supplemental carriers to serve the North Atlantic market and introduced the inclusive tour charter.[21] In 1971, U.S. supplementals carried 1,136,000 passengers in the North Atlantic market, compared with 43,000 in 1961,[22] and military business accounted for only 43.5 percent of the revenues of the eight supplementals contracting with MAC.[23]

Source: *D. Hiatt, The Impact of charter Services on Scheduled North Atlantic traffic, 18 August 1973* (unpublished thesis in CAB Library).

From 1971 through 1978, the Board steadily expanded the market which commercial charter operators could legally serve by authorizing new, less restrictive charter forms: Study group charters (1971),[24] overseas military personnel charters (1972),[25] travel group charters (1972),[26] one-stop inclusive tour charters (1975),[27] advance booking charters (1976),[28] and public charters (1978).[29] During this same period, the military portion of the revenues of the supplementals doing business with MAC continued to decline.[30]

Source: Annual MAC Commercial Airlift Procurement Data Reports and Air Carrier Financial Statistics submitted to the CAB.

There are now no legal or policy barriers to the award of scheduled service authority to former supplemental air carriers. See, *e.g. World Airways, Inc. v. CAB*,[31] applications of World Airways, Inc. *et al.* in Orders 78-9-2 and 78-9-33, and section 401 of the Act, as amended by Public Law 95-504. This should foster a still closer economic integration of these air carriers into the mainstream of the air transportation

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[6] The extent of the dependence of the supplemental carriers on the military charter market in 1960 is shown by the following chart:

[7] 14 CFR 288.7 provides that Part 288 minimum rates "shall not be uneconomically low." The Board computes the rates on a unit-per-mile basis by averaging the costs attributed by the MAC carriers to military transportation, adjusting for cost changes anticipated during the current term, and adding an after-tax return on investment (currently 10.5 percent).

[8] Information to Offerors, International Air Transportation Services (Long Range), Solicitation No. F11626-77-R-0017, Section D (May 9, 1977).

[9] Hearings on H.R. 7318, *supra*, at 19.

[10] *Id.*

[11] Annual MAC Commercial Airlift Procurement Data Reports and Air Carrier Financial Statistics submitted to the CAB.

[12] Hearings on H.R. 7318, *supra*, at 19.

[13] Annual MAC Commercial Airlift Procurement Data Reports and Air Carrier Financial Statistics submitted to the CAB.

[14] *Id.*

[15] Order E-20530 (October 8, 1963) (effective April 18, 1964).

[16] *Transatlantic Charter Investigation*, Recommended Decision of Examiner 3-5 (September 21, 1962). Until 1961 the Board required exemption applications to be filed for each charter flight. Beginning in 1961, the Board authorized application for seasonal exemptions. In 1962, the Board approved only five of ten applications for seasonal exemptions. *Id.*

[17] See 14 CFR 295.2 (1962). Under these regulations, "* * * the entire capacity of the aircraft must be engaged by a single group; the group must be a bona fide entity, no member having joined solely to participate in the flight; groups other than colleges must have less than 20,000 members; and a travel agent may not have assisted in organizing the charter flight group or administering the flight." Note, *CAB Regulation of Supplemental Air Carriers*, 76 Harv. L. Rev 1450, 1468 (1963).

[18] The dependence of the supplemental carriers on military revenues from 1961 to 1964 is shown by the following table:

	Revenues	% Military	% Civilian Charters
1961..	59,300,000	71.9	13.5
1962..	75,700,000	74.3	12.2
1963..	96,100,000	78.7	15.5
1964..	100,400,000	71.6	25.1

Source: *Supplemental Air Service Proceeding*, Recommended Decision of examiner 17 (August 27, 1965).

[19] *I.e.*, the use of a single aircraft by two charter groups.

[20] The Board eliminated the 20,000 member limit on bona fide organizations and authorized travel agents to participate in forming groups and administering flights.

[21] *Supplemental Air Service Proceeding*, E-24237, (effective Nov. 26, 1966).

[22] The supplemental carriers's participation in the North Atlantic commercial market increased steadily after 1963, as shown by the following table:

Year	North Atlantic Supplemental Passengers
1961	43,000
1962	56,000
1963	35,000
1964	67,000
1965	107,000
1966	168,000
1967	279,000
1968	393,000
1969	768,000
1970	841,000
1971	1,136,000

[23] Source: Annual MAC Commercial Airlift Procurement Data Reports, and Air Carrier Financial Statistics submitted to the CAB.

[24] 14 CFR 373 (1971).

[25] 14 CFR 372 (1972).

[26] 14 CFR 372a (1972).

[27] 14 CFR 378a (1975).

[28] 14 CFR 371 (1976).

[29] 14 CFR 380 (1978). The public charter rule eliminated all advance booking, minimum stay, and minimum group size requirements.

[30] The decreasing importance of the military market to the supplemental carriers serving it is shown by a comparison of those carriers' military revenues to their system revenues:

Year	% of MAC Revenues to System Revenues
1971	43.5
1972	42.5
1973	34.2
1974	25.9
1975	32.1
1976	27.1
1977	22.6

industry by broadening still further their commercial revenue base.

The former supplemental carriers now form a mature industry segment which relies on the civilian rather than the military market. Because of the actual and potential strength of their commercial operations, the withdrawal of the CAB from military air procurement would be unlikely to result in military rates below long-run marginal cost or to impair the quality of military air service in any other way. Thus, we have tentatively concluded that continued Board regulation is unnecessary to prevent destructive bidding or to insure service quality.

While the changed economic and regulatory status of the air charter industry is one basis for this rulemaking, another is that, given the maturity of the charter carrier industry segment, we question whether our determination of the minimum price of current military air transportation is an efficient way to supply the military with either current air transportation or commitments to CRAF.

Our participation in the pricing of military transportation is subject to many of the same inefficiencies which characterize most regulatory ratemaking activities in air transportation. First, Part 288 minimum rates are set by a regulatory cost accounting methodology based on financial accounting which is not likely to reflect true economic costs. Second, because the rates are set on the basis of industry-wide average costs, they do not reflect the special circumstances of particular markets or carriers, do not fully reward the more efficient operators, and do not encourage DOD to utilize those operators. Thus, the costs incurred by the military are probably higher than they would be if compensatory rates were paid to efficient carriers. Third, because rates are set by a governmental body rather than by the contracting parties themselves, price adjustments are made less efficiently than they would be made if the parties acted directly.

Moreover, it is economically irrational to rely on current air transportation rates to solve the separate problem of obtaining an adequate CRAF. In addition to maintaining a minimum rate structure, Part 288 is intended to elicit commitments of aircraft to CRAF. Under Part 288, however, the Board recognizes for ratemaking purposes only those costs related to the provision of air transportation in the current term. The Board does not take into account the cost of providing back-up aircraft for use in a future emergency. Since Part 288 does not compensate carriers for the costs of the commitment of aircraft to CRAF, it provides no incentive independent of current transportation rates for an air carrier to acquire and commit aircraft which meet DOD's emergency back-up needs.

It appears that Board regulation of current air transportation rates has failed to secure sufficient aircraft commitments to CRAF. Evidence presented to the Board has shown that the small number of airlines eligible to carry MAC cargo domestically under Board rules has made CRAF's short-haul cargo component vulnerable to potential disruption,[32] and witnesses before Congress have repeatedly drawn attention to deficits of long-range cargo airlift in CRAF.[33]

Our preliminary view is that direct contractual arrangements between DOD and the air carriers can provide both a military transportation system *and* a CRAF more efficiently than the present system. With the amendment of Part 288 as proposed, DOD might seek to purchase both services separately at prices determined competitively. Alternatively, DOD could adopt a negotiated bid system which would take into account both strategic considerations and price considerations in making awards.[34] In either case, the operation of competitive market forces should permit DOD to obtain without regulatory intervention both its transportation needs and its emergency back-up needs from an industry which has matured significantly since 1961.

The third principal reason for the proposed rule is that Part 288 is not, in our opinion, consistent with the current intent of Congress. With respect to domestic cargo service, both the statutory language and the legislative history of Pub. L. 95-163 make it apparent that Congress intended to encourage price competition among direct air carriers, and that Congress intended its deregulation to be plenary throughout the domestic cargo market. Pub. L. 95-163 expressly removed the statutory standard underlying the minimum rate structure for Logair/Quicktrans services, without any indication whatsoever of an exception, express or implied, for DOD contract services rates. Under section 1002 of the Act as amended, the Board cannot challenge the economic reasonableness of rates for the interstate air transportation of property, and it cannot prescribe any just and reasonable rates for such services.

Moreover, the new section 418 certification procedure is aimed at encouraging entry into domestic all-cargo service while severely limiting the Board's control over both service and rates, and again there is no basis for any distinction between ordinary commercial and DOD contract services.

Finally, perhaps most persuasive of all, is the language of section 102 of the Act, as amended to set forth Congressional policy relating to all-cargo air service. In particular, sections 102(b)(1) and 102(b)(2) state that the public interest includes:

(1) The encouragement and development of an expedited all-cargo air service system, provided by private enterprise, responsive to (A) the present and future needs of shippers, (B) the commerce of the United States, and (C) the National defense.

(2) The encouragement and development of an integrated transportation system relying on competitive market forces to determine the extent, variety, quality and price of such services.

It is, of course, the "national defense" consideration which underlies Part 288. Reading the two statements of policy together, the conclusion is inescapable that Congress now believes that competitive market forces can, should and must provide that basis for fulfilling national defense as well as commercial cargo needs. Conversely, if Congress had intended to keep MAC domestic cargo operations entirely separate from the deregulated commercial sphere, it would have omitted or qualified its reference to the national defense as both a matter of basic logic and elementary statutory construction.

Informal communications have been received from several members of the House Committee on Public Works and Transportation, as well as from Trans International Airlines, Inc. (TIA), contending that the Board's authority to enforce minimum reasonable MAC rates is based not on section 1002 of the Act, but on sections 204, 403, and 416, which were not amended

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[32] *DOD Contract-Eligible Certification Case*, Docket 30221.

[33] See *Hearings on the Posture of Military Airlift Before the Subcommittee on Research and Development of the House Committee on Armed Services*, 94th Cong., 1st Sess. (1975); *Proposed Amendments to the Federal Aviation Act: Hearings on S. 1821 Before the Subcommittee on Aviation of the Senate Committee on Commerce*, 92d Cong., 1st Sess. (1971). In commenting on S. 1821, the Comptroller General said: "Current military planning for total airlift requirements in time of war or grave national emergency envisions use of an organic fleet of military aircraft, principally C-5's and C-141's, augmented by the use of commercial aircraft committed to CRAF. At present, total airlift available from these sources is deemed insufficient to satisfy wartime needs, and it has been estimated that at least 85 additional aircraft of the so-called wide-bodied jet cargo types are needed in the reserve fleet to satisfy current planning for airlift in wartime or in the event of other major contingency." *Id.*, at 3.

[34] Under 10 U.S.C. 2304(a)(16), the DOD may employ a negotiated bid procurement system when it determines that "it is in the interest of the national defense to have a * * * supplier available for furnishing * * * services in case of a national emergency."

by Pub. L. 95-163. We cannot accept that argument because Pub. L. 95-163 has specifically terminated the Board's ability to determine the reasonableness of rates for the interstate air transportation of property. This limitation applies to rates of *all* carriers of domestic cargo whether their authority to carry is governed by section 418, 401(a), or 401(o) of the Act. TIA has also contended that the Board has always lacked the power to prescribe minimum rate levels in foreign air transportation, but has maintained them through Part 288. This argument ignores the Board's legal authority under section 1002(j) to suspend rates in foreign air transportation and cancel them after finding that they are "unjust and unreasonable." Both letters will be placed in the docket, and we invite public comment on these issues as well as the others raised here.

In another informal communication, Zantop International Airlines has raised the argument that section 401(o) of the Act, adopted in 1976, restricts DOD to the use of air carriers holding certificates issued under "this section," and that therefore carriers exclusively holding section 418 certificates are ineligible for participation in MAC services. While the language does suggest a conflict, we disagree that this was the intent of Congress. A reading of section 401(o) in its entirety, coupled with reference to its legislative history, indicates that the purpose of the provision is simply the maintenance of the traditional certificated versus non-certificated carrier distinction generally accepted by DOD and the Board. There is no indication that Congress desires to prohibit the participation of newly certificated carriers in MAC business, and indeed the requirement that the Board act expeditiously on new section 401 applications directed toward MAC operations implies quite the opposite desire. In order to clarify the situation, we are considering the issuance of an exemption under section 416(b) of the Act to expressly permit section 418 carriers to participate in MAC services. Zantop's letter will be placed in the docket and we invite public comments on this subsidiary issue.

The deregulation initiated by Congress in Pub. L. 95-163 was substantially expanded by Pub. L. 95-504 to include all interstate and overseas air transportation. Indeed, the Board's control over pricing and entry is to be gradually terminated by 1985. In adopting a new Declaration of Policy for domestic air transportation in section 102 of the Act, Congress emphasized that price competition is to be encouraged and relied upon to the maximum extent possible in the attainment of other goals such as efficiency, innovation, low prices, a variety of price/service options, the needed air transportation system in general, and the ability of efficient and well managed carriers to earn reasonable profits and to attract capital. These principles form the basis of United States policy for the conduct of international air transportation negotiations.[35]

The proposed rule would continue to exempt Part 288 services from the tariff-filing requirements of the Federal Aviation Act. Tariff-filing requirements exist to provide purchasers of air transportation services with notice of the terms under which a carrier is offering service. As DOD is the only purchaser of Part 288 services, and as each contract is individually negotiated, it appears that no purpose would be served by requiring the filing of tariffs for any air transportation service obtained contractually by the DOD. In ER-1080, effective November 9, 1978, the Board has already exempted certificated air carriers from the need to file tariffs in domestic cargo transportation, which is defined to include interstate, overseas, intra-Alaska and intra-Hawaii operations. The new rule imposes only a record retention requirement for rate sheets, contracts and waybills. The Board is tentatively persuaded that such a record retention requirement would be superfluous in this instance, given the thoroughness of MAC procurement regulations, but the views of the affected parties are requested on this point.

As an ancillary matter we propose to amend the definition of Category A transportation to include the transportation in scheduled service of individually ticketed passengers or individual waybilled cargo within Alaska. Since 1972, we have granted annual exemptions from tariff-filing requirements for intra-Alaska Category A service.[36] We see no justification for continuing to distinguish between intra-Alaska Category A service and all other Category A service.

Accordingly, it is proposed that the following amendments be made to Parts 208, 288, and 399 of Title 14, Code of Federal Regulations;

1. Part 288 would be revised to read as follows:

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Sec.
288.1 Definitions.
288.2 Exemption.

AUTHORITY: Secs. 204, 403 and 416 of the Federal Aviation Act, as amended; 72 Stat. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373, 1386.

[35] *United States Policy for the Conduct of International Air Transportation Negotiations* (August 21, 1978).

[36] See, *e.g.*, Order 72-2-57 (February 15, 1972); Order 78-9-54 (September 13, 1978).

§ 288.1 Definitions.

As used in this part:

"Category A transportation" means the transportation in scheduled service of individually ticketed passengers or individually waybilled cargo in foreign and overseas air transportation, in air transportation between the 48 contiguous States on the one hand and Hawaii or Alaska on the other hand, and in air transportation within Alaska, pursuant to contract with DOD.

"Charter service" means air transportation in planeload lots of persons and/or property pursuant to contracts with DOD.

"DOD" means the Department of Defense.

§ 288.2 Exemption.

Air carriers providing charter service, substitute service and Category A transportation to DOD are hereby exempted from section 403 of the Act and Part 221, § 207.4, § 208.32 of this chapter with respect to those services.

PART 208—TERMS, CONDITIONS, AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

§ 208.101 [Reserved]

2. In Part 208, *Terms, Conditions, and Limitations of Certificates to Engage in Supplemental Air Transportation*, § 208.101, *Minimum rates and compensation for air transportation performed for the Department of Defense*, would be revoked and reserved.

PART 399—STATEMENTS OF GENERAL POLICY

§ 399.38 [Reserved]

3. In Part 399, *Statements of General Policy*, § 399.16, *Military exemptions*, and § 399.38, *Military tariff rates*, would be revoked and reserved.

(Secs. 204, 403, 404 and 416 of the Federal Aviation Act, as amended; 72 Stat. 743, 758, 760, 771, as amended; (49 U.S.C. 1324, 1373, 1374, 1386))

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-905 Filed 1-9-79; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 781 0040]

CRANE CO., ET AL.

Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a New York City manufacturer and seller of various products to cause the Medusa Corporation to divest itself completely of its Dixon, Ill. cement plant together with whatever assets associated with the plant that may be necessary to maintain the facility as an effective competitor in the production and sale of portland cement. The order further prohibits the firm from acquiring the whole or part of the assets of any firm engaged in the production or sale of portland cement without prior Commission approval.

DATE: Comments must be received on or before March 5, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

FTC/CD, Daniel C. Schwartz, Washington, D.C. 20580. (202) 523-3475.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practices (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 781 0040]

CRANE CO., AND THOMAS M. EVANS

AGREEMENT CONTAINING CONSENT ORDER TO DIVEST AND TO CEASE AND DESIST

The Federal Trade Commission having initiated an investigation of Crane Co.'s ("Crane") holding of forty-four (44) percent of the common stock of the Medusa Corporation ("Medusa"); its contemplated Exchange Offer for additional shares of Medusa corporation; and of Thomas M. Evans' holding of shares and managerial positions in Crane and H. K. Porter, Inc. ("Porter"); and his influence over the management of Crane, Porter and its subsidiary, Missouri Portland Cement Co.; and it now appearing that the proposed respondents are willing to enter into an agreement containing an order to divest certain of Medusa's assets and to cease and desist from certain acts:

IT IS HEREBY AGREED by and between the said proposed respondents and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Crane is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois, with its principal office and place of business at 300 Park Avenue, New York, New York 10020. Proposed respondent Thomas M. Evans is an individual whose business address is the same as that of Crane Co.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated or that any of the facts are true as alleged in the draft of the complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34(b) of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to divest and cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to the proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms or the order, but no agreement, understanding, representation, or interpretation not contained in the order, complaint, or the aforementioned agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

ORDER

It is ordered, That respondents—Crane Co., a corporation, its successors and assigns, and its officers and directors, and Thomas M. Evans, an individual, his successors and assigns—in connection with the acquisition by Crane, a corporation engaged in commerce as "commerce" is defined in the Clayton Act, as amended, 15 U.S.C. Section 12, *et seq.*, of stock in Medusa, a corporation engaged in commerce as "commerce" is defined by the Clayton Act, as amended, 15 U.S.C. Section 12, *et seq.*, which acquisition is in or affects commerce as "commerce" is defined in the Federal Trade Commission Act, as amended 15 U.S.C. Section 41, *et seq.*:

I

Within fifteen (15) months from the date of service of the Consent Order upon respondents, and subject to the prior approval of the Federal Trade Commission, respondents shall cause Medusa to divest absolutely Medusa's cement plant located at Dixon, Illinois and such other of Medusa's assets associated with that plant as may be necessary, so that the plant may operate as a going concern and effective competitor in the production and sale of portland cement.

II

It is further ordered, That respondents shall not cause or permit the destruction, removal or impairment of any of the assets to be divested in accordance with paragraph I of the Consent Order except in the ordinary course and operation of Medusa's business and except for normal wear and tear.

III

It is further ordered, That if the divestiture of assets required by Paragraph I of the Consent Order is to be accomplished by a spin-off, then:

(a) Respondents shall cause Medusa to transfer the assets to be divested to a new corporation, whose stock is wholly-owned by Medusa, and then Medusa shall distribute that stock to Medusa's shareholders in proportion to their ownership of Medusa stock. Crane shall promptly thereafter distribute its share of the stock of the newly created corporation either to Crane's shareholders in proportion to their ownership of Crane stock or through a public offering to be completed within three months.

(b) No person who is an officer, director or executive employee of Crane or Porter or who owns or controls directly or indirectly more than one (1) percent of the stock of Crane or Porter shall be an officer, director or executive employee of the new corporation.

(c) Neither Thomas M. Evans nor any other person who is an officer, director or executive employee of Crane shall own or control, directly or indirectly, more than one (1) percent of the stock of the new corporation.

(d) Any person who must sell or dispose of stock interest in Crane or H. K. Porter or the new corporation in order to comply with subparagraphs (b) or (c) shall do so within one hundred eighty (180) days after the date on which distribution of the stock of the new corporation is made to stockholders of Crane.

IV

It is further ordered, That for a period of five (5) years from the date of service of the Consent Order upon respondents, respondents shall cease and desist from acquiring directly or indirectly, by any device or through any corporation, subsidiary or otherwise:

(a) The whole or any part of the assets of any firm engaged in the production or sale of portland cement;

(b) Any equity securities in excess of three (3) percent of the outstanding shares of such securities of any firm engaged directly or indirectly in the production or sale of portland cement, except that respondents shall be permitted to acquire Crane, Porter or Medusa stock without restriction;

without the prior approval of the Federal Trade Commission.

V

It is further ordered, That for any company in which respondents own securities pursuant to paragraph IV of this order, respondents, their designees, agents, nominees, or representatives shall not seek or accept representation on the Board of Directors of such company.

It is further ordered, That nothing in this Consent Order shall prevent Evans & Company, a registered securities broker-dealer, from trading in the securities of any firm engaged in the production or sale of portland cement in the ordinary course of its business for:

(a) Those of its customers who are not affiliates or subsidiaries of respondents;

(b) Respondents acquiring securities pursuant to paragraph IV.

VII

A. *It is further ordered*, That respondents distribute a copy of this order to all operating divisions of said corporation.

B. *It is further ordered*, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

C. *It is further ordered*, That within sixty days and every sixty days thereafter until Medusa has divested absolutely the assets required by the Consent Order, respondents shall submit a detailed written report of their actions, plans and progress in complying with Paragraphs I, II and III of the Consent Order, and in fulfilling the objectives of these provisions.

D. *It is further ordered*, That annually on the anniversary of the service of the Consent Order, for a period of five years, respondents shall submit a detailed written report of their actions in complying with Paragraphs IV and V of the Consent Order, and in fulfilling the objectives of these provisions.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT 781-0040

The Federal Trade Commission has accepted an agreement to a proposed consent order from Crane Co. ("Crane") and Thomas M. Evans.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charged that Crane Co.'s acquisition of forty-four (44) percent of the common stock of Medusa Corporation ("Medusa") and its contemplated exchange offer for additional shares of Medusa and Thomas M. Evans' holding of shares and managerial positions in Crane and H. K. Porter ("Porter") violate Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. In particular, the complaint alleged that a wholly-owned subsidiary of Porter, Missouri Portland Cement Co. ("Missouri Portland"), and Medusa are engaged in the production and sale of portland cement and are competitors in the manufacture and sale of portland cement in various geographic markets, including the Chicago and Peoria Metropolitan Areas. The complaint further alleged that T. M. Evans holds shares and managerial positions in Crane and Porter and exercises influence over the management of Crane, Porter and its subsidiary, Missouri Portland. The complaint then alleged that the effect of Thomas M. Evans' holding such stock and managerial positions may be to substantially lessen competition in the portland cement industry or to constitute an unfair method of competition. Finally the complaint alleged that the effect of Crane's present holdings of Medusa shares and its pending exchange offer for additional shares may be to substantially lessen competition or tend to create a monopoly in the portland cement industry.

Paragraph I orders the respondents within fifteen (15) months from service of the Consent Order and subject to the prior approval of the Federal Trade Commission to cause Medusa to divest absolutely Medusa's cement plant located at Dixon, Illinois and such other of Medusa's assets associated with the plant as may be necessary so that the plant may operate as an effective competitor in the production and sale of portland cement.

Paragraph II prohibits the impairment of any of the assets to be divested in accordance with Pararaph I.

Paragraph III(a) requires that if the divestiture is to be accomplished by a spin-off then respondents shall first cause Medusa to distribute the stock to a new corporation, wholly owned by Medusa shareholders. It further requires that Crane shall promptly thereafter distribute its share of the stock in the new corporation to either Crane shareholders or through a public offering.

Paragraph II, subparagraphs (b), (c) and (d) prohibit persons who are officers, directors, or executive employees of Crane or Porter from becoming an officer, director or executive employee of the new corporation or from owning or controlling more than one percent of the stock of the new corporation. These subparagraphs also prohibit: (1) T. M. Evans from owning or controlling more than one percent of the stock of the corporation and (2) persons who own or control more than one percent of Crane or Porter stock from serving as an officer, director or executive employee of the corporation. Any person who must sell or dispose of stock to comply with these provisions has one hundred eighty (180) days from the date of distribution of the stock to Crane shareholders within which to do so.

Paragraph IV prohibits the respondents from acquiring the whole or any part of the assets of any firm engaged in the production or sale of portland cement or equity securities, except for those of Crane, Porter or Medusa, in excess of three percent of the outstanding shares of any firm engaged in the manufacture or sale of portland cement without the prior approval of the Federal Trade Commission.

Paragraph V prohibits the respondents from seeking or accepting representation on the Board of Directors of any company in which respondents acquired shares pursuant to Paragraph IV.

Paragraph VI provides that nothing in the Consent Order shall prevent Evans & Co., a registered securities broker-dealer, from trading in securities in the ordinary course of its business.

Paragraph VII requires the respondents to notify the Commission at least thirty (30) days prior to any proposed structural change in the corporate respondent which affects compliance with the Consent Order; distribute a copy of the order to its operating divisions; file a compliance report of efforts taken to accomplish divestiture every sixty (60) days until the assets are divested; and file reports annually on their compliance with Paragraphs IV and V of the Consent Order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc. 79-889 Filed 1-9-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4427]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE TOWN OF HILLSBORO, HILLSBOROUGH COUNTY, N.H.

Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 38858 of the FEDERAL REGISTER of August 31, 1978.

EFFECTIVE DATE: August 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-5581 or Toll Free Line 800-424-8872.

The following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Brook	Upstream of Bog Road...	679

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Brook	Upstream of Bog Road...	674

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

Issued: December 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-818 Filed 1-9-79; 8:45 am]

[1505-01-M]

[24 CFR Part 1917]

[Docket No. 4776]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Heath, Licking County, Ohio

Correction

In FR Doc. 78-35993, appearing on page 60605 in the issue of Thursday, December 28, 1978, the fifth line of the table in the third column, under the heading "Location", should read, "2,500 feet upstream of Blue".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket No. 34226]

EASTERN AIR LINES, INC.

Application for Approval of Acquisition of Control of National Air Lines, Inc., Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on January 16, 1979, at 10:00 a.m. (local time) in Room 1003, Hearing Room D, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., January 5, 1979.

RICHARD J. MURPHY,
Administrative Law Judge.

[FR Doc. 79-900 Filed 1-9-79; 8:45 am]

[1505-01-M]

[Docket No. 34189; Order No. 78-12-49]

EXEMPTION OF U.S. AND FOREIGN AIR CARRIERS FROM TARIFF OBSERVANCE REQUIREMENTS TO PERMIT RESOLUTION OF CONSUMER COMPLAINTS

Order Granting Exemption

Correction

In FR Doc. 78-34671, appearing at page 58210 in the issue of Wednesday, December 13, 1978, the order number, which was mistakenly omitted from the headings, should read as set out in brackets above.

[6320-01-M]

[Docket No. 33361]

CONNER AIR LINES, INC.

Application for Former Large Irregular Air Service Investigation; Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on January 30, 1979, at 9:30 a.m. (local time), in Hearing Room 1003B, Universal Building North, 1875 Connecticut Avenue, NW., Washington D.C., before me.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served November 9, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 4, 1979.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc. 79-901 Filed 1-9-79; 8:45 am]

[6320-01-M]

LOCAL SERVICE CARRIERS

Subsidy Levels

This is an order tentatively proposing new subsidy levels for local service carriers operating under Class Rate IX.

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 79-1-38 Adopting Statement of Provisional Findings and Conclusions regarding the subsidy levels to be established effective July 1, 1978, under new class rate (Class Rate IX) and Order 79-1-39 to show cause why temporary rates based on the "Statement" should not be set pending finalization of Class Rate IX.

SUMMARY: The board has adopted a Statement of Provisional Findings and Conclusions in the Investigation of the Local Service Class Subsidy Rate, Docket 32484. It tentatively determines the subsidy needs of individual carriers and of the local service group, which are being proposed as the rate levels for class rate purposes for the periods July 1, 1978, through October 23, 1978, and October 24, 1978, through December 31, 1978. The Board also issued two show cause orders. The first directs parties to the proceeding to show cause why the Board should not adopt the subsidy need set forth in the Statement of Provisional Findings and Conclusions. The second proposes to establish a temporary rate at the proposed levels.

DATES: Parties must file notices of objection to Order 79-1-38 within ten days of the date of service (1/11/79) and must file objections within 30 days of the date of service. Notices of objection to Order 79-1-39 must be filed within 8 days of service and objections within 15 days of service.

FOR FURTHER INFORMATION CONTACT:

John R. Hokanson or James Craun, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D. C. 20428, 202-673-5132.

SUPPLEMENTARY INFORMATION: 1. For purposes of establishing Class Rate IX, the annual subsidy need of each of the local service carriers is an follows:

	Period When Annual Need Applies	
	7/1/78-10/23/78	10/24/78-12/31/78
Frontier Airlines, Inc	$7,754,000	$13,583,000
Hughes Air Corp. d/b/a/ Hughes Airwest	4,253,000	7,708,000
North Central Airlines, Inc	9,885,000	10,024,000
Ozark Air Lines, Inc	9,012,000	9,079,000
Piedmont Aviation, Inc	7,484,000	7,539,000
Southern Airways, Inc	3,301,000	3,345,000
Total	41,689,000	51,278,000

2. The total fair and reasonable annual level of subsidy to be embodied in Class Rate IX for the carriers listed in paragraph 1 is above, is $41,689,000 for the period July 1, 1978, through October 23, 1978, and $51,278,000 for the period October 24, 1978, through December 31, 1978.

The fair and reasonable temporary rate levels for the carriers listed in paragraph 1 for the periods July 1, 1978, through October 23, 1978, and October 24, 1978, until Class Rate IX is made final should be based on the annual need levels applicable to the July 1, 1978, through October 23, 1978, and October 24, 1978, through December 31, 1978, periods shown in paragraph 1.

The complete text of Orders 79-1-38 and 79-1-39 are available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Orders 79-1-38 and 79-1-39 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-906 Filed 1-9-79; 8:45 am]

[1505-01-M]

[Docket 33216]

LOUISVILLE-KANSAS CITY NONSTOP ROUTE INVESTIGATION

Hearing

Correction

In FR Doc. 78-34980 appearing at page 58598 in the issue for Friday, December 15, 1978, the Docket number which appeared in the heading as "Docket 3216" should have read "Docket 33216" as set forth above.

[6320-01-M]

PACIFIC SOUTHWEST AIRLINES

Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (Order 79-1-33).

SUMMARY: The Board proposes to issue to Pacific Southwest Airlines a charter certificate authorizing it to perform charter air transportation between points West of the Mississippi River, except for points in Alaska and Hawaii (Docket 32755). (The complete text of this order is available as noted below).

DATES: All interested persons having objections to the Board's issuing an order making final the tentative findings and conclusions or to the issuance of the proposed charter certificate shall file by February 9, 1979, with the Board and serve on Pacific Southwest Airlines and all U.S. certified air carriers a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Replies to objections may be filed no later than February 20, 1979.

ADDRESSES: Objections and replies should be filed in Docket 32755, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Curtis B. Maloy, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5088.

SUPPLEMENTARY INFORMATION: In the event no objections are filed, the Board may enter an order making final its tentative findings and conclusions.

The complete text of Order 79-1-33, is available from our Distribution Section, Room, 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20208. Persons outside the metropolitan area may send a postcard request for Order 79-1-33, to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-904 Filed 1-9-79; 8:45 am]

[6320-01-M]

[Docket No. 33712]

TIGER INTERNATIONAL-SEABOARD ACQUISITION CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter will be held on January 25, 1979, at 9:30 a.m. (local time), in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. Each Bureau of the Civil Aeronautics Board which intends to participate in this proceeding will circulate its material on or before January 11, 1979, and the other parties on or before January 18, 1979. If more than one Bureau is participating, it is requested that they confer and make a joint submission, if possible. The submissions of the other parties, insofar as they treat points raised by the Bureaus, shall be cross-referenced to the Bureau's proposal, so as to facilitate comparison.[1]

[1] For the purpose of this Notice, the term "parties," as used herein encompasses prospective intervenors as well as those persons noted in paragraph 5 of Order 78-12-173, at p. 11.

Dated at Washington, D.C., January 4, 1979.

JOHN J. MATHIAS,
Administrative Law Judge.

[FR Doc. 79-902 Filed 1-9-79; 8:45 am]

[6335-01-M]

COMMISSION ON CIVIL RIGHTS

MICHIGAN ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) of the Commission will convene at 10:30 a.m. and will end at 4:00 p.m. On February 2, 1979, Anti-Defamation League, 163 Madison, Detroit, Michigan 48226.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is to discuss Minimum Compentency Workshop on Housing, Civil Rights Developments in Michigan.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 5, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-830 Filed 1-9-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Office of Energy Research

ENERGY RESEARCH ADVISORY BOARD

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Energy Research Advisory Board will meet Thursday and Friday, February 1 and 2, 1979, from 9:00 a.m., to 5:00 p.m., at the National Academy of Sciences, Room, 400A, Joseph Henry Building, 2100 Pennsylvania Ave., NW, Washington, D.C.

The purpose of the Energy Research Advisory Board is to advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

The tentative agenda is as follows:

Introduction and review of actions initiated at the first meeting; approval of minutes of last meeting.
Review of modus operandi of the Board.
Reports on issues developed by the Board members.
Discussion of recent requests for ERAB review.
Briefings by DOE on additional areas not covered in the first meeting.
Status report on Board review of Strategic Petroleum Reserve (SPR) requested Under Secretary.
Public Comment (10 minute rule).

The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should inform Georgia Hildreth, Director, Advisory Committee Management Office, 202-252-5187, at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.

Subsequent to approval by the Committee, minutes of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. An Executive Summary of the meeting can be obtained by calling the Advisory Committee Management Office at the number above.

Issued at Washington, D.C. on January 5, 1979.

GEORGIA HILDRETH,
Director, Advisory Committee Management.

[FR Doc. 79-885 Filed 1-9-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Docket No. RM79-3]

STATE OF NEW MEXICO ENERGY AND MINERALS DEPARTMENT, ET AL.

Natural Gas Policy Act of 1978; Receipt of Report of Determination Process

JANUARY 5, 1979.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency and Date

State of New Mexico Energy and Minerals Department, Oil Conservation Division, November 29, 1978
State of Louisiana Department of Conservation, November 29, 1978
Railroad Commission of Texas, November 30, 1978
West Virginia Department of Mines, Oil and Gas Division, November 30, 1978
Alabama State Oil and Gas Board, November 30, 1978
State Oil and Gas Board of Mississippi, November 30, 1978
Kansas State Corporation Commission Conservation Division, November 30, 1978
State of Michigan, Department of Natural Resources, Geological Survey Division, December 1, 1978
State of California Department of Conservation Division of Oil and Gas, December 4, 1978
Commonwealth of Virginia Department of Labor and Industry Division of Mines and Quarries, December 4, 1978
State of Wyoming Office of Oil and Gas Conservation Commission, December 4, 1978
State of Colorado Department of Natural Resources, December 5, 1978
State of Ohio Department of Natural Resources Division of Oil and Gas, December 6, 1978
State of Arizona Oil and Gas Conservation Commission, December 14, 1978
State of Nebraska Oil and Gas Conservation Commission, December 15, 1978
State of Indiana Department of Natural Resources, December 26, 1978
State of North Dakota Geological Survey, January 4, 1978

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-875 Filed 1-9-79; 8:45 am]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Publication of Revised Bulletin Concerning Audits of Insured Associations.

JANUARY 4, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of revised bulletin concerning audits of insured institutions.

SUMMARY: This bulletin, classified as bulletin PA -7-1a of the Department of Examinations of the Bank Board's Office of the Federal Savings and Loan Insurance Corporation, provides guidance to FSLIC-insured institutions regarding minimally acceptable standards for audits of such institutions using electronic data processing.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Allan B. Guerrina, Chief Accountant's Section, Office of the Federal Savings and Loan Insurance Corporation, 1700 G Street, NW., Washington, D.C. 20552; telephone 202-377-6529.

SUPPLEMENTARY INFORMATION: This bulletin complements Bulletin PA-7a (42 FR 29962, June 10, 1977) and supersedes Bulletin PA-7-1 (issued January 6, 1976, but not published in the FEDERAL REGISTER). These bulletins inform institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation of views of the Bank Board's examinations staff as to requirements for "satisfactory" annual audit under §§ 563.17-1 and 571.2 of the rules and regulations for Insurance of Accounts (12 CFR 563.17-1 and 571.2). This Bulletin PA-7-1a relates specifically to such audits on and after January 1, 1979, of insured institutions which make use of electronic data processing.

I. *Objectives.* Savings and loan associations increasingly rely on electronic data processing (EDP) as an integral portion of continuing operations. This use increases the complexity and magnitude of potential disaster, error and fraud within the insured institution and service corporations, if any. As a result, this set of audit and control guidelines is provided as a reference for auditors engaged in audits of insured institutions and subsidiaries thereof. The objective is to minimize the insured institution's EDP risk exposure at reasonable cost. Special concern is placed on those areas of risk that affect an association's economic viability.

The auditor must study and evaluate the existing internal control of an EDP environment as a basis for reliance. Priorities of the auditor's activities must be managed by cost effectiveness in assuring fairness and correctness of the accounting records and the detection of areas that may be unreasonably exposed to disaster or fraud. Audit programs should be designed to meet requirements of each particular situation, including the size and type of organization and the evaluation of the controls affecting the reliability of accounting records and financial statements.

Certain special skills are needed in evaluating EDP internal controls. In addition to auditing knowledge and experience, these skills may include knowledge of programming, systems analysis, computer operations, data systems security and telecommunications. An auditor should consider using a specialist to assist in those cases where required skills are not present within the auditing team.

II. *Controls.* The controls described herein are necessary for an association to produce reliable financial records, safeguard institution assets and protect against major losses. The controls are applicable to all savings and loan EDP environments including: (1) An internal EDP center; (2) an affiliated service corporation EDP center; or (3) an independent EDP service bureau. The level of presentation of these controls is made general to avoid including an extensive listing in an attempt to attain exhaustive coverage.

The following controls should be reviewed by the external auditor but should not be construed as an absolute guide for an internal control questionnaire. Controls in addition to those herein described may be necessary to fulfill particular audit requirements and to meet emerging EDP technological advances.

A. *Organization.* The EDP department should be regularly reviewed by qualified persons independent of the EDP function. It is management's responsibility to ensure that EDP employees are provided with explicit assignments and appropriate division of duties between systems analysis, computer programming, input/output checking and computer operations. One employee, even if among other duties, should have the primary responsiblity for security. The establishment of an independent internal audit department or function is encouraged by Federal Home Loan Bank Board Memoranda R44 and R45. If established, the internal auditor, through periodic audits, should report to an independent audit committee on whether or not the accounting system is designed and operated to yield information which can be used to prepare financial statements that accurately represent the financial condition and results of operations of the association.

1. *Personnel*—Blanket fidelity bond coverage should be maintained for all EDP employees. Explicit documented procedures for loan and deposit accounts should exist for EDP employees transacting personal business with the association. The EDP department should obtain a documented background screening of personnel. The EDP department should provide periodic security briefings for their employees. Generally, EDP personnel should be released from sensitive duties upon termination notice. Written termination procedures should include the changing of passwords and the recovery of keys, ID's, etc.

2. *Administration*—To the extent consistent with continuing satisfactory operation, proper EDP administration should include the following:

- Authorization for access to computer facilities, programs and/or data files should be given only to those persons having direct responsibility for performing a defined job function that necessitates such access.
- Authorization for direct access to computer facilities, programs and/or data files for purposes of making modifications not be given to persons having control over other areas of the association.
- Procedures to prevent unauthorized modification of computer programs, data files or documentation.
- Predetermined and consistently used systems development standards including systems program testing, user acceptance procedures, control features and documentation standards.
- Control of documentation.
- Detailed knowledge of system by employees limited to that required to satisfactorily fulfill individual responsibilities and to the extent practical, divided among different employees.
- Management authorization for abnormal work schedules.
- Job rotation among qualified persons.
- Scheduled mandatory employee vacations.

B. *Physical Security*—1. *Destructive Forces*—Measures should be established for the appropriate prevention, detection and countering of destructive forces such as fire, flood, lightning, etc.

2. *Access Control*—Access to the essential EDP functions should be appropriately restricted with regard to movement of people, documents and materials into, within and out of a facility. This should include control over access to computer hardware, data files and programs. Access control should also include unauthorized intrusion prevention and detection.

C. *Computer Programming*—1. *Development Process*—A project team approach may be followed using well-defined procedures in development of application programs, new systems and conversions. Such procedures should usually include a feasibility review, cost analysis, written set of user specifications, written technical specifications, design, implementation, acceptance testing and documentation. Programs should be written to definitive standards making use of standard data processing techniques. Disaster recovery procedures should be considered and planned for.

2. *Program Characteristics*—Program edits should exist on the authenticity, accuracy and completeness of data being processed. The ability to enter error-correction transactions through facilities provided by the program should be included. Recovery procedures such as checkpoint restarts should usually exist for long-running programs and on line data collection programs where a system failure would disrupt the timely completion of processing.

D. *Computer Operations*—1. *Current Operations*—Established access, protection and control procedures for library materials should be written and followed. Accountability should be maintained in a secure, offsite location. Where practical and useful, the computer console log should be safeguarded.

2. *Disaster Recovery*—A written contingency plan for response to a wide variety of disasters including potentially disruptive activities in the computer room, loss of computer hardware and loss of data files should be maintained. Contingency plan and use of backup hardware should be periodically reviewed and tested where appropriate.

E. *System Controls*—1. *Input*—Physical security and access controls should be provided for input media gueues and teller terminals to preclude origination of transactions by unauthorized personnel. Verification procedures for input data including the development of independent control balancing totals to ensure completeness, authorization and accuracy of data processing should be provided. An input/output control function should monitor operations and follow up on errors to ensure proper correction. Sensitive or financially significant transactions should require supervisory authorization. Written procedure manuals should exist and include a section covering those actions necessary to preserve continuity of controls during periods of system failure.

2. *Processing*—Computer programs should provide controls to detect and correct errors in processing. These controls should include valid code tests, incomplete data tests, sequence tests, and tests of reasonableness.

3. *Output*—Formal report distribution system with prior scanning of reports and user distribution of control totals for input/output balancing to check accuracy of processing and logging of material should be enforced. A comprehensive set of exception and discrepancy reports should be provided to authorized personnel for audit and error correction purposes.

4. *User*—Users should maintain and monitor scheduled reports. Where

practical, procedures should provide for continued statistical analysis of errors, and follow-up for attempted control violations of teller machines. Management should ensure that adequate controls are maintained during periods of system outage. User manuals should be maintained and available for those persons authorized to enter transactions into the system. These manuals should contain detailed instructions for entering normal as well as error-correction transactions. They should also contain specific procedures to be following during periods of system downtime.

F. *Service Bureau Users.* When associations use an EDP service bureau, additional controls are necessary. The association should maintain full control over the submission of information to and receipt of output from the service bureau. Also, the association should ensure that the contract provisions comply with Federal Home Loan Bank Board requirements (Memorandum #R-13a) and should specify:

- Ownership of data files and programs which are proprietary to the association;
- The manner in which continuity of service is maintained;
- Security measures to be maintained at the service bureau and upon the material in transit to and from the association;
- Insurance coverage for losses contributing to interruption of normal services;
- Provision for access to the service bureau by an independent public accountant; and
- Provision for submission of third-party auditor's report (if existent) to the District Director.

The association's independent auditor must review internal accounting and security controls (as discussed above) to determine if they exist and are followed within the service bureau. Such review may be performed entirely by the auditor or some portion may be provided by a third-party review. When a third-party review is conducted the report shall comply with PA-7-1a, Sections III and IV. In accordance with Memorandum #R-13a, the report shall be forwarded by the service center (or by the auditor performing the review) to the District Director's office for review.

III. *Audit Reporting Requirements Regarding EDP.* The independent auditor's report to management on internal control shall state that the review of internal control regarding EDP was performed in accordance with Bulletin PA-7-1a. Furthermore, this report shall contain all weaknesses found in the system of EDP internal control that in the judgement of the auditor place any portion of the association's assets at significant risk or compromise such association's fiduciary responsibility to its depositors. The report shall include recommendations for strengthening controls in the areas of such weaknesses. This applies whether the weaknesses are found at the association's in-house system or a servicing data center. Weaknesses that were detected and corrected during the audit should also be included noting the method of correction.

IV. *Third-Party Reviews*—A. *General.* Third-party reviews present a savings and loan association and their independent accountants with a practical and cost-beneficial solution to effective reviews of service centers. The process of several separate and distinct reviews by each auditory can be duplicative and costly. Auditors of insured associations may delegate to other auditors the activity of reviewing those aspects of internal control in an EDP service center that are relevant to the delegating auditor's examination. However, the association's auditor retains the responsibility for evaluating internal control as it affects the audit of an association even though the report or management letter of another auditor may be used as a source of information in performing the evaluation. An acceptable review of a service bureau must have been performed within the fiscal year of the user association's audit and be in compliance with Bulletin PA-7-1a.

The third-party auditor should be cognizant that services provided must be in accordance with applicable auditing standards as set forth in Statements on Auditing Standards as promulgated by the Auditing Standards Executive Committee of the AICPA. Further information concerning third-party reviews is set forth in *Audits of Service Center-Produced Records,* AICPA, 1974.

B. *Third-Party Review Reports.* The content of the third-party review report (or letter) must conform to the aforementioned AICPA audit guide and shall at a minimum contain the following information.

1. *Section I.* a. A statement that the review was conducted in compliance with the requirements of Bulletin PA-7-1a.

b. A statement of the scope of the review effort and the dates during which the review was conducted.

c. A general system description listing the major EDP equipment and the system and application software utilized by the service center.

d. A description of the general controls in the service center. This description must include, but is not limited to the areas of :

(1) Systems and Programming—The procedures in effect with regard to program changes, authorization from user associations and the documentation of user requests.

(2) Operations—The procedures in effect with regard to input and output document control, customer service support, computer operations, and output report distribution. Activities reviewed should also include the provisions for association's involvement in the system development and program maintenance activities and in the day-today operational concerns.

(3) Security and Backup—The procedures in effect to ensure the continued operation of the service center function in cases of intermittent or prolonged downtime. Areas reviewed should include safety and security of data files as well as system and application programs.

(4) Documentation—The procedures in effect to ensure that documentation is complete and up-to-date within the service center and that association user manuals are kept current. Backup of documentation should also be considered.

e. A summary description of the tests of compliance performed at the service center. These tests shall include:

(1) Tests of the manner in which transactions are processed through the system;

(2) Observation, on a test basis, of the service center operations;

(3) Review of the performance of the system to produce output reports for audit trial purposes, including exception reporting;

(4) Review of the internal audit program (if applicable) conducted by the service center or by an association user's group;

(5) Review of documentation, including system and program documentation, operations' manuals and user namuals; and

(6) Other appropriate review procedures performed.

2. *Section II*—The results of the review and tests of compliance.

a. Description of the system of internal accounting controls that was found to be in operation at the service center.

b. Comments on the internal accounting controls requiring the consideration of a user association's independent accountants. These comments should include:

(1) The reviewer's comments on controls found to be weak or nonexistent at the service center.

(2) The reviewer's recommendations for strengthening or establishing controls that were found to be weak or nonexistent.

Where possible, these comments should be writen in a manner that will assist the user auditor in making recommendations that if followed will lend to the development, on the part

of the user associations, of compensating controls within the individual associations. Therefore, care should be taken to include all relevant information reported to service center management concerning weaknesses in the system of internal control.

3. *Section III*—Supplementary information in support of the third-party review. Information supplied here should include:

a. Sample or description of the standard contract or agreement.

b. Organization chart of the service center.

c. List of significant financial applications provided to user associations.

d. List of user associations.

This Bulletin becomes effective for insured institution audit periods beginning after December 31, 1978. Inquireies and requests for information regarding matters covered by this Bulletin should be directed to the District Director-Examinations for the Federal Home Loan Bank District in which the home office of an insured institution is located.

(Secs. 402, 403, 407, 48 stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 79-891 filed 1-9-79; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[Docket No. 79-2; Agreement No. 10293]

FLOTA MERCANTE GRANCOLOMBIANA, S.A. AND ANDINO CHEMICAL SHIPPING INC.

Order of Investigation and Hearing

Pursuant to section 15 of the Shipping Act, 1916, an Agreement between Flota Mercante Grancolombiania, S.A. (Flota) and Andino Chemical Shipping, Inc. (Andino) has been filed with the Commission for approved and assigned Federal Maritime Commission Number 10293. The Agreement would provide for the establishment of a space chartering arrangement for the transportation of bulk liquid cargo in the trade between United States Gulf ports and Atlantic Coast ports of Colombia, whereby Andino would provide Flota with the necessary space on vessels owned or operated by Andino.

Dow Chemical International, Inc. of Delaware (Dow) and Shell Chemical Company, a division of Shell Oil Company, protested the Agreement and requested that a hearing be held to determine whether the Agreement should be approved under section 15. General comments on the Agreement were also filed by Lykes Bros. Steamship Company, Inc., O.N.E. Shipping, Ltd. and Esso Chemical Supply Company, Inc. (Esso). Esso later advised that it supported the protestants' requests for a hearing.

Essentially, the protestants contended that the Agreement will be detrimental to the commerce of the United States because it will result in Flota and Andino having a monopoly position in the carriage of bulk liquid cargoes in this trade. In addition, Esso stated that it was dissatisfied with the quality of service offered by Flota and Andino, and both Esso and Dow expressed fear of losing their markets in Colombia should the Agreement be approved.

On July 11, 1977, the Executive Vice President of Flota's General Agent in the United States and the General Manager of Andino each submitted an affidavit in support of the Agreement. Aside from making a claim that the proposed service would assure shippers and consignees of regularly scheduled sailings at rates upon which they could rely, nothing of consequence was presented which would justify approval of the Agreement.

Upon consideration of the evidence then before the Commission, we found that the parties had failed to justify the Agreement and concluded that it was not required by a serious transportation need, necessary to secure important public benefits, in furtherance of a valid regulatory purpose of the Shipping Act, or otherwise in the public interest, and, therefore, that the Agreement could not be approved under the standards of section 15 of the Shipping Act, 1916. Consequently, on May 25, 1978, the Commission issued an Order of Conditional Disapproval of Agreement No. 10293. In that Order, we stated that the Agreement was disapproved effective July 30, 1978, unless, on or before July 29, 1978, the proponents filed with the Secretary of the Commission an unequivocal request for a further hearing. Such a request was to contain an itemization of each basic fact the proponents intend to prove at the requested hearing, a particularized description of the evidence the proponents intend to use to prove those facts, and a separate itemization of each point of law the proponents wish to argue at the requested hearing.

On July 25, 1978, Flota and Andino filed separate requests that a full hearing be held to determine the approvability of Agreement No. 10293.

In its filing, Flota disputes the protestants' claim that approval of the Agreement will result in Flota and Andino having a monopoly position in the carriage of bulk liquid cargoes between the U.S. and Colombia. It also lists four witnesses who are prepared to testify on such controverted factual matters as the need for the Agreement in the trade, the sufficiency and quality of the proposed service, and the Agreement's impact on the protestants. Flota also lists the following issues of law which it intends to address: (1) Whether Agreement No. 10293 constitutes a "cooperative working arrangement" or other agreement subject to the jurisdiction of section 15 of the Shipping Act; (2) Whether the Agreement constitutes a *per se* violation of the antitrust laws, and (3) Whether the Agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or detrimental to the commerce of the United States, or contrary to the public interest, or in violation of the Shipping Act—that is, whether the Agreement is approvable under section 15.

Andino contended in its filing that the Commission's Order of Conditional Disapproval constituted prejudgment of the Agreement and was arbitrary and unreasonable. Like Flota, it argued that the Commission was wrong in characterizing Agreement No. 10293 as a "cooperative working arrangement," that in any event the Agreement is not *per se* illegal under the antitrust laws, and that the Agreement may be lawfully approved under section 15. With regard to adducing factual evidence in support of the Agreement, Andino confined itself to stating that "after hearing Flota's witnesses [Andino] will supplement the proof offered by Flota by whatever evidence is deemed pertinent or relevant * * *."

In view of the requests for a hearing filed by Flota and Andino, and the disputes surrounding Flota's and Andino's past services and the impact of this Agreement on the carriage of bulk liquid in this trade, it is necessary that an investigation be conducted into whether Agreement No. 10293 should be approved by the Commission. This investigation will include, as a principal matter, the anticompetitive impact of the Agreement, including a determination of the effect on the trade of certain flag restriction provisions in decrees issued by the Government of Colombia, and what effect the Agreement would have on markets in Colombia for Esso and Dow. It must also be determined whether the Agreement would benefit the trade—that is, whether there exists a transportation need which the Agreement will meet.

Now, therefore, *it is ordered*, That pursuant to section 15 (46 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, this proceeding is hereby instituted to determine whether or not Agreement No. 10293 shall be

approved, disapproved, or modified under the provisions of section 15;

It is further ordered, That Flota Mercante Grancolombiana, S.A. and Andino Chemical Shipping Inc. are hereby made proponents in this proceeding;

It is further ordered, That Esso Chemical Supply Company, Inc.; Dow Chemical International, Inc. of Delaware, and Shell Chemical Company, a division of Shell Oil Company, are hereby made protestants in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than June 30, 1979.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and a copy thereof be served upon proponents and protestants as listed in the Appendix hereto and the Commission's Bureau of Hearing Counsel;

It is further ordered, That any person other than proponents, protestants, and the Bureau of Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 (46 CFR 502.72) of the Commission's Rules of Practice and Procedure;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX

Proponents

Flota Mercante Grancolombiana, S.A., Grancolombiana (New York) Inc., General Agents, One World Trade Center, Suite 1667, New York, New York 10048

Renato C. Giallorenzi, Esq., Giallorenzi and Campbell, 67 Broad Street, Suite 2201, New York, New York 10004 (Attorneys for Flota Mercante Grancolombiana, S.A.)

Andino Chemical Shipping, Inc., 1200 Milam Street, Houston, Texas 77002

Zachary B. Shwal, Esq., Shwal, Thompson & Bloch, 485 Madison Avenue, New York, New York 10022 (Attorneys for Andino Chemical Shipping, Inc.)

Protestants

Esso Chemical Supply Company, Inc., P.O. Box 301, Florham Park, New Jersey 07932

Lawrence G. Cohen, Esq., Kirlin, Campbell & Keating, One Twenty Broadway, New York, New York 10005 (Attorneys for Esso Chemical Supply Company, Inc.)

T. A. Gallagher, Export Department, Shell Chemical Company, a Division of Shell Oil Company, One Shell Plaza, Houston, Texas 77002

Dow Chemical International, Inc. of Delaware, P.O. Box 400, Coral Gables, Florida 33134

Pedro A. Freyre, Esq., P.O. Box 340400, Coral Gables, Florida 33134 (Attorney for Dow Chemical International, Inc. of Delaware)

[FR Doc. 79-864 Filed 1-9-79; 8:45 am]

[6730-01-M]

[Docket No. 79-3; Agreement No. 10295]

FLOTA MERCANTE GRANCOLOMBIANA, S.A. AND MARITIMA TRANSLIGRA, S.A.

Order of Investigation and Hearing

Pursuant to section 15 of the Shipping Act, 1916, an Agreement between Flota Mercante Grancolombiana, S.A. (Flota) and Maritima Transligra, S.A. (Maritima) has been filed with the Commission for approval and assigned Federal Maritime Commission Number 10295. The Agreement would provide for the establishment of a space chartering arrangement for the transportation of bulk liquid cargo in the trade between United States Gulf ports and Pacific Coast ports of Colombia, whereby Maritima would provide Flota with the necessary space on vessels owned or operated by Maritima.

No formal protests or requests for hearing into the merits of Agreement No. 10295 have been filed, although general comments on the Agreement were filed by Dow Chemical International, Inc., Esso Chemical Supply Company, Inc. (Esso), Lykes Bros. Steamship company, Inc. and O.N.E. Shipping, Ltd. The most detailed comments came from Esso, which stated that it was dissatisfied with the quality of service offered heretofore by Flota and Maritima, and that it feared the loss of its markets in Colombia should the Agreement be approved.

On July 11, 1977, the Executive Vice President of Flota's General Agent in the United States submitted an affidavit in support of the Agreement. Aside from rebutting the comments which had been filed by Esso and the other outside parties and claiming that the proposed service would assure shippers and consignees of regularly scheduled sailings at rates upon which they could rely, the affidavit presented nothing of consequence which would justify approval of the Agreement.

Upon consideration of the evidence then before the Commission, we found that Flota and Maritima had failed to justify the Agreement and concluded that it was not required by a serious transportation need, necessary to secure important public benefits, in furtherance of a valid regulatory purpose of the Shipping Act, or otherwise in the public interest, and, therefore, that the Agreement could not be approved under the standards of section 15 of the Shipping Act, 1916. Consequently, on May 25, 1979, the Commission issued an Order of Conditional Disapproval of Agreement No. 10295. In that Order, we stated that the Agreement was disapproved effective July 30, 1978, unless, on or before July 29, 1978, the proponents filed with the Secretary of the Commission an unequivocal request for a further hearing. Such a request was to contain an itemization of each basic fact that the proponents intend to prove at the requested hearing, a particularized description of the evidence the proponents intend to use to prove those facts, and a separate itemization of each point of law the proponents wish to argue at the requested hearing.

On July 25, 1978, Flota and Maritima filed through counsel a joint request that a full hearing be held to determine the approvability of Agreement No. 10295.

In their filing, the proponents list four witnesses who are prepared to testify on such controverted factual matters as the need for the Agreement in the trade, the sufficiency and quality of the proposed service and the Agreement's impact on shippers such as Esso. They also list the following issues of law which they intend to address: (1) Whether Agreement No. 10295 constitutes a "cooperative working arrangement" or other agreement subject to the jurisdiction of section 15 of the Shipping Act; (2) Whether the Agreement constitutes a *per se* violation of the antitrust laws, and (3) Whether the Agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitiors, or detrimental to the commerce of the United States, or contrary to the public interest, or in

violation of the Shipping Act—that is, whether the Agreement is approvable under section 15.

In view of the requests for a hearing filed by Flota and Maritima and the disputes surrounding the proponents' past services and the impact of this Agreement on the carriage of bulk liquid in this trade, it is necessary that an investigation be conducted into whether Agreement No. 10295 should be approved by the Commission. This investigation will include, as a principal matter, the anticompetitive impact of the Agreement, including a determination of the effect on the trade of certain flag restriction provisions in decrees issued by the Government of Colombia, and what effect the Aggrement would have on markets in Colombia for shippers such as Esso. It must also be determined whether the Agreement would benefit the trade—that is, whether there exists a transportation need which the Agreement will meet.

Now, therefore, *it is ordered*, That pursuant to section 15 (46 U.S.C. 814) and section 22 (46 U.S.C. 821) of the Shipping Act, 1916, this proceeding is hereby instituted to determine whether or not Agreement No. 10295 shall be approved, disapproved, or modified under the provisions of section 15;

It is further ordered, That Flota Mercante Grancolombiana, S.A. and Maritima Transligra, S.A. are hereby made proponents in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than June 30, 1979.

The hearing shall include oral testimony and cross-examination in the discretaion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and a copy thereof be served upon proponents as listed in the Appendix hereto and the Commission's Bureau of hearing Counsel;

It is further ordered, That any person other than proponents and the Bureau of hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 (46 CFR 502.72) of the Commission's Rules of Practice and Procedure;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

APPENDIX

PROPONENTS

Flota Mercante Grancolombiana, S.A., Grancolombiana (New York) Inc., General Agents, One World Trade Center, Suite 1667, New York, New York 10048.

Maritima Transligra, S.A., Guayaquil, Ecuador.

Renato C. Giallorenzi, Esq., Giallorenzi and Campbell, 67 Broad Street, Suite 2201, new York, New York 10004 (Attorneys for Flota Mercante Grancolombiana, S.A. and Maritima Transligra, S.A.).

[FR Doc. 79-865 Filed 1-9-79; 8:45 am]

[6730-01-M]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Notice of Revocation; Correction

By Decision served July 24, 1978, in Docket No. 77-53, *Licensing of Independent Ocean Freight Forwarders*, (FEDERAL REGISTER, Vol. 43, No. 146, P. 32776, July 28, 1978), the Federal Maritime Commission amended its General Order 4 (46 CFR 510) to require all licensed independent ocean freight forwarders to file with the Commission a surety bond in the amount of $30,000. The amendment stated that if a licensee fails to file such bond on or before December 1, 1978, the license shall be revoked in accordance with Rule 510.9 of General Order 4.

The Commission published a Notice of Revocation in the FEDERAL REGISTER on January 3, 1979 (Vol. 44, No. 2, Pp. 953-955) wherein notice was given of the independent ocean freight forwarders who had failed to file with the Commission a surety bond in th e amount of $30,000 and whose licenses were revoked effective December 2, 1978. Erroneously, Merit Brokerage Co., Inc., 1748 W Katella Avenue, Orange, California 92667, was amont the licensees anmed. Merit Brokerage Co., Inc. filed the prescribed bond before December 1, 1978, hence FMC Independent Ocean Freight Forwarder License No. 1862 has not been revoked.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-867 Filed 1-9-79; 8:45 am]

[6730-01-M]

[Docket No. 79-4]

SOL SPITZ CO., INC. v. AMERICAN PRESIDENT LINES, LTD.

Filing of Complaint

Notice is given that a complaint filed by Sol Spitz Co., Inc. against American President Lines, Ltd. was served January 4, 1979. Complainant alleges that it has been subjected to payment of rates for transportation which are unjust and unreasonable in violation of sections 17 and 18(b) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before July 4, 1979. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-866 Filed 1-9-79; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

NL INDUSTRIES, INC.

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: NL Industries Inc. is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of certain assets of Texas International Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by NL Industries. Neither agency

intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers of acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-886 Filed 1-9-79; 8:45 am]

[6750-01-M]

QUAKER STATE OIL REFINING CORP. AND HILLMAN CO.

Early termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Quaker State Oil Refining Corporation and the Hillman Company are granted early termination of the extended waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of Texstar Automotive Distribution Group, Inc., and its subsidiaries. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice sua sponte. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers of acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-887 Filed 1-9-79; 8:45 am]

[6750-01-M]

WEDGE INTERNATIONAL HOLDINGS B.V. AND GILSON BROTHERS CO.

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Wedge International Holdings B.V. and Gilson Brothers Co. are granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to their proposed merger. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Wedge International Holdings B.V. and Gilson Brothers Co. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: December 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580, (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by section 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-888 Filed 1-9-79; 8:45 am]

[4110-12-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF HUMAN DEVELOPMENT SERVICES

Statement of Organizational Functions and Delegations of Authority

This notice amends Part D of the statement of reorganization, functions, and delegations of authority of the Department of Health, Education, and Welfare, Office of Human Development Services (HDS), published in Volume 43, Number 147, of the FEDERAL REGISTER on July 31, 1978 (pp. 33327-33347). The amendments are as follows:

1. ADMINISTRATION FOR NATIVE AMERICANS

In the functional statement for the Administration for Native Americans, changes in the statement of organization (DN.10) and functions (DN 20) have been made to reflect the following: (a) Within the Office of Program Operations, the Tribal Programs Division and the Special Programs Division have been renamed the Reservation Program Division and the Special and Off-Reservation Programs Division respectively; (b) The function of providing policy direction and guidance to the HDS Regional Offices in their administration of the program for urban Indians has been transferred to the Office of the Commissioner from the Office of Program Operations, Division of Special Programs; (c) The function for training and technical assistance, previously split between the Tribal Programs Division and Special Programs Division in the Office of Program Operations, has been consolidated and transferred to the Office of Planning and Program Development, Research, Demonstration, and Evaluation Division. The amended statement for the Adminis-

tration for Native Americans reads as follows:

DN.00. Mission The Administration for Native Americans (ANA) represents the concerns of American Indians, Alaskan Natives, and Native Hawaiians, hereinafter referred to as Native Americans. The Administration has primary responsibility for developing policy, legislative proposals and guidance, and for providing staff advice to the Assistant Secretary and the Secretary, on matters involving the social and economic development of Native Americans. ANA administers grant programs to eligible Indian tribes and Native American organizations in urban and rural areas with funds authorized under the Native American Programs Act, Title VIII of the Head Start, Economic Opportunity, and Community Partnership Act of 1974.

In conjunction with the Office of the ASHDS, ANA provides Departmental liaison with other Federal agencies on Native American affairs, working to address unmet needs and increase the availability of resources and services to Native American communities through other agencies.

Through its policy, liaison, and granting functions, ANA explores new program concepts and new methods for increasing the social and economic development of Native Americans, assures that information about Departmental services and benefits and eligibility criteria is conveyed to Native Americans, and fosters the opportunity for the exercise of self-determination of Native Americans and their operation of Native American programs and enterprises.

DN.10 Organization. The Administration for Native Americans is headed by a Commissioner who reports directly to the Assistant Secretary for Human Development Services and consists of:

Office of the Commissioner (DN)
- Intra-Departmental Council on Indian Affairs Staff (DN-1)

Office of Program Operations (DNB)
- Reservation Program Division (DNB1)
- Special and Off-Reservation Programs Division (DNB2)

Office of Planning and Program Development (DNP)
- Research, Demonstration, and Evaluation Division (DNP1)
- Policy, Planning, and Budget Division (DNP2)
- Administrative Services Staff (DNP3)

DN.20 Functions. A. Office of the Commissioner (DN) provides overall direction, management and legislative liaison for all components of ANA. Serves as advisor to the ASHDS, the Secretary, and the heads of DHEW agencies administering programs which have a significant impact on Native Americans. On behalf of the Department conducts liaison with and obtains advice from Indian tribes and Native American organizations. Has final approval for all ANA grant awards (except those specifically redelegated to the HDS Regional Offices). Provides policy direction and guidance to the HDS Regional Offices in administering the grant program for urban Indians. Has final approval for all ANA interagency agreements and has final approval of contracts and other expenditures. The Commissioner is also Chairman of the Intra-Departmental Council on Indian Affairs.

1. Intra-Departmental Council on Indian Affairs Staff (IDCIA) (DN-1) provides general staff support to the Council and the Commissioner of ANA in his capacity as Chairman of the Council. The Council serves as the focal point within the Department for inter-agency coordination activities relating to Indian affairs to effect cooperation and complementary utilization of the Department's resources for Indian people. Develops and promotes consistent policies on Indian affairs for the entire Department and causes the full and continuous application of these policies throughout the Department. Identifies administrative, legislative and regulatory changes or developments necessary for the application of an effective and consistent Indian policy.

B. Office of Program Operations (DNB) administers the financial assistance projects of the Administration for Native Americans. Monitors overall performance of the financial assistance program, and directs the application of consistent regulations, policies, and guidelines.

1. Reservation Program Division (DNB1) provides direct assistance to American Indian tribes and Alaskan Native organizations in developing and securing funds for local self-determination programs aimed at social and economic self-sufficiency. Reviews applications and performs on-site monitoring and evaluation of funded projects. Serves as resource to and liaison with Indian tribes and Alaskan Native organizations.

2. Special and Off-Reservation Programs Division (DNB2) provides to Native Hawaiians, other Native American groups and organizations serving Native Americans off-reservation (with the exception of urban Indians) direct assistance in developing, securing and administering services aimed at social and economic self-determination. For these grantees, reviews applications for support and performs on-site monitoring and evaluation of funded projects. Serves as a resource to and liaison with Native American groups and organizations.

C. Office of Planning and Program Development (DNP) plans, directs and coordinates planning and program development activities. Directs the development of regulations, policies and guidelines for ANA. Directs the development of program and budget plans consistent with the Department's requirements. Monitors overall performance of research, demonstration, evaluation, planning, budget and support functions.

1. Research, Demonstration, and Evaluation Division (DNP1) develops and monitors projects in social and economic development, manpower and other areas of concern to Native Americans. Determines research needs and develops the research and development plan for ANA. Conducts cross-cutting studies on program effectiveness and performs special studies and analyses on a broad range of issues and activities relating to programs for Native Americans. Contributes to evaluative efforts of other agencies relevant to Native Americans. Coordinates with OPRE/HDS. Furnishes training and technical assistance support to equip Indian tribes, Alaskan Native organizations and other Native American groups and organizations with needed technical skills in a variety of program and management areas.

2. Policy, Planning and Budget Division (DNA2) develops and recommends the implementation of policies throughout ANA. Formulates budget and legislative plans consistent with Departmental and ANA requirements. Coordinates the reporting by ANA units to the DHEW/HDS management system, including reports on short-range initiatives (e.g. MITS). Assists the Office of Program Operations in developing local program planning capability. Compiles statistics on the population served by ANA programs. In accordance with ASHDS guidelines and instructions, administers the development of budget proposals and internal ANA financial operating plans. Furnishes assistance to program specialists and grantees in financial systems development. Coordinates with appropriate HDS staff units in carrying out these functions.

3. Administrative Services Staff (DNP3) provides a wide range of administrative services in support of all ANA programs and activities. Tracks financial status of all program and S&E accounts and provides financial data to the Commissioner. Initiates and expedites the progress of all procurements and personnel actions. Serves as ANA Executive Secretariat, controlling the flow of correspondence. Coordinates with the Office of Public Affairs/HDS in developing a public information plan and specific materials for dissemination. Responsible for the receipt of Freedom of In-

formation Requests and coordinates responses to such requests directed to ANA. Coordinates with appropriate HDS units in implementing administrative requirements and procedures.

2. REHABILITATION SERVICES ADMINISTRATION

In the functional statement for the Rehabilitation Services Administration, changes in the statement of organization (DH.10) and functions (DH.20) have been made. In the Office of Administrative Support (DH.20 Functions, D): (1) the Division of Budget and Financial Management has been deleted; (2) The function for administration of RSA internal budget procedures has been transferred to the Division of Administration and Personnel, now called the Division of Administration and Budget; (3) The function for RSA internal grants and contracts procedures and liaison with HDS staff offices on these procedures has been transferred to the overall Office of Administrative Support, and (4) the responsibility for Management Information Systems has been moved from the Office of Program Operations to the Office of Administrative Support. In addition, the following changes have been made to other portions of the functional statement: (1) responsibility for White House conference follow-up has been transferred from the Division of Agency Liaison to the Office of Advocacy and Coordination; (2) responsibility for establishing standards as to who are handicapped individuals has been moved from the Division of Advocacy and Constituent Relations to the Division of Policy Development in the Office of Policy Management; (3) a more accurate description of the functions of the Bureau for the Blind and Visually Handicapped has been added; (4) the functions of the Deafness and Communicative Disorders Office have been clarified: (5) a reference is made to the facilities establishment and improvement function of the Bureau of Vocational Rehabilitation; and (6) a statement regarding the monitoring role of the Regional Offices in relation to State Agencies has been included.

The revised statements for RSA read as follows:

DH.00 Mission. The Rehabilitation Services Administration (RSA) supports services which improve conditions for and otherwise benefit handicapped individuals, with emphasis on the severely handicapped, including the developmentally disabled. Maintains close liaison with the Architectural and Transportation Barriers Compliance Board and the President's Committee on Mental Retardation; provides administrative support for the latter organization. Advises the ASHDS on the formulation, development, implementation, and review of policies and legislation affecting handicapped individuals. Acts as an advocate to assure the rights of handicapped persons. Serves as a resource and clearinghouse of information for service providers at national, regional, state, and local levels in the development of national programs to reduce or eliminate social and environmental barriers experienced by handicapped persons. Establishes standards for determining who are handicapped individuals for purposes of RSA program eligibility and provides leadership in assuring that all categories of handicapped individuals receive equitable consideration for access to services.

DH.10 Organization. The Rehabilitation Services Administration is headed by a Commissioner who reports directly to the Assistant Secretary for Human Development Services and consists of:

- Immediate Office of the Commissioner (DH)
  - Public Affairs Staff (DHA1)
  - Regional Liaison Staff (DHA2)
- President's Committee on Mental Retardation (DHP)
- Office of Policy Management (DHL)
  - Division of Policy Development (DHL1)
  - Division of Planning (DHL2)
  - Division of Legislation, Regulations, and Congressional Relations (DHL3)
- Office of Administrative Support (DHS)
  - Division of Administration and Budget (DHS1)
  - Division of Program Data and Analysis (DSH2)
- Office of Advocacy and Coordination (DHC)
  - Division of Advocacy and Constituent Relations (DHC1)
  - Deafness and Communicative Disorders Office (DHC2)
  - Division of Agency Liaison (DHC3)
- Office of Program Operations (DHN)
  - Bureau for Blind and Visually Handicapped (DHN1)
  - Bureau of Vocational Rehabilitation Program Operations (DHN2)
  - Bureau of Developmental Disabilities Program Operations (DHN3)
- Office of Program Development (DHM)
  - Bureau of Research and Engineering (DHM1)
  - Bureau of Evaluation and Utilization (DHM2)
  - Bureau of Demonstrations and Manpower Development (DHM3)

In addition, the Office for Handicapped Individuals (DHH) coordinates with the Commissioner, RSA, in carrying out its functions.

DH.20 Functions. A. Office of the Commissioner (DH) provides executive leadership to the Rehabilitation Services Administration. Establishes goals and objectives for programs for handicapped individuals and develops standards, criteria, guidelines, and policies to provide direction in the administration of these programs and serves as advisor to the ASHDS on programs and problems affecting handicapped individuals. Advocates for the rights and needs of handicapped individuals. Responsible for internal manpower measurement reports and analyzes; develops, implements and monitors internal communications and correspondence systems; and maintains a liaison with the HDS Executive Secretariat for tracking RSA correspondence and assignments.

Conducts special analyses of support services, program operations, program development activities, and other RSA operations in central office and the regions at the request of the Commissioner to determine consistency with established policies, regulations and guidelines; provides periodic reports on problem areas in staff relationships, operations, and management; and serves as a clearinghouse for employee suggestions.

The Office of the Commissioner also contains the following organizations:

1. Public Affairs Staff (DHA1) provides leadership and direction to RSA's public affairs activities; prepares, edits, and distributes RSA publications; develops methods for increasing public awareness of the needs of people served by RSA and programs designed to help them. Develops and implements a public affairs strategy for RSA; represents RSA in activities involving print and broadcast media. Serves as liaision with the Office of Public Affairs/HDS in providing centralized publication and audio/visual services for RSA. Responsible for the receipt of Freedom of Information requests and coordinates responses to such requests directed to RSA.

2. Regional Liaison Staff (DHA2) serves as the principal staff arm in the direction and management of RSA's regional office; performs studies and reviews of regional operations; provides regional staff with support on matters requiring central office coordination; is responsible for staff support on technical management aspects of regional operations matters; develops priorities for distributing regional office manpower resources; coordinates development of annual regional operations budget plans; and maintains calendar of planned meetings involving regional staff. Coordinates with the Office of Regional and Intergovernmental Relations/HDS on regional issues.

B. The President's Committee on Mental Retardation (DHP) is supported by RSA staff members, who provide administrative support and assistance in the PCMR effort to: (1) reduce the occurrence of mental retardation, (2) enable retarded individuals in public institutions to return to the community, and (3) provide assurance of full legal and human rights for retarded individuals. This staff prepares the committee's report to the President on

the adequacy of national efforts to combat mental retardation; and develops and disseminates information to increase public awareness and understanding of retardation.

C. Office of Policy Management (*DHL*) supervises the RSA planning process (long and short-range) and the development and formulation of RSA policy and legislation. Assures consistency of planning, policy development, and legislative functions within RSA and coordinates with appropriate HDS staff offices. Conducts an active Congressional relations program in coordination with HDS and OS legislative affairs staffs.

1. Division of Policy Development (*DHL1*) conducts RSA-wide policy review, policy development, formulation, and analysis; analyses policy within RSA as well as other Federal policies directly or indirectly related to the handicapped; reviews all policy issuances and interpretations and certifies consistency; in coordination with OPMC/HDS, manages a formal policy interpretation and issuance system; and assists in the development of and clears RSA regional offices policy interpretations. Conducts policy analyses at the direction of the Commissioner and incorporates research and evaluation findings into policy development. Establishes standards for determining who are handicapped individuals.

2. Division of Planning (*DHL2*) develops, coordinates, and maintains a comprehensive RSA planning system, coordinates the development of the RSA's goals, objectives, and implementation plans; provides leadership in the development and resolution of short range priority objectives including the Secretary's Major Initiatives Tracking System (MITS); serves as RSA contact with outside organizations on long and short range planning issues; with OPMC/HDS and OPRE/HDS, advises on all matters relating to planning, including the standards, reports, and information needed for the development and assessment of plans. Provides leadership in the areas of long- and short-range planning to State agencies and other grantees. Incorporates policy analyses into long- and short-range plans.

3. Division of Legislation, Regulations, and Congressional Relations (*DHL3*) develops and proposes legislation necessary to improve rehabilitation programs for disabled individuals. Reviews and comments on other proposed legislation affecting handicapped individuals. Serves as contact point for members of Congress and their staffs on issues concerning handicapped individuals. Responds to requests from Congress and public and private groups for information on proposed legislation. Coordinates and consults with HDS and the Office of the Assistant Secretary for Legislation on these issues. In corrdination with OPMC/HDS, is responsible for RSA regulations formulation, development, review, and revision; and participates on regular HDS Regulations Team. Reviews, analyses, and disseminates information on regulations issues.

D. Office of Administrative Support (*DHS*) provides leadership and guidance on matters relating to the overall administration and management of RSA; resolves critical issues and problems concerning executive management across RSA programs. Coordinates with OAM/HDS in carrying out these functions. Formulates internal administrative support procedures in accordance with OAM and ASHDS guidelines. Advises Commissioner on administrative matters, including EEO. With respect to grants and contract management, formulates internal procedures, in accordance with guidelines from OAM and ASHDS, coordinates provision of input to the ASHDS in development of policies and procedures, makes provisions for liaison with OAM, provides advice and recommendations to the Commissioner and provides TA to RSA units, and coordinates responses to appropriate audit reports. Responsible for development of RSA Managment Information Systems and the provision of guidance and assistance to State agencies in this area.

1. Division of Administration and Budget (*DHS1*) in accordance with policies and procedures issued by OAM, provides administrative support to all units of RSA. Responsible for space utilization and telephone plans within RSA. Controls personnel ceiling distribution within RSA; responsible for staff development including overall Annual Training Plan, training, equal employment matters, and development of EEO objectives of the agency. Maintains official files on delegations and organization for RSA. Responsible for preparation of regular and recurring reports for organizational manuals, personnel, records management, and expenditures for supplies and services; develops internal procedures for administrative services; responsible for records management. Provides leadership and guidance in the area of budgetary services and financial managment; coordinates the formulation and justification of the RSA administrative and program budgets; reviews budget submissions prepared by RSA components to assure conformity with legislative mandates; provides technical assistance to RSA units in the execution of the budget and the preparation of financial reports and summaries.

2. Division of Program Data and Analysis (*DHS2*) develops and maintains the RSA statistical reporting system; revises statistical reporting procedures as required by modification in the Act and expanding needs of management; prepares justification and supporting documentation for the Office of Management and Budget for new or revised reports; prepares special studies on various apsects of program operations; compiles annual statistical reports on client characteristics and agency caseloads; provides estimates and projection of program operations for budgetary, legislative and long and short-range purposes; trains regional staff in the use and interpretation of statistical information; performs cost/benefit analyses of agency programs.

E. Office of Advocacy and Coordination (*DHC*) provides leadership to RSA activities in advocating and securing the rights of handicapped individuals and coordinating programs and services; works in close cooperation with representative groups, develops and expands relationships with clients and client groups, consumer groups, private and public organizations including the National Disabilities Advisory Council (NDAC) and the President's Committee on Mental Retardation. Assumes leadership for coordination of RSA activities following implementation of the recommendations of the The White House Conference on Handicapped Individuals.

1. Division of Advocacy and Constituent Relations (*DHC1*) is responsible for developing and maintaining systematic ongoing interactions between RSA and appropriate constituent and client groups. Develops, implements, and maintains a consumer hot line and assumes leadership in the development of a network of information services to build an awareness of the actions necessary to address the problems of handicapped individuals; assists in the development of national educational programs to reduce social and environmental barriers experienced by handicapped individuals; maintains a clearing house of information on the needs of handicapped individuals and providers of services to this population; develops a coordinated system of information and data retrieval, utilizing existing information systems and related publications; develops, in coordination with the Division of Equal Opportunity and Civil Rights/HDC and the Office for Civil Rights/HEW, and disseminates training materials on questions related to the legal rights of the disabled; provides leadership in assuring that all categories of handicapped individuals receive equitable consideration for access to services; works with other relevant program agencies to promote

outreach services to meet the unique problems of the handicapped aged and eligible veterans as well as handicapped ethnic and racial minorities; assures that special population groups receive equitable consideration.

2. Deafness and Communicative Disorders Office (DHC2) provides leadership in improving State vocational rehabilitation agency services to the deaf and other communicatively impaired; develops employment opportunities and new careers for the deaf and other communicatevley impaired; stimulates manpower development and special research projects for the deaf and other communicatively impaired and provides technical assistance, collaborates with Central Office, Regional, State vocational rehabilitation agency staff, and colleges in short-term, long-term, and in-service training activities for State and other professional workers on serving the communicatevely impaired and in initiating special projects that emphasize independent living for deaf persons; serves as national focal point on deafness; provides consultation to various Federal and State agencies and public and private organizations that serve the communicatively impaired.

3. Division of Agency Liaison (DHC3) coordinates liaison activities with the White House, the A&TBCB, other Federal agencies, other public and private agencies, trade associations, labor unions, and professional organizations in relation to problems of handicapped individuals. Negotiates, develops, enters into, and implements interagency agreements designed to improve programs and services to handicapped individuals; provides leadership in coordinating activities with other Federal agencies and Departments which carry on various programs and activities concerned with handicapped individuals; assesses information on programs, plans and policies of other government agencies; coordinates and cooperates with other activities of special concern to the various handicapped population groups in this country. Reports to the Commissioner on trends, problems and new directions identified through liaison and coordination activities.

F. Office of Program Operations (DHN) administers the operations aspects of RSA programs; provides leadership in the provision of quality services to various handicapped population groups; establishes operational standards, criteria and program guidelines; provides technical assistance on program operations to Regional Office staff, State agencies, and local organizations. Incorporates innovative program initiatives into program operations. Recommends areas for research, evaluation, and training to the Office of Program Development. Provides consultation on the various medical aspects of rehabilitation to all units within RSA, but especially to the regional staff and to selected State VR agencies on significant problems in this area; reviews all policies, plans, and programs of RSA to determine their consistency with established medical practices. Advises Commissioner on research, evaluation, and training projects having a medical component. Develops basic guidelines and assumptions for use by the States in developing their short and long range goals and resource requirements. Serves as contact on all audits on State Plan programs, analyzes, coordinates and substantiates all audit findings. Ensures compliance with program financial operation requirements. Evaluates overall national program performance and progress from a cost benefit and effectiveness standpoint; develops, applies and analyzes financial policies, standards, and procedures; develops and coordinates internal formula grant policy and procedures with the Department, other Federal agencies. Based on formula grants management policies and procedures approved by ASHDS, controls allocation, administrative accounting and reprogramming of formula grant funds.

1. Bureau for Blind and Visually Handicapped (DHN1) develops guidelines and regulations for Federal departments and blind licensees regarding the Randolph-Sheppard program and administers the relevant aspects of the Rehabilitation Act, as amended; provides consultation regarding the administration of the Randolph-Sheppard Act; in consultation with the HEW Office of General Counsel interprets provisions of the Act for State and Federal arbitration boards; provides leadership, guidance and consultation to public and private agencies serving the blind and partially sighted. Provides technical assistance and consultation in curriculum development for the training of specialized personnel and to State agencies to maximize program utilization. Provides technical assistance to the Office of Program Development regarding special research projects for the blind and partially sighted including international projects. In conjunction with regional staff, conducts program reviews of State Agencies serving the blind and partially sighted. Provides for liaison activities with The National Council of State Agencies for the Blind and Council of State Administrators of Vocational Rehabilitation.

2. Bureau of Vocational Rehabilitation Program Operations (DHN2) administers the program operation aspects of the Rehabilitation Act, as amended; provides leadership and guidance in the administration of RSA programs providing services to the handicapped and severely handicapped including social security disability and supplemental security income beneficiaries. Responsible for formulation, guidance and conformity review of annual State plans, policy interpretation and program operations in relationship to the law, regulations and standards governing the provision of services and the rehabilitation process; analyzes and evaluates State plan programming and performance in relation to Federal requirements. Develops and supports program approaches leading to the establishment and improvement of rehabilitation facilities. Develops and maintains RSA statistical reporting system. Defines management information and program and financial management requirements for State agencies and reviews State plans for conformance.

3. Bureau of Developmental Disabilities Program Operations (DHN3) develops, promulgates, and implements Federal policies, guidelines, and procedures concerning the Developmental Disabilities Act and delivery of services authorized by the Act. Provides leadership, coordination, and guidance for programs applicable to individuals with mental retardation and other developmental disabilities; and prepares and disseminates information to appropriate client and constituent groups on developmental disability plans and services, in conjunction with the Office of Advocacy and Coordination. Administers basic state grant program for developmentally disabled, including enforcement of Section 113 requirements.

G. Office of Program Development (DHM) provides leadership in and manages program development activities including research and program evaluation activities, rehabilitation engineering efforts, training and specialized service initiatives, and independent living demonstration projects. Plans for and implements experimental program services based on feedback from State and local organizations on program needs. Prepares research, development and evaluation plans. Develops evaluation standards and criteria; provides consultation and technical assistance to regional offices staff and assists them in the guidance of State and local organizations in program development; manages a domestic and international research effort; evaluates State and Federal program activities; manages a comprehensive effort of research, clinical evaluation, training, and service delivery in rehabilitation engineering. Promotes and directs a manpower development program to provide skilled personnel required to rehabilitate handicapped individuals with various disabilities; conducts special project activities to stress

the need for specialized services required to rehabilitate handicapped individuals, especially those with severe disabilities.

1. Bureau of Research and Engineering (DHM1) directs and manages the overall research and engineering program of the Rehabilitation Services Administration. Analyzes problems of homebound and institutionalized handicapped individuals and those people who are multiply disadvantaged because of poverty and a racial minority status in addition to a handicapping condition. Directs research efforts which address problems associated with loss of function resulting from disability and other medically oriented aspects of rehabilitation; establishes a network of domestic and international rehabilitation engineering centers to conduct research on new systems, equipment, devices, and aids to make full use of technology for resolving rehabilitation problems. Administers research grants or contracts awarded for the purpose of planning and conducting research and evaluation activities which bear directly on the development of new methods and procedures to assist in the provision of improved services to handicapped people; conducts research studies and surveys on the factors affecting rehabilitation and which expand the methodology and techniques for improved outreach and follow-up services; directs and conducts, by means of grants and contracts, a comprehensive research, development, clinical evaluation, training, and service delivery program in rehabilitation engineering designed to improve the productivity and quality of life of handicapped individuals. Coordinates with the National Academy of Science, the National Science Foundation, Food and Drug Administration, and the Federal Communications Commission and other agencies; plans and directs a research and program effort concerned with the elimination of environmental barriers; establishes demonstration projects to display various approaches which increase functional capacity and reduces or eliminates environmental barriers for various handicapping conditions.

2. Bureau of Evaluation and Utilization (DHM) directs and manages the evaluation and utilization program of the RSA; measures and evaluates the impact of RSA programs to determine their effectiveness. Develops standards for evaluation of RSA programs. Develops research utilization plans, policies, and procedures. Ensures that research results are evaluated, disseminated, and incorporated into program operations.

3. Bureau of Demonstrations and Manpower Development (DHM3) provides direction and guidance in developing, demonstrating and managing innovative program activities. Administers a comprehensive manpower development program designed to stimulate program development and enhance service delivery for handicapped individuals. Reviews project grant applications, develops evaluative criteria, and provides guidance on the review of training applications; provides guidance on the conduct of staff development programs within State vocational rehabilitation agencies; encourages the development of experimental and innovative training programs; stimulates the development of new training projects.

E. The Regional Offices for Rehabilitation Services (DD1-X2) are headed by Regional Program Directors who report directly to the Commissioner, RSA. Develops, administers, and coordinates RSA/HDS programs which provide services for handicapped individuals through a State/Federal administered program. Provides information for and contributes to the development of national policy dealing with handicapped individuals and the developmentally disabled. Based on national policy and priorities, establishes regional program goals and objectives and provides direction and consultation in the administration of mandated programs. Provides guidance and leadership to State, local, and voluntary organizations. Works in close cooperation with other governmental agencies, professional organizations, universities, and other service providers. Plans, coordinates, and administers resources in providing services for the developmentally disabled. Participates in planning and conducting research and demonstration and related activities by means of grants and contracts for the purpose of developing methods, procedures, technology, and devices which serve to promote and advance employment of handicapped individuals or improve their quality of life. Directs or promotes a training program to increase the number and quality of skilled personnel required to provide services to the target populations. Serves as the focus in each HDS Regional Office for consideration of issues regarding policies affecting target populations. Advocates for the rights of the disabled. Serves as regional contact for information on subjects relevant to problems of the disabled. Monitors and evaluates the effectiveness of the RSA programs in the regions in meeting the needs of target populations and recommends and/or takes affirmative action to promote improvement. Responsible for regional rehabilitation services operational objcetives. Coordinates with the RA/HDS on matters of an administrative or cross-cutting nature. Keeps RA/HDS routinely informed of program issues and progress.

3. OFFICE FOR HANDICAPPED INDIVIDUALS

In the functional statement for the Office for Handicapped Individuals, the statement of functions (DH.20.H) has been amended to add the last clause in the last sentence which was omitted in error. The period at the last sentence becomes a semicolon, to which is added the following language: "provides a central clearinghouse of information and resource availability for handicapped individuals."

The revised statements for OHI read as follows:

H. Office for Handicapped Individuals (D/H) reports directly to the ASHDS, encouraging coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs. Develops means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education, health, employment, rehabilitation, architectural, housing and transportation barriers, and other areas to achieve full integration of all handicapped individuals into all aspects of society; provides a central clearinghouse of information and resource availability for handicapped individuals.

4. REGIONAL OFFICES FOR PUBLIC SERVICES

In the functional statement for the *Regional Offices for Public Services (DD1-X3)*, the statement of functions (DD.20.D) has been amended to add to the end of the second paragraph a sentence and a half omitted in error. The period after "other HDS" is deleted and the following language is added: "programs and on State agency issues of regional or national significance, including State administrative plans and deferrals or disallowances. Plans and implements regional APS operational objectives."

The amended statement reads as follows:

D. The Regional Offices for Public Services (DD1-X3) are headed by Regional Program Directors (RPD) who work under the supervision of the Regional Administrator, HDS. Program policy direction is provided to the Regional Office by the Commissioner, Administration for Public Services. Provides guidance and technical assistance to States in the planning, administration, evaluation and delivery of comprehensive social services under Title XX of the Social Security Act, as well as under Titles I, IV-A, X, XIV, XVI (Aid to the Aged, Blind and Disabled, AABD) in Regions II and IX. Assists States in the development and operation of Title XX training programs and the development of manpower for the Title XX program. De-

velops and promotes linkages between Title XX and other social services programs in the States through leadership in the development, design and evaluation of Comprehensive Annual Services Plans. Maintains liaison with income maintenance and health programs to facilitate provision of social services to clientele of these programs. Approves Title XX State administrative plans and amendments and social service plans and amendments under Titles I, IV-A, X, XIV, XVI (AABD) in Regions II and IX. Reviews Comprehensive Annual Services Plans for compliance with Federal requirements and certifies their acceptability. The designated official(s) in these offices review, approve, defer, or disallow claims for Federal Financial Partiicipation (FFP) by State and local social service agencies under Title XX, as well as under Titles I, IV-A, X, XIV, XVI (AABD) in Regions II and IX.

Provides guidance and technical assistance to State and local agencies on the development and operation of financial management and reporting systems to support program goals and in the interpretation, implementation and operation of social services regulations, policies, and procedures. Assists States in the adoption of improved delivery practices and improved program, administrative, reporting and financial management practices. Stimulates and facilitates the development of appropriate R & D and evaluation projects; in collaboration with the Regional Administrators and APS headquarters staff, monitors progress of R & D grants within the region. Monitors State adherence to Title VI of the Civil Rights Act. Monitors adherence of State Title XX programs to Federal requirements and conducts program reviews of the planning, financial, training, and program delivery operations in the States. Serves as the HDS liaison with State and local CETA administrators and with the DOL Employment and Training Administration. Advises the HDS Regional Administrators of opportunities for coordination between WIN and CETA and the HEW social service programs. Works with State and local program administrators and officals of private agencies and foundations to promote social and human development services. Consults with Regional Administrators on the planning and implementation of cross-cutting initiatives which require the involvement and assistance of other HDS programs and on State agency issues of regional or national significance, including State administrative plans and deferrals or disallowances. Plans and implements regional APS operational objectives.

Dated: January 2, 1979.

FREDERICK M. BOHEN,
Assistant Secretary for Management and Budget.

[FR Doc. 79-831 Filed 1-9-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6986-A and AA-6986-C]

ALASKA NATIVE CLAIMS SELECTION

On December 12, 1974, Cape Fox Corporation, for the Native village of Saxman, filed selection application AA-6986-A; and on December 16, 1974, filed selection application AA-6986-C under the provisions of Sec. 16(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 706; 43 U.S.C. 1601, 1615 (Supp. V, 1975)), for the surface estate of lands located in the Tongass National Forest in the vicinity of Saxman and Ketchikan.

As to the lands described below, the applications, as amended, are properly filed and meet the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 16(b), aggregating approximately 2,007 acres is considered proper for acquisition by Cape Fox Corporation and is hereby approved for conveyance pursuant to Sec. 14(b) of the Alaska Native Claims Settlement Act:

COPPER RIVER MERIDIAN, ALASKA (SURVEYED)

T. 74 S., R. 90 E.
Sec. 12, S½SE¼;
Sec. 13, NE¼, SE¼NW¼.
Containing 280 acres.

T. 74 S., R. 91 E.
Sec. 7, Lots 2, 3, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 8, N½NE¼, SW¼NE¼, W½;
Sec. 18, Lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼.
Containing 1,372.32 acres.
Aggregating 1,652.32 acres.

COPPER RIVER MERIDIAN, ALASKA (UNSURVEYED)

T. 74 S., R. 90 E.
Sec. 12, NE¼SE¼;
Sec. 13, N½S½.
Containing approximately 200 acres.

T. 74 S., R. 91 E.
Sec. 18, S½S½.
Containing approximately 155 acres.
Aggregating approximately 355 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. As to the lands in Sec. 13, T. 74 S., R. 90 E., and Secs. 7, 8 and 18, T. 74 S., R. 91 E., Copper River Meridian, the highway easement deed right-of-way, serial number AA-5713, granted January 31, 1969, by the Federal Highway Administration, U.S. Department of Transportation with the concurrence of the U.S. Forest Service for a Federal Aid Highway, Project FH-39-1(1), under the act of August 27, 1958, as amended, 23 U.S.C. 317; and

2. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

3. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the public easements, listed below, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in casefile AA-6986-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or municipal corporation regulation. The following is a listing of use permitted for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail: The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road: The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles and trucks.

a. (EIN 14 G, C4) An easement for a proposed access trail twenty-five (25) feet in width from the existing road in Sec. 8, T. 74 S., R. 91 E., Copper River Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

b. (EIN 24 C5, G) An easement sixty (60) feet in width for an existing road from the end of road easement deed No. 5713 in Sec. 8, T. 74 S., R. 91 E., Copper River Meridian, northeasterly to its terminus in Sec. 4, T. 74 S., R 91 E., Copper River Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

c. (EIN 35 L, G) An easement one hundred (100) feet in width for a proposed powerline from the selection boundary in Sec. 13, T. 74 S., R. 90 E., Copper River Meridian, northerly adjoining the existing road (highway easement deed No. 5713) to a point in Sec. 18, T. 74 S., R. 91 E., Copper River Meridian, thence easterly approximately 1.2 miles to a point in Sec. 17, T. 74 S., R. 91 E., Copper River Meridian, near the existing road right-of-way, thence southeasterly to a point near the White River in Sec. 21, T. 74 S., R. 91 E., Copper River Meridian, thence northeasterly generally following the White River to the selection boundary in Sec. 35, T. 73 S., R. 91 E., Copper River Meridian. The uses allowed are those activities associated with the construction, operation, and maintenance of the power line facility.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Pursuant to Sec. 17(b)(2) of the Act, any valid existing right recognized by the Act shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 22(k) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 715; 43 U.S.C. 1601, 1621(k) (Supp. V, 1975)), that, until December 18, 1983, the above-described lands, located within the boundaries of a national forest, shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands;

4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Pursuant to Sec. 16(b) of the Alaska Native Claims Settlement Act, Cape Fox Corporation is entitled to 23,040 acres of land. The corporation recently received patent to 3,763.01 acres. Together with the lands herein approved, the total of lands conveyed or approved for conveyance is 5,415.33 acres of surveyed land and 355 acres of unsurveyed land. Patent to the surface estate of the surveyed land herein approved will be issued when this decision becomes final; interim conveyance will be issued for the unsurveyed lands and the lands requiring additional survey. Conveyance of the remaining entitlement to Cape Fox Corporation will be made at a later date. Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be issued to Sealaska Corporation when the surface estate is conveyed to Cape Fox Corporation, and shall be subject to the same conditions as the surface conveyance.

There are no inland water bodies considered to be navigable within the described lands.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the KETCHIKAN DAILY NEWS. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until 2-9-79, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken the adverse parties to be served with a copy of the notice of appeal are:

Cape Fox Corporation, P.O. Box 8558, Ketchikan, Alaska 99901.
Sealaska Corporation, One Sealaska Plaza, Suite 400, Juneau, Alaska 99801.

JUDITH A. KAMMINS,
Chief, Division of ANCSA, Operations.

[FR Doc. 79-828 Filed 1-9-79; 8:45 am]

[4310-17-M]

COORDINATION OF FEDERAL LANDS REVIEW UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT, LAND USE PLANNING UNDER THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AND THE FEDERAL COAL MANAGEMENT REVIEW UNDER THE PRESIDENT'S ENVIRONMENTAL MESSAGE OF MAY 1977

Statement of Policy; Extension of Comment Period

The comment period in the FEDERAL REGISTER Notice dated December 8, 1978, (FR 43, Vol. 242, Pages 57662-57670) has been extended from February 1, 1979, to February 13, 1979.

ROMAN H. KOENINGS,
Acting Associate Director, Bureau of Land Management.

Approved: January 4, 1979.

GARY J. WICKS.
Acting Assistant Secretary of the Interior.

[FR Doc. 79-855 Filed 1-9-79; 8:45 am]

[4310-84-M]

FEDERAL COAL MANAGEMENT PROGRAM

Application of Coal Unsuitability Criteria in Ongoing and Future Future MFPs and Land Use Analyses

In a FEDERAL REGISTER Notice dated December 8, 1978, (FR 43, Vol 242, pages 57662-57670) the Interior Department informed the public how and why the Bureau of Land Management (BLM) was preparing supplements to some of its existing management framework plans (MFP) through the application of unsuitability criteria. BLM Instruction Memorandum No. 79-76 (Appendix A of that notice) was issued to provide authorization to revise portions of existing approved MFP's. In that notice, the Department also said instructions would be issued for application of the criteria to ongoing and future MFP's or land use analyses.

This notice makes available for review Instruction Memorandum No. 78-139 dated December 15, 1978, attached as Appendix A. This memorandum provides procedural instructions for application of unsuitability criteria as part of the BLM's planning system for ongoing and future MFP's or land use analyses. Any plan prepared under both of these instruction memoranda will be subject to revision after the Department formally adopts unsuitability standards.

ROMAN H. KOENINGS,
Acting Associate Director, Bureau of Land Management.

Approved:

GARY J. WICKS,
Acting Assistant Secretary of the Interior.

JANUARY 4, 1979.

UNITED STATES DEPARTMENT OF THE INTERIOR,
Bureau of Land Management, Washington, D.C. 20240.

DECEMBER 15, 1978.

Instruction Memorandum No. 79-139, expires 9/30/79.

To: State Directors—Colorado, Montana, New Mexico, Utah, Wyoming, and director, Eastern States Office
From: Associate Director

Subject: Application of Coal Unsuitability Criteria in Ongoing and Future MFPs and Land Use Analyses

This memorandum provides procedural in-

struction for application of unsuitability criteria as part of ongoing and future MFPs or land use analyses. (Instruction Memorandum No. 79-76 provided guidance for use of the criteria in review of existing approved MFPs in coal related planning and transmitted the Secretarial unsuitability criteria memorandum.)

Preparation for Planning

Future planning starts must consider the data requirement implied by the unsuitability criteria in this preplanning analysis stage. Collection of any information needed should be programmed with inventories conducted in advance of planning. As early as possible in the planning process planning team members must become acquainted with the unsuitability criteria and instructions on their use.

Application of Criteria During Planning

The unsuitability criteria embody consideration of multiple use values and policy guidance the Bureau planning system is designed to accommodate in the planning process. Infusion of the criteria into a plan is readily accomplished when they are considered from the outset of planning.

Apply the criteria to ongoing and future planning as shown below. Note that in terms of the Bureau planning system, unsuitability criteria are handled in the same fashion as other resource values and policy directives.

1. *Preplanning Analyses.* Note the scope and unsuitability criteria subject matter. Determine gaps, if any, in data base. Program needed inventories in advance of planning to the extent possible.

2. *Unit Resource Analysis or Equivalent LUA Phase.* Activity specialists should follow BLM Manual Section 1605 guidance. Note in each step the specific resources and values addressed in the criteria as they occur in the planning area. Mineral specialist should analyze the coal resource and identify opportunities irrespective of unsuitability criteria considerations.

Annotate URA overlays which depict the occurrence and/or distribution of a resource value, e.g., historic sites, endangered animal species, scenic areas, etc., to show clearly those included in the unsuitability criteria.

3. *Management Framework Plan or Equivalent LUA Phase.* Existing BLM Manual Section 1608 guidance applies. The MFP Steps, including the form and procedures, fully accommodate the explicit recognition and planning treatment of resources and public land values incorporated in the unsuitability criteria.

a. MFP 1. Objective and recommendations must address the unsuitability criteria to the extent they occur in the planning area. The rationale supporting MFP 1 statements should cite appropriate criterion since it is a policy decision factor. This information is also important to subsequent MFP 2 analysis.

b. MFP 2. The Step 2 analysis should follow procedures in Manual Section 1608.4 for identification, analysis, and recordation of multiple use analysis. Use an analysis technique which identifies

(1) All areas to which criteria apply without using exceptions, then

(2) additional areas unacceptable based on multiple use allocation,

(3) areas determined not available for further consideration based on consideration of surface owner preferences and,

(4) exception areas which are acceptable for further consideration of coal development.

To avoid unnecessary work, apply exception to the unsuitability criteria after the implications of all criteria, without exceptions is known. Other multiple use allocations should be fairly well established prior to consideration of exceptions. Note that use of the exceptions is discretionary.

The above delineations, as they are determined, should be made as discreetly as possible on an MFP multiple use overlay. A composite map suitable for publication in a plan summary should also be made showing these delineations.

The stipulations and conditions that would apply to coal leasing or mining activities in each exception area must be developed during MFP 2 analysis and recorded clearly on Form 1600-21.

Consult with landowners in the area remaining acceptable for further considerations using the process prescribed in Instruction Memorandum 78-382. Landowners should be consulted after the application of the unsuitability criteria are determined and other multiple use allocations are established.

Review with the public and other Federal/State agencies the preferred tentative multiple use plan showing areas to which the criteria apply and the areas acceptable for further consideration for coal development. The form of this review is discretionary with the State Director and District Manager. Results of the public review should be used to make any appropriate modifications in the preferred multiple use plan.

c. MFP 3. Approve plan in accordance with established State Office procedures. The areas not excluded by multiple use allocation and the unsuitability criteria remain acceptable for further consideration for coal development. This decision is permissible under the Federal Land Policy and Management Act (FLPMA), and portions of such decisions are the first step in the Federal Lands Review. Formal designation will follow after the Federal Lands Program is adopted, and all steps required by SMCRA are followed.

Format and Documentation Requirements

The results of unsuitability criteria shall be recorded in a reproducible format and published in an MFP or Land Use Analysis summary. (See Instruction Memorandum 77-3 for basic guidance on MFP summaries.) The summary should include the following:

1. *Introduction.* Briefly explain that the unsuitability review has been accomplished in the plan or analysis. Such an explanation should indicate that the review is:

a. Part of the Federal lands review required by section 522(b) of SMCRA. The actual formal designation will follow approval of the plan or land use analysis.

b. To identify areas acceptable for further consideration for coal development should the Secretary decide to proceed with a coal leasing program.

c. Not to identify tracts and, in fact, to consider public coal resources in relation to other resource values and land uses.

d. Not be construed in any way as an authorization to recommend tracts for lease.

Also, if any existing Federal coal leases appear in an area otherwise considered unsuitable and no conclusion is reached for these areas, explain that the criteria will be applied when mining plans are submitted for review and approval.

The introduction should be accompanied by map(s) showing the location of the coal areas relative to the State, the counties involved, major access routes, etc. Keep in mind the fact that many people will see the plan summary who have not seen the total plan.

The introduction should also include (by reference to an appendix if necessary) a base map which can be overprinted to document the details of the unsuitability review.

2. *Record of How the Unsuitable Area Was Developed.* a. Include a separate narrative and map overprint for each criterion showing how it was applied (see 3.b.). The applications of several criteria may be shown on the same map, if this is possible without cluttering the map.

Include in the narrative summary rationale for the unsuitability determination, and the quality of data used for each criterion (see paragraphs on pages 2, 3, and 4 of the Secretarial memorandum).

b. Print and include the composite map prepared during multiple use analysis showing separately (1) the application of all criterion before exceptions are considered and (2) any additional areas excluded based on multiple use tradeoffs. This map need not distinguish between areas determined unsuitable under each criteria.

c. Print and include a map (over the composite map if the map is not too cluttered) showing all exceptions and a narrative indicating the terms or stipulations required.

d. Describe changes in the unsuitable area that you made as a result of public and State consultation.

3. *Impact of the Unsuitability Designation.* This is the statement developed in response to the Required Statement described below.

4. *Plan Summary.* This instruction modifies the contents and purpose of a published plan summary to include unsuitability criteria. The basic objective of a plan summary as established in Instruction Memorandum 77-3 remains unchanged. The contents of a plan summary should address the full range of resource management decisions resulting from the planning process. The summary of a land use analysis will obviously focus on decisions related to coal. An MFP summary will likely include many decisions not involving coal.

Required Statement

Prepare a statement at the conclusion of MFP 3 for the areas which the criteria would exclude mining based on the Department's unsuitability criteria *only*. We view this as a fairly concise and brief item (4-5 pages) including for that area (1) the potential coal resources involved; (2) the demand for such resources; and (3) the impact of such designation on the environment, the economy, and the suppply of coal. The material for this statement should be available in ongoing regional ES and in the programmatic ES.

Since an experience with the application of these criteria is limited and because these criteria are subject to change at the time the Secretary makes his decision on the coal

management review, the Director (140) should be notified immediately of any serious difficulties encountered in appplying any of the criteria. This notice should describe not only the nature of the difficulty, but also how it was adjusted for, and constructive suggestions for change.

[FR Doc. 79-851 Filed 1-9-79; 8:45 am]

[4310-84-M]

[NM 35618, 35621, 35623, 35636 and 35646]

NEW MEXICO

Applications

JANUARY 2, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipeline and related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 5 W.,
Sec. 13, NE¼SW¼.
T. 27 N., R. 6 W.,
Sec. 22, W½NW¼;
Sec. 25, NW¼NW¼.
T. 31 N., R. 9 W.,
Sec. 8, lots 10 and 15;
Sec. 15, lot 5.

These pipelines will convey natural gas across 0.614 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-863 Filed 1-9-79; 8:45 am]

[4310-84-M]

[U-41323]

UTAH

Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214) Redtail Aviation, Inc., has applied for an airport lease for the following land.

SALT LAKE MERIDIAN, UTAH

T. 11 S., R. 18 E.,
Sec. 19, SE¼SW¼, S½SE¼;
Sec. 30, NE¼, NE¼NW¼.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the Vernal District Manager, Bureau of Land Management, 170 S., 500 E., P.O. Box F, Vernal, Utah 84078.

PAUL L. HOWARD,
State Director.

[FR Doc. 79-862 Filed 1-9-79; 8:45 am]

[4310-55-M]

Fish and Wildlife Service

DRAFT MIGRATORY BIRD DISEASE CONTINGENCY PLAN

Extension of Comment Period

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: On November 15, 1978, the Service announced that availability of a draft Migratory Bird Disease Contingency Plan for public comment (43 FR 53064). This notice extends the comment period to allow the public more time to participate in formulation of the final plan.

DATE: The comment period is extended from January 12 to January 31, 1979.

ADDRESSES: Copies of the draft plan may be obtained from the Division of Wildlife Research, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-7557.

Comments should be sent to the Associate Director-Wildlife Resources, U.S. Fish and Wildlife Service, Department of the Interior, Washington, 20240, telephone 202-343-5333.

FOR FURTHER INFORMATION CONTACT:

Dr. Charles W. Dane, Division of Wildlife Research, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-7557.

SUPPLEMENTARY INFORMATION: The primary author of this notice is Charles W. Dane, Division of Wildlife Research. The Service has prepared a Migratory Bird Disease Contingency Plan. The purpose of this plan is to provide guidance in preventing disease problems, and to establish guidelines for responding to disease outbreaks. The plan assigns specific responsibilities and establishes notification procedures for Service personnel. The procedures and information provided are designed for use in combating major migratory bird disease problems. Since disease outbreaks may also occur on non-Service lands, the plan provides guidelines for cooperation by Service personnel with other Federal agencies, the States and the private sector in responding to disease outbreaks.

As a result of public comment already received concerning the draft plan, the Service has determined that an extension of the comment period would be in the interest of the public. Public comment on the draft plan is invited.

Dated: January 5, 1979.

LYNN A. GREENWALT,
Director.

[FR Doc. 79-873 Filed 1-9-79; 8:45 am]

[4310-31-M]

Geological Survey

[Int Des 79-2]

ENVIRONMENTAL IMPACT STATEMENT

Availability of Draft Statement Colstrip Project

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and section 69-6504 R.C.M. 1947 of the Montana Environmental Policy Act of 1971, the Department of the Interior, in cooperation with the Bonneville Power Administration, has prepared a draft environmental impact statement (EIS) on the proposed construction and operation of the Colstrip generating units 3 and 4 in Rosebud County, Montana, and the associated coal mine and electric power transmission system (proposed Colstrip project).

Copies of the draft EIS are available for public inspection at designated Federal depositories: Forest Service, Region 1, Federal Bldg., Missoula, Mont.; Lolo National Forest, Bldg. 24, Fort Missoula, Missoula, Mont.; Helena National Forest, 616 Helena Ave., Helena, Mont.; Deerlodge National Forest, Federal Bldg., Butte, Mont.; Lewis and Clark National Forest, 215 First Ave. North, Great Falls, Mont.; Gallatin National Forest, Federal Bldg., Bozeman, Mont.; Bureau of Land Management, Montana State Office, U.S. Courthouse and Federal Bldg., 316 North 26th St., Billings, Mont.; Bureau of Land Management, Butte District Office, 220 North Alaska, Butte, Mont.; Bureau of Land Management, Miles City District Office, West of Miles City, Miles City, Mont.; Bureau of Land Management,

Lewistown District Office, Bank Electric Building, Lewistown, Mont.; Bonneville Power Administration, Kalispell District Office, Highway 2 East, Kalispell, Mont.; Department of the Interior Library, 18th and C Streets, N.W., Washington, D.C.

Copies of the draft EIS are also available for public inspection at the following libraries in Montana: Hearst Free Library, Fourth and Main Sts., Anaconda; Billings Public Library, Billings; Eastern Montana College Library, 1500 North 30th, Billings; Paul M. Adams Memorial Library, Rocky Mountain College, Billings; Montana State University Library, Bozeman; Henry Malley Memorial Library, Broadus; Butte Free Public Library, 106 West Broadway St., Butte; Montana College of Mineral Sciences and Technology Library, Butte; Glacier County Library, 21 First Ave., S.E., Cut Bank; William K. Kohrs Memorial Library, Missouri Ave. and Fifth St., Deer Lodge; Dillon Public Library, Dillon; Rosebud County Library, 201 North Ninth Ave., Forsyth; Flathead County Free Library, 37 First St. West, Kalispell; Laurel Public Library, 111 West First St., Laurel; Carnegie Public Library, 701 West Main, Lewistown; Lincoln County Free Library, 220 West Sixth St., Libby; Northwest Federation of Libraries, Lincoln County Free Library Bldg.; 220 West Sixth St, Libby; Miles City Community College, Miles City; Miles City Public Library, 1 South Tenth St., Miles City; Missoula Public and Missoula County Free Library, Pattee St., Missoula; Environmental Library, University of Montana, 758 Eddy St., Missoula; University of Montana Library, Documents Division, Missoula; and Plains Public Library, Box 399, Plains; Glasgow City-County Library, 408 Third Ave. South, Glasgow; Glendive Public Library, Glendive; Dawson Community College Library, Glendive; Great Falls Public Library, Second Ave. North and Third St., Great Falls; College of Great Falls Library, 1301 20th St. South, Great Falls; Big Horn County Public Library, 419 North Custer, Hardin; Havre Public Library, 447 Fourth Ave., Havre; Hill County Library, 300 Fourth St., Havre; Northern Montana College Library, Northern Montana College, Havre; Library, Carroll College, Helena; Lewis and Clark Library, 120 South Last Chance Mall, Helena; Montana State Library, 930 East Lyndale Ave., Helena; Polson City Library, Polson; Ronan City Library, Ronan; Toole County Free Library, 229 Maple Ave., Shelby; Sidney Public Library, Sidney; Thompson Falls Public Library, Thompson Falls; Thompson-Hickman Free County Library, Virginia City; Whitefish Public Library, 406 Second St., Whitefish; Western Montana College Library, Dillon.

The draft EIS is being furnished to various Federal, State, and local agencies which have environmental expertise or are likely to be interested in or affected by the proposed project. Copies of the document are also being furnished to State and local clearinghouses and to other interested groups and individuals.

A limited number of single copies are available for distribution and may be requested by contacting the Colstrip EIS Manager, P.O. Box 758, Kalispell, MT 59901.

Comments on the draft EIS may be sent to Colstrip EIS Manager, P.O. Box 758, Kalispell, MT 59901, or may be presented during public meetings to be held at the following cities in Montana: Butte, Missoula, Helena, Billings, and Forsyth. Specific dates and locations of the meetings will be announced later. All comments must be received by March 17, 1979.

Dated: January 5, 1979.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary of the Interior.

[FR Doc. 79-829 Filed 1-9-79; 8:45 am]

[4310-31-M]

[NTL-3A]

REPORTING OF UNDESIRABLE EVENTS

Notice to Lessees and Operators

AGENCY: U.S. Geological Survey, Interior.

ACTION: Final Revision of NTL-3.

SUMMARY: This final revision of the existing Notice to Lessees (NTL-3), to be known as NTL-3A, defines more specifically for industry those undesirable events occurring on onshore Federal and Indian oil and gas leases and on State or private land leases within federally supervised unit or communitized areas which must be reported to the Geological Survey (GS). The provisions of the existing NTL-3 require that a separate report be made in all cases, some of which have now been determined as unnecessary for the proper performance of the GS's regulatory duties. This revision will reduce the number of such separate reports by about 50 percent.

EFFECTIVE DATE: March 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Eddie Wyatt, Conservation Division, U.S. Geological Survey, National Center (620), 12201 Sunrise Valley Drive, Reston, Virginia 22092 (703) 860-7535 (Commercial), 928-7535 (FTS).

SUPPLEMENTARY INFORMATION: The primary author of the final NTL-3A is Mr. Rudolph C. Baier, Petroleum Engineer, U.S. Geological Survey, phone (703) 860-7535.

In accordance with the regulations (30 CFR 221.7, 221.36) and the terms of the various oil and gas leases issued pursuant to the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181-287), the Mineral Leasing Act for Acquired Lands of August 7, 1947 (30 U.S.C. 351-359), the implied authority of the Executive Branch as defined in the Attorney General's Opinion of April 2, 1941 (Vol. 40 Op. Atty. Gen. 41), the Allotted Indian Lands Leasing Act of March 3, 1909, as amended (25 U.S.C. 396), and the Unallotted Indian Lands Leasing Act of May 11, 1938, as amended (25 U.S.C. 396a through 396g), the Area Oil and Gas Supervisor (Supervisor) is authorized to require such special reports as are necessary to carry out the intent of the applicable laws and regulations and to issue instructions for the filing of such reports.

The existing Notice to Lessees and Operators, NTL-3, requires operators to report certain spills, discharges, accidents, or other undesirable events by telephone within 18 hours, followed by a written report within 15 days, and to report all other undesirable events in writing within 15 days. After some 3 years of experience with the system and development of the data base associated therewith, the GS has determined that its regulatory functions may be adequately performed with less stringent reporting requirements. Therefore, the reporting requirements are modified to require: (1) a telephone report within 24 hours for those events identified in Section I of NTL-3A followed by a written report; (2) only a written report within 15 days for those events described in Section III of NTL-3A; and (3) no written or telephone report for minor events. However, all volumes of oil and gas lost, including that lost in minor events, must continue to be reported in the Monthly Report of Operations, Form 9-329.

A proposed revision of NTL-3 was published in the FEDERAL REGISTER of May 10, 1978 (Vol. 43, No. 91, pp. 20060-20061). Interested persons were invited to participate in the evaluation of the proposed revision by submitting written comments, suggestions, or objections to the Conservation Division, Geological Survey, by July 10, 1978. Comments were received from 5 of the over 2,000 onshore Federal and Indian oil and gas operators and from 2 petroleum associations. The seven respondents were: Marathon Oil Company,

Sohio Petroleum Company, Exxon Company U.S.A., Phillips Petroleum Company, Shell Oil Company, Rocky Mountain Oil and Gas Association, and Petroleum Association of Wyoming.

Four of the respondents were concerned that subsection III.D., concerning injuries, as written in the proposed notice, would require a written report for very minor injuries. That was not the intent, and, therefore, NTL-3A has been revised to cover only major or life-threatening injuries.

Two respondents objected to the requirement that any spill, venting, or fire, regardless of the volume involved, which occurs on cultivated lands be reported as a major spill. The point was well taken, and subsection I.D. has been revised to eliminate the category of cultivated lands. The volume of the spill, venting, or fire on cultivated lands will determine the reporting category of the undesirable event.

Two respondents stated that Section IV, concerning contingency plans, could be interpreted to require the submittal of a contingency plan even when such a plan is not required pursuant to Title 40 CFR Part 112. This is a correct interpretation of the Section. The Supervisor has the authority to require a contingency plan under Title 30 CFR Part 221, when deemed necessary, regardless of whether one is required by the Environmental Protection Agency pursuant to Title 40 CFR Part 112. Therefore, Section IV was not changed.

One respondent offered the opinion that Section I, requiring reporting as soon as practical but within a maximum of 24 hours of the venting of 500 or more MCF of gas, and Section III, requiring a written report within 15 days of the venting of at least 50 MCF but less than 500 or more MCF of gas, is too restrictive. The GS must receive prompt notification of undesirable events which occur on lands under its jurisdiction in order to carry out its regulatory responsibilities. Accordingly, it has been decided to retain this requirement in the final NTL-3A.

In addition to the foregoing, the GS, on its own, has decided to delete from the reporting requirements the make or manufacturer, size, working and test pressure, date of installation, the type of use for each piece of equipment whose malfunction has been identified as a direct or indirect cause of an incident, and the listing of all pieces of equipment destroyed beyond repair and the approximate value thereof.

Accordingly, effective March 1, 1979, NTL-3 is hereby revised and reissued as NTL-3A to read as follows:

NOTICE OF LESSEES AND OPERATORS OF FEDERAL AND INDIAN ONSHORE OIL AND GAS LEASES (NTL-3A)

REPORTING OF UNDESIRABLE EVENTS

This Notice, which supersedes NTL-3 dated January 1, 1975, is issued pursuant to the authority prescribed in Title 30 CFR 221.5, 221.7, and 221.36. Operators of onshore Federal and Indian oil and gas leases shall report all spills, discharges, or other undesirable events in accordance with the requirements of this Notice. All such events which occur on State or private land leases within federally supervised unit or communitized areas must likewise be reported in accordance with the requirements of this Notice. However, compliance with this Notice does not relieve an operator from the obligation of complying with the applicable rules and regulations of any State or any other Federal Agencies regarding notification and reporting of undesirable events. As used in this Notice, the term District Engineer means that officer of the United States Geological Survey (GS) having supervisory jurisdiction for the geographic area in which the undesirable event occurs.

I. *Major Undersirable Events Requiring Immediate Notification*

Major undesirable events are defined as those incidents listed below in subsections A through F. These incidents, when occurring on a lease supervised by the GS, must be reported to the appropriate District Engineer *as soon as practical* but within a maximum of 24 hours:

A. Oil, saltwater, and toxic liquid spills, or any combination thereof, which result in the discharge (spilling) of 100 or more barrels of liquid; however, discharges of such magnitude, if entirely contained within the facility firewall, may be reported only in writing pursuant to Section III, of this Notice;

B. Equipment failures or other accidents which result in the venting of 500 or more MCF of gas;

C. Any fire which consumers the volumes as specified in I.A. an I.B. above;

D. Any spill, venting, or fire, regardless of the volume involved, which occurs in a sensitive area, e.g., areas such as parks, recreation sites, wildlife refuges, lakes, reservoirs, streams, and urban or suburban areas;

E. Each accident which involves a fatal injury; and

F. Every blowout (loss of control of any well) that occurs.

II. *Written Reports*

A written report shall be submitted in duplicate to the District Engineer no later than 15 days following all major undesirable events identified in Section I. When required by the District Engineer, interim reports will be submitted until final containment and cleanup operations have been accomplished. The final written report for each such event shall, as appropriate, provide:

A. The date and time of occurrence, and the date and time reported to USGS;

B. The location where the incident occurred, including surface ownership and lease number;

C. The specific nature and cause of the incident;

D. A description of the resultant damage;

E. The action taken and the length of time required for control of the incident, for containing the discharged fluids, and for subsequent cleanup;

F. The estimated volumes discharged and the volumes lost;

G. The cause of death when fatal injuries are involved;

H. Actions that have been or will be taken to prevent a recurrence of the incident;

I. Other Federal or State agencies notified of the incident; and

J. Other pertinent comments or additional information as requested by the District Engineer.

III. *Other-Than-Major Undesirable Events*

Other-than-major undesirable events, as identified below in subsections A through D, do not have to be reported orally within 24 hours; however, a written report, as required for major undesirable events in Section II of this Notice, must be provided for the following incidents:

A. Oil, saltwater, and toxic liquid spills, or any combination thereof, which result in the discharge (spilling) of at least 10 but less than 100 barrels, of liquid in nonsensitive areas, and all discharges of 100 or more barrels when the spill is entirely contained by the facility firewall;

B. Equipment failures or other accidents which result in the venting of at least 50 but less than 500 MCF of gas in nonsensitive areas;

C. Any fire which consumes volumes in the ranges specified in III.A. and III.B. above; and

D. Each accident involving a major or life-threatening injury.

Spills or discharges in nonsensitive areas involving less than 10 barrels of liquid or 50 MCF of gas do not require an oral or written report; however, the volumes discharged or vented as a result of all such minor incidents must be reported in accordance with Section V hereof.

IV. *Contingency Plans*

Upon request of the District Engineer, a copy of any Spill Prevention Control and Countermeasure Plan (SPCC Plan), required by the Environ-

mental Protection Agency (EPA) pursuant to Title 40 CFR Part 112, or other acceptable contingency plan must be submitted. All plans shall provide the names, addresses, and telephone numbers (both business and private) of at least two technically competent company or contract personnel authorized to order equipment or supplies and to expend funds necessary to control emergencies.

V. *Monthly Report of Operations/ Monthly Report of Sales and Royalty*

All volumes of oil spilled, gas vented, and all hydrocarbons consumed by fire or otherwise lost must be reported monthly on the Monthly Report of Operations (Form 9-329). The volume and value of such losses must also be reported in the Monthly Report of Sales and Royalty (Form 9-361).

VI. *Liquidated Damages*

Failure to provide the necessary notification, reports, or contingency plan (when required) as provided for by this Notice, may result in other measures being taken to secure compliance, such as those provided by Title 30 CFR 221.53 and 221.54.

DON E. KASH,
Chief, Conservation Division.

[FR Doc. 79-874 Filed 1-9-79; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-57]

CERTAIN CATTLE WHIPS

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this case at 9:30 a.m. on February 13, 1979, in Room 610, Bicentennial Building, 600 E Street, NW., Washington, D.C. The purpose of this prehearing conference is to review the prehearing statements submitted by the parties, to complete the exchange of exhibits, and to resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing in this proceeding will commence at 9:30 a.m. on February 20, 1979, in Room 610, Bicentennial Building, 600 E Street, NW., Washington, D.C.

The Secretary shall publish this notice in the FEDERAL REGISTER.

Issued: January 4, 1979.

JANET D. SAXON,
Administrative Law Judge.

[FR Doc. 79-892 Filed 1-9-79; 8:45 am]

[7020-02-M]

[Investigation No. 337-TA-62]

CERTAIN ROTARY SCRAPING TOOLS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on December 5, 1978, and amended on December 21, 1978, and January 3, 1979, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of the Thompson Tool Company, Inc., 17 Butler Street, Norwalk, Connecticut 06854. The complaint alleges that unfair methods of competition and unfair acts exist in the importation of certain rotary scraping tools into the United States, or in their sale, by reason of the alleged coverage of such rotary scraping tools by the claims of U.S. Letters Patent 3,958,294, and by reason of misleading packaging and/or deceptive advertising of the imported rotary scraping tools, including the simulation of complainant's trade dress.

The complaint alleges that the effect and tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure and industry, efficiently and economically operated, in the United States. Complainant requests both temporary and permanent exclusion of said imports from entry into the United States. Complainant further requests a cease and desist order prohibiting misleading packaging and/or deceptive advertising of the imported rotary scraping tools.

Having considered the complaint, the United States International Trade Commission, on January 3, 1979, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine under subsection (c) whether there is, or there is reason to believe that there is, a violation of subsection (a) of this section in the unauthorized importation of certain rotary scraping tools into the United States, or in their sale, by reason of the alleged coverage of such rotary scraping tools by the claims of U.S. Letters Patent No. 3,958,294, and by reason of misleading packaging and/or deceptive advertising of the imported rotary scraping tools, including the simulation of complainant's trade dress, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties:

(a) The complainant is—The Thompson Tool Company, Inc., 17 Butler Street, Norwalk, Connecticut 06854.

(b) The respondents are the following companies alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, and are parties upon which the complaint and this notice are to be served:

Dao Hung Manufacturing Co., 6th Floor, 21-1 Lane 16 Sec. 4, Chung Shiao E. Rd., Taipei, Taiwan.
Colonial Tool Company, Inc., P.O. Box 181, Hohokus, New Jersey 07432.
Fay Products, 450 Church Avenue, Brooklyn, New York 11203.
John Sturgess House, Inc., 47 Riverside Avenue Westport, Connecticut 06880.
King Imports, Ltd., Garfield, New Jersey 07026.
Marco Hardware, Newark, New Jersey 07104.
Caprice Products, New York, New York 10010.

(c) David J. Dir, U.S. International Trade Commission, 701 E Street NW, Washinton, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Chief Administrative Law Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 C.F.R. 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the U.S. International Trade Commission if received no later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and will authorize the presiding officer and the U.S. International Trade Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and in this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436, and in

the Commission's New York City office, 6 World Trade Center, New York 10048.

By order of the Commission.

Issued: January 5, 1979.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-893 Filed 1-9-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION, NORTHERN NINTH CIRCUIT PANEL

Meeting

The Northern Ninth Circuit Panel of the United States Circuit Judge Nominating Commission will meet Tuesday, January 30, 1979, in the Conference Room of Souther, Spaulding, Kinsey, Williamson & Schwabe, Twelfth Floor, Standard Plaza, 1100 S.W. Sixth Avenue, Portland, Oregon at 9:30 a.m.

The morning session will be an orientation session for the panel and will be open to the public; the afternoon session will be devoted to a discussion of applicants and will be closed to the public pursuant to Public Law 92-463, Section 10(D) as amended. (CF. 5 U.S.C. 552b (c)(6).)

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

JANUARY 4, 1979.

[FR Doc. 79-852 Filed 1-9-79; 8:45 am]

[4410-01-M]

REPUBLIC STEEL CORP.

Proposed Consent Decree in Action To Enjoin Discharge of Air and Water Pollutants

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on December 20, 1978, a proposed consent decree in *United States of America, et al.* v. *Republic Steel Corporation,* Civil Action No. C78-1659, was lodged with the United States District Court for the Northern District of Ohio. The proposed consent decree establishes emission limitations, performance standards, and requires implementation of various testing and reporting procedures governing the operation of defendant's Warren and Youngstown, Ohio plants. The proposed consent decree also establishes a schedule of compliance for installation of equipment and for compliance with Ohio air pollution control regulations. Compliance with air pollution control regulations is required by December 31, 1982. Compliance with water pollution control requirements must be met by December 31, 1981, and must maintain performance at specified levels through July 1, 1983. If compliance is not achieved by the dates specified, the defendant is required to pay to the United States the sum of $7500 for each day that compliance is delayed, unless the delay is caused by circumstances beyond defendant's control.

The proposed consent decree may be examined at the office of the United States Attorney, U.S. Courthouse and Federal Office Building, West Market and South Main Streets, Akron, Ohio 44308; at the Region V office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604; and at the Pollution Control Section, Land and Natural Resources Division of the department of Justice, Room 2645, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America, et al.* v. *Republic Steel Corporation,* N.D. Ohio, Civil Action No. C78-1659, D.J. Ref. 90-5-1-1-1056.

JAMES W. MOORMAN,
Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-812 Filed 1-9-79; 8:45 am]

[7532-01-M]

NATIONAL COMMISSION ON NEIGHBORHOODS

MEETING

ACTION: Notice of meeting by the National Commission on Neighborhoods.

SUMMARY: This notice required under the Federal Advisory Committee Act (5 USC Appendix I) announces a public meeting.

TIME & DATE: From 9 a.m. to 3 p.m. on January 18, 1979.

PLACE: Room H 236, Capitol Building, Washington, D.C.

AGENDA: 9 a.m.—Call to order.

9 a.m. to Noon-Consideration of final report.

Noon—Adjourn.

1 p.m.—Call to order.

1 p.m. to 3 p.m.—General business meeting.

3 p.m.—Adjourn.

JOHN EADE,
Administrator.

[FR Doc. 79-820 Filed 1-5-79; 8:45 am]

[7536-01-M]

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

HUMANITIES COMMITTEE ADVISORY COMMITTEE

Meeting

DECEMBER 29, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in Room 807 from 9:00 a.m. to 5:30 p.m. on 26 January 1979.

The purpose of the meeting is to review History applications submitted to the General Research Program of the National Endowment for the Humanities, for projects beginning 1 March 1979.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-724-0367

STEPHEN J. MCCLEARY,
Advisory Committee, Management Officer.

[FR Doc. 79-894 Filed 1-9-79; 8:45 am]

[7536-01-M]

ADVISORY COMMITTEE HUMANITIES PANEL

Meeting

JANUARY 4, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held

at 806 15th Street, N.W., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on January 29, 1979 and January 30, 1979.

The purpose of the meeting is to review the applications submitted to the Research Tools Program of the National Endowment for the Humanities, for projects using computer technology beginning June 15, 1979.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exceptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 79-894 Filed 1-9-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON THE WILLIAM H. ZIMMER NUCLEAR POWER STATION

Meeting Postponed

The meeting of the ACRS Subcommittee on the William H. Zimmer Nuclear Power Station scheduled to be held on January 17, 1979, in Washington, D.C. has been postponed indefinitely. Notice of this meeting was published in the FEDERAL REGISTER on January 2, 1979 (44 FR 124).

Dated: January 4, 1979.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc. 79-833 Filed 1-9-79; 8:45 am]

APPLICATIONS FOR LICENSES TO EXPORT NUCLEAR FACILITIES OR MATERIALS

Pursuant to 10 CFR 110.70, "Public Notice of Receipt of an Application", please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C

Dated this day January 3, 1979, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

GERALD G. OPLINGER,
Assistant Director, Export-Import and International Safeguards, Office of International Programs.

EXPORT LICENSE APPLICATIONS SOURCE AND SPECIAL NUCLEAR MATERIAL IN KILOGRAMS

Name of Applicant, Date of Application, Date Received, Application Number	Material Type	Total Element	Total Isotope	End-Use	Country of Ultimate Destination
Transnuclear, Inc., 12/19/78, 12/19/78, USNMO 1434.	3.25 Enriched Uranium ..	12,714	413.0325	Reload fuel for Kernkraftwerk Obrigheim.	W. Germany

[FR Doc. 79-842 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. STN 50-470]

COMBUSTION ENGINEERING, INC. STANDARD SAFETY ANALYSIS REPORT (CESSAR SYSTEM 80 DESIGN)

Issuance of Amendment to Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC staff) has issued Amendment No. 1 to Preliminary Design Approval No. PDA-2 dated December 28, 1978, for the reference system design of a nuclear steam supply system (NSSS) of a pressurized water reactor as described in the Combustion Engineering, Incorporated (C-E) CESSAR System 80 Preliminary Safety Analysis Report and amendments thereto. PDA-2 was issued by the NRC staff on December 31, 1975 for a three-year period.

Amendment No. 1 to PAD-2 extends its expiration date from December 31, 1978 to December 31, 1980. This change was made as a result of the Nuclear Regulatory Commission's August 1978 policy statement on standardization of nuclear power plants which provided for an extension to five years of the effective terms for preliminary design approvals for reference system designs issued prior to the August 1978 policy statement. Previously, PDA's for NSSS reference system designs were set to terminate three years after issuance.

The Nuclear Regulatory Commission's August 1978 policy statement identified certain matters that PDA holders would be required to address prior to the granting of PDA extensions. These matters were identified in an NRC staff letter to C-E, R. Boyd to P. L. McGill, dated October 19, 1978. By letters dated October 20, 1978, December 7, 1978 and December 20, 1978, A. E. Scherer to C. J. Heltemes, Jr., C-E submitted Appendix A to its CESSAR system 80 Final Safety Analysis Report and Amendments 1 and 2 thereto which addressed each of these matters. The NRC staff has reviewed Appendix A and the amendments thereto for completeness and has concluded that C-E has addressed each of these matters. The NRC staff considers this to be an acceptable basis for extending PDA-2 for two additional years. If the NRC staff is informed by a utility-applicant that it intends to reference the CESSAR system 80 preliminary design after December 31, 1978, it will then perform a detailed review of Appendix A and amendments thereto to assure that each of the identified matters has been acceptably resolved for the CESSAR System 80 preliminary design.

The NRC staff has implemented this procedure for extending PDA's, in con-

sideration of the high degree of confidence it places in reference system designs for which PDA's have been issued. This procedure permits the detailed review of the identified matters to be deferred on these designs until a utility-applicant requirement for that review is identified.

Amendment No. 1 to PDA-2 is effective as of its date of issuance and shall expire on December 31, 1980, unless earlier superseded by issuance of a final design approval for the CESSAR System 80 design, or unless extended by the NRC staff. The expiration of PDA-2, as amended, should not affect use of the CESSAR System 80 design for reference in any construction permit application docketed prior to such date.

A copy of Amendment No. 1 to PDA-2 dated December 28, 1978 is available for public inspection at the Nuclear Regulatory Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 28th day of December 1978.

For The Nuclear Regulatory Commission.

I. VILLALVA,
Acting Chief, Standardization Branch, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 79-836 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. STN 50-447]

GENERAL ELECTRIC CO. STANDARD SAFETY ANALYSIS REPORT; (GESSAR-238 NUCLEAR ISLAND STANDARD DESIGN)

Issuance of Amendment to Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC staff) has issued Amendment No. 2 to Preliminary Design Approval No. PDA-1, dated December 22, 1978, for the reference system design of a nuclear island portion of a boiling water reactor nuclear power plant as described in the General Electric Company GESSAR-238 Nuclear Island Standard Safety Analysis Report and amendments thereto. PDA-1 was issued by the NRC staff on December 22, 1975 for a three-year period. Amendment No. 1 to PDA-1 was issued by the NRC staff on June 13, 1977.

Amendment No. 2 to PDA-1 extends its expiration date from December 22, 1978 to December 22, 1980. This change was made as a result of the Nuclear Regulatory Commission's August 1978 policy statement on standardization of nuclear power plants which provided for an extension to five years of the effective terms for preliminary design approvals for reference system designs issued prior to the August 1978 policy statement. Previously, the preliminary design approvals for nuclear island reference system designs were set to terminate three years after issuance.

The Nuclear Regulatory Commission's August 1978 policy statement identified certain matters that PDA holders would be required to address prior to the granting of PDA extensions. These matters were identified in an NRC staff letter to the General Electric Company, R. Boyd to G. Sherwood, dated October 13, 1978. By letters dated November 30, 1978 and December 21, 1978, G. Sherwood to H. Denton, the General Electric Company submitted amendments 46 and 47 to the GESSAR-238 Nuclear Island application, which addressed each of these matters. The NRC staff has reviewed Amendments 46 and 47 for completeness and has concluded that the General Electric Company has addressed each of these matters. The NRC staff considers this to be an acceptable basis for extending PDA-1 for two additional years. If the NRC staff is informed by a utility-applicant that it intends to reference the GESSAR-238 Nuclear Island design after December 22, 1978, it will then perform a detailed review of amendments 46 and 47 to assure that each of the identified matters has been acceptably resolved for the GESSAR-238 Nuclear Island design.

The NRC staff has implemented this procedure for extending PDA's, in consideration of the high degree of confidence it places in reference system designs for which PDA's have been issued. This procedure permits the detailed review of the identified matters to be deferred on these designs until a utility-applicant requirement for that review is identified.

Amendment No. 2 to PDA-1 is effective as of its date of issuance and shall expire on December 22, 1980, unless earlier superseded by issuance of a final design approval for the GESSAR-238 Nuclear Island design, or unless extended by the NRC staff. The expiration of PDA-1, as amended, should not affect use of the GESSAR-238 Nuclear Island design for reference in any construction permit application docketed prior to such date.

A copy of Amendment No. 2 to PDA-1 dated December 22, 1978 is available for public inspection at the Nuclear Regulatory Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 22nd day of December 1978.

For the Nuclear Regulatory Commission.

C. J. HELTEMES, Jr.,
Chief Standardization Branch, Division of Project Management Office of Nuclear Reactor Regulation.

[FR Doc. 79-837 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. 70-754]

GENERAL ELECTRIC CO. (Vallecitos Nuclear Center)

Request to Suspend Activities Under License No. SNM-960 and Remove Plutonium From the General Electric Co.'s Vallecitos Nuclear Center

Notice is hereby given that by letter dated December 14, 1978, the Friends of the Earth, San Francisco, California, joined by Congressmen Ronald V. Dellums and John Burton and other residents of California, requested that the Commission suspend activities under License No. SNM-960 at the General Electric Company's Vallecitos Nuclear Center and order removal of all plutonium from the site. Prior to the return of any plutonium or resumption of licensed activities at the Vallecitos Center the Friends of the Earth request that public hearings be held concerning seismic conditions at the Center. The Friends of the Earth also request that the Commission produce and deliver to the Friends of the Earth a complete inventory of radioactive materials at the Vallecitos Nuclear Center and structural analyses of all building at the Center which contain radioactive materials.

This request is being treated under 10 CFR 2.206 of the Commission's regulations, and accordingly, action will be taken on the request within a reasonable time. A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the local public document room for the Vallecitos Nuclear Center located at the Nuclear Regulatory Commission, Region V, Office of Inspection and Enforcement, 1990 N. California Boulevard, Suite 202, Walnut Creek, California 94596.

Dated at Silver Spring, Maryland this 2nd day of January 1979.

For the Nuclear Regulatory Commission.

WILLIAM J. DIRCKS,
Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 79-838 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. 40-8584]

MINERALS EXPLORATION CO.

Availability of final environmental Statement For Sweetwater Uranium Project

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards, related to the proposed Sweetwater Uranium Mill to be located in Sweetwater County, Wyoming, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555.

The Final Environmental Statement is also being made available at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyoming 82001.

The notice of availability of the Draft Environmental Statement for the Sweetwater uranium project and requests for comments from interested persons was published in the FEDERAL REGISTER on December 23, 1978 (42 FR 64478). The comments received from Federal agencies, State and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

Copies of the Final Environmental Statement (Document No. NUREG-0505) may be purchased on or about January 17, 1979, from the National Technical Information Service, Springfield, Virginia 22161. (Printed copy: $11.00; Microfiche: $3.00.)

Dated at Silver Spring, Maryland, this 20th day of December, 1978.

For The Nuclear Regulatory Commission.

ROSS A. SCARANO,
Section Leader, Uranium Mill Licensing Section, Fuel Processing & Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 79-839 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY COMPANY, ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR-65, issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, (the licensees), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2 (the facility) located in the Town of Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment modifies the existing Technical Specifications by changing the acceptable Resistance Temperature Detector (RTD) response time in Reactor Protection System from less than or equal to five seconds to less than or equal to ten seconds. This change also affects the computation of the Thermal Margin/Low Pressure trip setpoint.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 24, 1977, as supplemented March 21, 1978, (2) Amendment No. 46 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 28th day of December 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-840 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. 50-549]

POWER AUTHORITY OF THE STATE OF NEW YORK (GREENE COUNTY NUCLEAR POWER PLANT)

Order Setting Prehearing Conference

It is ordered that a prehearing conference be held in this matter commencing January 17, 1979 at 1:00 p.m. at the offices of the Public Service Commission, Agency Building 3, the Governor Nelson A. Rockfeller Empire State Plaza, Albany, New York.

The purposes for this prehearing conference are to hear oral argument on motions for summary disposition previously filed, to discuss the future scheduling of hearings and any other matters which may be appropriate.

Dated at Bethesda, Maryland This 4th day of January 1979.

For the Atomic Safety and Licensing Board.

ANDREW C. GOODHOPE,
Chairman.

[FR Doc. 79-834 Filed 1-9-79; 8:45 am]

[7590-01-M]

[Docket No. STN 50-480]

WESTINGHOUSE ELECTRIC CORP. REFERENCE SAFETY ANALYSIS REPORT (RESAR-41 NUCLEAR STEAM SUPPLY SYSTEM STANDARD DESIGN)

Issuance of Amendment to Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (NRC staff) has issued Amendment No. 1 to Preliminary Design Approval No. PDA-3, dated December 28, 1978, for the reference system design of a nuclear steam supply system portion of a pressurized water reactor nuclear power plant as described in the Westinghouse Electric Corporation Reference Safety Analysis Report RESAR-41 and amendments thereto. PDA-3 was issued by the NRC staff on December 31, 1975 for a three-year period.

Amendment No. 1 to PDA-3 extends its expiration date from December 31, 1978 to december 31, 1980. This change was made as a result of the Nuclear Regulatory Commission's August 1978 policy statement on standardization of nuclear power

plants which provided for an extension to five years of the effective terms for preliminary design approvals for reference system designs issued prior to the August 1978 policy statement. Previously, the preliminary design approvals for nuclear steam supply system reference system designs were set to terminate three years after issuance.

The Nuclear Regulatory Commission's August 1978 policy statement identified certain matters that PDA holders would be required to address prior to the granting of PDA extensions. These matters were identified in an NRC staff letter to the Westinghouse Electric Corporation, R. Boyd to T. Anderson, dated November 9, 1978. By letters dated December 15, 1978 and December 27, 1978, T. Anderson to S. Varga and T. Anderson to C. J. Heltemes, respectively, the Westinghouse Electric Corporation submitted Amendments 24 and 25 to the RESAR-41 application, which addressed each of these matters. The NRC staff has reviewed Amendments 24 and 25 for completeness and has concluded that the Westinghouse Electric Corporation has addressed each of these matters. The NRC staff considers this to be an acceptable basis for extending PDA-3 for two additional years. If the NRC staff is informed by a utility-applicant that it intends to reference the RESAR-41 Nuclear Steam Supply System design after December 31, 1978, it will then perform a detailed review of Amendments 24 and 25 to assure that each of the identified matters has been acceptably resolved for the RESAR-41 Nuclear Steam Supply System design.

The NRC staff has implemented this procedure for extending PDA's, in consideration of the high degree of confidence it places in reference system designs for which PDA's have been issued. This procedure permits the detailed review of the identified matters to be deferred on these designs until a utility-applicant requirement for that review is identified.

Amendment No. 1 to PDA-3 is effective as of its date of issuance and shall expire on December 31, 1980, unless earlier superseded by issuance of a final design approval for the RESAR-41 Nuclear Steam Supply System design, or unless extended by the NRC staff. The expiration of PDA-3, as amended, should not affect use of the RESAR-41 Nuclear Steam Supply System design for reference in any construction permit application docketed prior to such date.

A copy of Amendment No. 1 to PDA-3 dated December 28, 1978 is available for public inspection at the Nuclear Regulatory Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555.

Dated at Bethesda, Maryland this 28th day of December 1978.

For the Nuclear Regulatory Commission.

IGNACIO VILLALVA, *Acting Chief, Standardization Branch, Division of Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 79-841 Filed 1-9-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on 01/03/79 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes—

The name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the information is proposed to be collected;

An indication of who will be the respondents to the proposed collection;

The estimated number of responses; the estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

SMALL BUSINESS ADMINISTRATION

Small Business Development Centers Questionnaire
Single-time
Business served by Small Business Development Centers, 2,500 responses; 833 hours.
Caywood, D.P., 395-6140.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health
Questionnaire for source directory annually
Suppliers of laboratory animals 50 responses; 50 hours.
Richard Eisinger, 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research
Annual housing survey-SMSA Sample Group C-2
Questionnaire and control card
AHS-51, 52, 54L1, L2, L(Spanish), 56L
Other (see SF-83)
Households in 15 SMSA's, 117,000 responses; 70,200 hours.
Office of Federal Statistical Policy & Standard, 673-7956.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service
Regulations—U.S. Grain Standards Act, on occasion
Grain firms, 133,365 responses; 30,001 hours.
Ellett, C.A., 395-6132.

Agricultural Stabilization and Conservation Service
Contract for Cold Storage & Services—Peanuts
CCC-1030, 1030-1, & 1030-2, on occasion
Cold storage warehouses, 40 responses; 80 hours.
Ellett, C.A., 395-6132.

DAVID R. LEUTHOLD, *Budget and Management Officer.*

[FR Doc. 79-809 Filed 1-9-79; 8:45 am]

[7715-01-M]

POSTAL RATE COMMISSION

[Docket No. MC79-3]

MAIL CLASSIFICATION SCHEDULE, 1978

Order Instituting Proceeding; Designating Presiding Officer, Officer of the Commission, and Other Participants; Requesting Information; Fixing Date for a Prehearing Conference; and Establishing Procedures

JANUARY 4, 1979.

The Postal Rate Commission, pursuant to 39 U.S.C. § 3623(b), hereby institutes a mail classification proceeding. The evidentiary record to be established in this proceeding will provide the basis for a recommended decision on a possible surcharge for red-tag second-class service [1] (or, equivalently, on a discount for non-red-tag second-class service).

I. BACKGROUND

On June 16, 1978, the Commission issued its recommended decision, in

[1] Red-tag service currently refers to an expeditious service which may be granted insofar as practicable to authorized second-class entry publications which are published weekly or more frequently and feature news of general public interest. This service is usually referred to as newspaper treatment. (*See* Postal Service Manual § 125.41.)

Docket No. MC76-2, on the proposal of the Officer of the Commission to expand the availability of red-tag service and institute a surcharge for that service.[2] In that recommended decision we found that a surcharge was not required by title 39 because the evidence in that docket was not sufficient to establish that additional costs are incurred in providing red-tag service. On the other hand, the evidence in that docket did not indicate that all second-class mailers should be entitled to red-tag service upon request. The record failed to indicate what the cost consequences would be if all second-class matter were made eligible for red-tag service.[3] We therefore recommended only that a new subsection be added to the Domestic Mail Classification Schedule to incorporate therein the existing terms and conditions regarding red-tag service and the availability to qualifying second-class mailers.[4]

We made our recommendations with some reluctance, given the state of the evidentiary record of MC76-2 and subsequent evidentiary developments in Docket No. R77-1 on related matters. In Docket R77-1 we recommended that second-class rates recover certain service-related costs. the concept of service-related costs (SRC) was first explored in Docket R77-1, which began with the Postal Service filing on July 13, 1977—two months *after* the record was closed on the original red-tag surcharge proposal in MC76-2. Further, this Commission issued its tentative recommended decision on the red-tag surcharge proposal on September 16, 1977, only two months after the Service had introduced the SRC concept in Docket R77-1 and before any Postal Service witness had appeared for cross-examination. Thus a relationship between the assignment of service-related costs to second-class mail and the establishment of a surcharge for red-tag service could not be addressed during the development of a record on the issue of a red-tag surcharge in Docket No. MC76-2.

In R77-1 we determined that service-related delivery costs are caused by the existence of preferential mail standards in delivery and should therefore be assigned to subclasses requiring the preferential standards.[5] In R77-1 we also concluded that these service-related costs were not volume variable, but rather were reasonably assignable fixed costs. The concept of service-related costs and their assignment to second-class were not involved in the original red-tag proposal in Docket No. MC76-2, but it is relevant to the question of the appropriateness of a red-tag surcharge for expeditious newspaper treatment. If, in fact, a surcharge were to be established, it would also be necessary to explore the appropriateness of offering such expeditious treatment to all second-class matter. In order to fully explore these issues (as well as related issues we discuss below), we have determined to commence the instant proceeding.[6]

II. Issues To Be Addressed

In a pleading filed in MC76-2 on June 5, 1978 and following quickly upon the heels of the R77-1 recommended decision, the OOC asked that rates for second-class be reduced by an average of 1.1 cents per piece and that a surcharge of 2.8 cents per piece be placed on red-tag service.[7] This request, initially made after we had issued our tentative decision in MC76-2, posed several issues regarding the R77-1 costing method that must be resolved before arriving at any final decision concerning a surcharge or discount.

The specific implications of assigning service-related costs to second-class mail are items that were not addressed by the evidence in Docket No. MC76-2. This is the basic area that we propose to consider in the instant proceeding. We would expect to explore the propriety of placing a surcharge upon red-tag service and the rate consequences of such action assuming such service was only available to those qualifying under the current eligibility criteria. We would also expect to explore the consequences of offering red-tag service at a surcharge rate to all second-class mailers upon request. The cost consequences, rate impacts, and volume changes will have to be identified and quantified in the course of the proceeding. Other factors that will need to be considered are the impacts of a surcharge upon phased rates and phasing appropriations.

The proceeding should provide information regarding the postage impact of proposed surcharges upon typical second-class publications that use or do not use the red-tag service. We would also expect to examine the imposition of a surcharge in light of section 3622(b)(8) of title 39.

The parties might explore the possibility that high-volume red-tag mailers are voluntarily performing work sharing beyond current requirements for which they are not now compensated through presort discounts and, if so, how any cost savings that now result can be preserved. They should also investigate whether any current red-tag volume would divert to a lower-rate non-red-tag service or to private delivery systems rather than to pay a higher rate for red-tag service and the consequences of such diversions. Obviously, the amount of any diversion would depend on the size of a red-tag surcharge. It would appear that the Service's Magserv simulation model[8] might be adapted to predict such diversion.

III. Procedural Steps

Because this proceeding is essentially an outgrowth of MC76-2, all participants in that Docket are being made participants in this docket. The participants are listed in Appendix A. Other persons desiring to participate in this proceeding should file a petition to intervene or a request to be heard as a limited participator. Participants desiring to change their status should file an appropriate request. Persons listed in Appendix A who do not wish to participate in this proceeding should file a request to withdraw. Pursuant to section 30(b) of the Commission's rules of practice,[9] the Commission will conduct all pre-

[2] *See* PRC Op. MC76-2 (Opinion and Recommended Decision After Exceptions to Tentative Decision Denying Proposal by the OOC to Expand Availability of Red Tag Service and Institute a Surcharge for Expedited Service), June 16, 1978.

[3] *Id.* at 12.

[4] The Governors of the Postal Service rejected our recommended decision because the Governors considered the recommended change to be unnecessary. Gov. Dec. MC76-2, Sept. 7, 1978, p. 5.

[5] *See* PRC Op. R77-1, May 12, 1978, pp. 94-124.

[6] Both the R77-1 and MC76-2 decisions are pending on appeal under 39 U.S.C. 3628—in National Association of Greeting Card Publishers v. U.S. Postal Service, D.C. Cir. No. 78-1448 *et al.*, ("NAGCP III") and Pennington v. U.S. Postal Service, D.C. Cir. No. 78-1899, respectively. The instant proceeding deals with issues addressed directly in *Pennington* and is indirectly related to *NAGCP III*. We have considered whether the pendency of these cases in the Court of Appeals is an obstacle to our instituting this proceeding, and conclude that it is not. If we were contemplating modification of the orders issued in Dockets MC76-2 or R77-1, such a difficulty might arise because the records in those cases are now lodged with the Court and hence are outside our control. *See* 28 U.S.C. 2112. However, as our decision in Docket MC76-2 made plain, we are here instituting new proceedings aimed at the development of a new record for decision. Any materials which might be incorporated therein by reference from the earlier cases would not thereby be removed from the control of the Court (but rather, simply duplicated) and consequently their incorporation could not be an obstacle to judicial review.

We would expect the Governors, as the party respondent before the Court in *NAGCP III* and *Pennington*, to notify the Court of the institution of these proceedings. *See* the same Court's reference to the need for such notice in National Association of Greeting Card Publishers v. U.S. Postal Service, 569 F.2d 570, 578, fn. 21 (1976); *and see* Battle Creek Gas Co. v. FPC, 281 F.2d 42, 48 (D.C. Cir., 1960).

[7] *See* Answer of Officer of the Commission in Support of the Motion of Intervenor Samuel C. Pennington, Docket No. MC76-2, June 5, 1978, Appendix.

[8] *See* Postal Service Exh. T-17, Technical Appendix, Docket No. R77-1.

[9] 39 C.F.R. § 3001.30(b).

hearing conferences and hearings en banc. Simeon M. Bright, Vice-Chairman, will be the presiding officer in such proceedings.[10] Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, suite 500, 2000 L Street, N.W., Washington, D.C. 20268, and shall be on the record and a transcript made except where the presiding officer determines otherwise.

The Officer of the Commission (OOC) designated to represent the general public[11] in this proceeding will be Stephen L. Sharfman, Assistant General Counsel, Litigation (Acting). During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he or any such personnel will participate in or advise as to any Commission decision in the case.[12] The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice.[13]

Since the posture of this case is somewhat different from our normal classification case—*i.e.*, although the Commission is initiating the case pursuant to 39 U.S.C. 3623(b) the central issue is an outgrowth of a proposal made by the Service in Docket No. R77-1—we are varying our usual procedural schedule. The Postal Service will have until March 15, 1979 to prepare and file a direct case which is responsive to the issues raised in this order. We believe that the Postal Service, as the repository of the relevant data, as well as the agency charged with administration of red-tag second-class service, is in the best position to take the lead in this area. Of course, other parties, including the OOC, will have an opportunity to file rebuttal, or, if the Service fails to respond to this directive, an opportunity to make the initial proposal. Therefore, we will give the other parties until June 15, 1979 to file their cases-in-chief.

A tentative schedule of proceedings is included in Appendix B. Procedural dates which are not yet firm will be set at a future date, after a prehearing conference.

The Postal Service's case-in-chief will conform to the requirements of section 64 of the rules of practice. The OOC's case-in-chief will conform, as nearly as practicable, to the requirements of section 64 of the rules of practice.

[10] 39 C.F.R. §§ 3001.5(e), 3001.23.
[11] *See* 39 U.S.C. 3624(a) (1970).
[12] *See* 39 CFR 3001.8.
[13] *Id.* § 3001.10(c).

The Commission orders: (A) The United States Postal Service is joined as a party to this docketed proceeding, initiated pursuant to 39 U.S.C. 3623(b), and each of the persons identified in Appendix A to this Order is hereby made an intervenor or a limited participator in this proceeding, subject to the provisions of paragraph (b), below. If any intervenor or limited participator desires to change their status, they may file an appropriate petition or motion by January 20, 1979.

(B) The participation of the intervenors and limited participators ordered by paragraph (A), above, is subject to the rules and regulations of the Commission: *Provided, however,* that their participation shall be limited to matters affecting rights and interests specifically set forth in their initial petitions to intervene and requests to become limited participators in Docket No. MC76-2, and *Provided, further,* that the participation of such intervenors and limited participators shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) Petitions for leave to intervene by persons other than those listed in Appendix A must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268, on or before January 20, 1979, and must be in accordance with § 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing. Alternatively, these persons may seek limited participation, if they do not wish to become parties and may do so, on or before January 20, 1979, by filing a written request for leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 19b of the Commission's rules (39 CFR 3001.19b).

(D) The participants shall serve copies of all documents, including prepared direct evidence, upon representatives of the Postal Service, the OOC, intervenors, and limited participators. For purposes of such service, where service upon more than one representative has been requested in a petition to intervene or in a request for leave to be heard as a limited participator, including those petitions and request filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(E) The Commission will sit en banc, with Simeon M. Bright, Vice-Chairman, as presiding officer, in the above-captioned proceeding.

(F) Stephen L. Sharfman, Assistant General Counsel, Litigation (Acting), is hereby designated as the Officer of the Commission (OOC) to represent the general public in this proceeding. Service of documents on the Commission shall not constitute service on the OOC, who shall separately be served three copies of all documents.

(G) The Postal Service's case-in-chief shall conform to the requirements of section 64 of the rules of practice. The case-in-chief of the OOC shall conform, as nearly as practicable, to the requirements of section 64 of the rules of practice.

(H) The Postal Service shall file its direct case by March 15, 1979. If the Postal Service takes no position on the need for or amount of a red-tag surcharge (or non-red-tag discount, it shall nevertheless file testimony on data responsive to the issues raised in this Order as soon as possible but no later than March 15, 1979.

By the Commission.

DAVID F. HARRIS,
Secretary.

APPENDIX A. SERVICE LIST

MAIL CLASSIFICATION SCHEDULE, 1978

Name and Representative

United States Postal Service—Harold J. Hughes, Esquire, Assistant General Counsel, Office of Rate & Classification Law (Classification Division), U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

Agricultural Publishers Association, Inc. (LP)—Frank R. Cawley, Esquire, Washington Representative, Agricultural Publishers Association, Inc., Post Office Box 2351, Falls Church, Virginia 22042.

American Business Press, Inc.—Robert A. Saltzstein, Esquire, Wyatt and Saltzstein, 1725 DeSales St., N.W., Washington, D.C. 20036; and Stephen M. Feldman, Esquire, Wyatt and Saltzstein, 1725 DeSales St., N.W., Washington, D.C. 20036.

American Library Association (LP)—William D. North, Esquire, Kirkland and Ellis, 200 E. Randolph Drive, Chicago, Illinois 60601; and Miss Eileen D. Cooke, The American Library Association, 110 Maryland Avenue, N.E., Washington, D.C. 20002.

American Newspaper Publishers Association—Jerry W. Friedheim, Executive Vice President, American Newspaper Publishers Association, 11600 Sunrise Valley Drive, Reston, Virginia 22091; and Richard Littell, Esquire, Dickstein, Shapiro and Morin, 10th Floor, 2101 L Street, N.W., Washington, D.C. 20037.

American Retail Federation—William Kay Daines, Esquire, American Retail Federation, 1616 H Street, N.W., Washington, D.C. 20006; and Charles A. Washer, Es-

quire, P.O. Box 5727, Lighthouse Point, Florida 33064.

Association of American Publishers, Inc., and Book Manufacturers Institute, Inc. (LP)—Richard M. Schmidt, Jr., Esquire, Ian D. Volner, Esquire, Cohn and Marks, 1920 L Street, N.W., Washington, D.C. 20036.

Association of Second Class Mail Publications, Inc. (LP)—Richard D. Green, President, Association of Second Class Mail Publications, Inc., 1518 K Street, N.W., Washington, D.C. 20005.

Catholic Press Association (LP)—Charles Emmet Lucey, Esquire, Harrison, Lucey & Sagle, Suite 500, 1701 Pennsylvania Avenue, N.W., Washington, D.C. 20006.

Classroom Publishers Association (LP)—Stephen F. Owen, Jr., Esquire, General Counsel, Classroom Publishers Association, Henry Ashton Hart, Counsel, Loomis, Owen, Fellman & Coleman, 2020 K Street, N.W., Suite 800, Washington, D.C. 20006.

Department of Defense—Dellon E. Coker, Chief, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army for The Department of Defense, Washington, D.C. 20310; and John W. Gane, Chief, Operations Division, Army Postal Directorate, Washington, D.C. 20314.

Direct Mail/Marketing Association, Inc. (LP)—Dana T. Ackerly, Esquire, Covington & Burling, 888-16th Street, N.W., Washington, D.C. 20006; and Mr. Arthur Eden, National Economic Research Associates, Inc., 1800 M Street, N.W., Washington, D.C. 20036.

Dow Jones & Company, Inc.—W. Gilbert Faulk, Jr., Esquire, Joseph D. Priory, Esquire, Dow Jones & Company, Inc., P.O. Box 300, Princeton, New Jersey 08540; and Raymond N. Shibley, Esquire, Farmer, Shibley, McGuinn & Flood, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036.

Gestetner Corporation (LP)—Frederick R. Ballen, Esquire, McLaughlin & Stern, Ballen and Miller, 100 East 42nd Street, New York, New York 10017.

Macmillan, Inc. (LP)—Timothy J. May, Esquire, Patton, Boggs & Blow, 2550 M Street, N.W., Suite 800, Washington, D.C. 20037.

Magazine Publishers Association, Inc.—Chapin Carpenter, Jr., Vice President, Magazine Publishers Association, Inc., 1629 K Street, N.W., Suite 603, Washington, D.C. 20006; and John M. Burzio, Esquire, Hydeman, Mason & Goodell, 1220-19th Street, N.W., Suite 700, Washington, D.C. 20036.

Meredith Corporation (LP)—William J. Potts, Jr., Esquire, Haley, Bader & Potts, 1730 M Street, N.W., Washington, D.C. 20036; and Thomas G. Fisher, Esquire, Meredith Corporation, 1716 Locust Street, Des Moines, Iowa 50336.

The National Industrial Traffic League (LP)—E. F. Stadelman, Chairman, Postal Committee, The National Industrial Traffic League, General Traffic Manager, J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, New York 10019; and John F. Donelan, Esquire, John K. Maser III, Esquire, Donelan and Cleary, 914 Washington Building, Washington, D.C. 20005.

National Newspaper Association—Patricia Gallagher, Esquire, National Newspaper Association, 1627 K Street, N.W., Suite 400, Washington, D.C. 20006; and Richard Littell, Esquire, Dickstein, Shapiro and Morin, 10th Floor, 2101 L Street, N.W., Washington, D.C. 20037.

Pennington, Samuel C.—Samuel C. Pennington, Publisher, Maine Antique Digest, Box 358, Waldoboro, Maine 04572.

Purolator Services, Inc. (LP)—John M. Delany, Esquire, General Counsel, Purolator Services, Inc., 3333 New Hyde Park Road, New Hyde Park, New York 10040; and J. Eugene Marans, Esquire, Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036.

The Reader's Digest Association, Inc.—Timothy J. May, Esquire, Patton, Boggs & Blow, 2550 M Street, N.W., Suite 800, Washington, D.C. 20037.

Time Incorporated—Justin R. Wolf, Esquire, 1625 K Street, N.W., Washington, D.C. 20006.

Officer of the Commission, Postal Rate Commission—Stephen L. Sharfman, Esquire, Assistant General Counsel Litigation (Acting), Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D.C. 20268.

APPENDIX B.—TENTATIVE HEARING SCHEDULE FOR PROCEEDINGS—DOCKET NO. MC79-3

Date and Procedural Stage

March 15, 1979—Filing of the case-in-chief of the Postal Service.

June 1, 1979—Completion of all discovery directed to the Postal Service.

June 15, 1979—Filing of the case-in-chief of each participant (including that of OOC).

June 25, 1979—Beginning of hearings; Completion of evidentiary hearings as to cases-in-chief; Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.); Beginning of evidentiary hearings on rebuttal evidence; Close of evidentiary record; Initial briefs filed; Reply briefs filed; and Oral argument (if scheduled).

[FR Doc. 79-870 Filed 1-9-79; 8:45 am]

[7905-01-M]

RAILROAD RETIREMENT BOARD

IMPROVING GOVERNMENT REGULATIONS

Final Report

AGENCY: Railroad Retirement Board.

ACTION: Final report as required under Executive Order 12044.

SUMMARY: In accordance with the directive contained in Executive Order 12044 the Railroad Retirement Board has reviewed its current procedures for the development and adoption of rules and regulations and pursuant to the Executive Order hereby issues this final report.

EFFECTIVE DATE: October 11, 1978.

FOR FURTHER INFORMATION CONTACT:

R. F. Butler, Secretary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312-751-4920

The United States Railroad Retirement Board is charged with the administration of the Railroad Retirement Act of 1974 (45 U.S.C. 231, *et seq.*) and the Railroad Unemployment Insurance Act (45 U.S.C. 351, *et seq.*). The Railroad Retirement Act provides for the payment of retirement and disability benefits to retired railroad employees and their spouses and survivors. The Railroad Unemployment Insurance Act provides for the payment of unemployment and sickness benefits to qualified individuals. The primary function of the Board under these two Acts is that of paying benefits to qualified individuals. For the most part, the rules and regulations issued by the Board cover the procedures to be followed by applicants in claiming benefits and by Board employees in adjudicating claims for benefits as well as the substantive requirements for entitlement to benefits.

Under the procedure followed by the Board in the development of rules and regulations prior to this Executive Order, the various bureaus of the Board as well as the Chief Executive Officer and the three-member Board have the authority to suggest that new regulations be developed or that existing regulations be changed. The development of a proposed new or revised regulation is actually conducted by the bureau most directly concerned with the subject matter of the proposed regulation or by the bureau of law. In the development stage there generally is coordination between the developing bureau and any other bureau or bureaus that might be interested in the regulation. When a draft of the proposed regulation has been completed, a copy of the draft is distributed to the various bureaus of the Board together with a request that such bureaus review the proposed draft and submit any comments and suggestions concerning the draft to the developing bureau. Upon receipt of the comments and suggestions from the various bureaus, the developing bureau reviews the comments and makes any changes that would be advisable. The proposed regulations along with the comments received from the other bureaus are then submitted to the Board's Chief Executive Officer who reviews the documents submitted and refers the documents to the three-member Board with his or her recommendations.

The three-member Board is the only body of the Railroad Retirement Board authorized to promulgate regulations. When the Board receives proposed regulations, the Board members review the proposal individually and place the proposed regulations on the agenda of an upcoming meeting of the

Board at which the proposal will be considered.

The Railroad Retirement Board, as an agency composed of representatives of the parties to disputes before it, is exempt from the majority of the provisions of the Administrative Procedure Act, including the provisions thereof governing the procedures to be followed in rule making. *See* 5 U.S.C. 551(1)(E). Thus, except where specifically directed by statute, the Board is not required to give general notice of proposed rule making by publication of such in the FEDERAL REGISTER 30 days prior to the effective date of the regulation, nor is the Board required to give interested persons the opportunity to comment on proposed rules.

If the Board approves proposed regulations submitted to it, the regulations, as adopted, are forwarded to the FEDERAL REGISTER for publication as final rules.

Having reviewed the procedure outlined above together with the Executive Order, the Board has determined that certain changes would be required in the pre-existing procedure to bring it into compliance with the requirements of the Executive Order. The Board, however, does believe that the pre-existing procedure fulfilled, for the most part, the objectives of the Executive Order as enumerated in Section 1 thereof. By providing for coordination of the various interested bureaus of the Board in the actual development of the proposed regulation, the procedure provides a mechanism for an examination of the need for the regulation and for a review of other alternatives. Further, the makeup of the Board itself, as composed of members representing railroad labor and railroad management and the public, provides for the actual participation in rule making by all parties directly interested in the matters considered as regulations.

In accordance with the requirements of the Executive Order, the Board has amended its prior procedure for the development and adoption of regulations as explained below.

Prior to the commencement of the development of any regulation, the Board official proposing the development of a regulation must notify the Board's Chief Executive Officer as to the nature of the proposed regulation, the factors indicating a need for the regulation, and the probable scope and impact of the regulation, if adopted. The Chief Executive Officer must determine, by applying the criteria established by the Board and set out later in this report, whether the proposed regulation constitutes a "significant" regulation. The Chief Executive Officer may, in his or her discretion, classify a proposed regulation as a "significant" regulation even though it might not be a regulation requiring such classification under the criteria established by the Board.

If the Chief Executive Officer determines that the proposed regulation would not constitute a "significant" regulation, he or she will then refer the proposal back to the official who submitted it for further development and handling in accordance with the procedure described above as the pre-Executive Order procedure. If, however, the Chief Executive Officer determines that the proposed regulation constitutes a "significant" regulation, he or she must submit the proposal to the three-member Board for its review. Upon receipt of the proposal to develop a "significant" regulation, the three-member Board will review the proposal and the issues or problems to which it is addressed to determine the necessity of a regulation covering such issues or problems. The Board will review the proposal from the standpoint of alternate approaches that could be explored in resolving the issues or problems. The Board will tentatively establish a plan to be followed in providing notice of the proposed rulemaking to all interested parties through publication in industry or labor periodicals or otherwise. In addition, the Board will establish a plan for obtaining public comment and shall set target dates for completion of the various stages of the development of the regulation. Finally, the Board must review the proposed "significant" regulation to determine whether, applying the criteria established by the Board, a regulatory analysis must or should be made concerning the proposed regulation.

Upon completion of review of the proposal for development of a "significant" regulation, the Board will refer the proposal with its recommendations back to the Chief Executive Officer who will in turn refer the proposal together with all accompanying materials back to the official who submitted it or to the head of the bureau who he or she feels would be the proper person to conduct the actual development of the regulation.

The actual development and the procedure for submission to the Board of a "significant" regulation will proceed in the same manner as that described earlier in this report as the pre-Executive Order procedure, except that the head of the bureau charged with developing the regulation will provide notice as directed by the Board to the public and to any other governmental units or particular groups who would have an interest in the development of the proposed regulation and will consider and respond to any comments submitted. In addition, the bureau charged with the development of a "significant" regulation for which the Board has determined that a regulatory analysis should be conducted will conduct and prepare such an analysis.

In approving a proposed "significant" regulation the three-member Board must, at a minimum, determine that:

(1) The proposed regulation is needed;

(2) The direct and indirect effects of the regulation have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

(7) The name, address, and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

Following initial approval of a "significant" regulation, the Board shall submit the regulation to the FEDERAL REGISTER for publication therein as a proposed regulation. Except where the Board determines that such would be impossible, the Board will provide the public a period of at least 60 days in which to submit comments concerning the proposed regulation prior to its effective date. Where it would be impossible for the Board to allow a 60-day comment period, the submission of the regulation to the FEDERAL REGISTER will be accompanied by a statement as to the reasons why the 60-day period would be impossible. Where a regulatory analysis was made with respect to a regulation, a brief description of the analysis will be published with the proposed regulation along with information as to the availability of the analysis to the public.

The Board's procedures for the development and adoption of regulations have also been amended to provide for the preparation and publication in the FEDERAL REGISTER at least twice a year of an agenda. This agenda will describe the "significant" regulations being developed or reviewed, the need and legal basis for same, and the status of any proposed "significant" regulations previously contained in an agenda. The Chief Executive Officer will oversee the preparation and development of the agenda and will submit it to the three-member Board for approval prior to publication.

The agenda will be maintained in the office of the Chief Executive Officer and copies of the agenda will be available to the public upon request. The Chief Executive Officer will see that the agenda is kept current by adding to its proposals for the development or review of "significant" regulations received subsequent to submission of the agenda to the FEDERAL REGISTER for publication.

In accordance with the requirements of the Executive Order the Board has established criteria which must be reviewed, as explained previously, by the Chief Executive Officer in making his or her determination as to whether a given proposed regulation constitutes a "significant" regulation. The criteria established by the Board are as follows:

(1) The type and number of individuals, businesses, organizations, and State and local governments affected;

(2) The compliance and reporting requirements likely to be involved;

(3) Direct and indirect effects of the regulation including the effect on competition; and

(4) The relationship of the regulation to those of other programs and agencies.

The Board has also established criteria which must be applied by it at the time of the initial review of a proposal for the development of a "significant" regulation in order to determine whether a regulatory analysis must be conducted in connection therewith. A regulatory analysis must be conducted in connection with the development of a regulation where the regulation would result in:

(1) An annual effect on the economy of $100 million or more; or

(2) A major increase in the costs or prices for individual industries, levels of government or geographic regions.

The Board may in its discretion direct that a regulatory analysis be conducted with respect to any "significant" regulation.

The Executive Order directs that agencies periodically review existing regulations. Many of the regulations of the Railroad Retirement Board which currently appear in title 20 of the Code of Federal Regulations were promulgated under the Railroad Retirement Act of 1937, which was replaced effective January 1, 1975, by the Railroad Retirement Act of 1974. Thus, many of these regulations, particularly those concerning the computation of and entitlement to benefits, are not current, and are in need of revision. In view of this fact, and in accordance with the directive of the Executive Order, the Board has determined to undertake a complete review of all of its existing regulations over the next two years. In connection with this determination the Board has directed its General Counsel to prepare a report outlining the current state of the regulations with advice as to how the regulations should be revised and reorganized. This report has not been completed at this time. However, it is clear that among the parts of the Board's regulations that will be the subject of the initial review, are Part 208, "Eligibility for an annuity," and Part 225, "Computation of annuity." The review and revision of the Board's existing regulations will follow the same procedures as those followed in the development and adoption of new regulations.

Subsequent to the review of all Railroad Retirement Board regulations in accordance with the Board's determination, the Board, in accordance with the Executive Order, will periodically review the regulations which it has adopted. In selecting which regulations to review the Board will apply the following criteria:

(a) The continued need for the regulation;

(b) The type and number of complaints or suggestions received;

(c) The burdens imposed on those directly or indirectly affected by the regulation;

(d) The need to simplify or clarify language;

(e) The need to eliminate overlapping and duplicative regulations; and

(f) The length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulations.

The Railroad Retirement Board supports the goals enumerated in the Executive Order and will work with due diligence to attain those goals.

Dated: January 2, 1979.

By Authority of the Board.

R. F. BUTLER,
Secretary.

[FR Doc. 79-844 Filed 1-9-79; 8:45 am]

[4710-07-M]

DEPARTMENT OF STATE

[Public Notice CM-8/146]

STUDY GROUP 2 OF THE U.S. ORGANIZATION FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 2 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on January 31, 1979, in Room 521J at the National Aeronautics and Space Administration, 7th and Independence Avenue, S.W., Washington, D.C. The meeting will begin at 9:30 a.m.

Study Group 2 deals with matters relating to the communications for scientific satellites, space probes, spacecraft, exploration satellites (e.g., meteorological and geodetic), and to interference problems concerning the radioastronomy and radar astronomy services. The purpose of the meeting will be review of the results of the Special Preparatory Meeting for the 1979 World Administrative Radio Conference, and preparation of the work plan for the next CCIR Plenary cycle.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: January 3, 1979.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc 79-853 Filed 1-9-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Customs Service

[055507]

AMERICAN MANUFACTURER'S PETITION

Decision to Revoke Duty-Free Treatment Under the Generalized System of Preferences for Microscope Slides and Micro Cover Glasses; Notice of Petitioner's Desire to Contest This Decision

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of (1) decision on American manufacturer's petition, and (2) receipt of notice of petitioner's desire to contest the decision.

SUMMARY: In response to an American manufacturer's petition to revoke duty-free treatment of microscope slides and micro cover glasses under the Generalized System of Preferences, the Customs Service advised the petitioner that such treatment had been authorized by Executive Order and was in conformity with applicable law. Upon being informed that its petition had been denied, the petitioner has filed notice of its desire to contest the Customs Service's decision;

FOR FURTHER INFORMATION CONTACT:

William E. Brooks, Special Projects and Programs branch, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (566-5786).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 13, 1978, a petition was filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), on behalf of Erie Scientific Company (a division of Sybron Corporation), an American manufacturer of microscope slides and micro cover glasses. The petition requested that the duty-free treatment accorded under the Generalized System of Preferences (GSP) to microscope slides and micro cover glasses be withdrawn. Notice of receipt of this petition was published in the Federal Register on March 10, 1978 (43 FR 9911).

The petitioner contended that microscope slides and micro cover glasses were "import sensitive" items, and not properly designated as articles eligible to receive duty-free treatment under the GSP. Title V of the Trade Act of 1974 (19 U.S.C. 2461-2465) authorizes the President to establish a Generalized System of Preferences which would permit the duty-free entry of eligible merchandise imported directly into the United States from countries determined to be "beneficiary developing countires." However, section 503(c)(1) of the Trade Act (19 U.S.C. 2463(c)(1)) provides that the President may not designate any article for duty-free GSP treatment if it is among certain enumerated import-sensitive categories, including "import-sensitive semimanufactured and manufactured glass products" (section 503(c)(1)(F)).

DECISION ON PETITION AND RECEIPT OF PETITIONER'S NOTICE OF DESIRE TO CONTEST

By letter dated July 7, 1978, the petitioner was advised that, by Executive Order No. 11888, dated November 24, 1975 (40 FR 55276), the President granted GSP status to laboratory glassware, including glass microscope slides and micro cover glasses, not containing over 95 percent silica by weight, provided for in item 547.55, Tariff Schedules of the United States. The petitioner was informed that, since the slides in question were designated as eligible for duty-free treatment under the GSP, the Customs Service will continue to accord them duty-free treatment upon their entry into the United States and compliance with GSP requirements. The Customs service believes that this treatment is in conformity with the current law and the Executive Order issued thereunder.

In response to this decision, the petitioner filed its notice of desire to contest, in accordance with section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.23 of the Customs Regulations (19 CFR 175.23). However, under section 516(e) of the Tariff act of 1930, as amended (19 U.S.C. 1526(e)), current Customs practice will continue so long as no decision of the United States Customs Court or the United States Court of Customs and Patent Appeals not in harmony with this practice is published.

AUTHORITY

This notice is being published in accordance with section 516(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(c)), and § 175.24 of the Customs Regulations (19 CFR 175.24).

Dated: January 4, 1979.

ROBERT E. CHASEN,
Commissioner of Customs.

[FR Doc. 79-848 Filed 1-9-79; 8:45 am]

[4810-22-M]

Customs Service

[TMK-2-R:E:R]

COLT COMMUNICATIONS, INC.

Notice of Application for Recordation of Trade Name

Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124; 19 U.S.C. 1526) of the trade name COLT COMMUNICATIONS, INC. used by Colt Communications, Inc., a corporation organized under the laws of the State of Illinois located at 5424 West Touhy Avenue, Skokie, Illinois 60077.

The application states that the trade name is applied to citizens band two way radio transceivers manufactured in Japan and Korea.

The application states further that no foreign firm is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later than February 9, 1979.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

Dated: January 4, 1979

DONALD W. LEWIS,
Acting Assistant Commissioner, Regulations and Rulings.

[FR Doc. 79-849 Filed 1-9-79; 8:45 am]

[4810-22-M]

[T.D. 79-11]

FORT INCORPORATED

Recordation of Trade Name

On November 24, 1978, there was published in the FEDERAL REGISTER (43 FR 55029) a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Fort Incorporated. The notice advised that prior to final action on the application, filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), consideration would be given to relevant data, views, or arguments submitted in opposition to the recordation and received not later than February 9, 1979. No responses were received in opposition to the application.

The name "Fort Incorporated" is hereby recorded as the trade name of Fort Incorporated, a corporation organized under the laws of the State of Rhode Island, located at 54 Taylor Drive (P.O. Box 4830), E. Providence, Rhode Island 02916, when applied to jewelry, jewelry items, souvenirs and novelties, manufactured in the United States. No foreign person, partnership, association or corporation is authorized to use the trade name.

Dated: January 4, 1979.

DONALD W. LEWIS,
Acting Assistant Commissioner, Regulations and Rulings.

[FR Doc. 79-850 Filed 1-9-79; 8:45 am]

[4810-22-M]

[T.D. 79-10; Customs Delegation Order No. 55]

ORDER OF THE COMMISSIONER OF CUSTOMS, DELEGATING CERTAIN FUNCTIONS, RIGHTS, PRIVILEGES POWERS, AND DUTIES TO SPECIFIED CUSTOMS OFFICERS

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Delegation of authority.

SUMMARY: This document delegates to certain specified Customs officers the authority to summon importers, require the production of records, and examine importers and records relating to importations. Specifically, the designated Customs officers would be given the authority to

(a) Summon, upon reasonable notice,

(1) Any person involved in the importation of merchandise,

(2) Any person who has possession, custody, or care of relevant records, or

(3) Any other person deemed proper,

(b) Require the production of records,

(c) Examine records, and

(d) Take testimony under oath

in order to determine the correctness of an entry, the liability of any person for duties and taxes, or the amount of fines and penalties, or to ensure compliance with applicable laws and regulations administered by the Customs Service.

This delegation order is necessary to efficiently and effectively administer Customs authority to summon importers and examine records relating to importations.

EFFECTIVE DATE: January 9, 1979.

FOR FURTHER INFORMATION CONTACT:

John E. Elkins, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION: The Customs Procedural Reform and Simplification Act of 1978, Pub. L. 95-410, 92 Stat. 888, amended section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), to permit appropriate Customs officers to summon importers, require the production of records, and examine importers and records relating to importations. Specifically, authority is given to

(a) Summon, upon reasonable notice,

(1) Any person involved in the importation of merchandise,

(2) Any person who has possession, custody, or care of relevant records, or

(3) Any other person deemed proper,

(b) Require the production of records,

(c) Examine records, and

(d) Take testimony under oath

in order to determine the correctness of an entry, the liabiity of any person for duties and taxes, or the amount of fines and penalties, or to ensure compliance with applicable laws and regulations administered by the Customs Service.

To efficiently and effectively administer the provisions of 19 U.S.C. 1509, this delegation order gives the authority to summon importers and examine records to the Assistant Commissioner (Investigations); Regional directors of investigations; Assistant regional directors of investigations; Customs attaches; Senior Customs representatives; Special agents in charge; Regional commissioners; Assistant regional commissioners of operations; District directors; Area directors; Assistant Commissioner (Internal Affairs); Headquarters directors, Internal Security Division, Office of Internal Affairs and Regional Directors of internal affairs.

INAPPLICABILITY OF PUBLIC NOTICE AND DELAYED EFFECTIVE DATE REQUIREMENTS

Because this rule relates solely to agency organization, procedure, or practice, notice and public procedure thereon are unnecessary and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

Conforming amendments to sections of Part 162, Customs Regulations, that are affected by this delegation order will be published in the FEDERAL REGISTER as part of the final rule implementing the requirements of 19 U.S.C. 1509 and various other provisions of the Tariff Act of 1930, as amended by the Customs Procedural Reform and Simplification Act of 1978.

AUTHORITY

This delegation is made under the authority given to the Commissioner of Customs by Treasury Department Order No. 165, Revised (T.D. 53654, 19 FR 7241), as amended.

DRAFTING INFORMATION

The prinicipal author of this document was John E. Elkins, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

CUSTOMS DELEGATION ORDER NO.

By virture of the authority granted to me by Treasury Department Order No 165, Revised (T.D. 53654, 19 FR 7241), as amended, I delegate to the following specified officers of the Customs Service the functions, rights, privileges, powers, and duties under section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), to

(a) Summon, upon reasonable notice,

(1) Any person involved in the importation of merchandise,

(2) Any person who has possession, custody, or care of relevant records, or

(3) Any other person deemed proper,

(b) Require the production of records,

(c) Examine records, and

(d) Take testimony under oath

in order to determine the correctness of an entry, the liability of any person for duties and taxes, or the amount of fines and penalties, or to ensure compliance with applicable laws and regulations administered by the Customs Service:

Assistant Commissioner (Investigations)
Regional directors of investigations
Assistant regional directors of investigations
Customs attaches
Senior Customs representatives
Special agents in charge
Regional commissioners
Assistant regional commissioners of operations
District directors
Area directors
Assistant Commissioner (Internal Affairs)
Headquarter directors, Internal Security Division, Office of Internal Affairs
Regional directors of internal affairs

This order supersedes Customs Delegation Order No. 49, dated May 9, 1975 (T.D. 75-111, 40 FR 22007).

Dated: January 4, 1979.

R. E. CHASEN,
Commissioner of Customs.

[FR Doc. 79-847 Filed 1-9-79; 8:45 am]

[4810-40-M]

Office of the Secretary

[Supplement to Dept. Circular Public Debt Series—No. 31-78]

TREASURY BONDS OF 1994

Interest Rate

JANUARY 5, 1979.

The Secretary of the Treasury announced on January 4, 1979, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 31-78, dated December 28, 1978, will be 9 percent. Interest on the bonds will be payable at the rate of 9 percent per annum.

SUPPLEMENTARY STATEMENT: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

PAUL H. TAYLOR,
Fiscal Assistant Secretary.

[FR Doc. 79-896 Filed 1-9-79; 8:45 am]

[4810-22-M]

VISCOSE RAYON STAPLE FIBER FROM FRANCE

Antidumping: Modification of Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Modification of Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that certain revisions have been made in the calculation of the weighted average margin relating to viscose rayon staple fiber from France that it was determined is being sold at less than fair value within the Meaning of the Antidumping Act, 1921. As a result of the notice of "Withholding of Appraisement and Determination of Sales at Less Than Fair Value" published in the FEDERAL REGISTER on November 16, 1978, this case was referred

to the International Trade Commission for a determination concerning possible injury to an industry in the United States. The Commission has been advised of this amended determination.

EFFECTIVE DATE: January 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael E. Crawford, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On November 16, 1978, a notice of "Withholding of Appraisement and Determination of Sales at Less Than Fair Value" notice was published in the FEDERAL REGISTER (43 FR 53530) regarding viscose rayon staple fiber from France. It was stated in this notice that Rhone Poulenc S.A. had been requested to provide information on certain general and selling expenses attributable to the production and sale of viscose rayon staple fiber by Rhone Poulenc Textiles.

No additional information has been submitted by Rhone Pulenc, S.A. at this time. The amount of general and selling expenses has therefore been derived from information contained in financial statements previously submitted by Rhone Poulenc S.A. The amount for such expenses was calculated by taking the Rhone Poulenc's consolidated figure for administrative and selling expenses and dividing it by the value of total sales. The resulting percentage of sales figure was then applied to estimate the appropriate general and selling expenses for the merchandise here under investigation. This amount was then added to prior data concerning costs incurred in production to obtain a new total cost figure.

Using the resulting figure in the cost of production calculation results in several changes. First, as the figure for general expenses has been increased, the total cost to produce has been raised. As a result, only 0.82 percent of home market sales were found to be above the cost to produce. Since that number of sales is too small to serve as a basis for determining foreign market value, constructed value was used to determine home market price for comparison purposes. The general expenses calculated in accordance with the procedure described above exceeded the statute's minimum of 10 percent of the cost of materials and labor, and, accordingly, the higher figure was used.

Moreover, the statutorily mandated minimum of 8 percent of the sum of the cost of materials, labor and general expenses was also added to reflect profit.

The net result of the above-mentioned recalculation is that the weighted average margin has risen from approximately 14.6 percent to approximately 24 percent.

The United States International Trade Commission has been advised of this amended determination.

This amended determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 4, 1979.

[FR Doc. 79-857 Filed 1-9-79; 8:45 am]

[4810-22-M]

VISCOSE RAYON STAPLE FIBER FROM FINLAND

Antidumping: Modification of Determination of Sales at Less Than Fair Value

AGENCY: U.S. Treasury Department.

ACTION: Modification of Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that certain revisions have been made in the calculation of the weighted average margin relating to viscose rayon staple fiber from Finland that earlier was determined to be sold at less than fair value within the meaning of the Antidumping Act, 1921. As a result of the earlier "Withholding of Appraisement and Determination of Sales at Less Than Fair Value" notice, this case was referred to the International Trade Commission for a determination concerning possible injury to an industry in the United States. The Commission has been advised of this amended determination.

EFFECTIVE DATE: January 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael E. Crawford, Operations Officer, Office of Operations, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On November 16, 1978, a "Withholding of Appraisment and Determination of Sales at Less Than Fair Value" notice was published in the FEDERAL REGISTER (43 FR 53531-32). Since the publication of that notice, a mathematical error has been found relating to the amount of selling expenses deducted from the home market price. Also, clarifying data has been submitted relating to the cost of production of the subject merchandise.

A mathematical error was made when converting the amount of commission on U.S. sales (stated in cents per pound) to an equivalent amount to compare with the home market selling expenses which were stated in Finnmarks per kilogram. The error occurred through a failure to convert the amount per pound to an equivalent amount per kilogram.

Because of clarifying data that has been submitted, a change in the calculation of the cost to produce is necessary. The new information shows that the allocation of general expenses was made among machine lines producing different types of fiber, based on machine line capacity, and that the per unit general expenses were computed by dividing the quantity of production into the amount of general expenses allocated to the particular machine line for rayon staple fiber. Originally, it was thought that the manufacturer based its allocation of expenses on plant capacity instead of actual utilization. As a result of this change, the cost for general expenses and the total cost to produce the subject merchandise is lower. Another result of this change is that now 100 percent of the home market sales are above the cost to produce, thereby permitting use of a greater number of home market sales in calculating the weighted average home market price. The result is to reduce the weighted average price against which sales to the United States were compared.

The net result of the above mentioned changes is that the weighted average margin between home market and United States sales has dropped from approximately 11.77 percent to approximately 8.7 percent.

The United States International Trade Commission has been advised of this amended determination.

This amended determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

JANUARY 4, 1979.

[FR Doc. 79-858 Filed 1-9-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

120-BED NURSING HOME CARE UNIT, VAMC ATLANTA, GA.

Proposed Action

The Veterans Administration proposes to locate a 120-Bed Nursing Home Care Unit at the Veterans Administration Medical Center, Atlanta, Georgia. It has been determined that the proposed project will be located in the 100-year Floodplain of South Fork Peachtree Creek.

The Veterans Administration has worked in close coordination with the Corps of Engineers and Dekalb County, Georgia, in defining the limits of the existing flood hazard and determining the impact of placing the proposed project on the site. Through this coordinated effort a concept of elevating the building on stilts has been developed. The Corps has studied the forecasted impact of the proposed structure as conceived and found that it will have no significant impact on the floodplain and meets the requirements of the Federal Insurance Agency Guidelines for placing construction in a flood prone area.

The Veterans Administration has solicited comments from the State and local levels and has received no negative responses. This Notice of Proposed Action completes the announcement requirements in Executive Order 11988, Floodplain Management Guidelines (February 1978). The VA is now proceeding with further project development and implementation.

Comments on this proposed action should be addressed to:

Mr. V. P. Miller, Assistant Administrator for Construction (08), Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420.

Dated: January 4, 1979.

MAURY S. CRALLE, Jr.,
Assistant Deputy Administrator for Financial Management to Construction.

[FR Doc. 79-854 Filed 1-9-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241; Rule 19, 34th Revised Exemption No. 12]

ATLANTA & SAINT ANDREWS BAY RAILWAY CO., ET AL.

Exemption Under Mandatory Car Service Rules

To all railroads:

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 409, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" or "XMI", and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car service Rules 1(a), 2(a), and 2(b).

*Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB
Atlantic and Western Railway
Reporting Marks: ATW
Chicago & Illinois Midland Railway Company
Reporting Marks: CIM
Fonda, Johnstown and Gloversville Railroad Company
Reporting Marks: FJG
Hillsdale County Railway Company Inc.
Reporting Marks: HCRC
Maryland and Pennsylvania Railroad Company
Reporting Marks: MPA
Pickens Railroad Company
Reporting Marks: PICK
XXX
Wellsville, Addison & Galeton Railroad Corporation
Reporting Marks: WAG

Effective January 2, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., December 26, 1978.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-879 Filed 1-9-79; 8:45 am]

[7035-01-M]

[Ex Parte No. 241; Rule 19, 23rd Revised Exemption No. 129]

CHICAGO, WEST PULLMAN & SOUTHERN RAILROAD CO., ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 409, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car service Rules 1(a), 2(a), and 2(b).

XXX
Chicago, West Pullman & Southern Railroad Company
Reporting Marks: CWP
Detroit and Mackinac Railway Company
Reporting Marks: D&M-DM
Illinois Terminal Railroad Company
Reporting Marks: ITC
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC
Richmond, Fredericksburg and Potomac Railroad Company
Reporting Marks: RFP

Effective 12:01 a.m., January 2, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., December 26, 1978.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-883 Filed 1-9-79; 8:45 am]

[7035-01-M]

[Ex Parte No. MC-64; General Temporary Order No. 14, Extension and Modification]

EMERGENCY TEMPORARY AUTHORITY

Decided: January 4, 1979.

The characteristics of the meat packing industry require modification of our normal practice in handling requests for emergency temporary authority. There is an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation system of the nation.

To meet this need, the Commission issued General Temporary Order No. 14, effective October 1, 1978. That order provided a more flexible way for applicants to obtain emergency temporary authority to render the required motor carrier service. The procedures used improved motor carrier service. The procedures used improved and expedited processing techniques and permitted the meat packer industry to move its shipments during months of chronic refrigerated motor carrier shortages. This need will continue through the first 3 months of 1979.

Therefore, General Temporary Order No. 14 procedures will be extended for the period January 1

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*Addition.

XXX Roscoe, Snyder and Pacific Railway Company deleted.

XXX Atlanta & Saint Andrews Bay Railway Co. deleted.

through March 31, 1979. Additionally, the order will be modified in two ways: (1) the procedures will extend to the full range of meat packer commodities, and (2) pursuant to the recent "Notice of Elimination of Notification Procedure in the Processing of Emergency Temporary Authority Applications Under 49 U.S.C. 10928," General Temporary Order No. 14 will be modified to excise such requirements.

It is ordered:

Pursuant to 49 U.S.C. 10928,[1] applications for emergency temporary authority to transport meat, meat products, meat by-products, and articles distributed by meat packinghouses, by motor vehicle shall, for a period of 90 days beginning January 1, 1979, and ending March 31, 1979, be governed by the following procedures to expedite the filing and processing of those applications:

(1) A meat packer, upon failing to find a carrier authorized to perform the needed peak service, may file a verified statement to that effect in support of an applicant for ETA to provide the service. The district supervisor receiving the application will accept the statement as evidence of the matters recited, and will make a recommendation without notifying other district offices or other carriers.

(2) These procedures are intended to result in liberal grants of authority, if shown needed. In an ETA application, where the supporting packer cannot pin-point the time or destination of the shipment(s), but can, on the basis of prior experience, show a likely time period up to 30 days and a likely destination area in designated States, the field staff and Commission, respectively, will consider that showing in making a recommendation and rendering a decision.

(3) Grants of authority made within the 90-day period shall continue in effect for the term indicated even though the term of the grant extends beyond March 31, 1979.

This expedited procedure is available upon condition that the applicant carrier complies with all applicable requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and that the tariff publications quote rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized.

Service performed under emergency temporary authority granted pursuant to this procedure shall in no way constitute evidence or a showing warranting future issuance of a certificate of public convenience and necessity or permit, as provided in 49 U.S.C. 10922 and 10923.

[1]Formerly Section 210a(a) of the Interstate Commerce Act.

Notice of this decision shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission: Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Commissioner Clapp dissenting in part.

H. G. Homme, Jr.,
Secretary.

Commissioner Clapp (Dissenting in Part)

I am opposed to the elimination of the notification procedure here. This modification parallels the policy adopted by the Commission in "Notice of Elimination of Notification Procedure in the Processing of Emergency Temporary Authority Application Under 49 U.S.C. 10928," decided December 1, 1978—an action which I believe was taken by the Commission without the notice and public comment required by the Administrative Procedure Act.

[FR Doc. 79-884, Filed 1-9-79; 8:45 am]

[7035-01-M]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

January 3, 1979.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 22, 1979. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 107012 (Sub-E390), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated,* (1) From points in AL, to points in ME, NH and VT (*Milan, IN and points in KY). (2) From points in AL, to points in MA and RI (3) From points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega and Tallapoosa Counties, AL, to points in CT; points in Morris, Sussex, Warren, Hunterdon, Mercer, Middlesex, Somerset, Union, Bergen, Essex, Hudson and Passaic Counties, NJ; points in Barbour, Berkley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (4) From points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike and Russell Counties, AL, to points in Tolland and Windham Counties, CT; points in Barbour, Berkley, Doddridge Grant Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (5) From points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker and Winston Counties, AL, to points in CT, DE, MD, NJ; Braxton,Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (6) From points in De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL, to points in CT; Points in New Castle County, DE; Baltimore, Baltimore City, Carroll, Cecil, Frederick, Hartford, Howard, Kent, Allegany, Garrett and Washington Counties, MD; points in NJ; Points in Barbour, Berkley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (7) From points in

Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL, to points in CT; points in New Castle County; DE; Points in Allegany, Garrett and Washington Counties, MD; points in NJ; points in Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Barbour, Berkley, Doddridge, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Wetzel, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall and Ohio Counties, WV. (Eliminate gateway of Milan, IN unless otherwise indicated by an asterisk above.)

MC 107012 (Sub-E391), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., PO Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated,* (1) From points in AZ, to points in GA, KY, NC, SC, TN and VA (points in Greene County, AR)*. (2) From points in Cochise, Gila, Graham and Greenlee Counties, AZ, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL (points in Greene County, AR)*. Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (points in Greene County, AR)*. Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counites, IA (Burlington, IA)*; points in Atkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (Burlington, IA)*; Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (points in Greene County, AR)*. (3) From points in Apache, Coconino, Mohave, Navajo and Yavapai Counties, AZ, to points in AL (points in Greene County, AR)*; points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillins, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR)*; points in FL (points in Greene County, AR)*; points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine Scott, Van Buren, Wapello and Washington Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (Burlington, IA)*; points in Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancok, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (points in Greene County, AR)*., (4) From points in Maricopa, Pima, Pinal and Santa Cruz Counties, AZ, to points in AL (points in Greene County, AR); points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County, AR); points in FL (points in Greene County, AR)*; points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasella, Washington, Winona and Wright Counties, MN (Burlington, IA)*; points in Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union,

Webster and Yalobusha Counties, MS (points in Greene County, AR)*. (5) From Points in Yuma County, AZ, to points in AL (points in Greene County, AR)*; points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry Phillips, Prairie, Pulaski, Saline and White Counties, AR (points in Greene County AR)*; points in FL (points in Greene County, AR)*; points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (Burlington, IA)*; points in Bolivar, Carrol, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancok, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (points in Greene County, AR). (Eliminate gateways indicated by asterisks above.)

MC 107012 (Sub-E-392), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Forth Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Furniture, Crated. 1.*) From points in AR, to points in KY, NC and VA (points in Greene County, AR) 2.) From points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier and Yell Counties, AR, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall and Morgan Counties, AL (points in Greene County, AR) points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA (points in Greene County, AR)* points in Charlotte, De Sota, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayete, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (points in Greene County, AR)* points in GA)*; (points in Greene County, AR)*; points in Benewah, Bonner, Boundry, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties, ID (points in Greene County, AR)* points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (points in Greene County, AR)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (Burlington, IA) points in MT (points in Greene County, AR)*; points in ND (points in Greene County, AR)*; points in OR (points in Greene County, AR)*; points in SC (points in Greene County, AR)*; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loundon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (points in Greene County, AR)*; points in WA (points in Greene County, AR)*. 3.) From points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita and Union Counties, AR, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA (points in Greene County, AR) points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO (points in Greene County, AR)*; points in ID (points in Greene County, AR); points in IA (points in Greene County, AR) points in Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee and Wyandotte Counties, KS (points in Greene County, AR)* points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle,

Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin and Yellow Medicine Counties, MN (Burlington, IA)*; points in MT (points in Greene County, AR) points in Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV (points in Greene County, AR)*; points in ND (points in Greene County, AR) points in OR (points in Greene County, AR); points in Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC (points in Greene County, AR) points in SD (points in Greene County, AR)*; points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (points in Greene County, AR); points in Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah Wasatch, Weber, Carbon, Daggett, Duchesme, Emery, Grand, San Juan, Uimtah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT (points in Greene County, AR) points in WA (points in Greene County, AR); points in WY (points in Greene County, AR). 4.) From points in Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren and Washington Counties, AR, to points in AL (points in Greene County, AR) points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA (points in Greene County, AR)*; points in FL (points in Greene County, AR); points in GA (points in Greene County, AR); points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth and Wright Counties, IA (Burlington, IA)*; points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA), points in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster and Yalobusha Counties, MS (points in Greene County, AR)*; points in Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Divide, McKenzie and Williams Counties, ND (*Burlington, IA); points in Benton, Clackamas, Clatsop, Columbia, Lane, Linoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson and Josephine Counties, OR (points in Greene County, AR) points in SC (points in Greene County, AR); points in TN (points in Greene County, AR) points in Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish and Whatcom Counties, WA (points in Greene County, AR)*. 5.) From points in Baxter, Clay, Craighead, Greene, Crittendon, Cross, Fulton, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, Saint Francis, Sharp, Stone and Woodruff Counties, AR, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA (*Burlington, IA); points in MN (*Burlington, IA); points in ND (*Burlington, IA); points in SD (*Burlington, IA). 6.) From points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR, to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike and Russell Counties, AL (points in Greene County, AR)*; points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz and Yuma Counties, AZ (points in Greene County, AR)*; points in CA (points in Greene County, AR)*; points in CO (points in Greene County, AR)*; points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (points in Greene County, AR); points in GA (points in Greene County, AR); points in ID (points in Greene County, AR)*; points in IA (points in Greene County, AR); points in KS (points in Greene County, AR); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochichin, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin and Yellow Medicine Counties, MN (*Burlington, IA); points in MT (points in Greene County, AR); points in NV (points in Greene County, AR); points in ND (points in Greene County, AR); points in OR (points in Greene County, AR); points in SC (points in Greene County, AR); points in SD (points in Greene County, AR); points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson,

Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (points in Greene County, AR); points in UT (points in Greene County, AR); points in WA (points in Greene County, AR); points in WY (points in Greene County, AR). (Eliminate gateways indicated by asterisks above)

MC 107012 (Sub-E417), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). *New Household Furniture, Crated,* from points in NH, to points in Braxton, Clay, Fayette, Kanawha, Nicholas, Webster, Calhoun, Gilmer, Jackson, Mason, Pleasants, Ritchie, Roane, Wirt, Wood, Brooke, Hancock, Marshall, Ohio, Boone, Cabell, Lincoln, Logan, Mingo, Putnam and Wayne Counties, WV. (Eliminate gateway of Cleveland, OH.)

MC 107012 (Sub-E418), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above.) *New Furniture, Crated,* (1) From points in NH, to points in AL and MS (*points in KY). (2) From points in NH, to points in WI (*Cleveland, OH). (3) From points in Coos County, NH, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla Counties, FL (*points in KY); points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (*State of KY 38A + 48A); Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (*points in KY). (4) From points in Cheshire, Hillsboro and Sullivan Counties, NH, to points in Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL (*points in KY); points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (*points in KY); points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (points in KY). (5) From points in Carroll and Grafton Counties, NH, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (*points in KY); points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox, Worth, Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (*points in KY); points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (*points in KY). (6) From points in Belknap, Merrimack, Rockingham and Strafford Counties, NH, to points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade,

Martin, Monroe, Palm Beach, Saint Lucie, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, Washington, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor and Wakulla Counties, FL (*points in KY); points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA (*points in KY); points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH); points in Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN (*points in KY). (Gateways eliminated indicated by asterisks above).

MC 107012 (Sub-E419), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Biship and Gary M. Crist (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture, Crated*, (1) From points in NM, to points in AL, FL, GA, MS and SC (*Camden, AR) (2) From points in NM, to points in KY, NC, TN and VA (*points in Greene County, AR 61A plus 49A) (3) From points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance and Valencia Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA; (*Burlington, IA); points in LA (*Camden, AR); *points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA) (4) From points in McKinley, Rio Arriba and San Juan Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in LA (*Camden, AR); points in Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA) (5) From points in Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay and Roosevelt Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (*Camden, AR); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA). (6) From points in Caton, Dona Ana, Grant, Kidalgo, Luna, Otero, Sierra and Socorro Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Rapids, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA (*Camden, AR); points in Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Good Hue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Millie Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona and Wright Counties, MN (*Burlington, IA). (7) From points in Colfax, Harding, Mora, Taos and Union Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA (*Burlington, IA); points LA (*Camden, AR). (Eliminate gateways points indicated by asterisks).

MC-107012 (Sub-E420), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop and Gary M. Crist (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture, Crated*, 1.) From points in NY, to points in AL, FL, and GA (*Points in TN).

(2) From points in Broome, Cayuga, Chemung, Chenango, Courtland, Delaware, Madison, Onondaga, Ontario, Otsego, Schoharie, Schuyler, Seneca, Tioga, Tompkins, Wayne and Yates Counties, NY to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN); points in Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC (*points in TN).

(3) From points in Allegany, Cattaraugus, Chatauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, Steuben, Wyoming, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren and Washington Counties, NY, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN) points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington and Westmoreland Counties, PA (*Newton Falls, OH) points in Allendale, Bamberg, Barnwell, Beaufort, Berkely, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC (*points in TN).

(4) From points in Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau New York, Orange, Putnam, Queens, Rensselar, Richmond, Rockland, Sullivan, Ulster and Westchester Counties, NY, to points in buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN) points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC (*points in TN).

(5) From points in Suffolk County, NY, to points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes and Yadkin Counties, NC (*points in TN) points in Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Venango and Warren Counties, PA (*Newton Falls, OH) points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Abbeville, Anderson, Greenville, Ocomee, Pickens, Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union and York Counties, SC (*points in TN). (Eliminate gateways indicated by asterisks above).

MC 111401 (Sub-E50) (correction), filed May 14, 1974, published in the FEDERAL REGISTER, issue of April 15, 1975, and republished, as corrected, this issue. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same as above). *Petrochemicals*, in bulk, in tank vehicles, from points in KS located on and south of State Hwy 96 and on and west of State Hwy 99 to points in AR, IA, and MO. (2) *Petrochemicals*, in bulk, in tank vehicles, from points in KS on and West of U.S. Hwy 77, to points in AR. (3) *Petrochemicals*, in bulk, in tank vehicles, from points in KS on and east and south of a line beginning at the KS-OK state line and extending along KS Hwy 14, then along KS Hwy 14 to junction U.S. Hwy 54, then east along U.S. Hwy 54 to the KS-MO state line, to points in IA and NE. (Gateway eliminated: points of Wichita, KS). The purpose of this republication is to add part (2) and (3), previously omitted, to the territorial description.

MC 111401 (Sub-E56) (clarification), filed May 12, 1974, published in the FEDERAL REGISTER, issue of June 11, 1975, and republished, as clarified, this issue. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same as above). *Petroleum products* (except lubricating oils), in bulk, in tank vehicles, from points in KS on and east of U.S. Hwy 77 and on and north of U.S. Hwy 24 to points in Louisiana. (Eliminate gateways: Points of Ardmore, Cleveland, Cushing, Ducan, Tulsa, and Wynnewood, OK.) This republication is to clarify that this letter-notice is the correct E-56.

NOTE.—A letter-notice under Sub-E56 was published on May 23, 1975, erroneously, and republished under the correct number E-56, on June 9, 1975.

MC 111401 (Sub-E86) (clarification), filed May 4, 1975, published in the FEDERAL REGISTER, issue of May 23, 1975 (under Sub-E56), republished as corrected under Sub-E86 in the FEDERAL REGISTER, issue of June 9, 1975, and republished as clarified, this issue. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same as above). *Liquid petrochemicals*, in bulk, in tank vehicles, from points in TX located on, south and east of a line beginning at Galveston and extending along I Hwy 45 to junction U.S. Hwy 90, then along U.S. Hwy 90 to junction U.S. Hwy 77, then along U.S. Hwy 77 to the U.S.-Mexico International Boundary line, to points in AL, AR, LA, MS, and MO. (Gateway eliminated: points of Texas City, TX.) This republication is to clarify Sub E-86 and to include the correct destination territory.

MC 123407 (Sub-E651), filed July 25, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. Representative: Richard L. Loftus (same as above). *Composition board, materials and accessories used in the installation of composition board, and ceiling tile* (except lumber, commodities in bulk and commodities requiring special equipment) in containers or in trailers, having an immediately prior to subsequent movement by water, or by water-rail or by air, from points in ME, NH, VT, MA, RI, CT, NY, NJ, MD, DE, DC, MI, PA, Newport News and Norfolk, VA, and points in Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Jackson, and Mason Counties, WV, to points in NM.

(Gateway eliminated points of Dubuque, IA.)

MC 124174 (Sub-E63), filed November 2, 1976; Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above) *Hides, skins, and pieces thereof, and tannery products, tannery-by-products, and supplies* (except commodities in bulk, in tank vehicles), from all points in Mississippi, to points in IN on and east of a line from U.S. Hwy 41 at the KY-IN border to U.S. Hwy 50 to the IN-IL border; points in IL on and northeast of a line from U.S. Hwy 50 at the IN-IL border west to U.S. Hwy 51, north on U.S. Hwy 51 to state Hwy 29, to state Hwy 125, to U.S. Hwy 67, to state Hwy 9 to the IL-IA border; points in IA on and north-east of a line from U.S. Hwy 61 at the border of IA and MS River north to U.S. Hwy 34, to U.S. Hwy 63, to U.S. Hwy 30, to U.S. Hwy 65, to state Hwy 3, to U.S. Hwy 169 to the IA-MN border; points in MN on and northeast of a line from U.S. Hwy 169 at the IA-MN border, to state Hwy 68, to U.S. Hwy 14, to U.S. Hwy 59, to state Hwy 68 to the MN-SD border; points in SD on and north of a line from state Hwy 22 at the MN-SD border, to U.S. Hwy 81 to U.S. Hwy 212 west to the SD-WY border; points in GA on and north of a line from U.S. Hwy 41 & 76 at the GA-TN border to state Hwy 52 to state Hwy 136, to U.S. Hwy 19, to state Hwy 20, to state Hwy 13, to U.S. Hwy 23, to U.S. Hwy 23 & 41 to GA-NC border; points in TN on and east of a line from U.S. Hwy 27 at Chattanooga, north on U.S. Hwy 27 to the TN-KY border; points in KY on and north-east of a line from U.S. Hwy 27 at the KY-TN border to state Hwy 92, to U.S. Hwy 25W, to U.S. Hwy 25, to Daniel Boone Parkway, east on Parkway to state Hwy 15 at Bonnyman, north on state Hwy 15 to U.S. Hwy 60, to U.S. Hwy 62, to state Hwy 44 to U.S. Hwy 31W & 60 to U.S. Hwy 60, to U.S. Hwy 231 at the KY-IN border; points in VA; WV; MD; NJ; MA; VT: NH; ME; NY; PA; OH; MI; WI; and Hazelwood, NC. (Eliminate gateway points of Chattanooga, TN, and Evansville, IN.)

MC 124174 (Sub-E64), filed November 2, 1976; Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above) *Hides, skins, and pieces thereof, and tannery products, tannery-by-products, and supplies* (except commodities in bulk, in tank vehicles), from all points in WY on and north of a line beginning at the ID-WY line, then east on U.S. Hwy 20, then east on U.S. Hwy 14 to Sheridan, then east on I-90 to Moorcraft, then east on U.S. Hwy 16 to the Weston and Crook County line then east to the SD-WY state line, to points in TX on and east of unnumbered Hwy from Mexico-U.S. boundary approximately 4 miles south of Del Rio, TX to Del Rio then north on U.S. Hwy 277, to U.S. Hwy 283, to the OK-TX state line. (Eliminate gateway points of Salina, KS.)

MC 124174 (Sub-E65), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, and tannery products, by-products and supplies,* (except commodities in bulk, in tank vehicles) from points in ND on and North of a line beginning at the MO-ND line, then east on U.S. Hwy 2 to U.S. Hwy 40, then north on U.S. Hwy. 40 to the ND-Canadian line, to points in MN on and south of a line beginning at the MN-WY line, then west on State Hwy 48, to State Hwy 23, then southwest on State Hwy 23 to State Hwy 15, then south on State Hwy 15 to U.S. Hwy 14, then east on U.S. Hwy 14 to State Hwy 60, then west on State Hwy 60 to State Hwy 86, then south on State Hwy 86 to the IA-MN State line. (Eliminate gateway: point of St. Paul, MN).

MC 124174 (Sub-E66), filed November 2, 1976. Applicant: MOMSEN TRUCKING COMPANY, P.O. Box 37490, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Hides, skins, and pieces thereof, tannery products, tannery by-products, and supplies* (except commodities in bulk, in tank vehicles), from all points in MS, points in TN on and east of a line from I Hwy 24 at the GA-TN border to Nashville, to U.S. Hwy 31E, to State Hwy 25, to State Hwy 53 to the TN-KY border; points in GA on and east of a line from I Hwy 24 at the GA-TN border along said border to U.S. Hwy 41 & 76, to U.S. Hwy 41, to State Hwy 92, to U.S. Hwy 19, to State Hwy 20, to I Hwy 85; points in on and east of a line from U.S. Hwy 41 at Chicago, to U.S. Hwy 14 to the IL-WI border; points in WI on and east of a line from U.S. Hwy 14 at the IL-WI border to State Hwy 15 to State Hwy 67, to State Hwy 33, to State Hwy 26, to U.S. Hwy 45, to U.S. Hwy 8, to State Hwy 47, to U.S. Hwy 51, to U.S. Hwy 2, to State Hwy 122 at the WI-Lake Superior border; points in VA; KY; WV; MD; NJ; MA; VT; NH; ME; NY; PA; OH; IN; MI; and Hazelwood, NC. (Gateway eliminated: points in Chicago, IL; Nashville, TN; New Albany, IN; and St. Louis, MO.)

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-878 Filed 1-9-79; 8:45 am]

[7035-01-M]

[Notice No. 1]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

January 3, 1979.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2900 (Sub-344 TA), filed November 21, 1978. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S.E. Somers, Jr., P.O. Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* (except Classes A and B explosives, those of unusual value, commodities in bulk, those requiring special equipment and household goods as defined by the Commission), (1) Between Knoxville, TN and Lexington, KY: From Knoxville, TN over Interstate Highway 75 to Lexington, KY., and return over the same route. (2) Be-

tween Lexington, KY and Cincinnati, OH: From Lexington, KY over Interstate Highway 78 to Cincinnati, OH and return over the same route. (3) Between Nashville, TN and Lexington, KY: From Nashville, TN over U.S. Highway 31E to junction U.S. Highway 62, then over U.S. 62 to junction U.S. Highway 60, then over U.S. Highway 60 to Lexington, KY and return over the same route. (4) Between Charleston, WV and Lexington, KY: From Charleston, WV over Interstate Highway 64 to Lexington, KY and return over the same route. (5) Between Lexington, KY and New Albany, IN: From Lexington, KY over Interstate Highway 64 to New Albany, IN and return over the same route. (6) Serving all intermediate and off-route points in Anderson, Bourbon, Boyle, Clark, Fayette, Franklin, Garrard, Harrison, Jessamine, Madison, Mercer, Montgomery, Scott and Woodford Counties, KY in connection with routes (1) through (5) above, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximately (29) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 26825 (Sub-17TA), filed November 21, 1978. Applicant: ANDREWS VAN LINES, INC., Seventh St., and Park Avenue, Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Room heating devices*, from Seattle, WA., to Springfield, OH., restricted to the transportation of traffic having a prior movement by air or water, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Robert H. Hayes President, Energy Mart, Inc., 14 Buxton Avenue, Springfield, OH 45505. SEND PROTESTS TO: Carroll Russell DS, ICC, Suit 620, 110 North 14th Street, Omaha, NE 68102.

MC 28905 (Sub-7TA), filed November 21, 1978. Applicant: RISBERG'S TRUCK LINE, 2339 S.E., Grand Avenue, Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 NW., 23rd Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, uncrated household goods, commodities in bulk, and those requiring special equipment), Between Portland, OR, and Bend, OR, serving the intermediate points of Warm Springs, Madras, Terrebonne, Prineville Junction and Redmond, OR, and the off-route points of Culver, Metolius, Sisters and Prineville, OR: From Portland, over U.S. Highway 26 to Junction U.S. Highway 97, thence over U.S. Highway 97 to Bend, and return over the same route. Between Portland and Bend, OR, as an alternate route for operating convenience only, serving no intermediate points: From Portland over Interstate Highway 5 to Junction U.S. Highway 22 at or near Salem, OR, thence over U.S. Highway 22 to Junction U.S. Highway 20, thence over U.S. Highway 22 to Junction U.S. Highway 20, thence over U.S. Highway 20 to Bend and return over the same route, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximately (25) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Odoms DS, ICC, 114 Pioneer Courthouse, 555 SW., Yamhill Street, Portland, OR 97204.

MC 42146 (Sub.-20TA), filed November 21, 1978. Applicant: A. G. BOONE COMPANY, 1812 W. Morehead Street, P.O. Box 8126, Charlotte, NC 28208. Representative: Floyd C. Hartsell, P.O. Box 8126, Charlotte, NC 28208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business for the account of Rainbo Baking Co., between points and places in Mecklenburg County, NC and Washington County, TN., on the one hand and on the other, points and places in the State of NC, State of SC, State of TN, State of VA, Baltimore County, MD, Blair County, PA and Brooklyn, NY., under a continuing contract or contracts, with Rainbo Baking Company, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Rainbo Baking Company, 4825 Hovis Road, Charlotte, NC 28208. SEND PROTESTS TO: Terrell Price DS, 800 Briar Creek Road, Room CC516, Mart Office Bldg., Charlotte, NC 28205.

MC 52704 (Sub.-196TA), filed November 21, 1978. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, Lafayette, AL 36863. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. (1) *Molded rubber and rubber and plastic combined products*, from the facilities of Entek Corporation of America at or near Irving, TX., to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MS, MO, NJ, NC, OH, OK, PA, SC, TN, VA, WV and DC; and (2) *Materials, equipment and supplies used in the manufacture and distribution of molded rubber and rubber and plastic combined products*, (except commodities in bulk), from points in the States named in (1) above, to the facilities of Entek Corporation of America at or near Irving, TX., for 180 days. SUPPORTING SHIPPER(S): Entek Corporation of America, 104 County Line Road, Irving, TX 75060. SEND PROTESTS TO: Mabel E. Holston Trans. Asst., ICC, Room 1616, 2121 Building, Birmingham, AL. 35203.

MC 56679 (Sub-108TA); filed November 2, 1978. Applicant: BROWN TRANSPORT CORP., 352 University Avenue, S.W., Atlanta, GA 30315. Representative: Leonard S. Cassell, 352 University Ave., S.W., Atlanta, GA 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with usual exceptions, (1) Between Ocoee, TN. and New Orleans, LA.: Form Ocoee, TN. over U.S. Highway 64 to its Junction with Interstate 75 at or near Cleveland, TN, then over Interstate 75 to its junction with Interstate 24, then over Interstate 24 to its junction with Interstate 59, then over Interstate 59 to its junction with Interstate 10, then over Interstate 10 to New Orleans, LA., and return over the same route, serving all intermediate points in AL., MS. and LA. (2) Between Atlanta, GA. and New Orleans, LA.: From Atlanta, GA., over Interstate 85 to its Junction with Interstate 65 at or near Montgomery, AL., then over Interstate 65 to its temporary termination, then over AL., Highway 59 to its Junction with U.S. Highway 31, at or near Bay Minette, AL., then over U.S. Highway 31 to Mobile, AL., then over Interstate 10 to its Junction with U.S. Highway 90, then over U.S. Highway 90 to New Orleans, LA. and return over the same route, serving all intermediate points in AL, MS, and LA. (3) Between Columbus, GA. and Vicksburg, MS., and return over the same route, serving all intermediate points in AL. and MS. (4) Between Atlanta, GA. and Hamilton, AL.: From Atlanta over U.S. Highway 278 to Hamilton, AL., and return over the same route, serving all intermediate points in AL. (5) Between Birmingham, AL. and Southaven, MS.: From Birmingham, AL., over U.S. Highway 79 to Junction U.S. 51, then over U.S. 51 to Southaven, MS., and return over the same route, serving all intermediate points in AL., and MS. (6) Between Corinth, MS. and Mobile, AL.: From Corinth, MS. over U.S. Highway 45 to Mobile, AL., and return over the same route, serving all intermediate points.

(7) Between Dothan, AL. and Natchez, MS.: From Dothan, AL. over U.S. Highway 84 to Natchez, MS. and return over the same route, serving all intermediate points. (8) Between Andalusia, AL. and Flomaton, AL.: From Andalusia, AL. over U.S. Highway 29 to Junction with U.S. Highway 31, then over U.S. Highway 31 to Flomaton, AL., and return over the same route serving all intermediate points. (9) Between Dothan, AL. and the AL-TN line North of Athens, AL.: From Dothan, AL. over U.S. Highway 231 to Montgomery, AL., then over Interstate 65 to AL-TN line and return over the same route serving all intermediate points. (10) Between Atlanta, GA. and Birmingham, AL. From Atlanta, GA., over Interstate 20 to Birmingham, LA., and return over the same route, serving all intermediate points in AL. (11) Between Dothan, AL. and Gadsden, AL.: From Dothan, AL. over U.S. Highway 431 to Gadsden, AL. and return over the same route, serving all intermediate points in AL. (12) Between Junction Interstate 59 and Alabama Highway 5 and Mobile, AL.: From Junction Interstate 59 and Alabama Highway 5 over Alabama Highway 5 to its Junction with U.S. Highway 43, then over U.S. Highway 43 to Mobile, AL., and return over the same route, serving all intermediate points. (13) Between Junction U.S. Highway 72 and U.S. Highway 41 and Southaven, MS.: From U.S. Highways 72 and 41 over U.S. Highway 72 to Junction U.S. Highways 51 and 72, then over U.S. Highway 51 to Southaven, MS., and return over the same route, serving all intermediate points in AL., and MS. (14) Between Memphis, TN. and New Orleans, LA.: From Southaven, MS., over U.S. Highway 51 to Horn Lake, MS., then over unnumbered highway to Walls, MS., then over U.S. Highway 61 to New Orleans, LA., and return over the same route serving all intermediate points. (15) Between Southaven, MS. and New Orleans, LA.: From Southaven, MS., over U.S. Highway 51 to Horn Lake, MS., then over unnumbered highway to Walls, MS., then over U.S. Highway 61 to New Orleans, LA., and return over the same route serving all intermediate points. (16) Between Montgomery, AL. and Greenville, MS.: From Montgomery, AL., over U.S. Highway 82 to Greenville, MS., and return over the same route, serving all intermediate points. (17) Between Dalton, GA., and Junction U.S. Highway 41 and U.S. Highway 72.: From Dalton, GA. over U.S. Highway 41 to Junction U.S. Highway 72 and return over the same routes serving no intermediate points. (18) Between Dalton, GA. and Gadsden, AL.: From Dalton, GA., over U.S. Highway 41 to Junction U.S. Highway 411, then over U.S. Highway 411 to Gadsden, AL., and return over the same route serving all intermediate points in AL. (19) Between Flomaton, AL., and Bay Minette, AL.: From Flomaton, AL., over U.S. Highway 31 to Bay Minette, AL., and return over the same route, serving all intermediate points. (20) Between Ocoee, TN., and Charlotte, NC.: From Ocoee, TN., over U.S. Highway 64 to Junction U.S. Highway 74, then over U.S. Highway 74 to Charlotte, NC., and return over the same route, serving all intermediate points in NC., serving as off-route points in connection with the above-described routes, all points in AL and MS, those within 20 miles of New Orleans, LA, those within 20 miles of Dalton, GA; and serving the Commercial Zones of the termini in the above routes, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximately (274) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Sara K. Davis Trans. Asst., ICC, 1252 W. Peachtree Street, N.W., Room 300, Atlanta, GA. 30309.

MC 105375 (Sub-83 TA), filed November 21, 1978. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Representative: Joseph A. Eschenbacher, Jr., 1680 Fourth Avenue, Newport, MN 55055. *Chemicals,* (in bulk), from the plantsite of Minnesota Mining and Manufacturing Company at or near Cordova, IL, to the plantsite of Minnesota Mining and Manufacturing Company at or near Brookings, SD, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Minnesota Mining and Mfg. Company, 3M Center, 224-1E, St. Paul, MN 55101. SEND PROTESTS TO: Delores A. Poe Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 106037 (Sub-5 TA), filed November 21, 1978. Applicant: ROADWAY TRANSPORT LIMITED, 25 Selfield Road, Rexdale, Ontario, Canada M9W 1E8. Representative: Robert G. Gawley, P.O. Box 184, Buffalo, NY 14221. *Trucks and buses and parts and accessories thereof,* moving at the same time with the vehicles of which they are a part and on which they are to be installed in initial and secondary movements in driveaway and truckaway service, for 90 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): General Motors of Canada Limited, Oshawa, Ontario L1G 1K7. SEND PROTESTS TO: ICC, 910 Federal Building, 111 West Huron St., Buffalo, NY 14202.

MC 107012 (Sub-323 TA), filed November 21, 1978. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. *New furniture,* from Red Lion, Mifflinburg and Stewartstown, PA, to points in North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER(S): Yorktown Cabinet Division of Wickes Corporation, Redco Avenue, Red Lion, PA 17356. SEND PROTESTS TO: J. H. Gray DS, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

NOTE: Common control may be involved.

MC 107743 (Sub-53 TA), filed November 21, 1978. Applicant: SYSTEM TRANSPORT, INC., E. 11707 Montgomery, P.O. Box 3456 TA, Spokane, Wa 99220. Representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, TX 75224. *Drilling mud, clay, gilsonite and lignite,* (except in bulk), from MT, ND, SD, NV, WY, TO TX, OK, OR, WA, ID, CA, IL, IN, MO, PA, OH, WI, MI AND IA., for 180 days. SUPPORTING SHIPPER(S): Dresser Industries, Inc., P.O. Box 6504, Houston, TX. SEND PROTESTS TO: Hugh H. Chaffee DS, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 108297 (Sub-29TA) filed November 21, 1978. Applicant: FOX TRANSPORT SYSTEM, 21 S. 5th Street, Philadelphia, PA 19106. Representative: James J. Fox (same address as applicant). *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between points in and south of the counties of Bradford, Lycoming, Clinton, Clearfield, Jefferson, Butler and Mercer, PA., on the one hand, and, on the other, points in New Jersey, West Chester, Nassau Counties, NY: Baltimore County and Baltimore, MD; Philadelphia, PA., and New York, NY., and their commercial zones, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): There are approximately (11) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: T. M. Esposito Trans. Asst., 600 Arch Street, Room 3238, Philadelphia, PA 19106.

MC 109443 (Sub-28TA) filed November 21, 1978. Applicant: SEABOARD TANK LINES, INC., Monahan Avenue, Dunmore, PA 18512. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, MI 18517. *Dry Litharge,* (in bulk, in tank vehicles) from Dunmore, PA., to points in N.C., for 150 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Gould, Inc., Metals Division, P.O. Box 43484, St. Paul, MN 55164. SEND PROTESTS TO: Paul J. Kenworthy DS, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 109449 (Sub-20TA) filed November 21, 1978. Applicant: KUJAK TRANSPORT, INC., Junction Avenue, Winona, MN 55987. Representative: Gary Huntbatch, Junction Avenue, Winona, MN 55987. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), from Huron, SD and Austin, MN., to points in West Virginia, OH and points in PA., west of Highway 219, for 180 days. SUPPORTING SHIPPER(S): Geo. A. Hormel & Co., P. O. Box 800, Austin, MN 55912. SEND PROTESTS TO: Delores A. Poe Trans. Asst., ICC, 414 Federal Building & U.S. Court House, 110 South 4th St., Minneapolis, MN 55401.

MC111611 (Sub-42TA) filed November 21, 1978. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, PA 17044. Representative: William D. Taylor, 100 Pine Street, San Francisco, CA 94111. (1) *Plastic containers and bottles and related materials,* From the plant sites and/or warehouses of IMCO Container Company at or near Lewistown, PA, to points in places in Ohio, Illinois, Indiana, Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, and MA.; and (2) *Plastic continers and bottles and related materials,* from the plant sites and/or warehouses of IMCO Container Company at or near Harrisonburg, VA; Rockaway, NJ; Jeffersonville, IN; Vandalia, IL; Pittsfield, MA; and Goleta, LaMirada and Union City, CA, to Lewistown, PA., for 180 days. SUPPORTING SHIPPER(S): IMCO Container Company, 75th & Cleveland Streets, Kansas City, MO 64132. SEND PROTESTS TO: Charles F. Myers DS, ICC, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 115495 (Sub-39 TA), filed November 9, 1978. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, IL 60174. Representative: Irving R. Segal, Schnader, Harrison, Segal & Lewis, 1719 Packard Building, Philadelphia, PA 19102 and Everett Hutchinson, Fulbright & Jaworski, Suite 400, 1150 Connecticut Ave., N.W., Washington, D.C. 20036. *General commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between department stores, specialty shops and retail stores or the branches or warehouses of such stores; or between department stores, specialty shops and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. (1) Between points in Area A, which includes: (1) California, Oregon and Washington, (2) those parts of Idaho and Nevada within an area described is follows: (a) that part of Idaho north and west of a line beginning at a point on the Washington-Idaho State line near Lewiston, Idaho, thence extending southeasterly along U.S. Highway 95 to Grangeville, Idaho, thence northeasterly along Idaho Highway 13 to junction Idaho Highway 9, thence along Idaho Highway 9 to eastern boundary of Nez Perce County, Idaho, thence northerly along the eastern boundaries of Nez Perce, Latah, Benewah, and Kootenai Counties, Idaho, to U.S. Highway 10, thence easterly along U.S. Highway 10 to the Idaho-Montana State line, thence northerly along the Idaho-Montana State line to the United States-Canada Boundary line; (b) that part of Idaho bounded by a line beginning at the Oregon-Idaho State line, thence extending easterly along U.S. Highway 30-N to Weiser, Idaho, thence southerly along U.S. Highway 95 to junction Idaho Highway 52, thence easterly along Idaho Highway 52 to Horse Shoe Bend, Idaho, thence southerly along Idaho Highway 15 to Boise, Idaho, thence westerly along U.S. Highway 30 to Nampa, Idaho, thence westerly along Idaho Highway 72 to junction U.S. Highway 95, thence southerly along U.S. Highway 95 to the Oregon-Idaho State line, and thence northerly along the Oregon-Idaho State line to the point of beginning; (c) that part of Nevada bounded by a line beginning at a point on the California-Nevada State line, near Verdi, Nev., thence extending easterly along U.S. Highway 40 (Interstate Highway 80) to junction Alternate U.S. Highway 95, thence easterly along Alternate U.S. Highway 95 through Hazen, Nev., to junction U.S. Highway 50, thence westerly along U.S. Highway 50 to Carson City, Nev., thence southerly along U.S. Highway 395 to the California-Nevada State line, and thence northerly along the California-Nevada State line to the point of beginning; and (d) that part of Nevada bounded by a line beginning at a point on the California-Nevada State line, thence extending northerly along U.S. Highway 91 (Interstate Highway 15) to Las Vegas, Nev., thence southeasterly along U.S. Highway 93 to junction U.S. Highway 95, thence southerly along U.S. Highway 95 to the California-Nevada State line, and thence northwesterly along the California-Nevada State line to the point of beginning; and Fallon and Boulder City, Nev., including all points on the described highways and those on the described county lines which do not coincide with State lines, and (3) those parts of Arizona within an area described as follows: (a) Phoenix and points within 25 miles of the Phoenix United States Post Office. (b) Tucson and points within 15 miles of the Tucson United States Post Office. (c) Yuma and Somerton. (d) On and within two miles of: U.S. Highways 66 and 89, and Arizona Highways 84, 87 and 187, between Flagstaff and Nogales, through Prescott, Wickenburg, Phoenix, Mesa, Coolidge, Tucson, and Casa Grange. Arizona Highway 187 between Florence and Coolidge. U.S. Highways 60, 70 and 80 between Buckeye and Globe through Florence Junction. U.S. Highway 80 between Tucson and Douglas. On the one hand, and, on the other, points in Area B which includes: (1) Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Wisconsin and Wyoming; and points in Pennsylvania, West Virginia, and Virginia within ten miles of the Pennsylvania-Ohio, the West Virginia-Ohio, the West Virginia-Kentucky, the Virginia-Kentucky, the Virginia-Tennessee and the Virginia-North Carolina State lines. (2) all points in Idaho, Nevada and Arizona not included in Area A. 2. Between points in Area B above, restricted against the transportation of traffic originating at and destined to points in Texas, Oklahoma, and Kansas, that part of Nebraska on, south, and within 10 miles north of a line beginning at the Nebraska-Colorado state line and extending along U.S. Highway 138 to junction with U.S. Highway 30, and thence along U.S. Highway 30 to the Nebraska-Iowa State line, Fort Smith, Fayetteville and points in Benton, Carroll, and Boone Counties, AR, and those points in Arkansas on and west of U.S. Highway 71, points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchaan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt,

Howard, Jackson, Jasper, Johnson, LaClede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Claire, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and North Counties, MO, except between Omaha, NE; Kansas City, KS, and the counties in western Missouri named herein. Restricted against the transportation of traffic between Memphis, TN, and points in its commercial zone, as defined at 49 C.F.R. § 1048.33 (December 20, 1967), on the one hand, and, on the other, points in AR. Restricted against the transportation of traffic between Memphis, TN, on the one hand, and, on the other, points in that part of Mississippi on and north of U.S. Highway 80. Restricted against the movement of traffic between Denver, CO, on the one hand, and, on the other, points in Kansas and those in that part of Nebraska on and south, and within 10 miles north of a line beginning at the Nebraska-Colorado State line and extending along U.S. Highway 138 to junction U.S. Highway 30 and thence along U.S. Highway 30 to the Nebraska-Iowa State line.
Subject to the following restrictions:
No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment.
No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day, for 180 days. SUPPORTING SHIPPER(S): There are approximately (103) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst. ICC, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 116254 (Sub-218TA), filed November 21, 1978. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Randy C. Luffman, P.O. Box 339, Florence, AL 35630. *Sodium silicate, (in bulk, in collapsible rubber containers or collapsible rubber tanks)*, from DuPont plant sites at East Chicago, IN, Fortyville, IN and Cleveland, OH., to the DuPont plant at New Johnsonville, TN., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): E. I. DuPont de Nemous & Company, 1007 Market Street, Wilmington, DE 19898. SEND PROTESTS TO: Mabel E. Holston Trans. Asst., ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 116254 (Sub-219TA), filed November 21, 1978. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Randy C. Luffman, P.O. Box 339, Florence, AL 35630. *Inedible tallow*, From Montgomery, AL., to points in LA., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. SEND PROTESTS TO: Mabel E. Holston Trans. Asst., ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 116459 (Sub-77TA), filed November 21, 1978. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, TN 37405. Representative: Charles Williams (same address as applicant), *Asphalt and asphalt products*, (in bulk, in tank vehicles), from Atlanta and Lithonia, GA., to points in TN., for 180 days. SUPPORTING SHIPPER(S): Amoco Oil, Mail Code 1402, P.O. Box 6110-A, Chicago, IL 60680. SEND PROTESTS TO: Glenda Kuss Trans. Asst., ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 118535 (Sub-61TA), filed November 21, 1978. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, MO 64730. Representative: Tom Ventura (same address as applicant). *Lead and lead alloys*, (except commodities which because of size or weight require the use of special equipment), From Frisco, TX., to points in Arkansas, Colorado, Iowa, Illinois, Kansas, Louisiana, Missouri, Nebraska, Oklahoma & TN., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Gould, Inc., Metals Divisions, Mendota Heights, MN 55050. SEND PROTESTS TO: John V. Barry DS, Room 600, 911 Walnut Street, Kansas City, MO 64106.

MC 123233 (Sub-87TA), filed November 21, 1978. Applicant: PROVOST CARTAGE, INC., 7887 Grenache Street, Ville d'Anjou, Quebec, Canada H1J 1C4. Representative: Gilbert G. Beriault (same address as applicant). *HVP Sauce (Soya Sauce)*, in bulk, in tank vehicles, From Harbor Beach, MI, to the port of entry on the International Boundary Line between the United States and Canada located at Port Huron, MI, restricted to traffic moving in foreign commerce only, for 90 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): RJR Foods, Ltd., 20 Sicard Street, Ste-Therese, Quebec, Canada. SEND PROTESTS TO: ICC, P.O. Box 548, 87 State Street, Montpelier, VT 05602.

MC 124692 (Sub-250 TA), filed November 21, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). *Insulated building and roofing panels, and equipment, materials and supplies* used in the installation thereof, (except commodities in bulk), from the facilities of Panel Era Corporation, at Dallas, TX, to points in the United States in, east and north of MN, IA, MO, KY and VA, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Panel Era Corporation, 1857 South 3850 West, Salt Lake City, UT 84104. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 125692 (Sub-251TA), filed November 21, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). *Insulated building and roofing panels, and equipment, materials and supplies* used in the installation thereof, (except commodities in bulk), from the facilities of Panel Era Corporation at Salt Lake City, UT, to points in the United States in and west of MN, IA, MO, OK and TX, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks up to 90 days of authority. SUPPORTING SHIPPER(S): Panel Era Corporation, 8157 South 3850 West, Salt Lake City, UT 84104. SEND PROTESTS TO: Paul J. Labane DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 127187 (Sub-45TA), filed November 21, 1978. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., P.O. Box 415, Fertus Falls, MN 56537. Representative: James B. Hovland, 414 Gate City Bldg., P.O. Box 1680, Fargo, ND 58102. *Agricultural chemicals*, (except in bulk), from Great Falls, MT., to (1) Denver, CO; Sioux City, IA; Kansas City, KS; Kansas City, MO; Omaha, NE; Fargo, Grand Forks and Minot, ND; and points in ID, OR and WA; (2) ports of entry on the United States-Canada Boundary Line located at points in MT. RESTRICTION: Restricted in Part (2) to the transportation of traffic destined to Alberta, and Saskatchewan, Canada, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Falls Chemicals, Inc., P.O. Box 6323, Great Falls, MT 59401. SEND PROTESTS TO: Ronald R. Mau DS, ICC, Room 268 Federal Bldg., & U.S. Post Office, 657 2nd Avenue North, Fargo, ND. 58102.

MC 134645 (Sub-27TA), filed November 21, 1978. Applicant: LIVESTOCK SERVICE, INC., P. O. Box 944, 1420 Second Avenue South, St. Cloud, MN

56301. Representative: Robert P. Sack, P. O. Box 6010, West St. Paul, MN 55113. *Fresh meats, suspended,* from Huron, SD., to Los Angeles County, CA., for 180 days. SUPPORTING SHIPPER(S): Huron Dressed Beef, Inc., Huron, SD. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., ICC, 414 Federal Building & U. S. Court House, 110 South 4th St., Minneapolis, MN 55401.

MC 138254 (Sub-5TA), filed November 9, 1978. Applicant: NEW ENGLAND SHUTTLE SERVICE, INC, P. O. Box 39, West Dover, VT 05356. Representative: Edward L. Nehez, P. O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Passengers and their baggage* in the same vehicle with passengers, in special operations, in door-to-door service, limited to transportation of no more than 11 passengers in any one vehicle, not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, (1) Between Winhall, Jamaica, Stratton and Somerset Townships, VT., on the one hand, and, on the other, Boston, MA, and New York, NY., and points in their respective commercial zones as defined by the Commission; Springfield, Amherst and Worcester, MA; Albany and Albany County Airport, NY; and New Haven, Greenwich, Hartford and Windsor Locks, CT; and (2) Between Dover, Jamaica, Marlboro, Newfane, Searsburg, Somerset, Stratton, Wardsboro, and Winhall Townships, VT., on the one hand, and, on the other Dillant-Hopkins Airport near Keene, NH., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): (1) Dover Corporation-Mt. Snow, West Dover, VT. 05356. (2) Mountain Resorts, Inc., Mt. Snow, VT. 05356. (3) Vermont Equities, Ltd., West Dover, VT. 05356. SEND PROTESTS TO: David A. Demers DS, ICC, P. O. Box 548, 87 State Street, Montpelier, VT. 05602.

MC 138256 (Sub-14TA), filed November 21, 1978. Applicant: INTERIOR TRANSPORT, INC., N. 2128 Waterworks Way, P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Boat trailer manufacturing materials consisting of tubular steel;* and (2) *boat trailer parts and related accessories* in (1) from Seattle, WA and Chicago, IL, to the facilities of E-Z Loader Spokane, WA. Shipment of materials described in (2) from E-Z Loader facilities in Spokane to E-Z Loader facilities in OH, under a continuing contract, or contracts, with E-Z Loader Trailer, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): E-Z Loader Trailer, Inc., N. 717 Hamilton, Spokane, WA 99220. SEND PROTESTS TO: Hugh H. Chaffee DS, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 138627 (Sub-44TA), filed November 21, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, 7101 Mercy Road, Suite 106, Omaha, NE 68106. *Lumber and lumber mill products,* from Oshkosh, WI, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and SD, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Pluswood, Inc., P.O. Box 2248, Oshkosh, WI 54903. SEND PROTESTS TO: Herbert W. Allen DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 139193 (Sub-89TA), filed November 21, 1978. Applicant: ROBERTS & OAKE, INC., 4240 Blue Ridge Blvd., Kansas City, MO 64123. Representative: Jacob P. Billig, 2033 "K" Street, N.W., Washington, DC 20006. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs,* from the facilities of Heinz U.S.A., Div., of H. J. Heinz Co., at or near Pittsburgh, PA, to points in Arkansas, Oklahoma and TX, under a continuing contract or contracts, with H. J. Heinz Co., for 180 days. SUPPORTING SHIPPER(S): Heinz U.S.A., Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. SEND PROTESTS TO: John V. Barry DS, Room 600, 911 Walnut, Kansas City, MO 64106.

MC 139244 (Sub-2TA), filed November 21, 1978. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62656. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Aluminum articles,* from the facilities of Kaiser Aluminum & Chemical Corporation in the Chicago, IL, commercial zone to Arkansas, Colorado, Delaware, Florida, Georgia, Iowa, Indiana, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and WI, under a continuing contract or contracts, with Kaiser Aluminum & Chemical Corporation, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): F. A. Carre Manager Midwest Region, Kaiser Aluminum & Chemical Corporation, 9700 S. Harlem, Bridgeview, IL. 60455. SEND PROTESTS TO: Charles D. Little DS, ICC, 414 Leland Office Bldg., 527 East Capitol Avenue, Springfield, IL. 62701.

MC 141532 (Sub-36 TA), filed November 21, 1978. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, WA 98003. Representative: Miles L. Kavaller, Mandel & Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Plastic pipe and plastic pipe fittings,* from points in Bakersfield, Santa Ana and Sun Valley, CA, to points in Idaho, Montana, and UT, for 180 days. SUPPORTING SHIPPER(S): R & G Sloane Manufacturing Co., Inc., 7606 North Clybourn Avenue, Sun Valley, CA 91352. SEND PROTESTS TO: Hugh H. Chaffee DS, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 142672 (Sub-37TA), filed November 21, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. *Candy and confectionery and candy cough drops,* from the facilities of Luden's, Inc., at or near Reading, PA, to points in California, Colorado, Louisiana, Missouri, Oklahoma, Oregon, Texas and WA., for 180 days. SUPPORTING SHIPPER(S): Luden's, Inc., 200 North Eighth Street, Reading, PA. 19609. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, AR 72201.

MC 142672 (Sub-38TA), filed November 21, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. *Candy and confectionery,* from West Reading, PA, to Dallas, TX; Tacoma, WA; Vernon and Union City, CA; Denver, CO; Salt Lake City, UT; and Phoenix, AZ, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): R. M. Palmer Candy Company, 2nd and Franklin Streets, West Reading, PA 19602. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol Little Rock, AR. 72201.

MC 142672 (Sub-39TA), filed November 21, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. *Recreational equipment and related articles; BBQ equipment, NOI and electrical appliances NOI,* from the facilities of Neosho Products Company, at or near Neosho, MO., to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, for 180 days. SUPPORTING SHIPPER(S):

Neosho Products, Division of Sunbeam, P.O. Box 622, Neosho, MO 64850. SEND PROTESTS TO: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142820 (Sub-2TA), filed November 21, 1978. Applicant: ODEX EXPRESS, INC., Bayonne, NJ 07002. Representative: Piken & Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fat and trimming*, (except in bulk), in mechanically refrigerated vehicles, from points in OH, to Carteret, NJ; and (2) *Shortening* (except in bulk), in mechanically refrigerated vehicles, from Carteret, NJ, to points in OH; (3) *Animal feed and feed ingredients, supplements, additives, materials and supplies* for use in the manufacture and promotion of animal feeds, from the facilities of Kal Kan Foods, Inc., at or near Columbus, OH, to points in NY, NJ, CT, PA, MA, RI, NH, VT, and ME. CONDITION: (A) Service in (1) and (2) above to be performed, under a contract or continuing contracts with Intercon Co., Inc., of Carteret, NJ. (B) Service in (3) above to be performed, under a continuing contract or contracts with Kal Kan Foods, Inc., of Vernon, CA, for 180 days. SUPPORTING SHIPPER(S): (1) Intercon Co., Inc., 351 Roosevelt Avenue, Carteret, NJ 07008. (2) Kal Kan Foods, Inc., 3386 E. 44th Street, Vernon CA 90058. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 143846 (Sub-5TA), filed November 21, 1978. Applicant: P. ROSA, INC., 315 Feather Lane, Franklin Lakes, NJ 07417. Representative: Piken & Piken, One Lefrak City Plaza, Flushing, NJ 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, (1) From Baltimore, MD, to points in Vermont, New Hampshire, New York, Ohio, and PA. (2) Between Baltimore, MD and Chicago, IL. (3) From Albany, NY and New York, NY to Baltimore, MD. (4) From New York, NY to Chicago, IL, Cincinnati, OH, Ft. Worth, Dallas, Houston and San Antonio, TX, and Phoenix, AR. (5) From Fort Worth & Dallas, TX. to Baltimore, MD. (6) From Chicago, IL to Albany, NY. (7) Between New York, NY and Baltimore, MD, on the one hand, and points in CA, on the other. (8) From Nashville, TN to Chicago, IL and Baltimore, MD. CONDITION: Service to be performed for and in behalf of Montgomery Ward, under a continuing contract or contracts, with Montgomery Ward & Co., Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Montgomery Ward Co., Montgomery Ward Plaza, Chicago, IL 60671. SEND PROTESTS TO: Robert E. Johnston DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 144162 (Sub-4TA), filed November 21, 1978. Applicant: TIME CONTRACT CARRIERS, INC., 17734 Sierra Highway, Canyon County, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., Los Angeles, CA 90010. (1) *Gift-wrapped and packaged foods, food products and commodities dealt in by retail gift shops*, (except frozen), and (2) *Plants and bulbs* when moving at the same time and in the same vehicle with the commodities in (1) above, from the facilities of Harry and David located at or near Medford, OR, to points in the United States, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Harry and David, 2518 South Pacific Highway, Medford, OR 97501. SEND PROTESTS TO: Irene Carlos Trans. Asst., Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 144282 (Sub-4TA), filed November 21, 1978. Applicant: JAMES RECK, d/b/a JAMES RECK TRUCKING, 4029 W. McDowell No. 4, Phoenix, AZ 85009. Representative: Phil B. Hammond, Lewis P. Ames; Shimmel, Hill, Bishop & Gruender, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron Oxide*, From Vernon, CA, to points in AZ, under a continuing contract or contracts, with Pfizer Incorporated, for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Pfizer Incorporated, 235 E. 42nd Street, New York, NY 10017. SEND PROTESTS TO: Andrew V. Baylor DS, ICC, Room 2020 Federal Bldg., 230 N. First Avenue, Phoenix, AZ 85025.

MC 144819 (Sub-4TA), filed November 21, 1978. Applicant: C & N TRANSPORT, INC., 727 South Overhead Drive, Oklahoma City, OK 73108. Representative: C. L. Phillips, 1411 North Classen Terrace Bldg., Oklahoma City, OK 73106. *Meat, meat products, meat by-products and packing house products*, From Sioux City, IA, to points in CA., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Armour Food Company, (Fresh meat Division), 111 W. Clarendon, Phoenix, AZ 85077. SEND PROTESTS TO: Connie Stanley Trans. Asst., Room 240, Old Post Office Bldg., 215 N.W., Third Street, Oklahoma City, OK 73102.

MC 145202 (Sub-2TA), filed November 21, 1978. Applicant: K-LINES, LTD., 3225 South 11th Street, Council Bluffs, IA 51501. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Hygrade Food Products Corporation at Storm Lake and Cherokee, IA., to points in FL and GA., under a continuing contract or contracts, with Hygrade Food Products Corporation at Detroit, MI., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): William L. Fidler, Director of Transportation, Hygrade Food Products Corporation, P.O. Box 4771, Detroit, MI 48219. SEND PROTESTS TO: Carroll Russell DS, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 145397 (Sub-1TA), filed November 21, 1978. Applicant: P. A. JOHNSON & CO., 1220 Monroe Avenue, Riber Forest, IL 60305. Representative: John F. Kelly (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* for the National Starch & Chemical Corporation, to include commodities that require protestion from freezing, not to include commodities in bulk), from the plant site of National Starch & Chemical Corporation at Chicago, IL., to points in the states of Indiana, Iowa, Michigan and WI as shown in attached Map restriction above. Authority restricted to seasonal operation, November through April, under a continuing contract or contracts, with National Starch & Chemical Corporation, for 180 days. SUPPORTING SHIPPER(S): National Starch & Chemical Corporation, Henry G. Kavanagh, Traffic Director, P.O. Box 6500, Bridgewater, NJ 08817. SEND PROTESTS TO: Lois M. Stahl, Trans. Asst., ICC, 219 South Dearborn St., Room 1386, Chicago, IL 60604.

MC 145640 (Sub-1TA), filed November 21, 1978. Applicant: STEPHEN R. GRIDER, 15571 Victoria Avenue, White Rock, B.C., Canada V4B 1H8. Representative: Craig Gray, 14344 Harris Road, Pitt Meadows, B.C., Canada VOM 1PO. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brewer's grain, using sealed opened dum box* with a centre

gate for splitting the loads, from the ports of entry on the International Boundary line between the United States and Canada located at or near Blaine, Lynden and Sumas to Lynden, Everson and Sumas, WA., under a continuing contract or contracts, with Miracle Feeds, for 180 days. SUPPORTING SHIPPER(S): Miracle Feeds, 9395 Scott Road, Delta, B.C. SEND PROTESTS TO: Hugh H. Chaffee DS, ICC, 858 Federal Building, Seattle, WA 98174.

MC 145745 (Sub-1TA), filed November 21, 1978. Applicant: GODFREY LUMBER COMPANY, INC., P.O. Box 615, Statesville, NC 28677. Representative: Wilson W. Godfrey, 1715 Amity Hill Road, Statesville, NC 28677. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wrecker bodies*, from Chattanooga, and Newbern, TN., to Statesville, NC., under a continuing contract, or contracts, with Auto Equipment, Inc., for 180 days. An underlying ETA seeks up to 90 days authority. SUPPORTING SHIPPER(S): Auto Equipment, Inc., Route 1, Box 358, Statesville, NC 28677. SEND PROTESTS TO: Terrell Price DS, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 145794TA, filed November 21, 1978. Applicant: ARD'S TRUCKING COMPANY, INCORPORATED, P.O. Box 362, Darlington, SC 29532. Representative: Martin S. Driggers, Sr., Saleeby, Cox, Driggers & Blodsoe, P.O. Box 519, Hartsville, SC 29532. *Steel and steel products and wire and wire products*, between the facilities of the ACCO Corp., Darlington County, SC., and the facilities of Nucor Corp., Darlington and Florence Counties, SC., on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Florida, Indiana, Kentucky, Missouri, North Carolina, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and WV., for 180 days. SUPPORTING SHIPPER(S): Vulcraft Division, Nucor Corporation, P.O. Box F-2, Florence, SC 29502. (2) Page Fence Division, Acco Corporation, P.O. Box 25, Darlington, SC 29532. SEND PROTESTS TO: E. E. Strotheid DS, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

MC 145795TA, filed November 21, 1978. Applicant: HERBERT E. CRAVEN, JR., d/b/a HERBERT E. CRAVEN & SON, P.O. Box 124, Ladson, SC 29456. Representative: Falcon B. Hawkins, Hawkins & Morris, 141 East Bay Street, Charleston, SC 29401. *Dry fertilizer and dry fertilizer materials*, (in bulk and in bags), from Clyo, GA., to the facilities of Goldkist, Inc., in Allendale, Anderson, Bamberg, Calhoun, Charleston, Clarendon, Greenville, Edgefield, Laurens, Lee, Newberry, Orangeburg and Williamsburg Counties, SC., for 180 days. SUPPORTING SHIPPER(S): Gold Kist, Inc., P.O. Box 2210, Atlanta, GA 30301. SEND PROTESTS TO: E. E. Strotheid DS, Room 302, 1400 Building, 1400 Pickens Streets, Columbia, SC 29201.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 79-880 Filed 1-9-79; 8:45 am]

[7035-01-M]

[I.C.C. Order No. P-15]

ST. LOUIS SOUTHWESTERN RAILWAY COMPANY

Passenger Train Operation; Decision

Decided: December 26, 1978.

The National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Laredo, Texas. The operation of these trains requires the use of the tracks and other facilities of the Missouri Pacific Railroad Company (MP) between St. Louis, Missouri, and Laredo. A portion of these MP tracks between Little Rock, Arkansas, and Texarkana, Arkansas-Texas, are temporarily out of service because of a derailment. An alternate route is available between these points via the lines of the MP between Little Rock and Pine Bluff, Arkansas, and thence via the lines of the St. Louis Southwestern Railway Company between Pine Bluff and Taxarkana.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, (a) Pursuant to the authority vested in me by order of the Commission served December 10, 1976, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the St. Louis Southwestern Railway Company be, and it is hereby directed to permit the use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between a connection with the Missouri Pacific Railroad Company at Pine Bluff, Arkansas, and a connection with the Missouri Pacific at Texarkana, Arkansas-Texas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(d) *Effective date.* This order shall become effective at 2:00 p.m., CST December 26, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., CST December 29, 1978, unless otherwise modified, changed or suspended by order of this Commission.

This order shall be served upon the St. Louis Southwestern Railway Company and upon the National Railroad Passenger Corporation, and a copy of this order shall be filed with the Director, Office of the Federal Register.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-891 Filed 1-9-79; 8:45 am]

[7035-01-M]

[Revised I.C.C. Order No. P-15]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Passenger Train Operation; Decision

Decided December 27, 1978.

The National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois, and Laredo, Texas. The operation of these trains requires the use of the tracks and other facilities of the Missouri Pacific Railroad Company (MP) between St. Louis, Missouri, and Laredo. A portion of these MP tracks between Little Rock, Arkansas, and Texarkana, Arkansas-Texas, are temporarily out of service because of a derailment. An alternate route is available between these points via the lines of the MP between Little Rock and Haskells, Arkansas, and thence via the lines of the Chicago, Rock Island and Pacific Railroad Company between Haskells and Benton, Arkansas, and thence via the lines of the MP.

It is the opinion of the Commission that the use of such alternate route is

necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission served December 10, 1976, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), the Chicago, Rock Island and Pacific Railroad Company be, and it is hereby directed to permit the use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between a connection with the Missouri Pacific Railroad Company at Haskells, Arkansas, and a connection with the Missouri Pacific at Benton, Arkansas.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers, or upon failure of the carriers to agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(d) *Effective date.* This order shall become effective at 2:00 p.m., CST December 27, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., CST December 29, 1978, unless otherwise modified, changed or suspended by order of this Commission.

This order shall be served upon the Chicago, Rock Island and Pacific Railroad Company and upon the National Railroad Passenger Corporation, and a copy of this order shall be filed with the Director, Office of the FEDERAL REGISTER

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 79-882 Filed 1-9-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3)

CONTENTS

[6320-01-M]

1

[M-189; JANUARY 4, 1979.]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., January 11, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 29044, Part 252—Final Rule on Segregation of Smokers. (OGC)

3. Amendement of Board's *Ex Parte* Rules, 14 CFR 300.2, 300.3, (OGC)

4. Docket 30362—Fees for shippers on air freight shipments. (Memo 7190-B, OGC.)

5. Docket 30537, Draft final rule to eliminate CAB Form 41 Schedule P-13, "Passenger Revenue and Traffic Data by Type of Fare—48 States." (Memo 7550-A, BAS, BPDA, OEA, OGC.)

6. Docket 28115—*Midwest-Atlanta Nonstop Service Investigation*—draft tentative decision. (Memo 8084-A, OGC.)

7. Docket 29790—*Dallas/Fort Worth-Western Mexico Route Proceeding*, Designation of the carrier to serve Route B.3, United States-Mexico Air Transport Agreement, January 1, 1978. Memorandum of Issues and Request for Instructions. (OGC, BIA.)

8. Docket 28475, St. Louis-Kansas City Subpart M Proceeding. (Memo 5708-D, (OGC.))

9. Docket 33171, Dismissal of an application for approval of interlocking directors. Hawaiian Airlines, Inc., *et al.* (BPDA)

10. Dockets 33580, 33629, 33672, 33821, 33863, 33878, and 33997, Applications for certificate amendments nonstop Denver-Detroit authority in the following: Frontier, Braniff, Northwest, Allegheny, Continental, American and Ozark. (BPDA)

11. Dockets 33223, 33462, 33548, 33948, Federal Express petition for an order to show cause on its certificate application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh/St. Louis nonstop authority; Wright's petition for an order to show cause on its certificate amendment application for Midway-Cleveland/Detroit nonstop authority; Ozark's application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh nonstop authority and its motion to consolidate with Federal Express, application; Frontier's application for Midway-Cleveland/Detroit/Kansas City/Minneapolis/Pittsburgh/St. Louis nonstop authority and its motion to consolidate with Federal Express application and for dismissal of its application; American's answer requesting some of the same authority. (Memo 8373-B, BPDA.)

12. Dockets 32801 (United), 32864 (Southern), 32917 (American), 33596 (Allegheny), 34112 (Contintental), 29622 (Delta), 34221 (Ozark), 33628 (American), 33679 (Braniff), 33746 (Allegheny), 33888 (Continental), 33892 (Southern), 33999 (Ozark), 34192 (Piedmont), requesting authority between Memphis and various points; Dockets 34073 (United), 34113 (Continental), 34169 (Delta); exemption requests. (Memo 8414, BPDA.)

13. Dockets 33115 (Braniff), 33298 and 33202 (Airwest), 33315 (American), 33524 (Western), 33543 (TWA), 33607 (Continental), 33674 (Northwest), 33671 (Allegheny), 33996 and 34067 (Ozark), requesting certificate authority between Salt Lake City and various points. (Memo 8412, 8412-A, BPDA, BALJ.)

14. Docket 32696, order 78-9-150, Frontier's application to serve Redding, Calif., and order to show cause. (BPDA)

15. Dockets 31128, 31213,31244, 31529, and 32791—Service to Fort Myers. (Memo 8233, BPDA, OCCR, BALJ, OGC.)

16. Air Carrier rules pertaining to transportation of pregnant women. (Memo 8387, BPDA.)

17. Docket 33288—Petition by Governor, State of Illinois; City of Rockford, Ill.; Greater Rockford Airport Authority; et al. for show-cause order to hyphenate Chicago, Ill., and Rockford, Ill. on certificates of airlines serving Chicago but not authorized to serve Rockford. (Memo 8418, BPDA.)

18. Docket 33960, Allegheny's notice of termination of services at Utica, N.Y., under sections 401(j) and 419(a)(3). The Board is acting on the request by Oneida County to prohibit Allegheny's withdrawal. (BPDA)

19. Dockets 34148, 34149, 34260, and 34262—Airwest's notices of intent to suspend services at Bakersfield, Calif., and Medford, Oreg., respectively, in 90 days. (Memo 8415, BPDA.)

20. Docket 31233, Air New England application requesting dual authorization—instant order responds to petitions for reconsideration filed by Air New England and Commuter Airline Association of America, Inc. (Memo 8061-B, BPDA.)

21. Dockets 34055 and 34083; applications of North Central Airlines and Braniff Airways for an exemption under 416(b) from the service-commencement requirement of section 401(d)(5)(H)(i) of the unused authority provisions. (BPDA)

22. Docket 34306, complaint of TWA against American's "Winter Sale" fares alleging that the filing should have been made on 60-days notice rather than 45-days notice provided by American. (BPDA)

23. United States-Mideast and Far East fare increases filed by Pan American. (Memo 8419, BPDA, BIA.)

24. Docket 30332, IATA agreements proposing varying increases in Western Hemisphere cargo rates through September 30, 1979, to compensate for cost increases. The reporting carriers support the increases; no other comments or objections have been received. (Memo 8322, 8322-A, BPDA, BIA, OGC.)

25. Dockets 33112 and 33283, Waiver of separation of functions rule (section 300.4) in *TXI-National Acquisition Case* (Memo 8242-D, BCP, OGC.)

26. Recommended reply to the Department of State's request for views on granting Japan authority to serve San Juan. (BIA, BPDA, OEA, memo 8359.)

STATUS: Open. Closed—Item 26.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: This memo contains possible strategy and positions to be taken by the United States in its negotiations with Japan. Public disclosures, particularly to foreign governments, of opinions, evaluations, and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve an agreement which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b (9)(B) and that the meeting on this item should be closed:

Chairman Marvin S. Cohen
Member Elizabeth E. Bailey
Member Gloria Schaffer

Member O'Melia was not present.

PERSONS EXPECTED TO ATTEND:

Board Members: Chairman Marvin S. Cohen, Member Richard J. O'Melia, Member Elizabeth E. Bailey, and Member Gloria Schaffer.

Assistants to Board Members: Mr. David M. Kirstein, Mr. Sanford Rederer, and Mr. Stephen H. Lachter.

Office of the Managing Director: Mr. John R. Hancock.

Bureau of International Affairs: Mr. Donald A. Farmer, Jr., Ms. Sandra W. Gerson, Mr. David A. Levitt, Mr. Edward R.

Wilbur, Mr. Ronald C. Miller, Mr. Richard M. Loughlin, and Mr. Willard L. Demory.

Office of the General Counsel: Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Ms. Carol Light.

Bureau of Pricing and Domestic Aviation: Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. Herbert Aswall, Mr. Douglas V. Leister, and Mr. James L. Deegan.

Office of Economic Analysis: Mr. Robert H. Frank and Mr. Richard H. Klem.

Bureau of Consumer Protection: Mr. Reuben B. Robertson.

Office of the Secretary: Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR section 310b.5(9)(B) and that this meeting may be closed to public observation.

PHILLIP J. BAKES, Jr.,
General Counsel.

[S-42-79 Filed 1-8-79; 10:45 am]

[6351-01-M]

2

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 a.m., January 9, 1979.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matter/settlement offer.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-41-79 Filed 1-8-79; 10:45 am]

[6350-01-M]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 2 p.m., January 19, 1979.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial session.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-48-79 Filed 1-8-79; 3:44 pm]

[6714-01-M]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF AGENCY MEETING

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Saturday, January 6, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the deposit liabilities of Toney Brothers Bank, Doerun, Georgia, which was closed by the Commissioner of the Department of Banking and Finance of the State of Georgia on January 5, 1979; (2) approve a resulting application from American Banking Co., Moultrie, Ga., for consent to purchase certain assets of and assume the liability to pay deposits made in the closed bank and for consent to operate the sole office of Toney Brothers Bank as a branch of American Banking Co.; (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (4) appoint a liquidator for such of the assets of the closed bank as were not purchased by American Banking Co.

In calling the meeting, the Board determined, on motion of Director William M. Isaac (Appointive), seconded by Acting Chairman John G. Heimann, that Corporation business required its consideration of the matter on less than 7 days notice to the public; that no earlier notice of the meeting was practicable; and that the meeting could be closed to public observation pursuant to subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)), since the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: January 8, 1979.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-46-79 Filed 1-8-79; 2:52 pm]

[4910-58-M]

5

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 1288, January 4, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m. Thursday, January 11, 1979, [NM-79-1].

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open.

1. *Aircraft Incident Report*—E.S.M. Group, Inc., Cessna Citation, N51MW, North Central Airlines, Inc., DC-9-30, N957N, LaGuardia Airport, Flushing, N.Y., June 21, 1978.
2. *Marine Accident Reports*—U.S.S. *L. Y. Spear* collision with Liberian Motor Tankship *Zephyros*, Lower Mississippi River, February 22, 1978.
3. *Letter* to Federal Aviation Administration re Recommendation A-75-28, overboard leakage of fluids subject to freezing.
4. *Discussion* of reassignment of duties, Oakland Field Chief.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-47-79 Filed 1-8-79; 2:54 pm]

[7600-01-M]

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m., January 18, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Patricia Bausell, 202-634-4015.

Date: January 8, 1979.

[S-43-79 1-8-79; 12:45 am]

[4410-01-M]

7

PAROLE COMMISSION.

National Commissioners—the Commissioners presently maintaining officers at Washington, D.C. Headquarters.

TIME AND DATE: 9:30 a.m., Wednesday, January 10, 1979.

PLACE: Room 831, 320 First Street N.W., Washington, D.C. 20537.

STATUS: Closed, pursuant to a vote to be taken at the beginning of the meeting.

MATTER TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 20 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

A. Ronald Peterson, Analyst, 202-724-3094.

[S-45-79 Filed 1-8-79; 2:38 pm]

[7910-01-M]

8

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 1511, January 5, 1979.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, January 9, 1979.

CHANGE IN MEETING: Meeting is cancelled.

CONTACT PERSON FOR MORE INFORMATION:- Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street, N.W., Washington, D.C. 20446, 202-254-8277.

Dated January 5, 1979.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-44-79 Filed 1-8-79; 2:38 pm]

federal register

WEDNESDAY, JANUARY 10, 1979
PART II

ENVIRONMENTAL PROTECTION AGENCY

■

TOXIC SUBSTANCES CONTROL

Premanufacture Notification Requirements and Review Procedures

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 720]

[OTS-050002; FRL-1022-6]

TOXIC SUBSTANCES CONTROL

Premanufacture Notification Requirements and Review Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rules and notice forms.

SUMMARY: These proposed rules and notice forms would implement the requirements of section 5 of the Toxic Substances Control Act (TSCA) concerning new chemical substances. TSCA requires each person who intends to manufacture or import a new chemical substance for commerical purposes to submit a notice to EPA at least 90 days before manufacture or import commences. At the end of the notification period, the person may manufacture or import the substance unless EPA has taken regulatory action under section 5(e) or section 5(f) to ban or otherwise regulate the substance.

These proposed rules and forms would define the applicability of these requirements, the information which must be submitted, optional information submissions, and Agency procedures for reviewing notices.

DATES: Interested persons, should comment on these proposed requirements on or before March 26, 1979.

PUBLIC MEETINGS: EPA has scheduled the following public meetings on these proposed rules and forms during the official comment period:

Atlanta, Georgia	January 31, 1979
Dallas, Texas	February 1, 1979
Los Angeles, California	February 2, 1979
Chicago, Illinois	February 6, 1979
Cleveland, Ohio	February 7, 1979
Newark, New Jersey	February 8, 1979
Washington, D.C	February 13 & 14, 1979

The purpose of these meetings is to enable interested persons to provide oral comments on the proposed rulemaking to EPA officials who are directly responsible for developing the rules and notice forms. See Part VI under "Supplementary Information" below.

ADDRESS: Written comments should bear the document control number OTS-050002 and should be submitted in triplicate to the Document Control Officer (TS-793), Office of Toxic Substances, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The addresses for the public meetings are provided in Part VI under "Supplementary Information" below.

FOR FURTHER INFORMATION CONTACT:

Mr. John B. Ritch, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; 800-424-9065 toll free; in Washington, D.C. call 554-1404.

SUPPLEMENTARY INFORMATION: The remainder of this preamble discusses EPA's approach to implementing the premanufacture notification requirements, the provisions of this proposal, major issues addressed in developing this proposal, and anticipated impact. The Agency also has prepared a Support Document which is available from the Industry Assistance Office. (See "Information Contact" above.) EPA requests comments on any aspect of this proposal and alternative approaches. The Agency has identified specific issues for comment in this preamble and in the Support Document.

Following is an index to the remainder of this preamble.

I. INTRODUCTION

A. STATUTORY FRAMEWORK

Under § 5 of the Toxic Substances Control Act (TSCA), 15 U.S.C. section 2604, any person who intends to manufacture a new chemical substance for commercial purposes in the United States must submit a notice to the Environmental Protection Agency (EPA) at least 90 days before he commences manufacture. Section 3(7) of the Act defines "manufacture" to include import into this country. Thus section 5 and this proposed rulemaking apply to imports of new chemical substances as well.

Section 3(9) of the Act defines a "new chemical substance" as any chemical substance which is not included on the list, or "inventory," of existing substances published by EPA under section 8(b). The Agency promulgated the inventory reporting rules on December 23, 1977, 40 CFR Part 710, (42 FR 64572) and supplemented these rules on March 6, 1978 (43 FR 9254) and April 17, 1978 (43 FR 16147). The Agency presently is compiling this inventory and intends to publish it during the first half of 1979. Thirty days after this publication, the requirements of section 5 are effective.

Section 5(d)(1) of the Act defines the contents of a premanufacure notice. It requires the manufacturer to report certain information described in § 8(a)(2) of the Act (e.g., chemical identity, uses, and exposure data) plus test data and descriptions of other data related to the effects on health and the environment of the manufacture, processing, distribution in commerce, use, and disposal of the new chemical substance. In general, these data and information must be submitted to the extent they are known to or reasonably ascertainable by the submitter.

Section 5(b) of the Act contains additional reporting requirements for chemical substances subject to testing rules under section 4 of the Act and chemicals which the Administrator, by rules under § 5(b)(4) of the Act, has determined may present unreasonable risks of injury to health or the environment. Section 5(h) authorizes exemptions from some or all of the reporting requirements for new chemical substances which are used for certain limited purposes including in small quantities solely for purposes of research and development, for test marketing, or for use as intermediates if there is no exposure to the substances.

Once EPA receives a premanufacture notice, the Agency normally has 90 days within which to review it (§ 5(a)(1)). However, under section 5(c) of the Act, the Agency for good cause may extend the review period for up to an additional 90 days. During the premanufacture review period, EPA may initiate actions under sections 5(e) or 5(f) to regulate the production and use of the new chemical substance. Section 5(e) authorizes EPA to regulate the manufacture, processing, distribution in commerce, use or disposal of a new chemical substance pending development of sufficient data to evaluate the effects of the substance, if the Agency determines that the information available is insufficient to evaluate the health and environmental effects, and that the substance either (1) may present an unreasonable risk of injury to health or the environment or (2) will be produced in substantial quantities and there may be significant or substantial exposure to the substance. Under section 5(f), EPA may regulate a new chemical substance if the Agency finds that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of the substance will present an unreasonable risk of injury to health or the environment before a rule promulgated under § 6 can protect against such risk. Under both § 5(e) and § 5(f), EPA may limit production and use or ban manufacture altogether.

Once the notification period expires, the submitter may commence manufacture of the substance if EPA or a Federal court has not banned production. When manufacture begins, EPA will add the substance to the inventory. Thereafter any person may produce the substance without giving notice to the Agency under § 5(a)(1)(A) of the Act. If the Agency has not prohibited manufacture, but has placed limitations on the chemical substance, others may manufacture it provided they comply with the requirements.

The Act requires EPA to publish in the FEDERAL REGISTER certain information on a chemical substance for which the Agency has received a premanufacture notice. Section 5(d)(2) requires EPA to publish, within five days of receipt of a notice, information on the identity and uses for the substance, as well as a description of test data required to be submitted under § 5(b) and the results of such tests. In addition, at the beginning of every month the Agency must publish a list of (1) each chemical substance for which a premanufacture notice has been received and for which the notification period has not expired, and (2) each chemical substance for which the notification period has expired since the last monthly FEDERAL REGISTER notice. Also, section 5(g) of the Act requires EPA to publish in certain cases a statement in the FEDERAL REGISTER of the reasons for not taking regulatory actions on substances for which the Agency has received notices.

B. PARTS OF THIS RULEMAKING

This rulemaking establishes the basic framework for the premanufacture program and has two components, premanufacture rules and notice forms. The rules will be codified as 40 CFR Part 720 and would contain the following subparts:

Subpart A, "General"—general scope and compliance provisions; definitions applicable to the entire Part 720.

Subpart B, "Applicability"—persons who must submit notices and those who need not; chemicals subject to notification and those excluded; exemptions.

Subpart C, "Premanufacture Notices"—general provisions concerning how, where, and when to submit notices; special provisions for imports; general content of notices; submittal of health and environmental effects data.

Subpart D, "Disposition of Notices"—EPA's procedures for receiving, processing, and reviewing notices; deficiencies and invalid notices; actions under § 5(e) and § 5(f) of the Act.

Subpart E, "Confidentiality and Public Access to Information"—general provisions for handling, protecting and disclosing confidential information; special provisions concerning information on chemical identity and use, and for data from health and safety studies; public files.

Subpart F "Supplemental Reporting Requirements"—additional reporting requirements under § 5, § 8(a), and § 8(d) of the Act; reporting concerning commencement of manufacture.

The general notice form is referenced in the regulations, and contains the specific information requirements applicable to new chemical substances. In particular, it contains both mandatory and optional parts: manufacturers must submit information concerning experimental testing performed and exposures to humans and the environment; at their discretion, they may submit other information concerning steps taken to control exposures and concerning certain non-risk factors. EPA also is publishing for public comment three other forms: one to be sent by manufacturers and importers to persons likely to process or use the substance; one for use by importers; and one to be sent by importers to the suppliers and manufacturers of their imported substances.

After evaluating comments, EPA will promulgate the final rules and forms, and in the future the Agency will follow notice and comment rulemaking procedures to make substantive changes in them. EPA will treat as technical amendments any minor changes which would not require public comment under the Administrative Procedure Act (APA). The forms will be available at EPA offices and other locations throughout the country for use in preparing premanufacture notices.

In addition to the rules, forms, and preamble, EPA has developed a Support Document which discusses in detail the basic issues in this rulemaking and includes (where appropriate) alternatives considered and EPA's rationale for its proposed approach. A separate document, *Impact of TSCA Premanufacturing Review Requirements* discusses the estimated economic impacts of the proposed program.

Three other documents supplement this rulemaking. First, Appendix II to this proposal contains a slightly amended version of the *Guidelines for Creating Proposed Generic Names*, originally made available by EPA in April 1978 (43 FR 16178) to assist in development of proposed generic names for the inventory. The Agency will use this document in implementing relevant parts of these premanufacture rules. Second, at a later date EPA will publish *Formats for Data Submitted Under the Toxic Substances Control Act*, for use by persons who submit health and environmental effects data as a part of their premanufacture notices. Third, when EPA promulgates the notice forms the Agency will publish an instruction manual for completing the forms, entitled *Premanufacture Reporting of New Chemical Substances Under TSCA*. For purposes of comment on the proposed forms, the Support Document describes the reporting requirements, what information should be reported and how, and the rationales for these requirements. In addition, the Agency is preparing an explanatory appendix to the forms, based on the Support Document, which we will make available as soon as possible.

Finally, in addition to this rulemaking EPA in the future will issue other rules and documents which will further implement the premanufacture program. These are summarized in the Support Document, "Supplements to this Proposal," and include significant new uses rules under § 5(a)(2), the § 5(b)(4) "risk list," § 4 testing rules, and premanufacture testing quidelines.

C. GENERAL APPROACH

EPA's implementation of TSCA § 5 will focus upon the assessment of risks presented by the manufacture, processing, distribution in commerce, use, and disposal of new substances and decisions concerning the reasonableness of such risks. Manufacturers must design a testing scheme and should

make an initial determination that any risks are not unreasonable.

Section 5 does not establish a certification or registration program for new chemical substances. Rather, it requires a manufacturer to notify EPA of his intent to manufacture (or import) a new chemical substance, and to submit information concerning that substance which the Agency can use to assess the risks associated with its manufacture, processing, distribution in commerce, use, or disposal. On the basis of this assessment and an evaluation of relevant non-risk factors, EPA will make decisions concerning the reasonableness of any risk, and will take appropriate action to obtain more information or data, to regulate production or use, or to follow up the substance once it is commercialized. If EPA does not regulate the substance during the premanufacture notification period, the manufacturer may begin production (subject to regulation under any other laws). However, the fact that EPA does not take regulatory action does not imply that the substance is "safe" or has been "approved" by the Agency.

EPA considered several different approaches to implementing the premanufacture review program. The alternative approaches are described below (see "Regulatory Analysis"), and the advantages, disadvantages, and economic consequences of each are discussed. The alternatives considered consist of different combinations or modifications of three elements: notification rules, notice forms, and testing guidelines.

Testing guidelines would assist manufacturers in designing testing programs to evaluate the potential effects which new chemical substances might have on health or the environment. Although EPA believes that testing guidelines are an important part of a premanufacture review program, the Agency is not including a specific guidelines approach as a part of this proposal. In the near future EPA will publish for public comment a detailed discussion of the major testing issues and guidelines alternatives. Subsequently, the Agency will propose testing guidelines.

Notification rules provide the regulatory basis for the submittal and review of notices. The rules specify the chemical substances for which reporting is required, who must report, what information is to be submitted to EPA, and when and where that information should be submitted. The rules also describe how EPA will process notices, handle claims of confidentiality for data submitted in notices, and take action under § 5(e) or § 5(f) of the Act. For a detailed description of the contents of this proposed rule, see below, "Provisions of this Proposal".

Notice forms establish the specific reporting requirements for manufacturers. EPA has designed the notice forms to serve four basic purposes:

(1) To provide EPA the information and data necessary to assess risks associated with the production, use, and disposal of new chemical substances;

(2) To enable EPA to determine the need for additional reporting or for the imposition of controls on production, use, or disposal;

(3) In particular, to provide an initial information and data base which the Agency can use to evaluate chemical exposures, including specific populations exposed and the levels and durations of exposure; and

(4) To enable manufacturers to provide information concerning their own activities to limit exposure, plus information which may explain why risks presented by their new substances are reasonable.

The proposed forms contain both mandatory and optional parts. The manufacturers must submit certain information which is most relevant to EPA's assessment of risks, but are not required to submit extensive information concerning other aspects of production and use. This minimizes the general reporting burden of the forms while enabling individual companies to provide additional information which they believe EPA should consider in its evaluation of their new substances.

The proposed forms would require reporting of information necessary to perform risk assessments on new substances. Thus in addition to certain basic information (e.g., chemical identity, anticipated production volumes and uses), the forms would require information concerning possible exposures throughout the life cycle of new substances, such as information associated with various aspects of these substances' commercial development (e.g., manufacture, processing, use, transport, and disposal), and relative to the expected routes of exposure and populations to be exposed. To obtain information concerning the effects of the chemical substances on health and the environemnt, the forms would require submitters to explain their testing programs, including tests performed and the scientific rationales for their testing decisions. Finally, manufacturers must submit reports of test data in their possession or control and descriptions of certain other data.

In most cases the submitter will be the person most likely to have information relevant to his new substance. The Act requires persons to submit this information insofar as it is known to or reasonably ascertainable by them. Thus a manufacturer must make good faith efforts to obtain such information, including that which is not immediately known to him. In particular, EPA interprets this to require submitters to contract certain other persons and to request them voluntarily to supply information relevant to their own anticipated handling and uses of the new substance.

Because chemical risk is a function of both effects and exposure, most manufacturers probably will employ various engineering safeguards and industrial hygiene practices to limit exposure and thereby reduce risk. The proposed notice forms would permit, but do not require, manufacturers to describe such safeguards and practices for consideration by EPA in its risk assessments. In addition, the forms include provisions for reporting concerning structure-activity correlations, and industrial process and use restrictions. Information on both may be relevant to the Agency's decisions concerning the need for more data and the levels of risk associated with particular substances, and manufacturers may wish to provide this information so that the agency does not feel it necessary to take any action with respect to a substance.

At his discretion, a manufacturer also would be able to report any information which explains why any risk presented by his new substance is reasonable. Such information should focus upon the economic and other non-risk factors identified by EPA for optional reporting in the notice forms. Further, the information should relate to the possible exposures and exposure levels described by the manufacturer and to the consequences of imposing controls upon the manufacturer and any others who may produce or use the new substance.

EPA will use the notices as a point of departure for performing its risk assessments and unreasonable risk judgments, and not as the exclusive source of information for such decisions. However, the agency will be limited in its ability to obtain information not included in the premanufacture notices within the statutory review period. To the extent time will permit, EPA will use its statutory authorities and other means (e.g., literature searches, contractor support, consultations with scientific and engineering experts) to supplement and verify submittals by manufacturers. In some cases where data in the notices are incomplete or otherwise inadequate, the Agency may make worst case assumptions about possible exposures and risks associated with particular chemical substances.

The Agency intends to provide to the Occupational safety Health Administration (OSHA) all information concerning worker exposures, for use by OSHA in establishing its own standards. EPA and OSHA will work together in evaluating reisks and the need for regulatory actions, but OSHA

will have primary responsibility for evaluation of occupational risks.

If on the basis of its risk assessment EPA determines that a substance may present significant risk to health or the environment, the Agency may evaluate its regulatory options. There are a number of options under TSCA for regulating when EPA finds that a chemical presents an unreasonable risk. These include regulation under § 5(f), § 6(a), and § 7. If the Agency finds that a substance may present an unreasonable risk, it may designate the substance for inclusion on the § 5(b)(4) "risk list," perhaps in conjunction with a significant new use rule for the substance. If additional information about the chemical is required by EPA before making a decision to regulate a chemical under one of these sections, the Agency may issue a testing rule under § 4. Alternatively, under § 5(e), EPA may prohibit or limit the manufacture, processing, distribution in commerce, use or disposal of a substance pending development of that information EPA can also use § 8(a) rules to require manfacturers to report information to EPA to fill data gaps.

The Agency may determine that regulation under laws other than TSCA may be appropriate to control or limit risk to health and the environment. If so the Agency may take action under § 9 of the Act to refer actions to other EPA program offices or Federal agencies. Other laws administered by EPA that will be considered include the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act. In recommending action under laws administered by other agencies (e.g., Consumer Product Safety Act, Occupational Safety and Health Act), EPA is authorized by TSCA § 9(a) to submit to the other agency a report describing the nature of the risk associated with a given chemical substance. That agency then may take the appropriate action under its statute to control the risk.

During the commercial life of a chemical, exposures and risk may change from those which manufacturers project prior to production. Therefore EPA will follow up certain new substances after their introduction into commerce. Follow-up may be appropriate for new substances with moderate or high toxicities but for which the information contained in premanufacture notices indicates limited exposure. Further, for chemicals for which little or no toxicity data are available, EPA may initiate follow-up action to guard against risk which may result from future increases in exposure.

TSCA provides EPA two basic tools for follow-up of substances once the premanufacture notification period has ended. Under § 8(a), the Agency can require reporting on such matters as changes in chemical production and uses, including increased volumes and new commercial activities which may result in new exposures. EPA also may issue significant new use rules (SNURs) under § 5(a)(2) which would define new uses of existing substances that the Agency determines would be significant. (E.g., uses with resulting exposures which may result in risk to health or the environment.) TSCA requires persons to submit § 5(a) notices before they manufacture or process substances for uses covered by SNURs, thereby enabling EPA to review the substances prior to their production for such uses. The Agency intends to propose initial SNURs for public comment during the latter part of 1979.

D. INTERIM POLICY—SUBMITTAL OF PREMANUFACTURE NOTICES PRIOR TO PUBLICATION OF THE INVENTORY

The premanufacture notification requirement of § 5(a)(1) applies to any new chemical substance which a person intends to manufacture or import on or after the 30th day after publication of the initial § 8(b) inventory. TSCA also establishes a minimum 90-day period, after submittal of a premanufacture notice, during which the submitter may not commence manufacture or import of the substance. Taken together, these provisions may pose a dilemma for a person who intends to commerce manufacture of a new chemical substance within 120 days after publication of the initial inventory. If he is not allowed to submit a premanufacture notice until 30 days after publication of the inventory, he may not be able to commence manufacture on his intended date of manufacture.

To address this practical difficulty, EPA will implement, effective immediately, the following policy with respect to pre-inventory submittals of premanufacture notices. This policy applies only to chemical substances which are believed to be "new," and for which manufacture or import is intended to commence between the effective date of the premanufacture notification requirement (30 days after publication of the initial inventory) and 90 days thereafter.

Persons may submit notices for such substances at any time, but are encouraged not to submit notices more than 60 days prior to publication of the inventory. This is because if a person first manufactures a substance less than 30 days after publication of the inventory he may report it for the inventory under § 710.6(b) and thereby avoid the requirement to submit a premanufacture notice. EPA currently estimates that it will publish the initial inventory in April 1979. The Agency will publish a notice in the FEDERAL REGISTER of the publication date as soon as this date is firmly established.

The official review period for any such premanufacture notice will begin 90 days before the projected commencement of manufacture, and not on the date of submittal. The projected date of commencement of manufacture must be identified in the notice. Manufacture may commence on that date unless EPA acts to control the substance. However, if manufacture commences at a later date, EPA's authority to act under § 5(e) or § 5(f) will extend automatically to the actual date of manufacture, but in no event to a date later than 90 days after premanufacture requirements become effective. The Agency will not use its authority under section 5(c) of the Act to extend the review period beyond the latter date.

Any such notice should be filed on the appropriate notice form which is included in this proposed rulemaking, and in accordance with the proposed rules, 40 CFR Part 720. When the person commences manufacture or import, he must submit a notice of this fact in accordance with proposed § 720.52. At that time, EPA will add the substance to the inventory.

II. PROVISIONS OF THIS PROPOSAL

These rules are modeled in part on the inventory reporting rules, 40 CFR Part 710, promulgated on December 23, 1977 (42 FR 64572). To best understand this proposal, one should be familiar with those rules.

A. APPLICABILITY

1. *Who Must Report.* Section 5(a)(1)(A) of the Act requires any person who intends to "manufacture" a new chemical substance for a commercial purpose to submit a premanufacture notice to EPA. Section 3(7) of the Act defines "manufacture" to include import of a substance into the United States.

Sections 720.10 and 720.11 of the proposed regulations contain EPA's proposed identification of the persons who must submit premanufacture notices and those who are not subject to the notification requirements. These provisions closely follow those established for the initial inventory; see generally § 710.3. Following is a detailed discussion of who must report.

Domestic Manufacturers

Beginning 30 days after publication of the initial inventory any person who intends to manufacture a new chemical substance in the United States for a commercial purpose must submit a premanufacture notice. This reporting requirement also applies to a person who originally manufactures a

new chemical substance for a use which is specifically exempt from these requirments, and who later decides to either manufacture the substance for a non-exempt use or use the already-Manufactured substance for a non-exempt purpose. (See § 720.10(a)(3) & (4).)

Manufacturers of Chemicals Solely for Export

Section 12(a) of the Act states that, except for section 8, TSCA does not apply to a substance which is manufactured solely for export. This general principle is qualified by § 12(a)(2), which provides that the Act applies to such a substance if EPA finds that it will present an unreasonable risk to health within the United States or to the environment of the United States. In addition, section 12(a)(2) authorizes the Agency to impose testing requirements under § 4 upon a substance manufactured solely for export to determine whether it presents such an unreasonable risk.

Section 12(a) indicates the Congress' intent that EPA should protect against unreasonable risks to the United States, but not seek to regulate activities which do not present risk to health or the environment in the U.S. Section 12(a) also might be interpreted to mean that EPA should not require premanufacture notification for new substances intended solely for export. However, this would create a major gap in the statutory scheme. Although a person manufactures or processes a substance solely for export, there may be significant exposure to workers in the United States, as well as release of the substance to the air or water in this country. Section 12(a)(2) indicates that Congress did not intend to exempt such a substance from coverage by the Act if it presents an unreasonable risk within the United States. But if EPA is not aware that a new substance is being manufactured domestically, the Agency could not require testing of, or otherwise control, the substance. Without a notice that a substance is being manufactured, EPA may not be able to act until a significant health or environmental problem occurs, and this is contrary to the preventive approach to toxic substances embodied in § 5. Therefore when read in light of the Congressional purposes, § 12 authorizes EPA to require premanufacture notices for new chemical substances manufactured solely for export.

Section 720.10(a)(1) would apply the premanufacture notification requirements to new substances manufactured in this country solely for export. Manufacturers of substances for export also were subject to reporting for the initial inventory under § 710.3(a). EPA will implement this provision in the spirit of § 12d(a) by limiting its information requirements and notice review to risk to persons and the environment within the U.S. In addition, because the exported substances will be added to the inventory, EPA will evaluate the substances to determine whether the Agency should issue significant new use rules to anticipate end uses within the U.S. Notice requirements for manufacturers of substances intended solely for export are discussed below under "Information Submittals." (For a further discussion of this issue, see Section II-A-1-b of the Support Document.)

Importers

Under § 720.10(a)(2), persons who intend to import new chemical substances "in bulk form" would be subject to premanufacture notification requirements beginning 30 days after publication of the initial inventory. Under § 720.10(b)(1), persons who intend to import new chemical substances as a part of mixtures would be subject to premanufacture reporting beginning 30 days after publication of the revised inventory. The proposed rules do not require persons to submit notices for new substances which they import as part of articles. However, EPA is continuing to evaluate the issue of reporting by importers of articles, and in the future may propose rules to apply the premanufacture reporting requirements to chemical substances imported as part of articles.

Proposed § 720.2 defines "import in bulk form," and specifies that chemical substances imported in containers used for transportation or containment are not substances imported as a part of articles. Therefore such chemicals would be subject to the premanufacture notice requirements.

The term "importer" was defined for purposes of the inventory. In this proposal, EPA has revised that definition, on the basis of Customs' Regulations, (19 CFR Part III) to include a list of the types of persons which are included in the term. Each of the persons listed would be responsible for ensuring that a premanufacture notice is submitted to EPA. In this rulemaking, the Agency is proposing a special form for use by importers, plus special reporting procedures which apply to imported substances. These provisions are discussed below under "Information Submittals." Also see § 720.21 of the proposed rules.

In the near future, the Department of Treasury will propose regulations concerning import of chemical substances. These regulations would implement § 13 of TSCA, and may include provisions for identifying and preventing entry into this country of new substances which are not imported in compliance with the premanufacture requirements.

Processors

In § 720.11(b), EPA proposes that persons who only process new chemical substances are not subject to the premanufacture notification requirements of § 5(a)(1)(A) of the Act. If EPA receives a notice from a processor or user, the Agency will consider the notice to be invalid under § 720.34(b)(1)(vii) and will not process it. Of course, a processor may take part in the notification process by submitting information under § 720.20(e). Also, a processor may prepare the premanufacture notice as an agent of the appropriate manufacturer or importer, provided the latter signs the notice form.

A substance may have been manufactured previously solely for a use which is exempt from coverage by the Act, such as a pesticide, food, drug, or cosmetic. If such a substance subsequently is manufactured for a "TSCA use," the manufacturer then would be subject to the premanufacture notification requirement. However, a special reporting problem would arise if the manufacturer intends to produce a substance for a use excluded from TSCA, but another person intends to process the substance for a TSCA use. If the manufacturer knows of the processor's intended use of the chemical, the manufacturer would be required to submit a premanufacture notice. However, for a variety of reasons the processor may not inform the manufacturer that a TSCA use of the substance is intended, and if the manufacturer has no knowledge of this intended TSCA use, he may not know that he should report.

In the immediate future, processors can resolve this problem by reporting substances for the revised inventory. EPA is exploring various alternatives to address the problem after expiration of the revised inventory reporting period. One alternative would be to develop significant new use rules under § 5(a)(2) which would require reporting by both manufacturers and processors.

2. *What Chemical Substances Must Be Reported.* Section 5(a) of the Act provides that the premanufacture notification requirements extend to all new chemical substances manufactured for commercial purposes, except to the extent that notification is exempted by § 5(h). Under § 5(h) chemical substances manufactured only "in small quantities" solely for purposes of research and development are excluded from the premanufacture notification requirements, provided that certain conditions are observed. The other exemptions provided by

§ 5(h) require application to, and a determination by, EPA.

Under § 710.4 of the Inventory Reporting Requirements, EPA identified those substances subject to reporting for the inventory. In general, reporting was required for substances manufactured or imported for commercial purposes since January 1, 1975. Section 710.4(c) of those regulations exempted substances excluded from reporting by the Act. In addition, in § 710.4(d) EPA excluded certain other substances which have no commercial purpose separate from substances, mixtures, or articles of which they are a part.

Sections 720.12 through 720.15 of these proposed regulations identify those substances subject to premanufacture notification requirements. These sections are largely identical in language to the analogous inventory provisons. The following discussion focuses on the most significant changes.

General. The most fundamental distinction between inventory and premanufacture reporting is that notification is required under these proposed rules only for *new* chemical substances, i.e. those not included on the inventory to be published by EPA.

Chemical substances will be included on the inventory of chemical substances in a variety of forms. Some substances will be included in a category. For example, any chemical which is "naturally occurring" and which meets the other criteria of § 710.4(b) of the inventory rules will be included on the inventory under the category of naturally-occurring substances. Most other substances will be identified individually by their specific chemical identities (i.e. molecular formulae, chemical structures). It is not feasible to report the composition of certain substances by definite chemical structure diagrams. On the inventory these may be identified by descriptions of the final steps of the methods used to manufacture them. In any event, the published inventory should be sufficient to enable persons to determine whether most chemical substances are included. However, for those substances for which identification is more difficult, EPA will be prepared to assist manufacturers in determining whether substances which they intend to produce already are included in the published inventory.

Persons who reported chemical substances for inclusion on the inventory, and persons who will commence manufacture or import after submittal of premanufacture notices, may assert claims of confidentiality with respect to the specific identities of their chemical substances. In general, if EPA determines that the fact that a particular substance is manufactured or imported in the U.S. for a commercial purpose is confidential, the Agency will not place the specific identity on the published inventory. Instead EPA will publish a generic chemical name in an appendix to the inventory. In general, the Agency will disclose the specific identity of a substance represented by such a generic name only if it is necessary to inform a person who demonstrates a *bona fide* intent to manufacture a substance whether his substance is on the inventory. (Also see below "Major Issues—Confidentiality for Specific Chemical Identity.") The procedures which a *bona fide* manufacturer must follow to make such an inquiry are included in proposed § 720.12(b) and are based upon those which EPA previously promulgated for inventory reporting.

Small Quantities for R&D

Chemical substances intended to be manufactured or imported only in small quantities solely for purposes of research and development would be exempt from premanufacture notification if the submitter complies with proposed § 720.14. Like the inventory rules, this proposal defines "small quantities for R&D" to mean quantities that are no greater than reasonably necessary for scientific experimentation, research, or analysis, including that involved in product development. However, the terms of this exemption differ from the inventory language in two ways.

First, the proposal would delete a note included in the inventory definition which may result in misconceptions regarding the scope of the exemption. That note provided that for purposes of the inventory any substance manufactured, imported, or processed in quantities of less than 1000 pounds annually would be presumed to be manufactured solely in small quantities for R&D purposes, unless the submitter could certify that the substance was used for other purposes, unrelated to R&D. Although the note did not affect the scope of the inventory requirements, it provided guidance concerning certain chemicals which must be evaluated carefully to determine whether they were eligible for inclusion on the inventory. The criteria used to determine whether a substance is manufactured only in small quantities solely for purposes of R&D were whether the substance is (1) used solely for R&D purposes, (2) manufactured in quantities no greater than reasonably necessary for such purposes, and (3) used under the supervision of a technically qualified individual.

With regard to premanufacture notification, the Agency is concerned that submitters may misconstrue the note to mean that premanufacture notices are not required for substances produced in quantities of less than 1000 pounds annually. That is, they may think the note creates an absolute exemption rather than a presumption which must be justified. In addition, persons also could interpret the note to mean that premanufacture notice must be submitted for all substances produced in quantities greater than 1000 pounds annually. Therefore the proposal would delete the note.

This deletion does not affect the scope of the "R&D" exemption. The Agency feels that this deletion will result in manufacturers more clearly understanding the criteria to be used in determining whether a substance qualifies for an exemption under § 5(h)(3) of the Act. These are the same three criteria described above. The Agency intends to establish in future rulemakings numerical or other more precise definitions of "small quantities" for specific substances or groups of substances.

This proposed revision to the inventory definition would not affect the applicability of the inventory reporting requirements and therefore would not, by itself, require EPA to provide manufacturers an opportunity to revise their inventory reporting submittals.

Second, this proposal further implements the terms of the § 5(h)(3) exemption by placing responsibility on the manufacturer to notify certain persons of any risk to health which the manufacturer believes may be associated with the substance. Any such notification must go to all persons engaged in the manufacture, processing, use, transport, storage, or disposal of the substance. This ensures that all persons who may be at risk are apprised of that fact, and not just those who are directly involved in the specific R&D activities. These rules do not prescribe specific methods of notification. Rather, they identify certain acceptable procedures, and leave it to the individual manufacturers to ensure that they adequately inform all of the persons who should be notified. In addition, proposed § 720.14(d) states that upon request manufacturers must make available to EPA, or to any person who may be exposed to the substance, any information on the risk of the chemical.

Test Marketing

Section 720.15 of the proposed rules addresses the test marketing exemption authorized by § 5(h)(1) of the Act. The Act and this rule provide that the exemption may be granted only upon a showing that the test marketing of the substance will not present an unreasonable risk of injury to health or the environment. EPA expects that in most cases this showing will require the same information, and impose sim-

ilar reporting burdens upon manufacturers, as for premanufacture notices. Therefore manufacturers should use the premanufacture notice form to file for any test marketing exemptions. This will facilitate timely Agency review.

Other Exemptions

These proposed rules do not address the three remaining exemptions provided in § 5(h), either because further guidance is not necessary at this time, or because there appear to be no cricumstances at present under which persons will apply for these exemptions.

Intermediates

The inventory rules defined the term "intermediate" in § 710.2 as a substance which is consumed in whole or in part in chemical reactions used for the intentional manufacture of other substances, or which is intentionally present for the purpose of altering the rate of such reactions. However, the inventory rules stated that to be considered an "intermediate" the substance also must be "intentionally removed from the equipment in which it is manufactured." Substances which are not intentionally removed from the equipment in which they are manufactured, were excluded from the definition and from reporting for the inventory. For these premanufacture rules, EPA proposes to change the definition of the term "intermediate," by removing the proviso. Further the Agency is proposing a new term, "non-isolated intermediate," to describe those intermediates which are excluded from premanufacture notification. These modifications are for the purposes of clarity. At this time, EPA does not intend to change the applicability of the premanufacture rules from that set out in the inventory rules.

However, TSCA authorizes EPA to require the submittal of premanufacture notices for non-isolated intermediates. Thus far the Agency has exempted these substances for several reasons. First, such substances often are extremely difficult to identify. In developing the inventory rules EPA received numerous comments on this point. Second because there often will be limited exposure to such substances, often they will result in insignificant exposure, and thus minimal risk, to humans and the environment. But there may be exceptions to this general statement. For example, there is no requirement in these regulations that non-isolated intermediates be produced and handled in closed systems. Further, they may accumulate in residue materials or may be released accidentally as a result of spills or process upsets. In these and other situations, there may be exposure to humans and the environment.

Although at this time EPA is not changing the applicability of § 5 to non-isolated intermediates, the Agency is considering exempting from the premanufacture requirements only those intermediates to which there is, in fact, no exposure, in accordance with § 5(h)(5) of the Act. Therefore EPA solicits comments on how best to achieve this result.

Byproducts, Co-products

As with intermediates, the proposed definition of "byproduct" modifies that contained in the inventory rules without altering the general applicability of § 5. The definition would provide that to be considered a byproduct (and thus excluded from the premanufacture requirements under proposed § 720.13(e)(2)), a substance must be produced *solely* without commercial purpose during the production, use, or disposal of another substance. In addition, EPA is proposing a definition of "co-product." The notice forms would require certain information on both byproducts and co-products, and these proposed definitions should help define those reporting requirements.

B. GENERAL NOTICE PROCEDURES

1. *General Provisions.* Subpart C would require a person who submits a premanufacture notice to use forms developed by EPA. A submitter would be required to provide the information requested by the applicable notification form, unless questions are designated optional, or particular information is not known to or reasonably ascertainable by the submitter. In addition to completing the notice form itself, the person must report test data and other data concerning the environmental and health effects of the manufacture, processing, distribution in commerce, use, and disposal of the substance. The information to be submitted with the notice is discussed below, under the heading "Information Submittals."

A person must submit a notice to the OTS Document Control Officer, at the address indicated on the form, at least 90 calendar days before he commences manufacture or import of his new substance. Submittal of notices to the Document Control Officer will ensure safe handling of any confidential information submitted. Proposed § 720.31 explains when EPA will consider a notice to be officially submitted.

Persons who intend to submit premanufacture notices may contact EPA prior to submittal to resolve certain questions. In addition to the pre-notice consultations which would be specifically authorized by § 720.12(b) and § 720.41(a)(2), persons may seek the Agency's assistance in determining whether they have described their new substances with sufficient specificity, whether specific substances are included on the inventory with non-confidential identities, or whether the use or exposure descriptions for the § 5(d)(2) FEDERAL REGISTER notice are adequate.

2. *How to Assert a Claim of Confidentiality.* Section 14(c) of the Act authorizes EPA to prescribe the manner in which persons assert claims that information is entitled to confidential treatment. EPA has proposed under § 720.40 certain general procedures for asserting such claims; in addition, § 720.41, § 720.42, and § 720.43 contain particular requirements with respect to claims of confidentiality for chemical identity, intended uses of a substance, and information included in health and safety studies.

Any information submitted to EPA in connection with TSCA may be claimed confidential. All claims must be made when the information is submitted. Persons may assert claims of confidentiality for information on the notice form by marking the box provided for that purpose beside the particular item of information. Information other than that entered on the notice form, such as a health and safety study, also may be claimed confidential. If only a portion of a document is claimed confidential, the person must submit a second copy of the material from which he has deleted the information claimed to be confidential. This sanitized copy will be placed in the public file.

Proposed § 720.40(c) provides that submitters must substantiate their claims with respect to specific chemical identity and health and safety studies at the time the information is submitted to EPA. In addition, EPA has considered requiring substantiation for certain exposure information which the Agency believes should be included in the § 5(d)(2) FEDERAL REGISTER notice. To satisfy this substantiation requirement, a person must provide written answers to a series of questions developed by EPA. The basis for this requirement, and the draft substantiation questions, are included in Section III-A of the Support Document.

EPA's treatment under these proposed rules of information for which a claim of confidentiality is asserted is discussed below under "EPA's Processing of Notices."

3. *Early Notices.* Some persons may wish to sumit premanufacture notice substantially more than 90 days before the date of intended manufacture or import. EPA recognizes that early review and, if necessary, regulation of new substances will reduce the adverse economic impacts of such review and

regulation. In addition, early notification provides EPA with more time to review substances before their manufacture. However, some proportion of such substances will not be manufactured for commercial purposes because of changing market conditions. Reviewing such notices will consume scarce Agency time and resources. Furthermore, EPA often may have difficulty reviewing these notices because they may contain highly speculative, or little, information. The proposed rules do not prohibit submittal of notices significantly earlier than the 90 day minimum period established by the Act. However, the rules and form contain special requirements for persons who submit certain early notices. Any person who submits a premanufacture notice must certify that he intends to manufacture or import the substance for a commercial purpose other than only in small quantities solely for R&D. In addition, if a manufacturer submits a premanufacture notice more than three years prior to the date on which he intends to commence manufacture, § 720.20(h) of the proposed regulations requires him to submit evidence of his commitment to manufacture the substance for a commercial purpose. The following types of evidence may satisfy this standard: descriptions of R&D efforts to date and of those planned for the future; information concerning zoning approvals, building permits, contracts, and other licenses or permits to construct and operate production facilities. In addition, EPA is considering requiring the submitter to report more detailed and accurate use and exposure information as it becomes available, up to the commencement of manufacture, to compensate for the fact that information submitted several years early may be highly speculative. The Agency welcomes comment on the feasibility of these approaches, and on the types of information which should be required for early notices.

4. *Chemical Identity.* The specific chemical identity of a new substance is a critical component of a premanufacture notice. If the notice does not include this information, § 720.20(f) would provide that the notice is invalid and that the 90-day revciew period will not begin. If the submitter does not know the specific chemical identity because, for example, the new substance results from the reaction of one or more unknown substances (such as trademarked products), § 720.50(b) would require the person to attempt to obtain this information. If he is unable to secure the identity of the final product or of the reactants, under proposed §720.50(b) EPA may require his supplier to submit that information to the Agency.

5. *New Information or Data.* A submitter may obtain new information relevant to EPA's premanufacture review after he submits the notice. Section 720.20 (i) of the proposed rules would require him to make some of this information available to EPA, to ensure that the information which the Agency reviews is as complete and accurate as possible. This requirement would apply only during the notification period, and would cover new information or data which the manufacturer obtains after he submits his notice, and which materially adds to, changes, or otherwise makes significantly more complete the information included in his notice. EPA has considered extending the time period for submittal of new data to run from the date a notice is submitted until manufacture actually begins, and invites comments on this issue.

6. *Notice of Commencement of Manufacture or Import.* Section 8(b) of the Act requires EPA to add to the inventory new chemical substances, for which notices were submitted under section 5, "as of the earliest date . . . on which such substance [were] manfactured or processed in the United States." EPA proposes to determine this "earliest date" by requiring under § 720.52 that a person submit a separate notice to EPA no later than the day on which manufacture or import of the substance commences. This brief, routine notice would be required under the authority of section 8(a) and section 8(b) of the Act.

C. Information Submittals

1. *General.* Section 5(d)(1) of the Act, "Content of Notice," describes the information which shall be included in premanufacture notices. Section 5(d)(1)(A) references the provisions of § 8(a)(2)(A)-(G) (excluding § 8(a)(2)(e)), which list various types of information including chemical identity, amounts, uses, disposal practices, and byproducts. Sections 5(d)(1) (B) and (C) require a manufacturer to submit test data in his possession or control, and a description of any other data known to or reasonably ascertainable by him, that are related to the health and environmental effects of the manufacture, processing, distribution in commerce, use or disposal of the chemical substance.

In the proposed notification rules and forms, EPA further specifies the information to be submitted. The rules establish the general contents of the forms (§ 720.22) and the legal duty to complete them (§ 720.20). The rules also define the terms "known to or reasonably ascertainable" and "possession or control" (§ 720.2), and provide detailed guidance on the data submittal requirements of § 5(d)(1) (B) and (C) (§ 720.23). The forms themselves specify the information to be submitted, including that referenced in § 5(d)(1)(A). The submitter must provide the information identified on the appropriate form as mandatory, insofar as it is known to or reasonably ascertainable by him. In addition, in his discretion he may provide information in the optional part of the form.

In proposed § 720.2 EPA defines "known to or reasonably ascertainable" to include all information in a person's possession or control, as well as other information that a reasonable person similarly situated might be expected to know or could obtain without unreasonable burden or cost. EPA has interpreted this legal standard to require the following. First, § 720.20(e) identifies certain persons whom the manufacturer must contact concerning their anticipated uses of his new substance. Second, for purposes of test data and other data submittals, § 720.23(b)(3) further defines the term to include data known to certain of the submitter's employees or other agents.

The following two sections, "Notice Form Information" and "Test Data and Other Data," identify in greater detail the information to be submitted. The first discusses the scope and level of detail of the notice form requirements, which ones are optional, and the procedures for contacting certain persons for information. The second discusses the scope of and compliance with the requirements concerning test data in the possession or control of the submitter and other data known to or reasonably ascertainable by him.

2. *Notice form information.—Scope.* EPA considered several options for the scope of the requirements specified by the rules and notice forms. First, the Agency could limit the information required to that specifically listed in § 8(a)(2). Second, EPA could expand upon the § 8(a)(2) list by requiring other information which relates to exposures throughout the "life cycle" of a chemical, i.e. manufacture, processing, distribution in commerce, use, and disposal. Third, the Agency not only could expand upon the § 8(a)(2) list for exposure-related information, but also could require other information which explains how and why the submitter (or others) will control possible exposures (e.g., engineered safeguards, industrial hygiene considerations), information explaining risk assessments, and information concerning the reasonableness of certain risks. (These options are further discussed in Section II-C-1-a of the Support Document.)

EPA's proposed rules and forms would implement a modification of the second option. Thus EPA would require submission of the specific infor-

mation listed in Section 8(a)(2) plus other exposure-related information, and would encourage (but not require) submisson of other relevant information which the Agency may consider in determining the need for regulatory controls. Proposed § 720.22 identifies the types of information covered, including each of the items listed in section 8(a)(2). Taken together the rules and form serve the basic purpose of providing EPA the information necessary to evaluate risks associated with new substances and to determine the need for additional effects information, follow-up reporting, or regulatory control. Further, the optional reporting enables manufacturers to submit additional information relevant to EPA's review of new substances (e.g., manufacturing and use safeguards that affect levels of risk; non-risk factors relevant to the reasonableness of particular risks).

In distinguishing between mandatory and optional data requirements EPA sought to balance the types of data and information necessary to perform risk assessments, whether the information is necessary to review all new substances or only some, and the reporting burdens on the submitters. The information designated "optional" is the type of information which a manufacturer of a chemical would want EPA to review, with the hope that the Agency would not take regulatory action, including action under Section 5(e), because of a lack of information. By making this information optional, EPA would reduce the reporting burden on industry without reducing the Agency's ability to perform risk assessments, and would allow submitters to report detailed information if they think it would be important in EPA's review of the notices.

EPA further proposes to limit the scope of these requirements in certain special cases. The information required for imported substances and for substances manufactured solely for export (discussed in greater detail below) would be limited to that necessary for assessing potential risk to health or the environment in the United States. Also, the reporting requirements for byproducts, co-products and other substances related to a new substance would be more limited than for the new substance itself.

Finally, EPA welcomes comments on whether the various questions on the general form are appropriate for substances produced in low volumes by batch production operations. Depending on these comments, EPA may promulgate a briefer form for such substances at the time these rules are promulgated, or thereafter if the need arises. (Also see III-C, "Small Business; Low Volume Chemical," below.)

Mandatory and Optional Data Requirements. EPA Proposes that manufacturers must provide the information contained in the mandatory Parts I and II of the form insofar as the information is known to or reasonably ascertainable by them. At their discretion, they may submit any other information including that requested in the optional Part III.

Part I of the form would require general information necessary to identify the submitter and his new chemical substance. In addition, estimated production volume would be reported (in ranges) for the first five years, with an indication whether the estimates are based on firm orders, forecasts, or speculation. Information on anticipated uses must be reported by function and application. The submitter also would provide the information to be published in the § 5(d)(2) FEDERAL REGISTER notice, including chemical identity, uses, exposure and environmental release estimates, and a description of tests related to health and environmental effects. Finally, the submitter would provide a schematic flow diagram of his manufacturing and processing operations involving the new substance.

Part II of the form would require information and data that will serve as the primary basis for EPA's risk assessments. In section A, the submitter would indicate the properties and effects of the substance which he has evaluated, and would explain any conclusions, evaluations, or assessments he has made concerning the results of such tests. Also, if the submitter has performed a risk assessment he would explain his evaluations of risk. In particular, the submitter must explain any evaluation he has performed of whether the reported data are sufficient to assess the risk associated with a particular property or effect.

Sections B and C would require information related to human exposure and environmental release, at manufacturing and processing sites respectively. Section B would require information on worker exposure, environmental release, disposal, and transport of the new chemical substance and of other substances associated with its manufacture. For worker exposure the submitter would describe the routes of exposure that are expected to occur; the magnitude, duration, and frequency of exposure; and the number of persons that will be exposed. For environmental release, the submitter would estimate the maximum and average amounts of the substance that will be discharged and the concentrations of these discharges. If these concentrations are based on the use of pollution control equipment, the notice would describe the types of equipment, the emission or effluent streams they serve, and the expected efficiency of the equipment. Section C would require similar information on worker exposure, environmental release, and disposal of the chemical substance associated with processing operations.

Section D would require information on general population exposures that may result from use of products that contain the substance. The submitter would identify such products, describe their uses, and estimate the total amount of the substance devoted to each use. In addition, he would estimate the consumer market population and the frequency and duration of human exposures. The submitter also would be required to complete Sections C and D for other persons' operations to the best of his ability, including reasonable estimates when he does not know with factual certainty the answers to particular questions.

In addition to the information required by Parts I and II, a manufacturer may report any other information that he believes is important for a review of the chemical substance. Part III identifies the types of information EPA expects would most often be useful for Agency decisionmaking. Using Part III, the submitter may explain his overall testing and evaluation scheme, and why it is not necessary to develop additional data. Also, he may provide detailed information on structure-activity correlations used in assessing the toxicity of the new substance and related chemicals. The submitter may describe conditions of maximum exposure that may occur through misuse, expanded production, accidental exposure, or new uses, and industrial hygiene programs and engineered safeguards that will be used to prevent or control human exposure and environmental release. Finally, this optional part requests specific information related to the economic significance and benefits of the new substance.

EPA believes that TSCA grants the authority to require submission of the information designated as optional, and will review public comments to determine whether some of the "optional" information should be "mandatory."

Level of Detail. The proposed notice form would require information in varying levels of detail, to the extent known to or reasonably ascertainable by the submitter. For example, the form would require the minimal estimates of human exposure and environmental release data that are necessary to perform general exposure modeling for chemical substances. In addition, the form would require each submitter to provide a manufacturing and processing schematic flow diagram for his new substance, which EPA and the Occupational Safety and Health Ad-

ministration (OSHA) would use to assess potential workplace exposures and environmental releases. Questions on substances associated with the production, use, and disposal of the new substance (e.g., byproducts and coproducts) would require less detail than questions on the new substance itself.

This proposed approach attempts to balance the burden placed on the submitter, the information likely to be known to or ascertainable by him, and the scope and level of information required to perform risk assessments. This approach will enable EPA to perform risk assessments commensurate with the level of detail that submitters are able to provide and to identify potential problem areas for further investigation.

Information From Other Persons. Under Section 5(d)(1) of the Act, submitters must provide the requested information insofar as it is "known to" or "reasonably ascertainable" by them. EPA could interpret this statutory language in a number of different ways. First, the Agency could offer no guidance or interpretation of this language and allow manfacturers and importers to complete the notice forms in good faith to the best of their ability. Second, EPA could estabish a legal standard for the phrase "known to or reasonably ascertainable," to provide general guidance for manufacturers. Third, EPA could identify certain types of information which the Agency assumes to be known to or reasonably ascertainable by all manufacturers. Fourth, the Agency could establish procedures for submitters to identify and obtain information "known to or reasonably ascertainable" by them, identifying persons whom a submitter should contact and specifying types of information which the submitter should request. (These alternatives are discussed further in Section II-C-1-c of the Support Document.)

EPA has incorporated a combination of the second and fourth options into the proposed rules. In proposed § 720.2 EPA defines "known to or reasonably ascertainable" to include all information in a person's possession or control, as well as other information that a reasonable person similarly situated might be expected to know or could obtain without unreasonable burden or cost. Complementing this definition, proposed § 720.20(e) identifies persons whom each manufacturer must contact concerning their anticipated processing uses of his new chemical substance. EPA proposes to treat compliance with these procedures as minimum compliance with the Act's notification requirements.

In general, the proposed rules would require a manufacturer to contact persons to whom he may subsequently supply the substance, and whom he is able to identify without undue effort or cost. However, a manufacturer need not contact all such persons, if he believes that they will provide duplicative information (in which case he may contact a representative sample of them) or if he believes that their information will not materially add to, change, or otherwise make significantly more complete that which he himself includes in his notice. Thus a manufacturer would have considerable discretion to reduce his responsibilities to contact others.

In a separate Processing and Consumer Use Form, EPA has specified the information which a submitter must request from other persons. Most of the questions in this form concern exposures resulting from processing, use, and disposal. A submitter would be required to send this form to the appropriate persons prior to submittal of his premanufacture notice. Section 720.20(e)(4) would require him to include in his notice all information which other persons provide to him. However, the manufacturer need not delay submittal until his customers respond, and any failure of theirs to respond would not affect the validity of his notice.

The persons contacted would not be under any legal obligation to respond to these requests for information. However, EPA would be able directly to require the information under the supplementary reporting provisions of § 720.50, or could make worst case assumptions about possible exposures associated with processing and use, and initiate control actions based upon such assumptions. Therefore those contacted may decide that it is in their own best interests to provide the information.

Because much of the information requested may be confidential, the proposed rules authorize persons contacted to respond directly to EPA and to make claims of confidentiality for any information submitted. Further, the rules and forms would require a submitter to tell all persons whom he contacts that they are not legally obligated to respond, and that they may report either to the submitter or directly to EPA.

Finally, the manufacturer would be required to certify in the notice his compliance with these procedures, including the names and addresses of the persons he contacted, and a designation of those who have provided information to him or who have indicated that they intend to respond directly to EPA. Also, if a manufacturer limits the number of persons whom he contacts, he must briefly explain in his certification how and why he did so.

Reporting Requirements For Substances Manufactured Solely For Export. Proposed § 720.10(a)(1) requires persons who intend to manufacture substances solely for export to submit premanufacture notices. Manufacturers of chemical substances solely for export would use the same premanufacture notice form as manufacturers for domestic use, except that questions on end uses and exposures outside the United States (which do not present risks to the United States) would be optional. In addition, a submitter would not be required under § 720.20(e) to contact persons who may process or use the substance in another country unless the uses and exposures outside the United States may present a risk to the health or environment of the United States. EPA requests comments on how such uses and exposures could be identified.

Reporting Requirements For Importers. Section 720.21(b) would require importers to use a special reporting form which is similar in many respects to that for domestic manufacturers. One major distinction is the deletion of questions pertaining to human or environmental exposures which may occur abroad as a result of the manufacturing or processing of new substances. As with the reporting requirements for substances manufactured solely for export, exposures resulting from those phases of a substance's life-cycle which occur outside of the United States generally are not of concern to EPA unless they present a risk to health or the environment in the United States. The Agency requests comments on how exposures presenting such a risk can be identified.

Like domestic manufacturers, importers must contact potential processors or users of their new substances to obtain use and exposure information. In addition, § 720.21(c) would require importers to request certain information from their foreign suppliers and manufacturers: importers would send these persons a specially prepared form which requests several types of information for the new substances, including all existing test data. The foreign manufacturers and suppliers would not be legally obligated to provide the information requested. However, EPA believes that in many cases foreign companies would find it in their best interest to cooperate, to avoid possible EPA regulatory actions.

EPA recognizes that foreign companies may have legitimate concerns about the confidentiality of information which they submit to the Agency. To encourage their cooperation, the rules permit foreign manufacturers and suppliers to report directly to EPA, rather than through their importers, and permit them to assert claims of confidentiality with respect to any data which they provide in ac-

cordance with the Act. The proposed rules do not specifically address the situation in which the importer is the same person as the foreign manufacturer or supplier, or in which the companies are separate entities but part of the same corporate structure. In such cases, an importer should consult the definition of "possession or control" to determine the information which he must submit.

3. *Test Data and Other Data.—Scope.* Section 720.23 of the proposed rules requires manufacturers to submit reports and studies of test data in their possession or control, descriptions of other data (e.g., data concerning structure activity relationships) in their possession or control, and descriptions of any data (test data or otherwise) not in their possession or control but known to or reasonably ascertainable by them. These requirements would apply to data concerning the new chemical substance. They also would include data for impurities, byproducts, coproducts, degradation products, or other chemical substances which are related to the manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance. Under § 720.23(c), data on related chemicals would be required only if the chemicals are not on the inventory of existing chemical substances. The Agency believes that effects data on such related substances are necessary to effectively evaluate risks which may result from activities involving the new substance.

Proposed § 720.2 defines "test data" to include data and information which result from a variety of methodological approaches. Thus the definition applies to data from studies, experiments, recorded observations, monitoring, and measurements—all of which EPA considers to be covered by the word "test" as it is used in the Act. In addition, the proposed definition includes both formal and informal tests. (See EPA's proposed definition of "health and safety study" in § 720.2, which clarifies EPA's interpretation that test for which data are submitted under section 5(d)(1)(B) are the same as health and safety studies.) The definition also provides that "test data" includes not only the raw data *per se*, but other information which is relevant to the development and analysis of the data. This specifically includes any risk assessements concerning the data, as well as protocols, results, and conclusions. Also, chemical identity is included as a part of the data.

Test Data in the Possession or Control of the Submitter. Pursuant to section 5(d)(1)(B) of the Act and § 720.23 of the proposed rules, a manufacturer must submit with his notice (in the form and manner prescribed by EPA) any test data in his possession or control which are related to the effects of the manufacture, processing, distribution in commerce, use or disposal of the new substance upon health or the environment.

EPA's proposed definition of "possession or control" in § 720.2 contains a number of provisions which specifically identify persons or organizations related to the manufacturer and whose information or data EPA presumes to be in the submitter's possession or control. These include subsidiary and parent companies, plus certain other related companies which are associated with development and commercialization of the chemical substance. With regard to employees or other agents of the submitter, the proposed definition would apply to information in the business files of those who are associated with R&D, or with test or commercial marketing of the new substance. As proposed, "possession or control" also includes information in the possession of certain contractors and shared funding facilities. Finally, the proposed definition applies to the information which is known to or reasonably ascertainable by the submitter and which must be given to him upon request. Basically, this interprets the word "control" and clarifies that some, but not all, of the information which is known to or reasonably ascertainble by a person is in his possession or control. (Note that EPA's proposed definition of "known to or reasonably ascertainable" includes all information in a person's possession or control.)

The proposed rules require manufacturers to submit full reports on test data relevant to certain health effects, ecological effects, physical and chemical properties, and environmental fate characteristics which are listed in § 720.23(a)(3). To mitigate the reporting burden of this requirement, § 720.23(a)(5)(i) would allow submitters to provide abstracts for any other test data, provided the submitters agree to submit full reports upon request by EPA. In addition, under proposed § 720.23(a)(4)(ii) manufacturers need not reorganize reports which have been published prior to the effective date of the final premanufacture regulations. Finally, if test data have been published in the open scientific literature, § 720.23(a)(2) would authorize submitters to provide the papers in which they appear, instead of the full reports.

In the future the Agency will publish guidance on the form of test data submittals, "Formats for Data Submitted Under the Toxic Substances Control Act." Use of these formats will facilitate EPA's review of premanufacture notices, including the use of electronic data processing techniques. Pending publication of these formats, the following interim guidance applies. In general, a full report on the effects and properties listed in § 720.23(a)(3) should include the following parts: abstract, introduction, experimental methods and materials, results, discussion of data analyses, conclusions, and references. (Briefer reports may be appropriate for certain effects. See Section II-C-2 of the Support Document.) An abstract for other test data should briefly describe the purposes, methodolgy, results, and conclusions of the study.

Other Data Known to or Reasonably Ascertainable by the Submitter. Section 5(d)(1)(C) of the Act requires a manufacturer to submit descriptions of any other data concerning the environmental and health effects of the manufacture, processing, distribution in commerce, use or disposal of his new substance, insofar as the data are known to or reasonably ascertainable by him. Proposed § 720.23(b) implements this provision. Section 720.2 would define "known to or reasonably ascertainable" to mean "all information that a reasonable person similarly situated might be expected to possess, control, or know, or could obtain without unreasonable burden or cost." For the purposes of data submittal requirements, § 720.23(b)(3) further would construe this term to include data which are known to the submitter's employees or other agents who are associated with research, development, test marketing, or commercial marketing of the substance. As further guidance, § 720.23(b)(3) would include examples of test data for which descriptions should be submitted. These include data which such employees or agents learn about through discussions, attendance at symposia, or by reading scientific articles.

Incomplete Reports. Sections 720.23(a)(4)(iii), (a)(5)(ii), and (b)(4) of the proposed rule exempt incomplete reports and studies from the full data submittal requirements of § 720.23. However, the submitter would be required to describe the nature and objective of any such study, report or test, its principal investigator, laboratory contacts, progress to date, types of data collected, significant preliminary results and anticipated completion date. In addition, if the study or report yields significant results prior to the expiration of the notification period, and if the results were not submitted with the premanufacture notice, the manufacturer would be required to immediately submit the relevant study, report, or test results to EPA.

Data That Need Not be Submitted. Proposed § 720.23(c) contains provisions for data which need not be submitted to EPA. First, manufacturers may submit standard literature cita-

tions for data which appear in periodicals listed in Appendix I of the rules. These are periodicals to which EPA has immediate access, and the number of periodicals listed will increase as the Agency's access capacity increases. Second, persons are not required to resubmit any data previously submitted to EPA or another Federal agency, provided EPA is not now prevented from accessing those data because of prior claims of confidentiality. Third, efficacy data need not be submitted. Fourth, test data on exposure to human or ecological populations outside the United States need not be submitted. Finally, persons need not submit data on impurities, byproducts, co-products or other related chemicals which are themselves included on the inventory.

D. EPA'S PROCESSING OF NOTICES

1. *Acknowledgement of Receipt.* Under the procedures proposed in Subpart D, EPA would acknowledge receipt of each premanufacture notice. This receipt would bear the date when the OTS Document Control Officer receives the notice, and the 90-day notice review period would begin on this date. As discussed below, under § 720.34 and § 720.35 EPA may extend the review period for up to 90 additional days.

2. *Confidential Treatment of Information Contained in Premanufacture Notices.* When information is submitted and is covered by a claim of confidentiality asserted in accordance with these rules, EPA will disclose that information only to the extent permitted by the Act, these rules, and EPA's Public Information rules, 40 CFR Part 2. Basically, this means that EPA will not disclose information claimed as confidential without prior notice to the submitter. If a person asserts a claim, but fails to submit any substantiation or, in the case of a health and safety study, fails to submit a sanitized copy, he will be given an opportunity to correct this problem before EPA releases the information.

EPA will review all confidentiality claims asserted for information in health and safety studies, to assure the maximum availability of such information to the public. In addition, the Agency will in every case review a claim with respect to specific chemical identity prior to adding a substance to the inventory. EPA may review claims with respect to other information at any time; however, the Agency will review most claims only upon receipt of Freedom of Information Act requests.

EPA will deny confidentiality claims if it finds that disclosure of the relevant materials would not reveal confidential business information. In general, EPA will grant confidentiality to materials in health and safety studies only if the Agency determines that release would disclose confidential information concerning the manufacturing or processing process for a chemical, or the proportions of a mixture. However, for the period prior to commencement of manufacture, EPA will withhold the chemical identity of a substance as part of a health and safety study if the person shows that release would disclose confidential business information. (EPA's proposed resolution of the question of confidentiality for specific chemical identities is discussed in detail in Section III A of this supplementary information.)

3. *Federal Register Notice.* Under section 5(d)(2) of the Act, five days after EPA receives a premanufacture notice the Agency must publish in the FEDERAL REGISTER, subject to § 14, a notice which includes information identifying the new substance, its "uses or intended uses," and any data developed pursuant to a § 4 rule or to a designation under § 5(b)(4) that the substance may present an unreasonable risk. In implementing § 5(d)(2), EPA faces a conflict between the need to keep certain information confidential, and the need to make information public and thus facilitate public oversight of new substances as intended by Congress. Section 720.32 contains EPA's proposed resolution of this conflict.

As a general rule, EPA will identify the substance in the FEDERAL REGISTER notice by its specific identity. However, if the submitter claims identity to be confidential, the Agency will identify the substance by a generic name.

If a person asserts a valid claim of confidentiality for use information submitted in a notice, EPA will protect this information. However, § 720.42 provides that when a person asserts such a claim, he must at the same time provide non-confidential information concerning the generic uses of the substance and the human and invironmental exposure which may occur. This exposure information will focus on identifying the populations which may be exposed to the substance (e.g., consumers, workers), and the extent of the exposure which is likely to occur. In addition, the person would indicate the degree of environmental release of the substance at various stages in its life cycle. This non-confidential data will be published in the § 5(d)(2) FEDERAL REGISTER notice.

EPA believes that Congress intended information on uses of new substances to be published so that the public can estimate the types and extent of potential human and environmental exposures to the substances. With an understanding of likely exposure, the public more effectively may exercise its opportunities for participating in review of chemical risks. By providing for the submittal and publication of exposure information, EPA will address this public need for information without releasing technical use information, which may be the most commercially sensitive type of information included in the premanufacture notice.

Under § 720.32(b)(3), in the section 5(d)(2) notice EPA would list all test data reported as part of a premanufacture notice, and would publish submitter-prepared abstracts for much of this test data. These abstracts would not contain any confidential information. EPA rejected a suggestion that it publish only those data developed in connection with § 4 testing requirements or § 5 (b)(4) designations. Much of the test data submitted with section 5 notices will have been developed independently of the section 4 and section 5(b)(4) requirements, but are relevant to the public's interest in new chemical substances.

Proposed § 720.32 provides that EPA will file this notice with the FEDERAL REGISTER within five days after the Agency receives the premanufacture submittal. Because of this time constraint, the Agency will utilize elements of the notice form for the Federal Register notice, including the submitter's proposed generic chemical identity and use information. However, if any of this information proves inaccurate or significantly more generic than necessary, EPA may publish and amended FEDERAL REGISTER notice, subject to the Agency's confidentiality rules in 40 CFR Part 2.

4. *Deficient Notices.* The information required to be submitted by these rules and the forms is necessary for EPA's effective review of new substances. If a person does not follow these rules, EPA may consider his notice to be deficient.

In §720.34, EPA proposes that its response to a deficient notice would depend upon the nature of the deficiency, distinguishing between those deficiencies of a relatively minor nature for which the Agency may request corrections, and those which are more serious and which will render a notice invalid. Section 720.34(a) provides that within 30 days after receipt of a notice EPA may request a submitter to correct minor or technical deficiencies (e.g., failure to date the notice; typographical errors which render entries unclear or ambiguous.) For thse types of deficiencies, the Agency will suspend the notification period for up to 30 days, pending correction of the notice. If the submitter does not make the correction within this time period, EPA may declare the notice to be invalid.

Section 720.34(b) identifies grounds for invalidation of a notice. These in-

clude failure to comply with the procedures for obtaining information from other persons, in accordance with § 720.20(e) or § 720.21(c); submittal of a notice by a person other than the one who intends to manfacture or import the substance; failure to provide any information requested on the notice form, unless the form clearly indicates that the information is optional; and failure to provide any information required by § 5(d)(1)(B) and (C) of the Act, in accordance with § 720.23. EPA would be able to determine at any time during the notification period that a notice is invalid for these reasons.

Finally, § 720.34(c) provides that if EPA discovers after expiration of the notification period that a person submitted intentionally false or misleading statements concerning a material aspect of his notice, the Agency may find that the notice itself was invalid. If so, the manufacture of that substance will constitute a violation of the Act.

5. *Extension of Notification Period.* Section 5(c) of the Act provides that EPA can extend the original 90-day notification period by up to an additional 90 days for "good cause." Section 720.35 of the rules provides that EPA will notify the submitter by certified mail if the Agency extends the period, and provides examples of situations which EPA believes could constitute good cause for extension. In addition, § 720.35(c) provides that EPA may issue a Notice of Continuing Review if the Agency is actively evaluating the substance for regulatory action after expiration of the notification period. This Notice of Continuing Review would be for informational purposes only, and would not extend the notification period or prevent a person from beginning to manufacture or import the substance.

6. *Supplementary Reporting.* Despite the reporting requirements proposed in these regulations and in the forms, for some substances of particular concern the premanufacture notices may not contain sufficient information for EPA to evaluate the chemical substance and to initiate regulatory actions or prescribe follow-up reporting requirements. In particular, it is possible that some of the information specified in the notice form may not be known to or reasonably ascertainable by the submitter. Further, for some substances of particular concern,, the Agency will need informatin in addition to that required by the form.

To deal with these information gaps, in § 720.50 and § 720.51 EPA is proposing rules pursuant to § 5 and § 8 of the Act under which EPA may require defined classes of persons (including submitters, potential processors of new substances, and manufacturers of reactant products) to report specific types of information with respect to new chemical substances for which premanufacture notices have been submitted. Under these proposed rules EPA may require the specified information either during the premanufacture review period or after its expiration. These requirements would be issued administratively and not through independent rulemakings for each individual case. The issuance of each such reporting requirement would be subject to the approval of the Assistant Administrator for Toxic Substances or the Deputy Assistant Administrator for Program Integration and Information.

Timely availability of information is particularly important to EPA's decision-making concerning actions under § 5(e) or § 5(f). Further, this approach would enable EPA to direct information requirements to identified persons, and thereby diminishes the need to promulgate rules of general applicability to large numers of manufacturers. It also precludes the need for more extensive and burdensome initial notification requirements for all new substances by permitting the Agency to acquire necessary information on selected substances of concern to supplement that in the notice form.

7. *Supplementary Reporting—Small Business Definition.* To the extent that supplemental reporting under § 720.50 of these proposed rules is based upon the authority of § 8(a), EPA generally may not impose a reporting requirement on a "small manufacturer or processor." EPA must define or otherwise construe "small" in a manner which balances EPA's need for this information with the reporting burden placed upon small companies.

For purposes of these supplemental reporting requirements, EPA is proposing to define as a "small" business any company with annual sales of less than $1,000,000. EPA estimates that this would exclude from such requirements 44% of the chemical manufacturers in this country, who account for 0.8% of manufacturers' sales and 1.4% of manufacturers' employment. When considered with the estimated average reporting costs (which are relatively low) and the probably infrequent use by EPA of the proposed supplemental reporting authority, this definition will not result in a significant burden upon industry.

EPA has considered several other options to this single definition of "small business." First, the Agency could define the term (and hence the applicability of the supplemental reporting requirements) on a case-by-case basis, balancing the costs to the particular person reporting the specific information against EPA's need for it. Second, the Agency could define"small business" according to annual sales in conjunction with the projected sales volume of the new substance. Third, EPA could develop a multiple definition which assigns a separate number (based, for example, upon annual sales) to each type of data or task which the Agency may require. Fourth, the Agency could use a dual definition: companies under a lower limit (expressed in terms of sales, number of employees, or other factors) generally would not be subject to supplemental reporting; firms above an upper limit always would be covered; and for those in between EPA would decide on a case-by-case basis. These options are discussed further in II-D-8 of the Support Document, where EPA has estimated the impact of the reporting requirements at five different levels of annual sales.

8. *Actions under section 5(e) or section 5(f) of the Act.* Under section 5(e) of the Act EPA may issue a proposed order to regulate the manufacture, processing, distribution in commerce, use or disposal of a new substance if the Agency determines that the information available is insufficient to evaluate its health or environmental effects, and that the substance either (1) may present an unreasonable risk of injury to health or the environment, or (2) will be produced in substantial quantities and there may be significant or substantial exposure to the substance. If a manufacturer or porcessor objects to a proposed order, or if EPA has not issued a proposed order 45 days before expiration of the notification period, EPA may apply to a U.S. District Court for an injunction to regulate a new substance under § 5(e). Such an order or injunction remains effective pending development and submittal to the Agency of sufficient data to evaluate the substance's effects.

Section 5(f) authorizes EPA to regulate a new substance if there is a reasonable basis to conclude that the substance will present an unreasonable risk to health or the environment before a rule promulgated under Section 6 can protect against such risk. To ban manufacture of a chemical, EPA may issue a proposed order; if EPA has not issued a timely order, or if a manufacturer or porcessor objects to the order, EPA must apply to a U.S. District Court for an injunction. Otherwise the Agency may regulate a chemical under section 5(f) by issuing a section 6(a) rule which is immediately effective upon publication in the FEDERAL REGISTER. Sections 720.36 and 720.37 of these rules would establish procedures for actions under these authorities.

Sections 5(e)(1)(B) and 5(f)(3)(C) of the Act provide that, on or before the

issuance of a proposed order, EPA must notify "each manufacturer or processor, as the case may be" of the basis of EPA's determination to regulate a substance under these authorities. Any such person may object to the order within 30 days after he receives it. The Act is unclear whether EPA must notify only the submitter of the notice (which in the case of a new substance will be the manufacturer or importer). It is possible that Congress intended the term "processor" to apply only with respect to proposed orders concerning "significant new uses"; both manufacturers and processors may be required to submit notices for such uses. In § 720.36 and § 720.37, EPA proposes that the Agency will send notices of proposed orders concerning new substances not only to the manufacturers but also to other persons who would be affected by the orders, including processors and users. Because EPA may not be able to identify all interested persons, the Agency proposes both to inform directly the submitter and other persons whom he has identified in accordance with § 720.20(e), and to publish a FEDERAL REGISTER notice which describes the proposed order and persons who may object to it.

The Act does not provide a particular mechanism for the modification or revocation of orders issued under § 5(e) or § 5(f). Sections 720.36(b)(5) and (6), and § 720.37(b)(5), provide that any person who is affected by an order may petition EPA for its modification or revocation if there has been a change in the factors relevant to EPA's decision to issue the order.

Section 5(e)(2)(D) of the Act does not state how long EPA may evaluate test data submitted pursuant to an injunction (issued under § 5(e)(2)(A)) before the appropriate United States District Court may dissolve the injunction. Section 720.36(c)(2) would establish an administrative procedure whereby EPA will inform the submitter within 90 days of receipt of the data whether EPA will petition the court to modify or dissolve the injunction; whether the Agency intends to propose a rule under § 6(a); or whether, because of the bulk or complexity of data, the Agency has not completed its review and will oppose and petition to dissolve the injunction at that time.

9. *Compliance and Enforcement.* EPA considers the success of the premanufacture notification program to be vital to the effectiveness of the TSCA chemical control program as a whole. Consequently, the Agency will make every effort to ensure compliance with the mandates of § 5 of the Act and with the rules promulgated thereunder.

EPA will make a major effort to identify and take enforcement action against violators of the premanufacture notification rules. Pursuant to § 15 and § 16 of the Act, any person who does not comply with the premanufacture requirements may be liable for a civil penalty of up to $25,000 for each violation. For the purposes of § 16, each day a violation continues constitutes a separate violation. In addition to any such civil penalty, knowing or willful violations of these rules may lead to the imposition of criminal penalties in the amount of up to $25,000 for each day of violation and to imprisonment for up to one year. In addition, the Agency may utilize any of the remedies available to it under section 17 of the Act, including seeking injunctions to restrain persons from violating the premanufacture rules, and seizing any substances manufactured in violation of the rules.

Individuals as well as corporations will be subject to enforcement actions. Sections 15 and 16 apply to "any person" who violates various provisions of TSCA. Thus in actions under § 16, EPA may at its discretion proceed against individuals, such as corporate officials, as well as the companies themselves. In particular, this includes individuals who report false information or who cause false information to be reported.

Persons who are subject to these rules should be fully aware of the potential magnitude of penaltites for violations. Section 5 and these rules require manufacturers to submit complete and valid premanufacture notices at least 90 days before the start of manufacture of new substances. If a person does not submit a complete and valid notice he may be subject to penalties of up to $25,000 per day. Persons who submit false information may be subject to penalties calculated as if they never filed their notices. EPA also may impose penalties for reporting false data and tests, although the reporting is done pursuant to the optional reporting sections of the notice form. Such false information would have a damaging impact on the effectiveness of the program because it could result in the Agency's failing to take action under § 5(e) and § 5(f) during the premanufacture period in cases where such action was appropriate. Such violations, however, are largely a matter of degree and may be the subject of lesser penalties as particular cases warrant. Further, EPA will direct its resources to the detection of violations of other aspects of the premanufacture rules, particularly the exemption for research and development. Finally, the Agency will apply a less vigorous enforcement approach towards minor deviations from and technical violations of the rules and forms.

III. MAJOR ISSUES

A. CONFIDENTIALITY FOR SPECIFIC CHEMICAL IDENTITY

If a person claims that the fact that he intends to manufacture, import or process a particular chemical substance is confidential, several issues arise under TSCA. EPA's proposed approach to confidentiality of specific chemical identity is set forth in § 720.41. In choosing this proposed approach, EPA balanced the competing concerns of Sections 5, 8 and 14 of TSCA.

Section 5(d)(2) of the Act requires EPA, within five days of receipt of the notice, to publish in the FEDERAL REGISTER a notice identifying, among other things, the substance for which a premanufacture notice has been received. This notice is to identify the chemical substance by a generic chemical name unless EPA determines that a more specific identification is in the public interest. The statute provides that publication of this notice is subject to the disclosure of data provisions in Section 14 of the Act.

Section 14 of the Act states that if information reported to EPA under TSCA is exempt from disclosure under the fourth exemption of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(4)), it may not be disclosed except in the specific circumstances set out in the section. In particular, Section 14(b) of the Act provides that, except for the two classes of information identified below, the Administrator cannot deny a request for information concerning data from a health and safety study with respect to a chemical substance which has been offered for commercial distribution, for which testing is required under Section 4 of the Act, or for which notification is required under Section 5. Two two classes of information which are exempt from disclosure as part of a health and safety study are data which disclose confidential processes used in the manufacture or processing of a chemical substance or mixture, and the confidential proportions of a chemical substance in a mixture.

Section 8(b) of the Act requires EPA to publish an inventory of chemical substances which are manufactured, imported or processed in the United States for commercial purposes, and requires the Administrator to add a chemical, for which notice is submitted under Section 5, to the inventory as of the earliest date that it is manufactured, imported or processed for a commercial purpose in the United States.

EPA believes that Congress intended the Agency to publish a generic chemical name in the FEDERAL REGISTER notice of receipt of a premanufacture notice under Section 5(b)(2) of the

Act, if the fact that anyone intends to manufacture, import or process the chemical substance for a commercial purpose is confidential. This policy is reflected in Sections 720.41(a) and 720.32 of these proposed regulations. Because of time constraints, EPA will not review the claim of confidentiality or the adequacy of the generic name prior to publication of the FEDERAL REGISTER notices. EPA may review the claim of confidentiality and the generic name at a later date, either on its own initiative or in response to an FOIA request or a petition under § 720.41(a)(4)(iii). If EPA denies the claim of confidentiality or determines that the generic name is inadequate, it may publish an amended notice in the FEDERAL REGISTER.

EPA also believes that, *in the absence of submission of a health and safety study*, Congress intended the Agency to hold in confidence a specific chemical identity if the submitter complies with the requirements of the regulations and EPA determines that the fact that the particular chemical substance is manufactured, imported or processed for commercial purposes in the United States by anyone is confidential. This is the policy established in § 710.7 of the inventory reporting rules. EPA is not now proposing to amend that policy.

However, it is likely that many, if not all, premanufacture notices will contain health and safety studies. In addition, while EPA estimates that only 1 or 2 percent of specific chemical identities reported for the inventory will be confidential, comments already submitted to the Agency suggest that persons submitting premanufacture notices will be making such claims in a high percentage of cases.

Thus, for the purposes of premanufacture notices, the more difficult and significant issue is how EPA should handle claims of confidentiality for specific chemical identity if a health and safety study has been submitted. It is clearly implicit in the statute that chemical identity is part of a health and safety study; § 720.2 of these proposed regulations would define the term "health and safety study" to explicitly include chemical identity. Section 3(6) of the statute defines "health and safety study" to include "any study of any effect of a *chemical substance* * * * on health or the environment or on both, including *underlying data* * * *" (emphasis added). It is difficult to imagine any data more basic to a study than the identity of the chemical substance tested. For example, identity allows one to interpret the results of a study and determine whether the appropriate test methodology was followed for the particular chemical.

The legislative history of TSCA indicates that Congress intended the term "health and safety study" to be interpreted broadly. If Congress had intended that chemical identity would not be considered part of a health and safety study, it would have so provided. The statute does provide that in disclosing a health and safety study, the Administrator is not to disclose data on confidential processes used in the manufacture or processing of a chemical substance in a mixture, or the confidential proportions of a chemical substance in a mixture. However, in explaining § 14(b) of the Committee bill, which became § 14(b) of TSCA as enacted, the House report explains:

> In referring to "disclosing the portion of the mixture," the Committee intends to protect confidential trade secret information respecting the specific formulation of a mixture. However, the Committee does not intend to prohibit the Administrator from disclosing the chemical substances comprising the mixture by their order of quantity in the mixture. H.R. Rep. No. 94-1341, 94th Cong., 2d Sess. 51 (1976).

Thus EPA considers chemical identity to be part of a health and safety study.

A mechanical reading of the statute would suggest that EPA is required to disclose specific chemical identity as part of a health and safety study (unless that would disclose confidential data on the processes used in the manufacture or processing of a chemical substance or mixture or the proportions of a chemical substance in a mixture) on any chemical which has been offered for commercial distribution, for which testing is required under § 4 of the Act, or for which notification is required under § 5. There are, however, indications in the statute that Congress intended the Agency to draw a distinction between disclosure of specific chemical identity for substances which are being manufactured for "non-exempt commercial purposes," as that term is defined in § 720.2, and chemicals which a person merely *intends* to manufacture for such purposes at some point in the future. In particular, § 5(d)(2) of the Act unmistakably provides that the notice of receipt of a premanufacture notice is to identify the chemical by generic name unless the Administrator determines that more specific identification is required in the public interest. Congress, accordingly, seemed to recognize the importance of confidentiality prior to manufacture of a chemical for commercial purposes. Thus EPA considers chemical identity to be part of a health and safety study.

A variety of policy considerations reinforce the idea that premanufacture confidentiality for chemical identities was intended by Congress. Prior to manufacture of a chemical for non-exempt commercial purposes, exposure of the public to the chemical is minimized. The chemical will usually be manufactured solely in small quantities for research and development, and under § 5(h)(3) of the Act (and § 720.14 of the proposed regulations) all persons engaged in the manufacture, processing, use, transport, storage or disposal of the substance must be notified of any risk to health which may be associated with the chemical. There also is the possibility that the chemical will never be manufactured for non-exempt commercial purposes, either because of a business judgment on the part of the submitter or because of regulation by EPA. If the chemical is not to be manufactured, imported or processed in the United States for non-exempt commerical purposes, there may be no reason to disclose its confidential chemical identity to the general public or a business competitor. Lastly, manufacturers and importers have impressed upon the Agency the special importance of confidentiality during the period prior to commencement of manufacture. Often the first entrant into a new market has a very real competitive advantage. Disclosure of confidential identity at that time could result in competitive harm and, more broadly, in reduction of technological innovation. Manufacturers may protect their investment in reserach and development of a new substance in some cases by obtaining a patent. While disclosure of chemical identity of a substance does not appear to affect U.S. patent rights, various industry comments have indicated that premature publication may endanger patent rights in certain foreign countries. EPA welcomes comment on the relationship between the disclosure of identity and competitive effects abroad.

Accordingly, EPA is not persuaded that Congress intended the Agency to take a mechanical approach to disclosure of specific chemical identity as part of a health and safety study. Therefore, the Agency in these regulations is proposing a pragmatic position with regard to disclosure of health and safety studies submitted under § 5 of TSCA. (The Agency is not here proposing a policy for disclosure of identity as part of a health and safety study if the chemical is subject to a testing rule under § 4 or a reporting rule under § 8.)

Under § 720.41(a), prior to commencement of manufacture or import of a substance for a non-exempt commercial purpose, EPA would disclose only a generic chemical name as part of a health and safety study if public disclosure of the fact that anyone intends to manufacture, import or proc-

ess the specific chemical substance for a non-exempt commercial purpose would reveal confidential business information. After a chemical begins to be manufactured, imported or processed for a non-exempt commercial purpose, EPA would deny, under § 720.41(b), any claim for confidentiality of specific chemical identity as part of a health and safety study, unless release would disclose confidential processes used in the manufacture or processing of a chemical substance or mixture, or confidential proportions of chemical substances in a mixture. In that case, EPA would disclose the health and safety study and identify the specific chemical substance by a generic chemical name. EPA intends to make these studies routinely available to the public, within the limits of the policy described above.

Under the Agency's proposed approach, it is very important to determine what types of information would disclose confidential "processes used in the manufacture or processing of a chemical substance or mixture." It is difficult to define this phrase so as to identify clearly the particular situations to which it applies. The terms "manufacturing" and "processing" are defined by sections 3(7) and 3(10) of the Act and in § 720.2 of the proposed rules. EPA will refer to these definitions in deciding what information would be included within this phrase. The following are examples of the kinds of information which may fall within the category of data which disclose processes: physical parameters of reactions vessels; methods of purification of reactants or reaction products; whether substance is incorporated into an article; and information on how an article is made or how an article works if this would reveal how it is made. These examples are very general. Application of the exception will turn on particular factual circumstances and will involve a determination of whether a particular item of information, when added to other information generally known, would disclose a confidential process. The Agency specifically welcomes comment on this issue.

If the specific chemical substance could be disclosed as part of a health and safety study, EPA would deny any claim for confidentiality of the specific chemical identity for purposes of adding the substance to the inventory. On the other hand, if specific chemical identity was not subject to disclosure as part of a health and safety study, and if the submitter complied with the provisions of the regulations, EPA would not publish the specific chemical identity in the inventory. Instead, as was the policy under the inventory reporting regulations, EPA would publish a generic chemical name in an appendix to the inventory. Thereafter, a person with a bona fide intent to manufacture a substance is included on the inventory as confidential identity. See proposed § 720.41.

The Agency recognizes that it is sometimes difficult to choose an appropriate generic name. Under § 720.41, the generic chemical name must be only as generic as necessary to protect the confidential identity of the particular chemical substance. EPA has already made available for use in inventory reporting its *Guidelines for Creating Proposed Generic Names*, 43 FR 16178, April 17, 1978. As part of this rulemaking, the Agency again specifically solicits comment on the *Guidelines*, which is published as Appendix II to these proposed rules. In addition, EPA is proposing in the rules an additional standard to assure that generic chemical names not only satisfy the regulatory standard ("only as generic as necessary"), but also provide as much information as possible on toxicologically significant aspects of the substance's structure. EPA welcomes comment on this standard and on whether it should be incorporated in the *Guidelines* document. Section 720.41(a)(2) of these proposed regulations establishes a voluntary procedure for prenotice consultation with the Agency concerning selection of a generic name.

The Agency believes that its proposed approach balances the competing concerns of the public interest and industrial sectors and is a rational resolution. Moreover, this approach has the advantage of straightforward administration which is important because of the potential volume of confidentiality claims and of requests by the public to examine these materials.

Because of the complexity of this issue, EPA has considered a large number of alternatives. The major alternatives considered are identified below. These are discussed in greater detail in the Support Document.

1. Do not disclose a confidential specific chemical identity as part of a health and safety study before or after commencement of manufacture for commercial purposes.

2. Disclose specific chemical identity as part of a health and safety study both prior to and after commencement of manufacture for commercial purposes unless such disclosure would release confidential processes used in the manufacture or processing of a chemical substance or mixture or the confidential proportions of a chemical substance in a mixture.

3. Establish a panel of experts, with no commercial interest in chemicals, to review all health and safety studies on new chemical substances with confidential identities prior to commencement of manufacture for commercial purposes. If the health and safety study, including specific chemical identity, is not disclosed to the public after the commencement of manufacture for commercial purposes, the panel would have continued access to the data.

4. Disclose specific chemical identity as part of a health and safety study, both prior to and after commencement of manufacture, to any person who can establish a *bona fide* public interest in obtaining the identity and who has no commercial interest in chemical substances.

5. Disclose specific chemical identity as part of a health and safety study only with the consent of the submitter. EPA would be a middleman and relay requests for information to the submitter.

6. Rather than routinely making identity available (such as through a public reading room), await receipt of an FOIA request before determining whether to disclose identity after commencement of manufacture. Until that time, EPA would hold identity confidential

7. After commencement of manufacture, publish the generic name on the inventory even if the specific identity has been released in connection with a health and safety study.

8. Require a minimum level of test data on any new chemical substance whose specific chemical identity is claimed as confidential.

Any of these alternatives might be selected in the final regulation. EPA intends to further evaluate each of them before determining how to handle claims of confidentiality for specific chemical identity with respect to health and safety studies submitted under TSCA § 5. EPA specifically solicits comment on these various alternatives and any other possible approaches.

B. TESTING FOR NEW CHEMICAL SUBSTANCES

EPA has given considerable attention to testing for new chemical substances and, in particular, the need for and possible contents of testing guidelines. At this time, the Agency is not proposing guidelines for public review and comment. However, in the near future EPA will publish in the FEDERAL REGISTER a detailed discussion of the major testing issues and guidelines alternatives considered by the Agency. The publication also will contain a number of recommended testing methods which EPA considers to be appropriate for estimating a wide range of health and ecological effects and environmental fate characteristics. The Agency will request interested persons to comment on the issues, alternatives, and testing methods, and subsequently will propose testing guidelines for use with new chemical substances.

EPA's long term strategy is to issue § 4 testing rules which apply to specific categories of chemical substances and which require testing for a significant number of effects. However, it may be several years before the Agency issues enough such rules to require testing of a substantial proportion of new chemical substances. Further, the § 4 rules will not cover all or even most chemical substances for all effects of concern to EPA. Therefore the Agency intends to issue testing guidelines to supplement the § 4 rules. The guidelines would be consistent with the testing rules, but they will be discretionary. The Agency will revise the guidelines and § 4 rules to reflect changes in scientific knowledge and EPA's experience in reviewing chemical substances.

With regard to both § 4 and § 5 guidelines, EPA's goal is a tiered scheme of testing for health and ecological effects. The scheme will be designed to develop, in the most cost-effective manner possible, data needed for assessments of risk. It will be constructed so that data from the initial tier of tests will help determine whether more testing should be performed. Decision rules for passing from one tier of tests to another will be explicit in the § 4 rules. In the § 5 guidelines, the decision rules will be as explicit as possible, considering the broader range of circumstances which the guidelines must accommodate. To the extent possible, EPA will harmonize its testing schemes under TSCA with those developed by other federal agencies, nations, and international organizations.

Both prior to and after establishment of the guidelines for testing of new chemical substances under § 5(e), EPA may take action to assure, on a case-by-case basis, that substances are tested before commencement of manufacture or import. While § 5(e) does not authorize the imposition of a testing requirement *per se*, the section does authorize the Agency to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of a substance pending development of test data sufficient to evaluate the health and environmental effects of a substance.

C. SMALL BUSINESS; LOW VOLUME CHEMICALS

EPA is acutely aware of the impacts which the premanufacture program may have upon small companies, low volume chemicals, and general innovation in the chemical industry. Those impacts will vary considerably depending upon the Agency's decisions on certain key issues.

Section 5 does not exempt small businesses from the premanufacture notification requirements or otherwise qualify their legal responsibilities. Congress recognized that chemical risks are a function of effects and exposure and are not correlated with company size. (Further, because many large companies produce low volume chemicals, and certain small companies manufacture chemicals in high volumes, it is not accurate to use the terms "small business" and "low volume" interchangeably.) Because EPA's primary focus is upon limiting risks to health and the environment, the Agency will not give small companies exemptions or other special provisions which would minimize their responsibilities to prevent unreasonable risks. However, EPA recognizes that it must balance the need to protect humans and ecological populations from unreasonable risks against possible impacts upon the economy and technological innovation which may result from implementation of § 5. (See § 2(b)(3) of the Act.)

The consequences of regulatory actions particularly may impact small businesses and the innovations for which they are responsible. The ability of many such companies to compete with larger ones often is tied directly to their ability to reach commercial production from product R&D in a short period of time. If as a result of government regulation (or of other similar outside factors) this time frame is lengthened, this may effectively reduce the capability of small chemical manufacturers to introduce new chemical substances into commerce. Further, to the extent that larger businesses rely upon and use smaller companies' innovations in their own new products, innovation in the industry in general could be impeded.

Small manufacturers may be less able to absorb the costs of introducing new chemical substances into the market because their total sales volumes are relatively low. Although low volume chemicals may have relatively high profit margins. if costs are increased by R&D expenditures, testing costs, compliance with premanufacture notification requirements, or other factors, it may become less profitable to commercialize new products. This might be true for all new chemical substances produced in low volumes regardless of the size of the companies which introduce them. However, larger manufacturers may be able to spread these costs across product lines to higher volume, higher profit products, whereas small manufacturers may not have this option.

The extent to which innovation is primarily the domain of small companies is not clear. At this time there are no detailed studies or analyses which adequately characterize the various types of innovations in the chemical industry and the sources of the innovations. Thus it is unclear whether innovation is evenly distributed throughout the industry or concentrated in certain types of companies. Only gross estimates can be made as to the percentage of various-sized companies' productive efforts which are tied to the development of TSCA "new chemical substances."

In light of these and other similar considerations EPA solicits comments on how the Agency should implement the premanufacture program as it relates to small businesses and low volume producers. Comment also is requested regarding the impact of the program on innovation in general within the chemical industry. In particular, the impacts of two parts of EPA's premanufacture activities merit special attention: (1) the notice forms, and (2) the premanufacture testing guidelines.

The general notice form which EPA is proposing at this time would apply to all new chemical substances. This form would require detailed reporting on exposure and use. EPA welcomes comments on whether the Agency should develop a separate, briefer form for certain new substances produced in low volumes. Depending on these comments, EPA may promulgate such a form either at the time these rules and forms are promulgated, or thereafter if the need arises.

Any such comments should focus upon two related, but distinct, issues. First, to whom or for which new substances should a separate form apply? EPA could use any of several criteria to define applicability, including production volumes, anticipated issues (e.g., intermediates, consumer products), production processes (i.e. batch, continuous) and size of manufacturer (e.g., annual sales or profits, number of employees). If the Agency promulgates two forms, it must clearly distinguish between them concerning the situations in which each must be used. Thus comments should include any proposed definitions or criteria (qualitative or quantitative) for applicability and estimates of the percentage and types of new substances which thereby would be covered.

Second, what should be the contents of any such form? This preamble and the support document for this rulemaking discuss the contents of the proposed general form, including EPA's rationale for requesting the various types of information. If the Agency develops a separate, briefer form, it must decide that it does not need to receive all of this information for all new substances. Therefore comments should indicate not only the information which should be requested in a separate form, but also the reasons why such information would be

adequate for EPA's review of those new substances subject to the form. Further, consistent with the development of a briefer form the Agency may need to require subsequent reporting as production and use—and thus exposure—increase. Commenters are encouraged to address this issue as well.

With regard to the testing guidelines, a major issue concerns their impact upon low volume chemicals. For many such chemicals, it may be commercially feasible to perform certain health and environmental effects testing. Because EPA is not proposing testing guidelines for public review and comment at this time, this preamble does not focus upon specific approaches to the low volume chemical testing issue. When EPA publishes its document on premanufacture testing guidelines, the Agency will discuss this issue.

EPA is examining whether it is feasible for the Agency to provide technical and other nonfinancial assistance to small companies to facilitate their ability to comply with the premanufacture requirements. EPA's Industry Assistance Office now provides general information and nonfinancial assistance to businesses (both large and small) concerning the Agency's implementation of the Act. EPA is considering how it could expand upon these activities to be more supportive to small companies in their efforts to provide notices and to otherwise comply with the premanufacture requirements. For example, EPA might be able to provide help in completing the notice forms. Similarly, the Agency might assist in various aspects of testing, including the determination of the need to test (e.g., literature searches, structure-activity work), and general guidance concerning appropriate test methods and schemes. And EPA could provide technical and other support in the development of organizations or shared facilities in the private sector which could enable small companies to test on a more cost-effective basis than is otherwise the case. EPA also is exploring with the Small Business Adminstration ways to mitigate the financial hardships which small businesses may incur in complying with TSCA.

Finally, Congress limited EPA's authority to issue § 8(a) reporting requirements by limiting their use to other than "small business" unless the chemicals for which information is sought are subject to Agency regulatory actions. (Section 8(a)(3)(A)(ii) of the Act.) As noted in the "General Approach" section, EPA intends to use § 8(a) reporting rules to obtain additional information necessary to review premanufacture notices, and to follow-up certain new substances once they enter commercial production. Therefor EPA must define the term "small business" as it applies to this § 8(a) reporting. (See § 720.50 of the proposed rules, and "Supplementary Reporting" above. Also see Sections II-D-7 and II-D-8 of the Support Document.)

IV. Impacts

A. Regulatory Analysis

The following discussion describes the major alternative approaches considered by EPA in implementing the premanufacture program. There are three possible parts to any of these alternatives—notification rules, notice forms, and testing guidelines. Each serves a specific purpose, and when taken in various combinations they comprise the major alternatives available to the Agency in implementing § 5. The proposed premanufacture program is consistent with Alternative 3, including premanufacture rules and notification forms. In this discussion, the alternatives are presented in order from the least to the most resource-intensive. Further, in the interest of brevity the advantages of each component are described only in the alternative in which it first appears.

Alternative 1—"Do Nothing"

TSCA does not require EPA to promulgate rules relating to premanufacture notification. Thus § 5 could become self-implementing 30 days after the publication of the initial inventory of existing chemical substances. The Act provides direction as to who must submit notices and when, the information which must be included in the notices, the length of the premanufacture notification period, and EPA's authorities to regulate new substances. Thus the Agency could adopt a "do nothing" approach, under the assumption that the Act is self-explanatory.

Advantages. The major advantage to this approach is that in the short run the Agency would avoid the burden of a complex and controversial rulemaking. Persons subject to § 5 could avoid the effort and expense of participating in the rulemaking process and of familiarizing themselves with the final rules. Manufacturers would give notification to EPA in the quickest, least burdensome, most expedient manner.

Disadvantages. Short-run expediency quickly would turn to long-run ineffectiveness. Individual manufacturers often would interpret vague and ambiguous provisions in the Act in different ways, resulting in inconsistency and inefficiency for both EPA and submitters. For example, TSCA requires notices to include information on chemical identity, uses, disposal, production volume, exposure, and by-products. With no clarification from EPA, the imprecise nature of many of these terms may result in different interpretations and responses. Some would be incomplete or of insufficient detail, thus greatly complicating EPA's task of assessing risk. In these cases, EPA might find the notices to be invalid and return them to the manufacturers, with considerable expense and delay for submitters.

This approach also could create confusion concerning a manufacturer's rights to confidentiality and EPA's handling of confidential information. Further, there are many chemical fate characteristics and health and environmental effects which the Agency might want to evaluate with respect to new chemical substances. Without any statements from EPA on effects of concern, manufacturers may find it difficult to allocate scarce testing dollars appropriately.

Economic Consequences. The initial economic impact from this approach might be minimal. Manufacturers probably would submit very general information in areas required by the statute. Normally, much of this information is available prior to manufacture of any new substance. Lacking specific direction from EPA, submitters may not collect the specific information which the Agency would find most useful.

The initial impact from complying with the premanufacture requirements may be minimal. However, there could be secondary effects if EPA (1) considers notices with insufficient data to be invalid and returns them to the submitters; (2) utilizes its § 8(a) reporting authority to fill in important data gaps; or (3) decides to make worst case assumptions about effects and exposures as a basis for its regulation of new substances. Delays and resubmittals could be costly and time consuming.

This alternative likely would avoid some of the possible anti-competitive effects of the more costly alternatives. As compliance costs increase, they will tend to have disproportionate impacts upon smaller firms which are unable economically to justify significant regulatory expenditures.

Alternative 2—Develop Notification Rules

A second option is to issue rules which amplify and clarify the requirements of § 5. (Such rules make up a portion of EPA's proposed premanufacture program.) The rules could establish policy and procedures for (1) handling of confidential information, (2) processing and handling of notices, and (3) use of the regulatory authorities in section 5(e) and section 5(f). In addition, rules could define phrases in the law such as "known to or reasonably ascertainable," "possession or

control," and "small quantities for research and development." The rules also could more precisely identify the information and data which EPA considers necessary to comply with the general notification requirements of § 5. Finally, rules could inform manufacturers of the Agency's policy on such issues as the applicability of § 5 to exporters and importers, the role of § 8 reporting in the implementation of the premanufacture program, and the content of the section 5(d) (2) & (3) FEDERAL REGISTER notices.

Advantages. This approach could eliminate much of the confusion and inconsistency discussed in the first alternative. Submitters would be more certain concerning EPA's interpretation of key provisions in the Act. Once promulgated, the rules would provide the basis for the future implementation of the premanufacture review program.

In particular, the rules would help to clarify the Agency's definition of a valid notice. Thus submitters could avoid costly delays due to the submittal of insufficient information and data. Further, EPA could save the resources necessary to obtain information omitted from notices as a result of manufacturers' individual interpretations of the Act. Agency staff would be able to provide a more consistent and uniform review of notices. Important data gaps could be closed considerably, facilitating the performance of preliminary risk assessments from the information in the premanufacture notices.

Disadvantages. Submitters would present information to EPA in the form and manner convenient to themselves. This could force the Agency to utilize considerable resources to place the information in standard formats prior to review. Additionally, there are many test protocols available for evaluating health and environmental effects and the rules would not give guidance concerning the protocols which EPA considers to be most appropriate. Consequently, submitters would use vastly different test methods, making uniform review of tests results more difficult. Further, Agency reviewers might be required to spend a significant amount of time and resources to understand the protocols followed. Subsequently EPA might decide that some of the tests performed were not acceptable bases from which to draw conclusions.

Economic Consequences. The cost and economic impacts of this option are dependent on: (1) the cost of developing information and data to EPA's specifications, (2) the levels of detail required in the rules, (3) the number of uses for a chemical substance (and the different types of exposure and disposal which may result), and (4) the resources of the company submitting the notice. Given the program which EPA contemplates, the cost probably would exceed that for data submitted under the first approach. However, the economic and scientific significance of the chemicals which might not be developed under this alternative likely would be minor in view of the modest expenditures involved.

ALTERNATIVE 3—DEVELOP RULES AND NOTICE FORMS

In addition to the rules discussed in alternative 2, EPA could develop standard notice forms for use in submitting the information and data required by the rules. This alternative—development of forms, in addition to rules—is reflected in this proposed rulemaking.

Advantages. The notice forms would provide consistent and standard formats for the submittal of information. This would greatly facilitate EPA's screening and review of premanufacture notices. In addition, although the rules could specify the information requirements (as discussed in alternative 2), they would be much less complex if the rules simply instruct submitters to complete standard notice forms. The information requirements then could be explained clearly in the notice forms. This would avoid the need to include detailed data descriptions in the rules.

Disadvantages. This option would not provide manufacturers with guidance concerning standard test protocols which are considered to be most appropriate for evaluating health and environmental effects. In the absence of such guidance, submitters may use different test methods, and this would make uniform review of test results more difficult.

Economic Consequences. The additional cost to manufacturers of filing standard EPA notice forms should be minor and should not significantly increase the economic impact discussed for alternative 2.

ALTERNATIVE 4—DEVELOP RULES, NOTICE FORMS, AND "REFERENCE TESTS"

In addition to the rules and notice forms, EPA could publish "reference tests" for important effects. The reference tests would contain recommended test methods and protocols for use in evaluating the likelihood that specific chemical substances cause particular effects, including any effects identified in the rules. Thus the reference test guidelines would state, "These are specific tests which EPA believes are appropriate for testing for certain effects. If you test your new substance for these effects, the Agency recommends that you use the following test methods or protocols."

Advantages. For manufacturers, this would eliminate uncertainty concerning the test methods which EPA considers to be appropriate for premanufacture testing. For the Agency, the reference tests should result in the use of consistent testing methods by submitters. This consistency would greatly facilitate the notice review and risk assessment processes. (However, because any such reference tests would be optional, manufacturers would retain the flexibility to follow other test methods which they believe to be more appropriate in particular situations.)

Disadvantages. The reference tests would not address the applicability issue, i.e. the circumstances in which new substances should undergo specific tests for particular effects. lacking direction from EPA, manufacturers would decide whether to test, and to what extent, using varying and inconsistent criteria.

Economic Consequences. EPA does not have the legal authority to require premanufacture testing of all new substances, though, as indicated in the testing discussion above, EPA may regulate a substance in certain cases pending the development of test data. Therefore to the extent manufacturers conduct the reference tests, the economic impact will depend upon (1) the costs of the reference tests and (2) the amount of testing which manufacturers undertake in excess of testing they would conduct in the absence of identification of such reference tests.

ALTERNATIVE 5—DEVELOP RULES, NOTICE FORMS, AND TESTING GUIDELINES WITH DECISION CRITERIA

In addition to identifying certain effects of priority concern and standardized testing methods, this option would include a set of decision criteria which would explain which tests EPA considers to be necessary for a substance given its unique structure, physical and chemical properties, uses, exposures, and production volume. These criteria would guide the Agency in determining cases in which it should not act under § 5(e). Decision criteria could be based on scientific or economic and other non-risk considerations. The following examples are illustrative:

(1) Scientific decision criteria—Most high molecular weight polymers might require only minimal health effects testing if they are non-reactive, if their particle size is large enough to prevent absorption through the lungs, and if there are no low weight monomers present that could be leached out. Most new substances may need to be tested consistent with their primary routes of anticipated human exposure (oral, dermal, or inhalation).

(2) Economic and non-risk decision criteria—EPA could predicate a recommendation for certain testing of new chemical substances upon annual production volume thresholds (e.g., 10,000 lb.) unless there is reason to suspect adverse effects based on structure activity relationships, data from pre-existing studies, or other relevant information.

(For a further discussion of the testing guideline alternatives, see III-B of the Support Document, "testing for New Chemical Substances.")

Advantages. This approach would most effectively encourage manufacturers to evaluate the health and environmental impacts of new chemical substances prior to their premanufacture notification submittals. EPA would be in a position to perform more thorough reviews and to make more informed regulatory decisions. Submitters would have more and better information available to use in designing necessary safeguards into their manufacturing processes or as a basis for withholding commercialization altogether. Manufacturers also would have guidance from the Agency concerning appropriate types and levels of testing, and this should greatly reduce the necessity for EPA to regulate substances under section 5(e).

Disadvantages. The principal disadvantage of this approach is the difficulty in implementing it. It will be difficult to develop useful decision criteria except in reference to particular chemical and exposure/use situations. Also, to the extent that this approach calls for increased testing for new substances, it may result in substantial expenses and delays, and a number of foregone investments for manufacturers who develop economically marginal chemicals.

Economic Consequences. The costs and impacts of this option are dependent upon: (1) the costs of the tests requested in the guidelines and (2) the extent to which chemical manufacturers perform the recommended tests. It is probable that the economic costs of this alternative would exceed those of the other four. In general, the impacts could include substantial compliance costs, reduced numbers of new substances, longer new product development lead times, and increased industry concentration.

EPA's Preferred Approach

EPA's preferred approach is Alternative 5—rules, notice forms, and testing guidelines with decision criteria. If the Agency is able to develop decisions criteria based upon scientific, economic, and other non-risk factors which focus resources upon those substances most likely to present significant risks, the health and environmental benefits of this alternative would far exceed the economic costs.

However, the time needed to develop a quality program of this complexity is substantial, and EPA does not expect to develop complete testing guidelines with decision rules before the premanufacture notification program begins in early 1979. Consequently, EPA will pursue Alternative 3 as an interim strategy, and this rulemaking proposes notification rules and notice forms which are compatible with testing guidelines currently under development. In a separate publication in the near future, EPA will publish for public comment a detailed discussion of testing guidelines issues and alternatives, and will propose reference tests and guidelines in 1979.

B. ECONOMIC IMPACT

The notification form has three parts: Part I—General Information, Part II—Risk Assessment Data, and Part III—Risk Analysis and Optional Data. Each manufacturer of a new chemical substance must complete Parts I and II. Manufacturers may complete Part III as well, although it is optional. EPA has made a preliminary analysis of the cost of completing both the mandatory and optional parts in the interest of understanding the potential total costs to submitters. In this analysis, EPA has not considered the cost of any increased health and safety testing undertaken by manufacturers as a result of premanufacture notification.

The estimates cited below are judgmental and are not the result of an actual simulation of the completion of the notice form. The following general approach was utilized. Estimates were made of the time necessary to complete each subsection of the form. Costs then were calculated using assumed hourly labor rates multiplied by the hourly requirements identified. Estimates therefore may give an impression of preciseness that is not intended. Final estimates should be rounded to the nearest thousand dollars.

Due to several factors, the cost of filling out the form may vary over a wide range. The following factors account for most of this variation:

1. Company size and resources.

The amount and quality of data "known to" the company, including all relevant information in its possession or control.

The amount and quality of data "reasonably ascertainable" by the company.

2. The number and types of uses of the new chemical substance.

3. Distribution and fate of the new chemical substance.

Nature of human and environmental release and exposure.

Physical and chemical properties which may influence environmental release, persistence, and transport of the substance.

Considering these factors, EPA estimates the costs of completing the notice form as follows:

Form Sections	Cost Ranges
Mandatory Information	
Part I: General Information ...	$800-2,900
Part II: Risk Assessment Data:	
Section A: Physical and Chemical Properties, Environmental Fate Characteristics, and Effects Data	900-4,800
Section B: Exposure from Manufacture.....	800-6,400
Subtotal.....	$2,500-14,000
(Minimum Mandatory Form)	
Section C: Exposure from Processing Operations....	600-6,400
Subtotal.....	$3,100-20,500
Section D: Exposure from Consumer Use	600-1,700
Subtotal.....	$3,700-22,200
(Maximum Mandatory Form)	
Optional Information	
Part III: Risk Analysis and Optional Data.....	5,500-19,200
Total.....	$9,200-41,400
(Maximum Total Cost)	

All manufacturers must complete Part I and Part II-A of the Notification Form. The remainder of Part II is divided into 3 subparts that deal with exposure at manufacturing sites (II-B), industrial processing facilities (II-C), and from consumer use (II-D). Manufacturers must complete each subsection that applies to their specific chemical. Thus all manufacturers must complete Section II-B. In certain special cases, however (e.g., captively consumed chemical intermediates), portions of Sections II-C and II-D may be inapplicable. In other instances the data requested in these sections may not be known or reasonably ascertainable. The "minimum mandatory" cost of completing the form is therefore the cost of completing Parts I, II-A, and II-B ($2,500-14,100). The "maximum mandatory" cost is to complete Parts I and II in their entirety ($3,700-$22,200). The "maximum total" cost includes all optional data in Part III ($9,200-$41,400).

EPA estimates that in the past five-year period, 700-1300 new chemicals have been introduced for commercial purposes each year. If there chemicals were subject to the proposed requirements, the Agency estimates that a significant but uncertain number might not have been introduced due to their low sales volumes and profitability. Questions have been raised concerning the types and general commercial significance of chemicals likely to be foregone as a result of this pro-

posed regulation. EPA will address this issue in the future as part of a more extensive study.

EPA expects to receive between 150 and 550 premanufacture notices per year. Total reporting costs as a function of level of reporting would be as follows:

Total Regulatory Costs per Year

[In millions of dollars]

Level of reporting:	
Minimum Mandatory	2.0–5.6
Maximum Mandatory	2.8–6.6
Maximum Total Total	4.1–5.0

EPA believes that the above figures may overstate the cost and impact of the premanufacture program for two reasons. First, depending upon comments received in this rulemaking, the Agency may promulgated a briefer form for low volume, batch process chemicals. Such a form probably would be less costly than the one now proposed for all new chemical substances. Second, costs of completing the forms should decrease in the future because manufacturers will begin to generate data in the formats requested in the notice form. Thus they would no longer incur that portion of the costs which are attributable to re-formatting data.

Further, this analysis is based upon the assumption that the submitter of a notice has a minimum level of knowledge, expertise, and sophistication typical of a moderate-sized chemical company with some specialized technical resources. This may be appropriate for companies with annual sales of $5 million or more. However, the cost may be significantly lower for small companies which do not have this minimum level of specialization and expertise.

The economic impacts are discussed in greater detail in *Impact of TSCA Proposed Premanufacturing Notification Requirements* (EPA Report No. EPA 230/2-12/78-005), which is available from the EPA . (See "Information Contact" above).

C. OTHER IMPACTS

Aside from the economic impacts described above, there may be other impacts associated with the development of the premanufacture notification program. Many of these impacts derive directly from the legislative mandate for premanufacture notification, rather than from the particulars of this proposal. Further, at this stage these other impacts cannot be projected with certainty but only can be discussed in general qualitative terms.

For example, this proposed action will benefit health and the environment to the extent that the submittal of notices and any subsequent regulatory actions prevent the production, use, or disposal of new substances which present unreasonable risks. Moreover, this proposal may foster heightened awareness on the part of industry concerning its responsibilities to test and otherwise evaluate new substances prior to production, so that companies will limit exposures which otherwise may result in unreasonable risks.

The proposal has a potential for affecting both the production and consumption of fuels in the United States, insofar as EPA regulates any new substances intended to improve the efficiency of the fuel production process or the combustion efficiency of vehicles. The nature and extent of such impacts cannot be evaluated at this time, because this rulemaking establishes the general frame work for the premanufacture program and does not focus upon specific substances. However, consistent with § 2(c) of the Act, the Agency will consider the environmental, economic, and social impacts of any proposed actions.

D. EVALUATION PLAN

While EPA's new "sunset policy" on reporting requirements does not apply to the statutory requirement to submit premanufacture notification, EPA will evaluate these rules within five years after their effective date. In this review, EPA will assess the impacts of the rules, compliance with them, and alternative approaches. Pursuant to this review EPA will make appropriate changes to the rules, providing notice of an opportunity for comment on any substantive changes.

EPA will include in the final rules a plan for conducting this evaluation, describing the sources and availability of data needed for the evaluation and providing a schedule for conducting the review.

V. PUBLIC PARTICIPATION

In developing the proposed rules and notice forms, EPA has provided extensive opportunity for public participation. On March 29, April 20, May 18, July 12, July 19, and July 24, 1978, the Agency held public meetings to discuss major program issues with representatives from environmental and other public interest groups, organized labor, and the chemical industry. Further, EPA has met on numerous other occasions with representatives of individual constituencies to discuss specific issues, and has provided early drafts of this proposed rulemaking to the public for comment. This public participation has significantly influenced the development of these rules and forms.

EPA will hold public meetings during the comment period to provide the public an opportunity to present comments and questions (as described in Part VI below), and will continue to meet with smaller groups of interested persons on specific issues. The Agency will transcribe the general public meetings and will keep summary minutes of the smaller meetings.

VI. PUBLIC MEETINGS

EPA has scheduled the following public meetings on these proposed rules and forms during the official comment period:

Atlanta, Georgia—January 31, 1979

Sheraton Atlanta, 590 West Peachtree, N.W., Atlanta, GA 30308, (404) 881-6000 or 800-325-3535.

Dallas, Texas—February 1, 1979

EPA Conference Room, 29th Floor, 1st International Building, 1201 Elm Street, Dallas, TX 75270.

Los Angeles, California—February 2, 1979

Wilshire Hyatt House, 3535 Wilshire Blvd., Los Angeles, CA 90010, (213) 381-7411 or 1-800-228-9000.

Chicago, Illinois—February 6, 1979

Hyatt Regency Chicago, 151 East Wacker Drive, Chicago, IL 60601, (312) 556-1000 or 1-800-228-9000.

Cleveland, Ohio—February 7, 1979

Stouffer's Somerset Inn, 3550 Northfield Road, Shaker Heights, OH 44122, (216) 752-5600.

Newark, New Jersey—February 8, 1979

Hilton Gateway, 810 McCarter Highway, Newark, NJ 07102, (201) 622-5000.

Washington, D.C.—February 13 and 14, 1979

North Building Auditorium, Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

The purpose of these meetings is to enable interested persons to provide oral comments on the proposed rulemaking to EPA officials who are directly responsible for developing the rules and notice forms.

All meetings will begin at 9:00 a.m. and end at 4:30 p.m., with a one-hour recess for lunch. The meetings will start with a short summary by EPA of the proposed rules and notice forms to be followed by oral presentations from the floor of no more than 10 minutes per person, company, or organization. (Less time may be allotted depending upon the number of presentations.)

Persons who wish to present their comments at any one of the meetings should contact EPA no later than four days before the meeting date by calling Mr. Doug Bannerman toll-free at 800-424-9065 (in Washington, D.C., call 554-1404), or by writing to the address listed above under "For Further Information Contact." EPA will allot speaking times on a first-come basis, although the Agency reserves the

right to alter the order depending upon the nature of the particular comments and other relevant factors. If time permits, following these prepared presentations EPA will receive any other comments from the floor.

Presenters are urged, but not required, to submit copies of their statements on the day of the meeting. All such written materials will become a part of EPA's record for this rulemaking. In addition, the Agency will transcribe each meeting and will include the written transcripts in the public record.a

VII. Public Record

EPA has established a public record for this rulemaking (docket number OTS 050002) which is available for inspection in the OTS Reading Room from 9:00 a.m. to 5:00 p.m., on working days (Room 710E, 401 M Street SW., Washington, D.C. 20460.) This record includes all the information considered by the Agency in developing this proposal. The Agency will supplement the record with additional information as it is received. the record includes the following categories of information:

(1) USEPA-OTS. "Premanufacture Notification Requirements and Review Procedures": Notice of Proposed Rulemaking.

(2) USEPA-OTS. "Premanufacture Notification Requirements and Review Procedures": Support Document.

(3) USEPA-OTS. "Impact of TSCA Premanufacturing Review Requirements" (EPA 230/2-12/78-005).

(4) Seven working drafts of proposed 40 CFR Part 720 dated from June 20, 1978 to December 3, 1978; three working drafts of the premable to proposed 40 CFR Part 720 dated from October 28, 1978 to December 3, 1978; eight working drafts of the proposed Premanufacture Notice Form dated from July 30, 1978 to December 3, 1978; two working drafts of the Premanufacture Notice Form for Importers dated October 5, 1978 to December 3, 1978; three working drafts of the Premanufacture Notice Form for Foreign Manufacturers/Supplier dated from October 5, 1978 to December 3, 1978; and one draft of the Processing and Consumer Use Form dated December 3, 1978.

(5) All factual information and raw data of any sort considered during the rulemaking (including such information in comments from EPA personnel);

(6) EPA correspondence to persons outside the Agency;

(7) Correspondence (including comments on the rule) received from persons outside the Agency before the close of the comment period, and correspondence received after the close of the comment period if actually considered;

(8) EPA memoranda summarizing meetings and telephone conversations with outside persons relevant to the development of this rulemaking;

(9) Transcripts of hearings and advisory committee meetings.

The docket of the record which details its specific contents to date is available in the OTS Reading Room. EPA welcomes comment on any additional material that should be part of the record to date. EPA will identify the complete rulemaking record on or before the date of promulgation of these requirements, as prescribed by TSCA § 19(a)(3).

Note.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis under Executive Order 12044 and OMB circular A-107.

Dated: December 29, 1978.

Douglas M. Costle,
Administrator.

It is proposed that a new Part 720 be added to Chapter I of Title 40 as follows:

Part 720

Premanufacture Notification for New Chemical Substances

Subpart A—General

Subpart B—Applicability

Subpart C—Premanufacture Notices

Subpart D—Disposition of Notices

Subpart E—Confidentiality and Public Access to Information

Subpart F—Supplemental Reporting Requirements

Authority: Sections 5, 8, and 14 of the Toxic Substances Control Act, 15 U.S.C. 2604, 2607, and 2613.

Subpart A—General

§ 720.1 Scope and compliance.

(a) This Part establishes procedures for the reporting of new chemical substances by manufacturers and importers under section 5 of the Toxic Substances Control Act, 15 U.S.C. 2604 (hereinafter "the Act"). The rules define the persons and chemical substances subject to the reporting requirements, prescribe the contents of premanufacture notices, and establish procedures for filing notices. The rules also specify the procedures EPA will follow in processing premanufacture notices, and explain the Agency's policy regarding claims of confidentiality for, and public disclosure of, various categories of information submitted in connection with premanufacture notices.

(b)(1) Beginning 30 days after publication of the initial inventory, the manufacture or import of a new chemical substance can be undertaken only if the manufacturer or importer has complied with these premanufacture notification requirements. Sections 15(1) and 15(3) of the Act make it unlawful for any person to fail or refuse to submit information required for premanufacture notification. If a person submits information in a premanufacture notice that is intentionally false or misleading, contains significant omissions, or otherwise does not fulfill the requirements of section 5(d) of the Act, EPA will consider the notice to be invalid. If the person commences to manufacture or import the chemical substance and if EPA subsequently determines that his notice is invalid because it contains intentionally false or misleading information, the manufacturer or importer will have been in violation of section 15 starting 90 days before manufacture began and continuing every day thereafter until

he ceases manufacture. Also under section 15(1), it is unlawful for a person to manufacture or import a new chemical substance for a non-exempt commercial purpose during the notification period described in § 720.35. Section 15(3) makes it unlawful for any person to fail to keep records which support information that these regulations require to be submitted to EPA, or to fail to permit access to these records. In addition, section 15(2) makes it unlawful for any person to use for commercial purposes a chemical substance which the person knows or had reason to know was manufactured or imported in violation of section 5.

(2) Section 16(a) provides that any person who violates any provision of section 15 shall be liable to the United States for a civil penalty of up to $25,000 per violation, with each day of violation constituting a separate violation. If a violation is knowing or willful, criminal penalties of up to one year in prison and $25,000 per day of violation may also be assessed. Section 17 (and, in imminent hazard cases, section 7) provides EPA with a number of specific enforcement remedies, including injunctions to restrain any section 15 violators and in particular to restrain persons from taking actions prohibited by section 5 or any rules or orders under section 5. EPA is also empowered to compel the taking of actions required under TSCA, and is authorized to seize any substance manufactured, processed or distributed in commerce in violation of the Act. EPA intends to use these remedies, separately or in combination, to assure compliance with the section 5 rules. The Agency will utilize whatever injunctive remedies are appropriate; for example, to stop manufacturing when no section 5(a) notice has been filed for a new substance, as well as to assess appropriate civil or criminal penalties.

(c) Any person who submits a premanufacture notice must retain health and safety data which is referenced in the notice for 30 years following the date of commencement of manufacture or importation of the chemical substance, and must retain other documentation for five years following the date of commencement of manufacture or importation.

§ 720.2 Definitions.

For the purposes of this Part: The following terms shall have the meaning contained in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 321 et seq., and the regulations issued under such Act: "cosmetic," "device," "drug," "food," and "food additive." In addition, the term "food" includes poultry and poultry products, as defined in the Poultry Products Inspection Act, 21 U.S.C. 453 et seq.; meats and meat food products, as defined in the Federal Meat Inspection Act, 21 U.S.C. 60 et seq.; and eggs and egg products, as defined in the Egg Products Inspection Act, 21 U.S.C. 1033 et seq.

The term "pesticide" shall have the meaning contained in the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq., and the regulations issued thereunder.

The following terms shall have the meaning contained in the Atomic Energy Act of 1954, 42 U.S.C. 2014 et seq., and the regulations issued thereunder: "byproduct material," "source material," and "special nuclear material."

"Act" means the Toxic Substances Control Act, 15 U.S.C. 2601 et seq.

"Administrator" means the Administrator of the U.S. Environmental Protection Agency, any employee or authorized representative of the Agency to whom the Administrator may either herein or by order delegate his authority to carry out his functions, or any other person who shall by operation of law be authorized to carry out such functions.

An "article" is a manufactured item (1) which is formed to a specific shape or design during manufacture, (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article and that may occur as described in § 720.13 (e)(5), except that fluids and particles are not considered articles regardless of shape or design.

"Byproduct" means a chemical substance produced solely without a commercial intent during the manufacture, processing, use, or disposal of another chemical substance(s) or mixture(s).

"Chemical substance" means any organic or inorganic substance of a particular molecular identity, including any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature, and any chemical element or uncombined radical, except that "chemical substance" does not include:

(1) Any mixture

(2) Any pesticide when manufactured, processed, or distributed in commerce for use as a pesticide;

(3) Tobacco or any tobacco product, but not including any derivative products;

(4) Any source material, special nuclear material, or byproduct material;

(5) Any pistol, firearm, revolver, shells, and cartridges; and,

(6) Any food, food additive, drug, cosmetic, or device, when manufactured, processed or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

"Commerce" means trade, traffic, transportation, or other commerce (1) between a place in a State and any place outside of such State, or (2) which affects trade, traffic, transportation, or commerce described in clause (1).

"Co-product " means a chemical substance produced for a commercial purpose during the manufacture, processing, use, or disposal of another chemical substance(s) or mixture(s).

"Distribute in Commerce" and "distribution in commerce" when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture mean to sell, or the sale of, the substance, mixture, or article in commerce; to introduce, or deliver for introduction into commerce or the introduction or delivery for introduction into commerce of, the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

"EPA" means the U.S. Environmental Protection Agency.

"Health and safety study" means any study or test of any effect of a chemical substance or mixture on health or the environment or on both, including underlying data (such as the chemical identity of the substance(s) being tested), and epidemiological studies, studies of the physical and chemical properties of the substance, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological studies of a chemical substance or mixture, and any test performed pursuant to this Act.

"Importer" means any person who imports a chemical substance, including a chemical substance as a part of a mixture or article, into the Customs Territory of the United States, and includes the person primarily liable for the payment of any duties on the merchandise or an authorized agent acting on his behalf. Importer also includes, as appropriate:

(1) The consignee;

(2) The importer of record;

(3) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20; or,

(4) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR 144. For the purpose of this definition, the Customs Territory of the U.S. consists of the 50 States, Puerto Rico, and the District of Columbia.

"Import in bulk form" means to import a chemical substance (other than as part of a mixture or article) in any quantity, in cans, bottles, drums, barrels, packages, tanks, bags, or other containers used for purposes of transportation or containment, if the chemical substance is intended to be removed from the container and the substance has an end use or commercial purpose separate from the container.

"Impurity" means a chemical substance which is unintentionally present with another chemical substance.

"Intermediate" means any chemical substance which either is consumed in whole or in part in a chemical reaction(s) used for the intentional manufacture of another chemical substance(s) or mixture(s), or is intentionally present for the purpose of altering the rate of such chemical reaction(s).

"Known to or reasonable ascertainable" means all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know, or could obtain without unreasonable burden or cost.

"Manufacture" means to produce or manufacture in the United States or import into the Customs Territory of the United States.

"Manufacture or import for commercial purposes" means to manufacture or import:

(1) For distribution in commerce, including for test marketing purposes;

(2) For use by the manufacturer, including for use as an intermediate.

NOTE.—The fact that a chemical substance is manufactured or imported solely for research and development does not determine whether it is manufactured or imported "for commercial purposes." If the chemical substance is manufactured or imported solely for research and development purposes, and is either distributed in commerce, or is used by its manufacturer or importer for research and development of a potential commercial product, it is manufactured or imported "for commercial purposes." However, this does not mean that it is subject to the premanufacture notification requirements. See § 720.13(a) and § 720.14.

"Manufacture or import for nonexempt commercial purposes" means to manufacture or import for any commercial purpose for which a person would be required to submit a premanufacture notice. Specifically, the term excludes any manufacture or importation:

(1) In small quantities solely for research and development, in accordance with § 720.14;

(2) For test marketing purposes, under restrictions imposed by EPA in conjunction with an exemption granted under § 720.15;

(3) For commercial purposes enumerated in § 720.13(d) and § 720.13(e); and

(4) For commercial purposes exempted under section 5(h)(4) or section 5(h)(5) of the Act.

"Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that "mixture" does include (1) any combination which occurs, in whole or in part, as a result of a chemical reaction if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined and if, after the effective date of these regulations, none of the chemical substances comprising the combination is a new chemical substance, and (2) hydrates of a chemical substance or hydrated ions formed by association of a chemical substance with water so long as the non-hydrated form is itself not a new chemical substance.

NOTE.—The term "mixture" includes alloys, inorganic glasses, ceramics, frits and cements, including Portland cements.

"New chemical substance" means any chemical substance which is not included in the inventory compiled and published under subsection 8(b) of the Act.

"Non-isolated intermediate" means any intermediate which is not intentionally removed from the equipment in which it is manufactured.

NOTE.—The "equipment in which it is manufactured" includes the reaction vessel in which the chemical substance is manufactured and other equipment which is strictly ancillary to the reaction vessel, and any other equipment through which the chemical substance may flow during a continuous flow process, but does not include tanks or other vessels in which the chemical substance is stored after its manufacture.

"Person" means any natural person, firm, company, corporation, joint-venture, partnership, sole proprietorship, association, or any other business entity, any State or political subdivision thereof, any municipality, any interstate body and any department, agency, or instrumentality of the Federal Government.

"Possession or control" means in possession or control of the submitter, or of any subsidiary, parent company, or any company which the parent company owns or controls if the subsidiary, parent company, or other company is associated with the submitter in the research, development, test marketing, or commercial marketing of the substance. (A parent company owns or controls another company if the parent owns or controls 50% or more of the other company's voting stock.) Information is included within this definition if it is: (1) in the submitter's own files, (2) in commercially available data bases to which the submitter has purchased access, or (3) maintained in the files in the course of employment by employees or other agents of the submitter who are associated with research, development, test marketing, or commercial marketing of the substances.

"Process" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce (1) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or (2) as part of a mixture or article containing the chemical substance or mixture.

"Process for commercial purposes" means to process (1) for distribution in commerce, including for test marketing purposes, or (2) for use as an intermediate.

"Processor" means any person who processes a chemical substance or mixture.

"Site" means a contiguous property unit. Property divided only by a public right-of-way shall be considered one site. There may be more than one manufacturing plant on a single site. For the purposes of imported chemical substances, the site shall be the business address of the importer.

"Small quantities for purposes of scientific experimentation or analysis or chemical research on, or analysis of, such substance or another substance, including any such research or analysis for the development of a product" (hereinafter sometimes shortened to "small quantities for research and development") means quantities of a chemical substance manufactured, imported, or processed or proposed to be manufactured, imported, or processed that (1) are not greater than reasonably necessary for such purposes and (2) after the publication of the revised inventory, are used by, or directly under the supervision of, a technically qualified individual(s).

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, the Northern Mariana Islands, or any other territory or possession of the United States.

"Technically qualified individual" means a person (1) who because of his education, training, or experience, or a combination of these factors, is capable of appreciating the health and environmental risks associated with the chemical substance which is used under his supervision, (2) who is responsible for enforcing appropriate

methods of conducting scientific experimentation, analysis, or chemical research in order to minimize such risks, and (3) who is responsible for the safety assessments and clearances related to the procurement, storage, use, and disposal of the chemical substance as may be appropriate or required within the scope of conducting the research and development activity. The responsibilities in clause (3) of this paragraph may be delegated to another individual, or other individuals, as long as each meets the criteria in clause (1) of this paragraph.

"Test data" means: (1) data, including chemical identity, from a formal or informal study, test, experiment, recorded observation, monitoring, or measurement; and (2) information concerning the objectives, experimental methods and materials, protocols, results, data analyses (including risk assessments), and conclusions from a study, test, experiment, recorded observation, monitoring, or measurement.

"Test marketing" means the distribution in commerce of no more than a predetermined amount of a chemical substance, mixture, or article containing that chemical substance or mixture, by a manufacturer or processor to no more than a defined number of potential customers to explore market capability in a competitive situation during a predetermined testing period prior to the broader distribution of that chemical substance, mixture or article in commerce.

"United States," when used in the geographic sense, means all of the States, territories, and possessions of the United States.

§ 720.3 Reporting requirements of this Part.

The following reporting requirements are established or implemented under this Part:

(a) Each person who intends to manufacture or import a new chemical substance for a commercial purpose (as defined in § 720.2) is subject to these regulations. Subpart B describes who must report and which chemical substances must be reported. Subpart C sets out reporting procedures and describes in greater detail the information which such persons must submit to EPA.

(b) In accordance with § 720.50(e), EPA may require any person who intends to manufacture, import, or process a new chemical substance for a commercial purpose to report information on uses and exposures of the substance, the benefits of and alternatives to the substance, and the economic consequences of potential regulatory actions with respect to the substance.

(c) In accordance with § 720.51(b), EPA may require any person in possession of a health and safety study to submit a copy of the study to the Agency.

(d) Any person who commences to manufacture or import a new chemical substance for which he had previously submitted a premanufacture notice must submit a Notice of Commencement of Manufacture in accordance with § 720.52.

Subpart B—Applicability

§ 720.10 Persons who must report.

(a) Beginning 30 days after publication of the initial inventory (40 CFR § 710.3(a)) the following persons must submit premanufacture notices under the provisions of this Part:

(1) Any person who intends to manufacture a new chemical substance (as defined in § 720.2) in the United States for commercial purposes, including manufacture of a substance solely for export from the United States;

(2) Any person who intends to import a new chemical substance in bulk form (as defined in § 720.2) into the United States for commercial purposes;

(3) Any person who originally manufactured, or imported in bulk form, a new chemical substance under the terms of an exemption authorized in § 720.14 or § 720.15, and who intends to distribute in commerce or to otherwise use the substance in a manner inconsistent with the terms of the applicable exemption, even if he does not intend to continue or resume manufacture or import of the substance; and,

(4) Any person who intends to manufacture a new chemical substance, or import a new chemical substance in bulk form, in a manner inconsistent with any exemption authorized under § 5(h) of the Act, and §§ 720.14 and 720.15 of this Part.

(b) In addition to the persons listed in paragraph (a) of this section, beginning 30 days after publication of the revised inventory (40 CFR § 710.3(b)) the following persons must submit premanufacture notice under the provisions of this Part:

(1) Any person who intends to import a new chemical substance into the United States for a commercial purpose as part of a mixture;

(2) Any person who originally imported as a part of a mixture a new chemical substance under the terms of any exemption authorized in § 720.14 or § 720.15, and who intends to distribute in commerce or to otherwise use the substance in a manner inconsistent with the terms of an applicable exemption, even if he does not intend to continue or resume import of the substance; and

(3) Any person who intends to import a new chemical substance as part of a mixture in a manner inconsistent with an exemption authorized under § 5(h) of the Act, and §§ 720.14 and 720.15 of this Part.

§ 720.11 Persons not subject to premanufacturer notification requirements.

The following persons are not subject to the premanufacturer notification requirements of this Part:

(a) Any person who intends to import a new chemical substance into the United States for commercial purposes as part of an article;

NOTE.—In the future, EPA may by rule designate categories of chemical substances imported as part of articles to which these premanufacture notice requirements will apply.

(b) Except as provided by § 720.10(a)(3) and 720.10(b)(2), any person who intends only to process or use a new chemical substance for commercial purposes, including processing for or use of the substance in research and development, as an intermediate, or for distribution in commerce.

NOTE.—A notice is invalid under § 720.34(b) if it is submitted by a person other than a manufacturer or importer. Filing of such a notice will not satisfy the premanufacture notice requirement of section 5(a) of the Act. If a person intends to process or use a new chemical substance for a commercial purpose, and the chemical substance is not excluded from premanufacture notice regulations under § 720.13, he must rely on the manufacturer or importer to submit the notice. In accordance with § 720.20(e), the manufacturer or importer may request the processor or user to participate in the filing of the notice by providing information on uses and exposures, either to the manufacturer or importer, or directly to EPA.

§ 720.12 Chemical substances for which premanufacture notices must be submitted.

(a) A person described in § 720.10 must submit a premanufacture notice for any chemical substance which he intends to manufacture or import for commercial purposes which (1) is not included on the inventory, and (2) is not exluded from the reporting requirements of this Part by § 720.13. Chemical substances on the inventory include those specifically identified, and those which are identified by use of the procedures established in paragraph (b) of this section.

(b)(1) If a particular chemical substance is not included on the inventory by specific chemical name but falls within one of the generic chemical names in the appendix to the inventory entitiled "Confidential Chemical Substance Identities," a person who intends to manufacture or import that substance may ask EPA whether it is included on the inventory. EPA will answer such an inquiry only if the Agency determines that the person has a *bona fide* intent to manufacture

or import the substance for a non-exempt commercial purpose.

(2) To establish a *bona fide* intent to manufacture or import the specific chemical substance, the person who proposes to manufacture or import the substance must submit to EPA:

(i) A signed statement that he intends to manufacture or import the chemical substance for non-exempt commercial purposes.

(ii) A description of the research and development activities he has conducted to date, and the purpose for which he will manufacture or import the substance;

(iii) An elemental analysis;

(iv) Either an X-ray diffraction pattern (for inorganic substances) or a mass spectrum (for most other substances) of the particular chemical substance, or if such data do not resolve uncertainties with respect to the identity of the chemical substance, additional or alternative spectra or other data to identify the substance; and,

(v) If requested by EPA, a sample of the substance in its purest form.

(3) EPA will compare the information submitted by the proposed manufacturer or importer under this paragraph with either the information requested for the confidential chemical under § 710.7(e)(2)(v) of this chapter or the information requested under § 720.40(b)(2).

(4) If (i) the comparisons of the elemental analyses, and of either the X-ray diffraction patterns or mass or alternative spectra, are sufficiently similar to be consistent with a presumption that the chemical substance for which information is requested is the same as a substance on the inventory, and (ii) comparison of any other submitted information affirms or does not contradict this presumption, EPA will tell the person proposing to manufacture or import the particular chemical substance that the substance is included on the inventory and that a premanufacture notice is not required. At the same time, EPA will notify the person(s) who originally reported the substance that another person has demonstrated a *bona fide* intent to manufacture or import the substance, and has been notified that the substance is included on the inventory.

(5) If (i) the comparisons of the elemental analyses, and of either the X-ray diffraction patterns or the mass or alternative spectra, are not sufficiently similar to be consistent with a presumption that the chemical substances are the same, and (ii) comparison of the other information does not rebut this conclusion, EPA will tell the person proposing to manufacture or import the particular chemical substance that the information submitted does not support a conclusion that the substance is included on the inventory and that a premanufacture notice is required if the person intends to manufacture or import the substance for a non-exempt commercial purpose.

(6) A disclosure of chemical identity to a person with a *bona fide* intent to manufacture or import a particular chemical substance will not be considered a disclosure of confidential information.

(7) EPA will provide a final response to an inquiry under these procedures as to whether a particular chemical substance is included on the inventory within 45 days after the Agency's receipt of a complete submission under paragraph (b)(2) of this section.

§ 720.13 Chemicals not subject to premanufacture notification requirements.

The following chemicals are not subject to the premanufacture notification requirements of this Part:

(a) Any chemical substance which will be manufactured or imported solely in small quantities for research and development in accordance with § 720.14;

(b) Any chemical substance which will be manufactured or imported solely for test marketing purposes under the terms of an exemption granted under § 720.15;

(c) Any chemical which is not a "chemical substance" as defined in § 720.2 of the Part, and any mixture as defined in § 720.2 of this Part.

NOTE.—A new chemical substance that is manufactured, or is imported as part of a mixture, is subject to the requirements of this Part. This exclusion applies only to a mixture and not to any new chemical substances which are part of the mixture.

(d) Any co-product if its only commercial purpose is for sale to municipal or private organizations who (1) burn it as a fuel, (2) dispose of it as a waste, including in a landfill or for enriching soil, or (3) extract component chemical substances which have commerical value. However, a manufacturer may submit a premanufacture notice for a co-product described by this paragraph.

NOTE.—If a person intends to extract a component chemical substance from a co-product, that person is considered to be a manufacturer of the component substance, and if the component is a new chemical substance the extractor-manufacturer must submit a premanufacture notice for the substance.

(e) The chemical substances described below: [Although they are manufactured for commercial purposes under the Act, they are not manufactured for distribution in commerce as chemical substances *per se* and have no commercial purpose separate from the substance, mixture, or article of which they are a part.]

(1) Any impurity.

(2) Any byproduct.

(3) Any chemical substance which results from a chemical reaction that occurs incidental to exposure of another chemical substance, mixture, or article to environmental factors such as air, moisture, microbial organisms, or sunlight.

(4) Any chemical substance which results from a chemical reaction that occurs incidental to storage or disposal of another chemical substance, mixture, or article.

(5) Any chemical substance which results from a chemical reaction that occurs upon end use of another chemical substance, mixture, or article such as an adhesive, paint, miscellaneous cleanser or other housekeeping product, fuel or fuel additive, water softening and treatment agent, photographic film, battery, match, or safety flare, and which is not itself manufactured or imported for distribution in commerce or for use as an intermediate.

(6) Any chemical substance which results from a chemical reaction that occurs upon use of curable plastic or rubber molding compounds, inks, drying oils, metal finishing compounds, adhesives, or paints; or any other chemical substance formed during the manufacture of an article destined for the marketplace without further chemical change of the chemical substance except for those chemical changes that occur as described elsewhere in this paragraph.

(7) Any chemical substance which results from a chemical reaction that occurs when (i) any of the following functions as intended: a stabilizer, colorant, odorant, antioxidant, filler, solvent, carrier, sufactant, plasticizer, corrosion inhibitor, anitfoamer or defoamer, dispersant, precipitation inhibitor, binder, emulsifier, deemulsifier, dewatering agent, agglomerating agent, adhesion promoter, flow modifier, pH neutralizer, sequesterant, coagulant, flocculant, fire retardant, lubricant, chelating agent, or quality control reagent or (ii) a chemical substance, which is intended solely to impart a specific physicochemical characteristic, functions as intended.

(8) Any non-isolated intermediate.

§ 720.14 Exemptions for research and development.

(a) This Part does not apply to a chemical substance if:

(1) The chemical substance is manufactured or imported or is proposed to be manufactured or imported only in small quantities for research and development (as defined in § 720.2); and,

(2) The manufacturer or importer notifies all persons engaged in the manufacture, processing, use (including use in research and development), transport, storage or disposal of the substance of any risks to health which may be associated with the substance,

in accordance with paragraph (c) of this section.

(b) The manufacturer or importer may notify persons by means of a container labeling system, conspicuous placement of notices in areas where exposure may occur, a system of oral or written notification to each person who may be exposed to the substance, or any other method of notification which adequately informs persons of risk which the manufacturer or importer believes may be associated with the substance. The adequacy of the notification is the responsibility of the manufacturer or importer and, after publication of the revised inventory, shall be assured by a technically qualified individual (as defined in § 720.2). If the importer is not also the manufacturer, it is the importer's responsibility to make the necessary evaluation and notification of any risks to health which may be associated with the substance. In making such evaluations, the importer shall obtain the information described in paragraph (c) of this section from the manufacturer.

(c)(1) The manufacturer or importer shall evaluate any information or test data in his possession or control (the terms "possession and control" and "test data" have the meanings defined in § 720.2). Such information shall include:

(i) Any information concerning any significant adverse reaction to persons exposed to the substance which may reasonably be associated with such exposure; and,

(ii) Any information provided to the manufacturer or importer by a supplier or any other person concerning a health risk believed to be associated with the substance.

(2) In addition, the manufacturer or importer shall notify all persons exposed to the substance if the substance is subject to any rule or order proposed or promulgated under §§ 4, 5, or 6 of the Act; or an action filed under § 7 of the Act; or the notice requirements of § 8(e) of the Act. In addition, the manufacturer or importer shall notify all persons of any risk to health which EPA, under § 5(h)(3) of the Act, has determined may be associated with the substance.

(d) Upon request, the manufacturer shall make available to EPA, or any person who may be exposed to the substance, any information (described in paragraph (c) of this section) evaluated by the manufacturer in determining the need for notification under paragraph (a)(2) of this section.

(e) It is unlawful for any person to manufacture or import a chemical substance under the terms of this exemption without meeting all of the provisions of paragraphs (a)-d) of this section.

§ 720.15 Exemptions for test marketing.

(a) Any person may apply for an exemption from any requirement of this Part to permit such person to manufacture or import a new chemical substance for test marketing purposes (as defined in § 720.2). EPA may grant such an exemption if the person demonstrates that the substance will not present an unreasonable risk of injury to health or the environment as a result of the test marketing activities.

(b) The EPA will consider the following information in determining whether to grant an exemption:

(1) All existing data regarding health and environmental effects of such substances, including physical-chemical properties;

(2) The maximum quantity of the substance which the applicant will manufacture for test marketing purposes;

(3) The maximum number of persons that may be provided the substance for test marketing purposes;

(4) The maximum number of mixtures or articles containing the substance that would be distributed during the test marketing activities;

(5) The maximum number of persons who may be exposed to the substance as a result of test marketing activities (including information regarding duration, concentration, and route of such exposures); and,

(6) Information regarding the period during which test marketing will occur.

(c) No later than five days after EPA receives an application for exemption under this section, the Agency will file with the Office of the FEDERAL REGISTER a notice which will contain, subject to § 14:

(1) A summary of the information provided in the application;

(2) An address and telephone number where inquiries and requests for copies of the full application may be directed (release of the full application will be subject to the confidentiality provisions of this Part); and,

(3) A request for written comments regarding the appropriateness of granting such an exemption.

(d) No later than 45 days after EPA receives an application, the Agency will either approve or deny the application. Thereafter EPA will publish in the FEDERAL REGISTER a notice which explains the reasons for approval or denial.

(e) If EPA approves an application for exemption, the Agency may impose such restrictions as are necessary to insure that the substance will not present an unreasonable risk of injury to health and the environment as a result of the test marketing activities. Such restrictions may include, but are not limited to, restrictions on workplace concentration, quantity distributed, or populations exposed to the substance.

Subpart C—Premanufacture Notices

§ 720.20 General provisions.

(a) *Use of notice forms.* Each person who is required by subpart B to submit a premanufacture notice must complete in English, sign, and submit the information in the form and manner set forth on the appropriate EPA premanufacture notice forms published by and available from EPA. Except as otherwise provided in this subpart C, each notice must be submitted as a complete package, including all referenced attachments and enclosures. In submitting a notice, a person should carefully follow the reporting instructions, "Premanufacture Reporting of New Chemical Substances Under TSCA," published by and available from EPA. Premanufacture notice forms and reporting instructions are available from EPA by calling this toll-free number: 800-424-9065. In Washington, D.C., call 554-1404.

(b) *When to submit notices.* Each person who is required to submit a premanufacture notice must submit the notice at least 90 calendar days before he begins to manufacture or import the new chemical substance for non-exempt commercial purposes.

(c) *Where to submit notices.* Each person who submits a premanufacture notice must submit it to the address listed in the notice form.

(d) *General notice requirements.* Each person who submits a premanufacture notice must provide the information described in § 720.22 and requested in the applicable notice form, plus any other information requested in the form and not designated "optional," insofar as such information is known to or reasonably ascertainable by him. In addition, in accordance with § 720.23, the submitter must append to the form any test data in his possession or control and descriptions of other data reasonably ascertainable by him concerning the environmental and health effects of the substance.

(e) *Information from other persons.* At a minimum, the submitter must follow the procedures outlined below to identify and obtain information which is not known to him but which is reasonably ascertainable by him.

(1) Except as provided in paragraphs (e) (5) and (6) of this section, the submitter must contact in writing:

(i) Each person who is a party to a contract to obtain the substance from the submitter for processing or use; and

(ii) Each person who has contacted the submitter and indicated an interest in obtaining the substance for processing or use;

(iii) Each person who has obtained a sample of the substance from the submitter and who has indicated an interest in purchasing the substance; and

(iv) Each person whom the submitter has contacted or intends to contact concerning the substance and who the submitter firmly believes will purchase the substance from the submitter during the first three years of commercial production.

(2) The submitter must request each person contacted to complete the Processing and Consumer Use form.

(3) The submitter must offer each such person the option either to provide the requested information to the submitter for inclusion by him in the premanufacture notice or to provide the information directly to EPA in accordance with the notice form and reporting instructions. The submitter must state in his request that the other person is not under a legal obligation to provide the requested information.

NOTE.—If the submitter complies with these procedures, EPA will not consider the notice to be invalid under § 720.34 for the reason that the other persons do not provide the information requested. However, if the information is not provided, EPA subsequently may require any other persons to provide the information directly to the Agency. (See § 720.50.)

(4) The submitter must include in his premanufacture notice all information which is provided to him by other persons in accordance with this paragraph (e).

(5) If the submitter identifies a significant number of persons under paragraphs (e)(1) (ii), (iii), and (iv) of this section, and if he has reason to believe that the information which they provide will be duplicative, instead of contacting all such persons he may contact a sample of them which he has reason to believe is representative of the types of persons who will process and use the substance.

(6) The submitter need not contact any person who the submitter has reason to believe will not provide information which materially adds to, changes, or otherwise makes significantly more complete the information which the submitter himself includes in his notice.

(7) The submitter must certify in the premanufacture notice his compliance with this paragraph. The certification must include:

(i) The names and addresses of the persons whom the submitter contacted, and a designation of those who have provided information to him or who have indicated that they intend to provide information directly to EPA; and

(ii) If the submitter relies upon paragraph(s) (e) (5) or (6) of this section, a brief explanation of how and why he did so.

(f) *Specific chemical identity.* A premanufacture notice is not valid, and the notification period does not begin, unless the notice contains the specific chemical identity of the substance for which the notice is submitted.

(1) A manufacturer may authorize another person to report to EPA on his behalf concerning the specific chemical identity, if both the manufacturer and the other person sign the declaration provided on the premanufacture notice form.

(2) An importer may authorize the foreign manufacturer or supplier of an imported chemical substance to report to EPA on his behalf concerning the specific chemical identity, if both the importer and the other person sign the declaration provided on the Foreign Manufacturer or Supplier Form identified in § 720.21(c)(1)(ii).

(3) If EPA receives a premanufacture notice which does not include the specific chemical identity of the substance, but the notice indicates that the submitter has authorized another person to provide the chemical identity, the premanufacture notification period will begin when EPA receives the chemical identity.

(4) If EPA receives a premanufacture notice which does not include the specific chemical identity of the substance, and the notice indicates that the submitter has attempted without success to obtain information concerning the identity of reactants used to produce the substance, EPA may issue a supplemental reporting requirement under § 720.50(b) to obtain this information from the manufacturer or importer of the reactants. In such cases, the premanufacture notification period will begin when EPA, on the basis of identification of the reactants and other information, is able to identify the new substance.

(g) *Reporting polymers.* (1) To report a polymer, a person must list in the description of the polymer composition at least those monomers used at greater than two percent (by weight) in the manufacture of the polymer.

(2) Those monomers used at two percent (by weight) or less in the manufacture of the polymer may be included as part of the description of the polymer's composition.

NOTE.—The "percent (by weight)" of a monomer is the weight of the monomer expressed as a percentage of the weight of the polymeric chemical substance manufactured.

(h) *Intent to manufacture or import.* Each person who submits a premanufacture notice for a substance, with the intent to commence manufacture or import of the substance more than three years after the date of such submittal, must provide in conjunction with his notice evidence of his commitment to manufacture or import the substance for a non-exempt commercial purpose.

(i) *New information or data.* Following submittal of a notice and prior to the expiration of the notification period, if the submitter possesses, controls, or knows of new information or data which materially add to, change, or otherwise make significantly more complete the information and data included in his notice, he must submit the new information or data to EPA immediately. Except where it is impracticable to do so, the person must submit the new information on the relevent premanufacture notice form(s) and must clearly identify himself and the premanufacture notice to which the new information or data are related.

(j) *Chemical substances subject to section 4 testing rules.* (1) Except as provided in paragraph (j)(3) of this section, if

(i) A person intends to manufacture or import a new chemical substance which is subject to the premanufacture notification requirements of this Part; and

(ii) The person is subject to a testing rule applicable to the new chemical substance promulgated under section 4 of the Act before the notice is submitted, the person must submit the test data required by the testing rule with the premanufacture notice, in the form and manner specified in the testing rule and in accordance with § 720.23 of this Part. If the person does not submit the test data, the notice is incomplete and EPA will follow the procedures in § 720.34(b)(2) for invalid notices.

(2) If EPA has granted the submitter an exemption under section 4(c) of the Act from the requirement to conduct tests and submit data, he may not submit a premanufacture notice until the test data are submitted to EPA.

(3) If EPA has granted the submitter an exemption under section 4(c) of the Act and if another person previously has submitted the test data to EPA, the exempted person may either submit the test data or provide the following information as part of the premanufacture notice:

(i) The name, address, and other information which identifies the person who submitted the test data to EPA;

(ii) The date the test data were submitted to EPA;

(iii) Information which identifies the section 4 testing rule; and,

(iv) Information which identifies and describes the exemption.

§ 720.21 Imports.

(a) Except as otherwise provided in this section, the provisions of this subpart C apply to each person who sub-

mits a premanufacture notice for a new chemical substance which he intends to import for a commercial purpose.

NOTE.—As specified in § 720.10(a)(2) of this Part, these rules apply to any person who intends to import a new chemical substance in bulk form into the United States for commercial purposes. In addition, following publication of the revised inventory, these rules will apply to any person who intends to import a new chemical substance as a part of a mixture(s).

(b) Each importer who submits a premanufacture notice must use the Premanufacture Notice Form for Imported Chemical Substances. He must provide the information described in § 720.22 and requested in the form, plus any other information requested in the form and not designated "optional," insofar as such information is known to or reasonably ascertainable by him. In addition, in accordance with § 720.23, the importer must append to the form any test data in his possession or control and descriptions of other data concerning the environmental and health effects of the substance.

(c) In addition to following the requirements in § 720.20(e), each importer must follow the procedures outlined below to identify information and data which are not known to him but which are reasonably ascertainable by him.

(1) The importer must contact in writing the manufacturer of the substance and the person who supplies the substance to the importer. The importer must request both the manufacturer and the supplier to:

(i) Provide all test data in their possession or control which are related to the effects of the substance on health or the environment, in accordance with § 720.23; and

(ii) Complete the Foreign Manufacturer or Supplier Form.

(2) If the importer does not know the identity of the manufacturer of the substance, the importer also must request his supplier to provide the identity of the manufacturer.

(3) The importer must offer the person contacted the option either to provide the requested information to the importer for inclusion by him in the premanufacture notice or to provide the information directly to EPA in accordance with the notice form and reporting instructions. The importer must state in his request that the other person is not under a legal obligation to provide the requested information to the importer or to EPA.

NOTE.—If the importer complies with these procedures, EPA will not consider the notice to be invalid under § 720.34 for the reason that the other persons do not provide the information requested. However, if the notice does not contain such information, EPA subsequently may require any other persons who are under the jurisdiction of the United States to provide the information directly to the Agency. (See § 720.50.)

(4) The importer must include in his premanufacture notice all information which is provided to him by the manufacturer or supplier in accordance with this paragraph (c).

(5) The importer must certify in the premanufacture notice his compliance with this paragraph (c). The certification must include the names and addresses of the persons whom the importer contacted, and a designation of those who have provided information or test data to him or who have indicated that they intend to provide information or test data directly to EPA.

(d) The importer has the ultimate responsibility for complying with this Part and for completing the Premanufacture Notice Form for Imported Chemical substances, and for the completeness and truthfulness of all information and data which he submits except for that included by him pursuant to paragraph (c)(4) of this section and § 720.20(e)(4).

§ 720.22 Information relating to chemical identity; manufacture, processing, distribution in commerce, use, and disposal; amounts; byproducts and other related chemicals; exposure; safeguards and controls.

The premanufacture notice forms request the following information relating to the manufacture, processing, distribution in commerce, use, and disposal of the new chemical substance. Each person who submits a premanufacture notice must include the information as specified in the forms (unless it is designated "optional"), to the extent it is known to or reasonably ascertainable by him. This does not include information which relates solely to exposure of human or ecological populations to the substance outside of the United States.

(a) A description of the new chemical substance, including the chemical identity, molecular structure, Chemical Abstracts Service (CAS) registry number, and the common or trade name;

(b) The estimated total amount to be manufactured and processed;

(c) The proposed categories of use;

(d) The estimated amount to be manufactured and processed for each proposed category of use;

(e) The manner and methods of distribution in commerce (including transportation) and disposal;

(f) The estimated amount of the substance for each manner and method of distribution in commerce (including transportation) and disposal;

(g) Descriptions of direct and indirect exposure of humans and of ecological populations, including exposure levels, as a result of manufacture, processing, distribution in commerce, use, and disposal of the chemical substance;

(h) Descriptions of releases to the air, land, and water (including emissions, effluents, and other discharges), whether intentional or unintentional;

(i) Explanations of risk to health and the environment resulting from the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance, including explanations of test programs used to assess risk;

(j) Descriptions of any engineering safeguards and controls, industrial hygiene considerations, and other measures to be used to limit exposure;

(k) descriptions and other information concerning related chemical substances and mixtures, including feedstocks, byproducts, co-products, impurities, degradation products, and unintended reaction products and other chemical substances which are related to the manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance;

(l) Descriptions of mixtures and articles which contain or may contain the new chemical substance.

§ 720.23 Submittal of test data and other data concerning the health and environmental effects of a substance.

(a) *Test data in the possession or control of the submitter.* (1) Except as provided in paragraph (c) of this section, each person who submits a premanufacture notice must report, as provided below, all test data in his possession or control which are related to the effects on health or the environment of any manufacture, processing, distribution in commerce, use, or disposal of the chemical substance, or of any mixture or article containing such substance, or any combination of such activities. This includes test data concerning the chemical substance in a pure, technical grade, or formulated form. This also includes test data concerning any impurity, byproduct, coproduct, degradation product, unintended reaction product, or other chemical substance or mixture which is related to the manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance, except as excluded under paragraph (c)(5) of this section. All test data described by this paragraph (a)(1) are subject to these requirements regardless of their age, quality, or results.

(2) If the test data have been published in the open scientific literature, the person may submit a copy of the paper(s) in which they appear and, if necessary, an indication of where the test data appear in the paper(s). Otherwise, he must submit the test data as

specified in paragraph (a)(3) of this section.

(3) Test data which pertain to the health and ecological effects, physical and chemical properties, and environmental fate characteristics listed below, must be submitted in accordance with paragraph (a)(4) of this section. Data regarding effects, properties, and characteristics which are not listed in this paragraph (a)(3) must be submitted in accordance with paragraph (a)(5).

(i) Health Effects.

(A) Carcinogenesis
(B) Mutagenesis
(C) Teratogenesis
(D) Reproductive toxicity
(E) Behavioral disorders
(F) Neurotoxicity
(G) Hepatotoxicity
(H) Cardiovascular toxicity
(I) Renal toxicity
(J) Acute toxicity
(K) Dermal sensitization
(L) General subchronic and chronic toxicity
(M) Cumulative, synergistic, antagonistic, additive, and potentiating effects

(ii) Ecological Effects

(A) Microbial inhibition
(B) Algal inhibition
(C) Aquatic macrophyte inhibition
(D) Seed germination inhibition
(E) Seedling growth inhibition
(F) Invertebrate acute toxicity
(G) Fish acute toxicity
(H) Avian dietary toxicity
(I) Invertebrate chronic toxicity
(J) Fish critical life stage toxicity
(K) Fish bioconcentration

(iii) Physical and Chemical Properties; Environmental Fate Characteristics

(A) Corrosion potential and redox potential
(B) Tropospheric degradation and transformation studies
(C) Stratospheric degradation studies
(D) Atmospheric transport studies
(E) Vapor phase uv absorption spectra
(F) Solubility studies
(G) Octanol/water partition coefficient (measurements and calculations)
(H) Vapor pressure measurements
(I) Soil sorption studies
(J) Vapor phase sorbent studies
(K) Olfactory threshold studies
(L) Combustion and pyrolysis studies and theoretical analyses
(M) Measurements of the permeability of the chemical through gloves used by workers or consumers
(N) Boiling/melting/sublimation point determinations
(O) Density (gas, liquid, or solid) measurements
(P) Dissociation constant measurements
(Q) Flammability/explodability studies
(R) Particle size measurements
(S) pH measurements
(T) Chemical incompatibility studies and theoretical analyses
(U) Biodegradation studies
(V) Hydrolysis studies
(W) Aquatic oxidation studies
(X) Aquatic photochemical degradation studies
(Y) Any environmental fate studies in natural waters
(Z) Spectral data

(iv) Test data related to the exposure of the substance to humans or the environment.

(4)(i) Except as provided in paragraphs (a)(4) (ii) and (iii) any test data on the health and environmental effects listed in paragraph (a)(3) of this section must be submitted in a full report format containing the following parts: abstract, introduction, experimental methods and materials, results, discussion and data analysis, conclusions, and references. After publication by EPA of *Formats for Data Submitted Under the Toxic Substances Control Act* the person must submit data in the manner specified in that document.

(ii) If a report was completed prior to the effective date of this Part, the submitter may submit that report instead of using the full report format.

(iii) If a study, report, or test is incomplete when a person submits a premanufacture notice, the submitter must identify its nature and purpose, the principal investigators, laboratory contacts, progress to date, types of data collected, significant preliminary results and anticipated completion date. If a study, report, or test is completed prior to expiration of the premanufacture notification period, the person must immediately submit the study, report, or test to EPA as specified in paragraph (a)(4)(i) of this section.

(5)(i) For any test data in the submitter's possession or control which are not listed in paragraph (a)(3) of this section, a person may submit the data in summary form, (utilizing a standard scientific abstract format) if he agrees to submit a full report upon request by EPA. Otherwise, he must submit the test data in the appropriate full report format. After publication of *Formats for Data Submitted Under the Toxic Substances Control Act,* the person must prepare the abstract in accordance with that document.

(ii) If a test for an effect, property, or characteristic not listed in paragraph (a)(3) is incomplete when a person submits a premanufacture notice, the submitter must identify it in accordance with paragraph (a)(4)(iii). If the test is completed prior to the expiration of the premanufacture notification period or if significant results become known during that period, the person must submit an abstract in accordance with paragraph (a)(5)(i).

(b) *Other data concerning the environmental and health effects of a substance that are known to or reasonably ascertainable by the submitter.* (1) Except as provided in paragraph (c) of this section, each person who submits a premanufacture notice must describe:

(i) Any data, othe than test data, that are in the submitter's possession or control, and

(ii) Any data, including test data, that are not in the submitter's possession or control but that are known to or reasonably ascertainable by him, which are contained in completed studies or reports and which are related to the effects on health or the environment of any manufacture, processing, distribution in commerce, use, or disposal of the chemical substance, or of any mixture or article containing such substance, or any combination of such activities. This includes data concerning the chemical substance in a pure, technical grade, or formulated form. This also includes data concerning any impurity, byproduct, co-product, degradation product, unintended reaction product, or other chemical substance or mixture which is related to the manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance, except as exluded under paragraph (c)(5) of this section. All data described by this paragraph (b)(1) are subject to the requirements of this paragraph regardless of their age, quality, or results.

(2) The description of data reported under this paragraph shall include:

(i) An abstract or other summary of the contents of the study or report;

(ii) A standard literature citation, if the data are contained in the open scientific literature; or

(iii) If the data are not contained in the literature, the names and addresses of persons the submitter believes may have possession or control of the data.

(iv) In addition, upon publication of *Formats for Data Submitted Under the Toxic Substances Control Act,* these data must be described as specified in that document.

(3) For the purposes of this paragraph, data are known to or reasonably ascertainable by the submitter if the data are known to his employees or other agents who are associated with research, development, test marketing, or commercial marketing of a substance. The following data are among those which are known to such employees or agents:

(i) Data which they discuss orally with other persons;

(ii) Data contained in papers presented at symposia, seminars, and conferences which they attend; and,

(iii) Data which they read about in scientific articles.

(4) For incomplete studies, reports, or tests, the description of data must

include the information specifdied in paragraph (a)(4)(iii) of this section.

(5) The submitter must include in the premanufacture notice a brief description of his procedures for identifying data that are known to or reasonably ascertainable by him.

(c) *Data that need not be submitted.*—(1) *Published studies.* A person need not submit any data that appear in the periodicals listed in Appendix I if he submits a standard literature citation which includes author, title, periodical name, date of publication, volume number, pages, and year

(2) *Data previously submitted to EPA or another Federal agency.* A person need not submit any data previously submitted to EPA or another Federal agency with no claims of confidentiality if he provides in the premanufacture notice the agency name, the office or person to whom the data were submitted, the date of submittal, and, if appropriate, a standard literature citation as specified in paragraph (c)(1) of this section. This paragraph also applies to data previously submitted to EPA or another Federal agency with claims of confidentiality if the person who submitted the data specifically authorizes EPA to have immediate access to the data.

(3) *Efficacy data.* A person need not submit any data related solely to product efficacy. This does not exempt a person from submitting any of the data specified in paragraphs (a) and (b) of this section.

(4) *Exposure data.* A person need not submit any data which solely concern the amounts of release, or levels and routes of exposure, resulting from the manufacture, processing, distribution in commerce, use, or disposal of the substance outside the United States.

(5) *Data concerning related chemicals.* A person need not submit any data concerning any impurity, byproduct, co-product, degradation product, unintended reaction product or other chemical substance or mixture which is related to the manufacture, processing, distribution in commerce, use, or disposal of the new chemical substance if the substance to which the data pertain is listed on the TSCA inventory of existing chemicals.

Subpart D—Disposition of Notices

§ 720.30 General.

This subpart establishes procedures that EPA will follow in reviewing premanufacture notices.

§ 720.31 Acknowledgment of receipt of notice.

EPA will acknowledge receipt of each premanufacture notice by sending to the submitter a notification of the date on which the Agency received the notice. EPA will consider a person to have submitted the notice on the date the notice is received by the EPA office designated on the notice form as the proper recipient of the notice. The acknowledgment does not constitute a finding by EPA that the notice, as submitted, is in compliance with this Part. See § 720.34.

§ 720.32 Notice in the Federal Register.

(a) *Initial notice.* Not later than five days after receipt of a premanufacture notice (excluding Saturdays, Sundays, and legal holidays), EPA will file with the Office of the FEDERAL REGISTER a notice containing the information specified in paragraph (b) of this section.

(b) *Contents of notice.* (1) In the public interest, EPA will publish the specific chemical identity of the substance for which premanufacture notice is given, unless the submitter has claimed confidentiality for this identity in accordance with § 720.41(a). If confidentiality is claimed, EPA initially will publish the generic name proposed in the premanufacture notice in accordance with § 720.41 (a)(3)(ii). If subsequently EPA either denies this claim of confidentiality for the chemical identity, or determines that the original proposed generic name is more generic than necessary to protect the confidential business information, EPA may publish an amended FEDERAL REGISTER notice in accordance with the procedures in paragraph (c) of this section.

(2) EPA will publish the specific function(s) and application(s) of the new chemical substance as reported to EPA either by the submitter, or by any person under § 720.20(e) or § 720.21(c) unless this information is claimed confidential in accordance with § 720.42. If confidentiality is claimed, EPA will publish the additional information which is required to be submitted by § 720.42(b).

(3) EPA will publish a list of data submitted in accordance with § 720.23(a). In addition, for test data submitted in accordance with § 720.20 (j), test data on any of the effects, properties, and characteristics listed in § 720.23(a)(3), and data from other tests which the person has performed, EPA will publish a summary of the data including, where appropriate, abstracts prepared as specified in the *Formats for Data Submitted Under the Toxic Substances Control Act.*

(4) EPA will also publish procedures for examining the public file for the premanufacture notice, and on the filing of comments on the notice.

(c) *Amended notices.* If EPA does not publish in the initial notice some of the information specified in paragraph (b) of this section because the submitter claims confidentiality for the information, and if EPA subsequently denies a claim of confidentiality in accordance with §§ 720.40–720.43, EPA may publish an amended notice in the FEDERAL REGISTER containing the additional information.

§ 720.33 Notice that premanufacture notification is not required.

When EPA receives a premanufacture notice, the Agency will review it to determine whether the chemical is subject to the requirements of this Part. If EPA determines that the chemical is not subject to these requirements, the Agency will notify the submitter that § 5 of the Act does not prevent him from beginning manufacture or import.

§ 720.34 Deficiencies in the premanufacture notice.

(a) *Request for correction.* (1) Within 30 days of receipt of the premanufacture notice (as defined by § 720.31), EPA may request the submitter to correct or remedy minor or technical deficiencies in the premanufacture notice. Such deficiencies include:

(i) Failure to date the notice form(s);

(ii) Typographical errors which render answers to any questions unclear or ambiguous;

(iii) Confusing responses; and,

(iv) Answers which do not conform to premanufacture notice instructions.

(2) EPA will transmit a request for correction to the submitter by certified mail, return receipt requested. In the request, the Agency will state the basis for its determination that the notice is deficient in its present form, and will explain the action which the submitter must take to correct the deficiency.

(3) EPA will suspend the premanufacture notification period from the date the Agency sends the certified letter until the date the Agency receives the requested corrections. If the person fails to submit the requested information within 30 days of receipt of the request, EPA may determine that the notice is invalid under paragraph (b) of this section.

(b) *Invalid notice.* (1) At any time during the notification period, EPA may determine that a premanufacture notice is invalid. Grounds for this determination include the following:

(i) Failure to sign the premanufacture notice form;

(ii) Failure to comply with the procedures for obtaining information from other persons, in accordance with § 720.20(e), or to certify that the procedures have been complied with;

(iii) Failure by an importer to comply with the procedures for obtaining information from foreign manufacturers or suppliers, in accordance with § 720.21(c);

(iv) Failure to provide any information requested on the premanufacture

form, unless the form clearly indicates that a response is optional. For the purposes of this determination, indication that a question is "not applicable" because the information is either "unknown" or not "reasonably ascertainable", together with an explanation of this fact, where necessary, does not necessarily constitute a failure to provide information;

(v) Failure to remedy any deficiency for which EPA issued a request for correction under paragraph (a) of this section, within 30 days following a person's receipt of the request;

(vi) Submittal of intentionally false or misleading responses to questions on the premanufacture notice form;

(vii) Except as specifically authorized by § 720.10(a)(3) and (b)(2), submittal of a premanufacture notice by other than the person who intends to manufacture or import the chemical substance, or his designated agent;

(viii) Failure to provide any information required by §§ 5(d)(1)(B) and (C) of the Act, in accordance with § 720.23;

(ix) Failure of a notice to include the test data or other information which the submitter is required to submit pursuant to a rule promulgated under § 4 of the Act, in accordance with § 720.20(j);

(x) Failure to include the specific chemical identity of the substance for which the notice is submitted, unless it is impossible to do so, in accordance with § 720.20(f);

(xi) If EPA has listed a chemical substance under § 5(b)(4) of the Act, failure to submit data which the submitter believes show that the chemical substance will not present an unreasonable risk of injury to health or the environment.

(2) If EPA determines that a premanufacture notice is invalid, the premanufacture notification period specified in § 720.35 of this Part will not begin.

(3) If EPA determines that a premanufacture notice is invalid, the Agency will notify the submitter by certified mail, return recepit requested. The notification will state the basis for the determination, and will explain the actions which are necessary to render the notice valid. Following receipt of a notice of invalidity, the person must submit a new notice for the chemical substance if he intends to manufacture or import the substance for a non-exempt commercial purpose. The person need not resubmit any information that he submitted with the first notice. The premanufacture notification period will commence upon acknowledgment of receipt, under § 720.31, of the required revisions.

(c) *Intentionally false or misleading statements.* If EPA discovers after expiration of the notification period that a person submitted intentionally false or misleading statements concerning a material aspect of his notice, EPA may find that the notice was invalid from the time of it initial submittal. If EPA makes this finding, the submitter will have failed to comply with the Act and these rules, and any manufacture, import, processing, distribution in commerce, use, or disposal of the substance by that person constitutes a violation of the Act.

§ 720.35 Premanufacture notification period; reports on status of new chemical substances.

(a) *Length of notification period.* The premanufacture notification period specified in § 5(a) of the Act runs for 90 days from the date EPA acknowledges receipt of premanufacture notice under § 720.31, unless the Agency extends the period in accordance with paragraph (b) of this section or suspends or invalidates the notice in accordance with § 720.34.

(b) *Extension of notification period.* (1) At any time during the notification period, EPA may determine that good cause exists to extend the notification period specified in paragraph (a).

(2) If EPA makes such a determination, the Agency will:

(i) Notify the submitter by certified letter, return receipt requested, that EPA is extending the period for a specified length of time, and state the reasons for the extension; and,

Publish a notice in the FEDERAL REGISTER which states that EPA is extending the period and gives the reasons for the extension.

(3) The initial extension may be for a period of up to 90 days. If the extension is for less than 90 days, EPA may make additional extensions. However, the total of the extensions may not exceed 90 days for any premanufacture notice.

(4) The following are examples of situations in which EPA may find that good cause exists for extending the notification period:

(i) EPA has reviewed the notice, and has determined that there is a significant possibility that the chemical will be regulated under section 5(e) or section 5(f) of the Act, but the Agency is unable to initiate regulatory action within the initial 90-day period;

(ii) EPA has reviewed the notice and has determined that information on the chemical is incomplete, and the Agency is seeking additional information;

(iii) Based on EPA's priorities and resources, the Agency is unable to process and review the notice within the initial notification period; and

(iv) EPA has found it necessary to publish an amended notice under § 720.32(c).

(c) *Notice of continuing review.* Upon expiration of the notification period, if EPA has identified a substance for possible regulatory action under the Act (other than imposition of a significant new use rule under section 5(a)(2) of the Act, or any requirement under section 8 of the Act) and is actively considering such an action, the Agency will notify the submitter of this fact. This continuing review has no effect on the submitter's right to commence manufacture or import of the new chemical substance upon expiration of the notification period. In addition, such notification is not a prerequisite to any regulatory action by EPA with respect to the chemical substance at any time after expiration of the notification period.

(d) *Monthly status report.* Subject to section 14, at the beginning of each month EPA will publish in the FEDERAL REGISTER a list of:

(1) Each chemical substance for which a premanufacture notice has been recieved, and for which the notification period described in paragraphs (a) and (b) of this section has not expired;

(2) Each chemical substance for which the notification period has expired since the last monthly status report; and,

(3) Each chemical substance that has been added to the inventory since the last monthly status report.

§ 720.36 Actions under section 5(e) of the Act.

(a) *Insufficient information.* Section 5(e) of the Act authorizes EPA to issue an order or to apply to a United States District Court for an injunction to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance for which the Agency has received a premanufacture notice. In general, EPA may act under section 5(e) if the Agency lacks sufficient information to make a reasoned evaluation of the health and environmental effects of the substance, and the substance either

(1) May present an unreasonable risk of injury to health or the environment, or

(2) Will be produced in substantial quantities, and either it may enter the environment in substantial quantities, or there may enter the environment in substantial quantities, or there may be significant or substanital human exposure to the substance.

(b) *Order.* (1) EPA may issue a proposed order under § 5 (e) of the Act no later than 45 days before expiration of the applicable notification period (including any extensions which the Agency makes prior to issuance of the order).

(2) Before or on the date EPA issues a proposed order, the Agency will send a copy of the order by certified mail, return receipt requested, to the person who submitted the premanufacture notice, and to any other person who EPA believes intends to manufacture, import, or process the substance. The order will:

(i) State the basis for the determination required by § 5(e)(1)(A) of the Act; and

(ii) Indicate the type of information which would enable EPA to evaluate the health and environmental effects of the manufacture, processing, distribution in commerce, use, or disposal of the substance. In addition, EPA will publish a notice in the FEDERAL REGISTER which describes the proposed order.

(3) Any manufacturer, importer, or processor of a chemical which is the subject of an order, or any other person who will be affected by the order, may file with EPA a written objection to the proposed order. EPA must receive the objection no later than 30 days after the person who files it receives the order sent under paragraph (b)(2) of this section; or, for any other person, no later than 30 days after the order appears in the FEDERAL REGISTER. The objection must specify with particularity the provisions of the order which the person finds objectionable, and state the grounds for these objections. If an objection is filed in accordance with this paragraph (b)(3), the provisions in the order to which the person objected will not take effect.

(4) Any provisions of the proposed order to which no person files an objection, in accordance with paragraph (b)(3) of this section, will take effect upon the expiration of the applicable notification period, and will remain in effect until EPA modifies or revokes them.

(5) If a person obtains new information which he believes is sufficient (alone or in combination with information previously submitted to EPA) to evaluate the health and environmental effects of the manufacture, processing, distribution in commerce, use, or disposal of the substance, the person may petition EPA to modify or revoke the order based on the Agency's evaluation of the new information. EPA will publish a notice of the petition in the FEDERAL REGISTER.

(6) Any person who is affected by the order may petition EPA to modify or revoke the order if he believes there has been a substantial change in the factors relevant to EPA's decision to issue the § 5(e) order. EPA will publish a notice of the petition in the FEDERAL REGISTER.

(c) *Injunctive relief.* (1) At any time during the notification period, EPA may apply to a United States District Court for an injunction under the authority of § 5(e) of the Act.

(2) After an injunction is granted, any person may submit to EPA new information which he believes is sufficient to permit a reasoned evaluation of the health and environmental effects of the substance or which otherwise justifies modification or dissolution of the injunction. EPA will evaluate the information and, within 90 days after receiving it, will inform the submitter whether the Agency intends to petition the court for a modification or dissolution of the injunction.

§ 720.37 Actions under section 5(f) of the Act.

(a) *Unreasonable risk.* Under § 5(f) of the Act, if EPA determines that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance for which it has received a premanufacture notice will present an unreasonable risk of injury to health or the environment before a rule promulgated under § 6(a) of the Act can protect against such risk, the Agency may issue an order or apply to a United States District Court for an injunction to prohibit the manufacture, processing, or distribution in commerce of a substance, or may issue a proposed rule under § 6(a)(2)–(7) of the Act.

(b) *Order.* (1) EPA may issue a proposed order under section 5(f) of the Act no later than 45 days before expiration of the applicable notification period (including any extensions which the Agency makes prior to issuance of the order).

(2) Before or on the date EPA issues a proposed order, the Agency will send a copy of the order by certified mail, return receipt requested, to the person who submitted the premanufacture notice, and to any other person who EPA believes intends to manufacture, import, or process the substance. The order will state the basis of the determination required by section 5(f) of the Act. In addition, EPA will publish a notice in the FEDERAL REGISTER which describes the proposed order.

(3) Any manufacturer, importer or processor who is subject to an order, or any other person who will be affected by the order, may file with EPA a written objection to the proposed order. EPA must receive the objection no later than 30 days after the person who files it receives the order sent under paragraph (b)(2) of this section, or for any other person, no more than 30 days after the order appears in the FEDERAL REGISTER. The objection must specify with particularity the provisions of the order which the person finds objectionable, and state the grounds for these objections. If an objection is filed in accordance with this paragraph (b)(3), the provisions in the order to which the person objected will not take effect.

(4) Any provisions of the proposed order to which no person files an objection in accordance with paragraph (b)(3) of this section will take effect upon the expiration of the applicable notification period, and will remain in effect until EPA modifies or revokes them.

(5) Any person who is affected by the order may petition EPA to modify or revoke the order if he believes that new information has been developed, or that there has been a substantial change in the factors relevant to EPA's decision to issue the section 5(f) order. EPA will publish a notice of the petition in the FEDERAL REGISTER.

(6) If a person subsequently submits a premanufacture notice for a chemical substance which is subject to a section 5(f) order, EPA will consider the notice to be an application for modification or revocation of the order, and not a valid premanufacture notice.

(c) *Injunctive relief.* At any time during the notification period, EPA may apply to a United States District Court for an injunction under the authority of § 5(f) of the Act.

(d) *Proposed rule.* (1) If EPA proposes a rule in accordance with § 5(f) of the Act, the Agency will notify interested persons of this action within five days from the date of publication of the proposed rule in the FEDERAL REGISTER. The FEDERAL REGISTER notice will state the basis for the findings required by § 5(f), and also will include information concerning procedures for requesting a hearing on the proposed rule and for filing written comments with the Agency.

(2) If a hearing is requested, EPA will convene an informal hearing within five business days of the Agency's receipt of the request, unless the person(s) making the request and EPA agree on a later date. The hearing will be conducted in accordance with the provisions of section 6(c) of the Act, except as modified in accordance with the expedited schedule mandated by section 6(d)(2) of the Act.

(3) Within ten days of the conclusion of the informal hearing, EPA will either promulgate the rule as proposed or modified, or revoke it.

§ 720.38 Statement of reasons for not taking action.

(a) If: (1) EPA receives a premanufacture notice for a chemical substance for which a person is required to submit test data under § 4 and § 5(b)(1) of the Act, or for which the person is required under sections 5(b)(2) and (4) of the Act to submit data which he believes show that the chemical substance will not present an

unreasonable risk of injury to health or the environment; and (2) before expiration of the notification period EPA does not initiate any action under sections 5, 6, or 7 of the Act to prohibit or limit manufacture, processing, distribution in commerce, use, or disposal of the substance, EPA will publish in the FEDERAL REGISTER, before expiration of the notice period, a statement of the Agency's reasons for not initiating any such action.

(b) Publication of the statement will not prevent EPA from taking future regulatory actions with respect to the substance, and is not a prerequisite to the manufacture or processing of the substance.

Subpart E—Confidentiality and Public Access to Information

§ 720.40 General provisions.

(a) A person may assert a claim of confidentiality for any information which he submits to EPA under this Part.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(1) For any information which a person submits on forms provided by EPA, he must assert his claim(s) on the form, and in the manner prescribed on the form and in the reporting instructions.

(2) For any information which a person does not submit on an EPA premanufacture form, he must submit two copies of the document in which the information appears.

(i) One copy of the document must be complete. In that copy the submitter must clearly identify the data which are claimed confidential by marking the specific information on each page with a label such as "confidential business information," "proprietary," or "trade secret."

(ii) The second copy must be complete except that all information claimed as confidential in the first copy must be deleted. EPA will place the second copy in the public file.

(iii) If the person does not provide the second copy, EPA will notify him of this fact by telephone or certified mail. If EPA does not receive the second copy within ten days after the person receives this notice, the Agency will place the first copy in the public file.

(c) (1) At the time a person submits the information to EPA, he must substantiate any claim of confidentiality for chemical identity and for information contained in health and safety studies. The person must provide substantiation in the manner specified in the reporting instructions.

(2) If a person does not submit any substantiation, EPA will notify him of this fact by certified mail. If EPA does not receive the substantiation within ten days after the person receives this notice, the Agency will place the information in the public file.

(d) EPA will disclose information that is covered by a claim of confidentiality asserted in accordance with this section only to the extent permitted by, and in accordance with the procedures set forth in the Act, this subpart, and Part 2 of this Title.

(e) If a person does not assert a claim of confidentiality for information at the time he submits it to EPA, the Agency may make the information public, including placement in the public file, without further notice to the person.

§ 720.41 Specific chemical identity.

(a) *Claims applicable to period prior to commencement of manufacture or import for non-exempt commercial purposes.* (1) A person who submits information to EPA under this Part may assert a claim of confidentiality concerning the specific chemical identity of a particular chemical substance for the period prior to the commencement of manufacture or import for a non-exempt commercial purpose. A submitter may assert this claim only if he believes that public disclosure of the fact that anyone intends to manufacture or import the specific chemical substance prior to the commencement of manufacture or import for a non-exempt commercial purpose would reveal confidential business information.

(2)(i) Any person who intends to assert a claim of confidentiality with respect to the specific chemical identity of a new chemical substance under this paragraph should, before submitting a premanufacture notice, seek an advance determination by EPA of an appropriate generic name for the substance. For this purpose, a person should submit to EPA:

(A) The specific chemical identity of the substance;

(B) A proposed generic name(s) which is only as generic as necessary to protect the confidential identity of the particular chemical substance. In addition, the name should reveal to the maximum extent possible toxicologically significant aspects of the molecular structure. Before proposing a generic name to meet these criteria, the submitter should consult the *Guidelines for Creating Proposed Generic Names*, published as Appendix II to these rules; and

(C) An explanaton of why a more specific name would reveal confidential business information.

(ii) Within 30 days, EPA will inform the submitter either that the proposed generic name is adequate or that it may be inadequate and further consultation is necessary.

(3) Any person who asserts a claim of confidentiality for a specific chemical identity under this paragraph, at the time the premanufacture notice is submitted, must:

(i) Report the information identified in paragraph (a)(2)(i) of this section; and

(ii) Provide a detailed written substantiation of the claim, as specified in the reporting instructions.

(4)(i) If a submitter asserts such a claim, and if he complies with the procedures specified in paragraph (a)(3) of this section, EPA will publish the generic name in the FEDERAL REGISTER notice specified in § 720.32.

(ii) In response to a petition under paragraph (a)(4)(iii) of this section, or for any other reason, EPA subsequently may review the validity of the claim of confidentiality, including the substantiation of the claim required in paragraph (a)(3)(ii) of this section and the extent to which the generic name complies with EPA requirements.

(iii) Any person may petition EPA to review a generic name which has appeared in the FEDERAL REGISTER notice described in § 720.32. In his petition, the person must explain why the public interest would be served by a more specific name, why the existing generic name may not be in accord with EPA requirements, and why there is some characteristic of the class of chemicals included in the generic description which makes it imperative to make available a more specific name to allow more effective public evaluation of the likely health and environmental effects of the substance. EPA will examine the petition and, if the Agency determines that the petitioner has made an adequate justification for a more specific name, the Agency will evaluate the name in accordance with this paragraph.

(iv)(A) If at any time EPA determines that the generic name proposed by the submitter is more generic than necessary to protect the confidential identity, the Agency will request the submitter to submit further proposed generic names.

(B) If EPA does not agree with the further proposed generic names, the Agency will choose a generic name that the Agency believes is in accordance with the principles set forth in paragraph (a)(2)(i)(B) of this section, and will notify the submitter concerning this choice. Thirty days after this notification, EPA will publish the chosen generic name in an amended FEDERAL REGISTER notice under § 720.32.

(b) *Claim applicable to the period after commencement of manufacture or import.* (1) Any claim of confidentiality under paragraph (a) of this section is applicable only until the substance is manufactured or imported

for non-exempt commercial purposes and becomes eligible for inclusion on the inventory. To maintain the confidential status of the specific chemical identity after the substance is added to the inventory, a person must assert an additional and independent claim of confidentiality concerning the specific chemical identity of a particular chemical substance. The submitter may assert this claim in the premanufacture notice if he intends to commence manufacture or import within one year from the date of the notice. If the projected date of commencement of manufacture or import for a non-exempt commercial purpose is more than one year from the date of the premanufacture notice, or if the person otherwise does not assert the claim in the premanufacture notice, he must assert the claim at least sixty days prior to the date of commencement of manufacture or import for non-exempt commercial purposes.

(2)(i) A person who believes that public disclosure of the fact that anyone manufactures or imports a specific chemical substance for a non-exempt commercial purpose would reveal confidential business information may assert a claim of confidentiality under this paragraph.

(ii) Notwithstanding the validity of a claim asserted under paragraph (b)(1) of this section, if the specific chemical identity is part of a health and safety study as defined in § 720.2, and if the claim for confidentiality with respect to that identity is denied in accordance with § 720.43, EPA will deny a claim asserted under this paragraph (b). EPA will notify the submitter concerning this determination, and thirty days after this notification, EPA will place the specific chemical identity on the inventory.

(3) Any person who asserts such a claim shall:

(i) Comply with the requirements of paragraph (a)(3) of this section;

(ii) Agree that EPA may disclose to a person with a *bona fide* intent to manufacture or import the substance (as defined in §720.12(b)) the fact that the particular substance is included on the inventory for purposes of TXCA §5(a)(1)(A) premanufacture notification; and

(iii) Have available for the particular substance, and agree to furnish to EPA upon request:

(A) An elemental analysis;

(B) Either an X-ray diffracton pattern (for inorganic substances) or a mass spectrum (for most other substances) of the particular chemical substance, or if such data do not resolve uncertainties with respect to the identity of the chemical substance, additional or alternative spectra or other data to identify the chemical substance:

(C) A sample of the substance;

(iv) Provide a detailed written substantiation of the claim, as specified in the reporting instructions.

(4) If the submitter does not meet the requirements of this paragraph EPA will deny the claim of confidentiality.

(5)(i) EPA will publish a generic name in an appendix to the inventory if:

(A) The submitter asserts a claim of confidentiality in accordance with this paragraph;

(B) No claim for confidentiality of the specific chemical identity as part of a health and safety study has been denied in accordance with § 720.43; and

(C) The EPA General Counsel has made a determination (in accordance with Part 2 of this Title) that the particular chemical identity should not appear on the inventory because inclusion would disclose confidential business information.

(ii) Publication of a generic name in the appendix does not create a category for purposes of the inventory. Any person who has a *bona fide* intent to manufacture or import a substance which he believes may be on the inventory under a generic name may submit an inquiry to EPA under § 720.12(b) of this Part to determine whether a particular chemical is included in the inventory.

(iii) Upon receipt of the information specified in § 720.12(b), EPA may require the submitter who originally asserted confidentiality for a specific chemical substance to submit to EPA:

(A) An elemental analysis;

(B) Either an X-ray diffraction pattern (for inorganic substances) or a mass spectrum (for most other substances) of the particular chemical substance, or if such data do not resolve uncertainties with respect to the identity of the chemical substance, additional or alternative spectra or other data to identify the substance; and,

(C) A sample of the substance in its purest form.

(iv) Failure to submit any of the information required under paragraph (b)(3)(iii) of this section within ten days of notification by the Agency under this paragraph is a waiver of the original submitter's confidentiality claim. In this event, EPA will place the specific chemical identity on the inventory without further notice to the original submitter.

(6) If a person asserts a claim of confidentiality under this paragraph, EPA will examine the generic chemical name proposed by the submitter who claims confidentiality.

(i) If EPA determines that the generic name proposed by the submitter is only as generic as necessary to protect the confidential identity of the particular chemical substance, the Agency will place the generic name in an appendix to the inventory.

(ii) If EPA determines that the generic name proposed by the submitter is more generic than necessary to protect the confidential identity, the Agency will request the submitter to submit further proposed generic names.

(iii) If EPA does not agree with the further proposed generic names, the Agency will choose a generic name that is only as generic as necessary to protect the confidential identity and will notify the submitter concerning this choice. Thirty days after this notification, EPA will place the chosen generic name in an appendix to the inventory.

§ 720.42 Uses and intended uses of a new chemical substance.

(a) A person who submits information to EPA under this Part with respect to the uses or intended uses of a new chemical substance may assert a claim of confidentiality for this information. A submitter may assert this claim only if he believes that public disclosure of the uses or intended uses of the substance would reveal confidential business information.

(b) If a submitter asserts such a claim, he must:

(1) Report the uses or intended uses of the substance;

(2) Provide, in non-confidential form, a description of the uses that is only as generic as necessary to protect the confidential business information; and

(3) Characterize, in accordance with the premanufacture notice form, the intended or projected exposure to persons in occupational, consumer, and other situations; the intended or projected releases of the substance to the general environment; and routes and levels of intended or projected exposure to humans and the environment.

(c) The person must submit the information required by paragraph (b) of this section in the manner specified in the premanufacture reporting instructions.

(d) If the person does not submit all of the information required by paragraph (b) of this section, EPA will deny the claim of confidentiality.

§ 720.43 Data from health and safety studies.

(a) *Information other than specific chemical identity.* Except as provided in paragraph (b) of this section, EPA will deny any claim of business confidentiality with respect to information included in a health and safety study, unless the information would disclose confidential information concerning:

(1) Processes used in the manufacturing or processing of a chemcial substance or mixture;

(2) In the case of a mixture, the portions of a mixture comprised by any of the chemical substances in the mixture; or

(3) Information which is not in any way related to the effects of a substance on human health or the environment, including the name of the submitting company, cost or other financial data, product development or marketing plans, advertising plans, and use information for which the person submits a claim of confidentiality in accordance with § 720.42, but not including the specific chemcial identity of the substance(s) tested.

(b) *Specific chemical identity prior to commencement of manufacture or import for non-exempt commercial purposes.* (1) Notwithstanding paragraph (a) of this section, for the period prior to the commencement of manufacture or import, EPA will not deny a claim of business confidentiality with respect to the specific chemical identity of the substance if public disclosure of the specific identity would reveal confidential business information. This claim of confidentiality will be applicable only until the substance is manufactured or imported for non-exempt commercial purposes.

(2) A claim of confidentiality for the period prior to commencement of manufacture with respect to the specific chemical identity included in a health and safety study shall be asserted and substantiated in conjunction with a claim asserted under § 720.41(a).

(c) *Specific chemical identities after commencement of manufacture or import.* (1) To maintain the confidential status of a specific chemical identity as part of a health and safety study after the commencement of manufacture or import, a person must assert an additional and independent claim of confidentiality. This claim should be asserted in conjunction with a claim under § 720.41(b)(3), and the substantiation should particularly address whether disclosure of the specific chemcial identity would reveal confidential business information concerning the processes used in the manufacture or processing of a chemical substance, or the portions of a mixture comprised by any of the chemical substances in the mixture.

(2) EPA will deny a claim of business confidentiality under this paragraph, unless the information would disclose:

(i) Processes used in the manufacture or processing of a chemical substance or mixture; or

(ii) In the case of a mixture, the portions of the mixture comprised by any of the substances in the mixture.

(d) *Use of generic names.* When EPA discloses a health and safety study for which the person has asserted a claim of confidentiality with respect to the specific chemical identity, and if the Agency has not denied the claim in accordance with paragraphs (a) or (b) of this section, EPA will identify the substance by its generic name as proposed by the submitter, or as modified by EPA in accordance with § 720.41.

§ 720.44 Public files.

All information submitted with a premanufacture notice, including any health and safety study and other supporting documentation, will become part of the public file for that notice, unless such materials are subject to any claims of confidentiality. In addition, EPA may add materials to the public file, subject to § 14 of the Act and subpart E of this Part. Any of the non-confidential material described above will be available for public inspection in the Office of Toxic Substances Public Reading Room, EPA, 401 M Street, S.W., Washington, D.C. 20460, during normal business hours.

Subpart F—Supplemental Reporting Requirements

§ 720.50 Reporting requirements under Section 8(a) and Section 5 of the Act.

(a) *General.* (1) EPA may use the procedures established in paragraph (e) of this section to require persons to report supplemental information with respect to the manufacture, processing, distribution in commerce, use, or disposal of a new chemical substance for which the Agency receives a premanufacture notice. Except as provided in paragraph (a)(2) of this section, paragraphs (b), (c), and (d) of this section describe the persons who may be subject to such reporting requirements.

(2) Except with respect to reporting under paragraph (c)(2)(i) of this section, no person whose total annual sales are less than $1,000,000, based upon the person's latest complete fiscal year, shall be subject to a reporting requirement under this section.

(b) *Manufacturer or importer of an unknown reactant.* If EPA receives a premanufacture notice from a person who identifies the new chemical substance as a product of a reaction which includes at least one unknown reactant, and if the person demonstrates that he has attempted to obtain information concerning the identity of the reactant from the manufacturer or importer of the reactant, EPA may require the manufacturer or importer of the unknown reactant(s) to report its identity or composition to EPA.

(c) *Person who submits a premanufacture notice.* (1) EPA may require the person who submits a premanufacture notice to report the information specified in paragraph (c)(2) of this section if the Agency believes that the information would be relevant to determine whether EPA should require the substance to be tested under § 4 of the Act, control the substance under §§ 5(e), 5(f), or 6(a), or follow up on the substance under the authorities of §§ 5(a)(2) or 8(a).

(2) EPA may require submittal of the following types of information if the information is known to or reasonably ascertainable by the submitter:

(i) Information which supplements, provides further detail on, or otherwise clarifies the information which a person was required to submit in his premanufacture notice;

(ii) Information which was identified as optional in the premanufacture notice, or information which supplements, provides further detail on, or otherwise clarifies such information;

(iii) Information concerning the benefits of the substance for various uses and the availability of substitutes for those uses; and,

(iv) Information concerning the reasonably ascertainable economic consequences of any specified regulation under the Act including the national economy, small business, technological innovation, the environment, and public health.

(d) *Processor.* (1) EPA May require any person who intends to process a substance for which a premanufacture notice was received to report the information specified in paragraph (d)(2) of this section, if the Agency believes that the information would be relevant to determine whether EPA should require the substance to be tested under section 4 of the Act, control the substance under sections 5(e), 5(f), or 6(a), or follow up on the substance under sections 5(a)(2) or 8(a).

(2) EPA may require submittal of the following types of information, if the information is known to or reasonably ascertainable by the intended processor:

(i) Information requested on the premanufacture notice form and instructions with respect to that person's processing of the substance, including categories of use, amounts to be processed for each use, the manner and method of disposal of such substance, and human and environmental exposures which may result from his processing of the substance and from subsequent distribution in commerce, use, or disposal of the substance or of mixtures or articles containing the substance;

(ii) information concerning the benefits of the substance for uses resulting from the person's processing of the substance, and "the availability of substitutes" for such uses; and,

(iii) Information concerning the reasonably ascertainable economic consequences of any specified control meas-

ure under the Act, including impact on the national economy, small business, technological innovation, the environment, and public health.

(e) *Procedures for reporting.* EPA will notify in writing any person subject to a reporting requirement under this section. The notification will be sent by certified mail, with return receipt requested. The written notification will include:

(1) A copy of this § 720.50;

(2) A detailed description of the information which is required to be submitted;

(3) The name, address, and telephone number of the person to whom the information must be submitted; and,

(4) The date by which the information must be submitted, which shall be no sooner than 15 days after the person receives the notification.

§ 720.51 Requirements for submittal of health and safety studies under § 8(d) of the Act.

(a) *Applicability.* EPA may use the procedures established in paragraph (b) of this section to require any person who has possession of a health and safety study to submit the study, if the Agency believes that the study would assist in the evaluation of the health or environmental effects of the manufacture, processing, distribution in commerce, use, or disposal of a new chemical substance for which the Agency received a premanufacture notice.

(b) *Procedures.* EPA will notify in writing any person subject to a requirement under this section. The notification will be sent by certified mail, with return receipt requested. The written notification will include:

(1) A copy of this § 720.51;

(2) A description of the requested study;

(3) The name, address, and telephone number of the person to whom the study must be submitted; and,

(4) The date by which the study must be submitted, which date shall be no sooner than 15 days after the person receives the notification.

§ 720.52 Notice of commencement of manufacture or import.

(a) *Applicability.* Any person who commences to manufacture or import for a non-exempt commercial purpose a new chemical substance for which the person previously submitted a premanufacture notice under this Part shall submit the notice prescribed by this section.

(b) *When to report.* The person must submit the notice to EPA no later than the day the person first manufactures or imports the substance for a non-exempt commercial purpose.

(c) *Information to be reported.* (1) To report a chemical substance, a person shall complete, sign, and submit to EPA a "Notice of Commencement of Manufacture or Import." This form has OMB No. ———. The notice must include a reference to the relevant premanufacture notice as required by the form instructions. In addition, if the person has asserted a confidentiality claim under § 720.41(b) he must certify that any substantiation previously submitted to the Agency is materially accurate as of the date of commencement of manufacture or import indicated by the notice.

40 CFR Part 720

PREMANUFACTURE NOTIFICATION FOR NEW CHEMICAL SUBSTANCES

APPENDIX I

Sections 5(d)(1)(B) and (C) of TSCA require persons to submit in their premanufacture notices all test data in their possession or control, plus descriptions of any other data which are known to or reasonably ascertainable by them. Section 720.23 of the Premanufacture Notification Rules implement these provisions of the Act. In particular, § 720.23(c)(1) provides that persons need not submit data that appear in periodicals which are listed in this Appendix I, provided they submit standard literature citations for the data.

The periodicals listed are those to which EPA's Office of Toxic Substances (OTS) has immediate access on a regular on-call basis. From time to time EPA will amend this list, primarily to add new listings as OTS's access to periodicals improves.

APPENDIX I—PERIODICAL TITLES AND DATES

1. Accounts of Chemical Research, 1976-present
2. Air Pollution Control Association Journal, 1974-present
3. American Chemical Society Journal, 1968-present
4. American Industrial Hygience Association Journal July 1969-present
5. American Scientist, 1953-present
6. Analytical Chemistry Journal, 1957-present
7. Annual Review of Ecology and Systematics, 1970 Vol. 1-present
8. Archives of Environmental Contamination and Toxicology, 1973-present
9. Archiv fur Toxicology, 1958-present
10. Archive of Environmental Health, 1960-present
11. Atmospheric Environment, an Industrial Journal, 1967-present
12. Biochemical Pharmacology, 1958-present
13. British Journal of Industrial Medicine, 1973-present
14. Bulletin of Environmental Contamination and Toxicology, 1976-present
15. Cancer Research, 1962-present
16. Chemosphere, 1972-present
17. CRC Critical Reviews in Toxicology, 1978-present
18. Ecology, 1970-present
19. Environment Health Perspectives, 1978-present
20. Environment Science and Technology, 1967-present
21. Food and Cosmetics Toxicology, 1963-present
22. Health Physics, 1958-present
23. I.A.R.C. Monographs, all volumes
24. Inorganic Chemistry, 1962-present
25. Journal of Agricultural and Food Chemistry, 1953-present
26. Journal of the Fisheries Research Board of Canada, 1972-present
27. Journal of Organic Chemistry, 1962-present
28. Journal of Pharmacology and Experimental Therapeutics, 1969-present
29. Journal of Physical Chemistry, 1963-present
30. Journal of Physical Chemical Reference Data, 1978-present
31. Mutation Research, 1964-present
32. National Academy of Sciences Proceedings, July 1978-present
33. National Cancer Institute Journal, 1978-present
34. Nature, 1960-present
35. New England Journal of Medicine, 1969-present
36. Pesticides Monitoring Journal, 1967-present
37. Residue Review, 1970 (Vol. 3)-present
38. Science, 1960-present
39. Teratology, 1978-present
40. Toxicology and Applied Pharmacology, December 1974-present
41. Water Pollution Control Federation Journal, 1960-present
42. Weed Science, 1968-present
43. Xenobiotica, 1978-present

APPENDIX II.—GUIDELINES FOR CREATING PROPOSED GENERIC NAMES FOR CONFIDENTIAL CHEMICAL SUBSTANCE IDENTITIES FOR PREMANUFACTURE NOTIFICATION

This document contains guidelines for creating proposed generic names for chemical substances whose identities are claimed confidential for purposes of EPA's Premanufacture Notification Program. These guidelines are an amended version of guidelines which EPA first made available in April, 1977, to assist persons who claimed specific chemical identity confidential for purposes of the Chemical Substance Inventory. The Agency has modified them to conform to the premanufacture notification rules. These proposed rules would require persons who claim confidentiality with respect to specific chemical identity to follow these guidelines in creating a proposed generic name. EPA solicits comments concerning the applicability of these guidelines in implementing the confidential identity requirements of the premanufacture notification rules.

I. BACKGROUND AND PURPOSE

Proposed § 720.41 would require any person who claims the identity of his new chemical substance confidential to provide a detailed, written substantiation to support the claim. In addition the rules would require such a person to submit a proposed generic name for the substance which "is only as generic as necessary to protect the confidential identity of the chemical substance."

EPA designed these guidelines to assist submitters in developing proposed generic names to meet these requirements. They offer a systematic means of masking selected parts of a specific chemical identity to construct an appropriate generic name.

In general, adherence to these guidelines should result in development of a generic name which is acceptable to EPA. If the manufacturer does not adhere to these guidelines, he must submit a written justification for the proposed generic name. This justification must include an explanation of why a more specific name than the one which was proposed would not adequately mask the confidential substance identity. If EPA determines that the proposed generic name is more generic than is necessary to protect the confidential identity of the substance, the Agency, in accordance with 720.41(a)(4)(ii) will request the submitter to propose other less generic names for EPA consideration. The name justification referred to above is necessary in order to provide EPA with a basis for review of the generic name proposed.

The proposed rules also state that the generic name should reveal, to the maximum extent possible, "toxicologically significant aspects" of the molecular structure. Thus in creating a generic name which adequately masks the specific chemical identity, the submitter should choose the name which most closely meets this requirement. EPA is considering how it should modify these guidelines to provide explicit guidance in this regard. The Agency specifically solicits comments concerning the practicability of creating generic names which would reveal toxicologically significant aspects of the chemical identity, and concerning any criteria or procedures which would achieve this objective.

II. BASIC APPROACH

The procedures presented below for creating a proposed generic name are based on the masking of selected, revealing parts of the specific substance name which most precisely describe the identity of a particular chemcial substance.

The specific name for a Class 1 chemical substance (a substance whose composition, except for impurities, may be represented by a definite chemical structure diagram) will invariably permit the unambiguous identification of the substance in terms of its molecular formula and chemical structure diagram. However, the specific name for a Class 2 chemical substance (a substance whose composition, except for impurities, *cannot* be represented by a definite chemical structure diagram) may or may not reveal all of the supporting information which is reported to establish the substance's identity. This supporting information, required in the Premanufacture Notice Form, will identify the method by which the substance was manufactured, including its precursors and other reactants, the nature of the reaction or derivation used to produce the chemical substance and its chemical composition.

Because of differences inherent in naming Class 1 and Class 2 chemical substances, these procedures address each separately. However, the procedures for creating proposed generic names for Class 1 substances may be applicable, in certain instances, to the creation of proposed generic names for Class 2 substances.

III. CLASS 1 CHEMICAL SUBSTANCES

The composition of a Class 1 chemical substance, except for impurities, can be represented by a definite chemical structural diagram. For identification purposes, a substance of this type is specified by three items of information: 1) its specific chemical name, 2) its molecular formula, and 3) its chemical structure diagram. The specific chemical name for a Class 1 substance is so precisely descriptive of the exact substance identity, however, that the other two items of information can be generated easily.

The names of Class 1 chemical substances normally disclose the following chemical structure information:

Identity of parent structure (i.e., a chain of carbon atoms, a ring system, or a coordinated metal).

Identity, number, and position of each chemical group which is attached to the parent structure(s) or to other chemical groups.

Identity and number of counter ions (for salts).

Stereochemical relationships.

Generic chemical names may be created for Class 1 chemical substances by masking structurally descriptive parts of their specific chemical names. Masking may be accomplished by substituting less descriptive terms for descriptive parts of the name. Proposed generic names created by eliminating stereochemical indicators (if appropriate) from the specific chemical name and by masking *one* other structure detail, as specified below, will, in most cases, be acceptable to EPA.

The structurally descriptive parts of a Class 1 chemical name, any *one* of which may be masked when creating a proposed generic name, are listed below:

1. A locant which specifies the placement of a single chemical group.
2. Locant and multiplicative prefixes (e.g., di-, tri-, tetra-) which together specify the number and placement of a given chemical group.
3. Identity (but *not* placement and number) of a given chemical group.
4. Identity of a given parent structure, and locants of substituent chemical groups.
5. Identity and multiplicative prefixes (specifying the number) of a given simple cation or anion of a salt.

Chemical Group Masking

Table 1 of this procedure lists by name and molecular formula the chemical groups which may be masked to create a proposed generic name for a Class 1 chemical substance. As stated above, only one such group or multiple occurrence of the *same* group should be masked in the specific chemical name for the substance.

The groups of atoms found in Table 1 are common chemical structural units; a given group may be listed under more than one name. Each group includes at least one atom other than carbon or hydrogen.

A chemical group which includes a carbon atom having more than one single free valence (e.g., carbonyl –CO–) should not be masked if the carbon atom is directly attached to an acyclic carbon atom or is included within a ring system; in this circumstance, only the atom or group of atoms attached to the carbon atom should be masked. (See Example 2, below, where the oxo group is masked.)

Certain chemical groups in Table 1 include hydrogen atoms which are often additionally substituted, e.g., an ethyl group may be substituted for a hydrogen of the sulfamyl group (H_2NSO_2–) to give $C_2H_5NHSO_2$–. If additionally substituted, *only* the chemical group listed in Table 1 should be masked, *not* the substituent.

Table 1 lists most of the *common* chemical functional groups which contain oxygen, e.g., H_2NCO–. While not always listed, the Periodic Chart Group VIa element (sulfur, selenium, and tellurium) analogs of these functional groups, e.g., H_2NCSe–, are considered included within Table 1 and, accordingly, may be used in masking.

Parent Masking

A parent structure which is a chain of carbon atoms or a ring system may be masked in the chemical name only by the following generic terms:

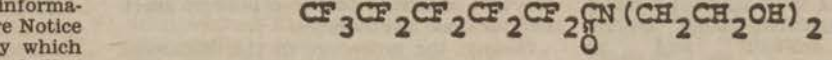
- alkyl *or* alkane
- alkenyl *or* alkene
- alkynyl *or* alkyne
- carbomonocyclic *or* carbomonocycle (e.g., benzene, cyclopentane)
- carbopolycyclic *or* carbopolycycle (e.g., naphthalene, spiroundecane)
- heteromonocyclic *or* heteromonocycle (e.g., pyrrole, p-dioxane)
- heteropolycyclic *or* heteropolycycle (e.g., indole, benzothiazole)

In the case of a coordinated metal compound, the identity of the metal atom may be masked by the term "metal" in the chemical name.

Only one such parent group or multiple occurrences of the *same* parent group should be masked.

The following examples show how several hypothetical compounds could be identified by names which mask only *one* structural detail (other than stereochemistry).

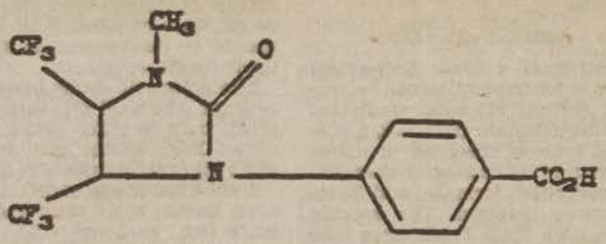
EXAMPLE 1



Fully defined name:
2,2,3,3,4,4,5,5,6,6,6-undecafluoro-*N*,*N*-bis(2-hydroxyethyl)hexanamide

Acceptable generic names:
- fluorine atoms masked: *N*,*N*,-bis(2-hydroxyethyl)-2,2,3,3,4,4,5,5,6,6,6-undescasubstituted hexanamide
- number of fluorine atoms masked: polyfluoro-*N*,*N*-bis(2-hydroxyethyl)hexanamide
- hydroxyl groups masked: 2,2,3,3,4,4,5,5,6,6,6-undecafluoro-*N*,*N*-bis(2-substituted ethyl)hexanamide
- hexane parent (plus locants) masked: undecafluoro-*N*,*N*-bis(2-hydroxyethyl)alkanamide
- amide group (plus nitrogen locants) masked: 2,2,3,3,4,4,5,5,6,6,6-undecafluorobis (2-hydroxyethyl)hexane derivative

EXAMPLE 2

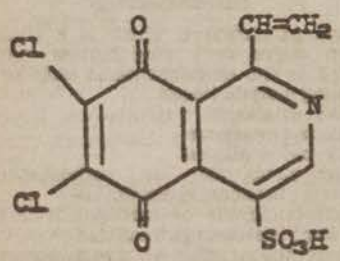


Fully defined name:
4-[3-methyl-2-oxo-4,5-bis(trifluoromethyl)-1-imidazolidinyl] benzoic acid
Acceptable defined names:
oxo group masked: 4-[3-methyl-2-substituted-4,5-bis(trifluoromethyl)-1-imidazolidinyl]benzoic acid

(NOTE.—Only the oxo and not the carbonyl group has been masked.)

fluorine atoms masked: 4-[3-methyl-2-oxo-4,5-bis(trisubstituted methyl)-1-imidazolidinyl]benzoic acid
benzene ring (plus locant) masked: [3-methyl-2-oxo-4,5-bis(triflurormethyl)-1-imidazolidinyl]carbomonocyclic carboxylic acid
imidazolidine ring (plus locants) masked: 4 - [methyloxobis (trifluoromethyl) heteromonocycle] benzoic acid

EXAMPLE 3



Fully defined name:
6,7-dichloro-1-ethenyl-5,8-dihydro-5,8-dioxo-4-isoquinolinesulfonic acid
Acceptable generic names:
chlorine atoms masked: 1-ethenyl-5,8-dihydro-5,8-dioxo-6,7-disubstituted-4-isoquinolinesulfonic acid
vinyl group masked: 1-alkenyl-6,7-dichloro-5,8-dihydro-5,8-dioxo-4-isoquinolinesulfonic acid
oxo group masked: 6,7-dichloro-1-ethenyl-5,8-dihydro-5,8-disubstituted-4-isoquinolinesulfonic acid
sulfo group masked: 6,7-dichloro-1-ethenyl-5,8-dihydro-5,8-dioxo-4-substituted isoquinoline
isoquinoline ring (plus locants) masked: dichloroethenyldihydrodioxo heteropolycyclic sulfonic acid *or* dichloroethenyldihydrodioxosulfo heteropolycycle

IV. CLASS 2 CHEMICAL SUBSTANCES

The composition of a Class 2 chemical substance cannot be represented by a definite chemical structure diagram. The specific name which is used to describe such a substance for the Premanufacture Notice Form may be based, in whole or in part, on the supplemental information—information which further establishes the identity of the substance.

The composition of some Class 2 substances can be represented by a partial or incomplete chemical structure diagram, similar to those shown on page 113 of "Reporting for the Chemical Substance Inventory" (December 1977). In other instances, the composition can only be described in terms of a complex combination of several different known or unknown components.

The method by which a Class 2 substance was manufactured can also serve to identify the substance. For a substance manufactured by chemical reaction, identification can be stated in terms of the immediate precursor substances and other reactants which participate in the final reaction sequence used to manufacture the substance, and the nature of the reaction, e.g., ethoxylation, or bromination. For a substance derived from a source without chemical reaction, processing information will identify the source and method of derivation, e.g., distillation, or extraction with methylene chloride.

Because Class 2 chemical substance names may be based on such variable types of information, these procedures are stated in only the most general terms. Nonetheless, in instances such as those described below, the procedure presented earlier for creating generic names for Class 1 substances may be applicable.

The composition of a Class 2 chemical substance which can be represented by a partial or incomplete chemical structure diagram can generally be described by a specific chemical name which encompasses the variability or incompleteness in the structure, yet which is as descriptive as possible of the structure in other respects. EPA will generally accept a proposed generic name for such a substance if created by following the procedure specified for masking Class 1 chemical substances.

In other instances, the specific name for a Class 2 chemical substance may identify, by specific chemical name, a predominant component or components of its composition, an immediate precursor or precursors, and other reactants. EPA will generally accept a proposed generic name for such a substance if it is constructed by masking the chemical name of *one* such component, precursor, or reactant according to the procedure specified for Class 1 substances.

Clearly, the procedure in this document are most useful for masking the identity of Class 1 chemical substances, and will only be useful for some kinds of Class 2 substance names. Persons who attempt to apply the procedures to mask other Class 2 chemical substance names may find, in certain instances, that the guidelines have little applicability. They will, therefore, need to base their choice of a generic name on the general principle that the name should be "only as generic as necessary to protect the confidential identity of the particular chemical substance." These persons should attach a written statement to the Premanufacture Notice Form explaining their choice of the generic name for the substance. Each feature that is masked should be discussed separately. The statement should specifically address why a more specific name than the one proposed would not adequately mask the confidential substance identity. EPA will consider each such proposed generic name on a case-by-case basis.

V. JUSTIFYING THE USE OF ADDITIONAL MASKING

Persons who determine that strict application of these procedures would not adequately mask the confidential substance identity may propose a generic name which masks the substance identity to a greater extent than provided for by these procedures. Such additional masking should be in a written statement, headed "Justification for Additional Masking," and attached to the Premanufacture Notice Form. The statement should be prepared in the following manner:

1. Construct each reasonably applicable generic name provided for by following the procedure specified here.

2. For each generic name constructed by Step 1, explain the reason why the name is inappropriate for masking the confidential substance identity. For example, the number of substances encompassed by the generic name may be very small. Or, the generic name may still reveal information about the chemical substance which in and of itself formed the basis for the confidential chemical substance identity claim. Such reasons should be clearly explained.

3. Select a suitable generic name which masks two aspects of the chemical substance identity. If such double masking is perceived as still inappropriate, state the reason for rejecting each reasonably applicable, doubly-masked generic name (as discussed in Step 2) before proceeding to propose a generic name that masks three or more aspects of the chemical substance name. In proposing a generic name for a chemical substance, explain the reasons for rejecting each reasonably applicable generic name which would mask the specific chemical identity to a lesser degree.

TABLE 1 *List of Common Chemical Structural Units*

aldo O=
amidino $H_2NC(=NH)$—
amino H_2N—
(aminoamidino) $H_2NC(=NNH_2)$— or $H_2NNHC(=NH)$—
(aminocarbonyl) H_2NCO—
[(aminocarbonyl)amino] H_2NCONH—
[2-(aminocarbonyl)hydrazino] $H_2NCONHNH$—
[(aminocarbonyl)hydrazono] $H_2NCONHN=$
(aminohydrazonomethyl) $H_2NC(=NNH_2)$—
[(aminohydroxymethylene)hydrazino] $H_2NC(OH)=NNH$—
(aminoiminomethyl) $H_2NC(=NH)$—
(aminoiminophosphoranyl) $H_2NPH(=NH)$—
(P-aminophosphinimyl) $H_2NPH(=NH)$—
(aminosulfinyl) H_2NSO—
(aminosulfonyl) H_2NSO_2—
(aminothio) H_2NS—
(aminothioxomethyl) H_2NCS—
ammonio H_2N^+—
antimono —Sb=Sb—
arseno —As=As—
arsenoso OAs—
arsinico $HOAs(O)=$
arsinidene AsH=
arsinidyne As≡
arsinimyl $AsH_2(=NH)$—
arsino AsH_2—
arsinothioyl $AsH_2(S)$—
arsinyl $AsH_2(O)$—

arsinylidene AsH(O)=
arso O_2As—
arsono $(HO)_2As(O)$—
(arsonooxy) $(HO)_2As(O)O$—
arsonoitridyl AsH(=N)—
arsoranyl AsH_4—
arsoranylidyne AsH_3≡
arsylene AsH=
arsylidyne AsH≡
astato At—
astatoxy O_2At—
astatyl O_2At—
azi —N=N—
azido N_3—
(azidocarbonyl) N_3CO—
(azidoformyl) N_3CO—
(azidosulfonyl) N_3SO_2—
azino =NN=
azo —N=N—
azoxy —N(O)N—

bismuthino BiH_2—
bismuthylene BiH=
bismuthylidyne Bi≡
borono $(HO)_2B$—
(boronooxy) $(HO)_2BO$—
boryl BH_2—
borylene BH=
borylidyne B≡
bromo Br—
(bromocarbonyl) BrCO—
(bromoiminomethyl) BrC(=NH)—
(bromosulfonyl) $BrSO_2$—

carbamido H_2NCONH—
carbamoyl H_2NCO—
carbamyl H_2NCO—
carbonimidoyl —C(=NH)—
(carbonimidoylamino) HN=C=N—
carbonothioyl —CS—
carbonyl —CO—
(carbonylidiimino) —NHCONH—
(carbonyldioxy) —OC(O)O—
carboxy HO_2C—
chloro Cl—
(chlorocarbonyl) ClCO—
(chloroformyl) ClCO—
(chloroiminomethyl) ClC(=NH)—
(chlorosulfinyl) ClSO—
(chlorosulfonyl) $ClSO_2$—
chlorosyl OCl—
(chlorothio) ClS—
chloryl O_2Cl—
cyanato NCO—
cyano NC—

1,2-diarsenediyl —As=As—
diarsenyl HAs=As—
diarsinetetrayl =AsAs=
diarsinyl H_2AsAsH—
1,2-diazenediyl —N=N—
diazeno HN=N—
diazo N_2=
diazoamino —NHN=N—
diazonio N_2^+—
1,2-diborane(4)diylidene =BB=
diborane(4)tetrayl =BB=
digermanylene —GeH_2GeH_2—
digermathianyl $H_2GeSGeH_2$—
dioxy —OO—
1,2-diphosphenediyl —P=P—
1,2-diphosphinediyl —PHPH—
1,2-diphosphinediylidene =PP=
diphosphinetetrayl =PP=
diphosphinyl H_2PPH—
diseleno —SeSe—
1,2-disilanediyl —SiH_2SiH_2—
disilanoxy H_2SiSiH_2O—
disilanyl H_2SiSiH_2—
disilanylene —SiH_2SiH_2—
(disilanyloxy) H_2SiSiH_2O—
(disilathianyloxy) $H_2SiSSiH_2O$—
disilazanoxy $H_2SiNHSiH_2O$—
disilazanyl $H_2SiNHSiH_2$—
2-disilazanyl $(H_2Si)_2N$—
(disilazanyloxy) $H_2SiNHSiH_2O$—
1,3-disiloxanediyl —SiH_2OSiH_2—
1,3-disiloxanediylidene =SiHOSiH=
disiloxanoxy $H_2SiOSiH_2O$—
disiloxanylene —SiH_2OSiH_2—
(disiloxanyloxy) $H_2SiOSiH_2O$—
disilthianoxy $H_2SiSSiH_2O$—
1,2-distannanediyl —SnH_2SnH_2—
distannanylene —SnH_2SnH_2—
1,3-distannathianediylidene =SnHSSnH=
1,2-distibenediyl —Sb=Sb—
disulfinyl —S(O)S(O)—
dithio —SS—
(dithiocarboxy) HSCS—
(dithiohydroperoxy) HSS—

epidioxy —OO—
epidiseleno —SeSe—
epidithio —SS—
epioxy —O—
episeleno —Se—
epithio —S—
epoxy —O—

fluoro F—
(fluorocarbonyl) FCO—
fluoryl O_2F—
formamido HCONH—
1,5-formazandiyl —N=NCH=NNH—
1,formazano $H_2NN=CHN=N$—
5,formazano HN=NCH=NNH—
formazanyl HN=NC(=NNH_2)—
formimidoyl HC(=NH)—
formyl HCO—
(formylamino) HCONH—

germanetetrayl =Ge=
germyl H_3Ge—germylene H_2Ge=
germylidyne HGe≡
guanyl $H_2NC(=NH)$—

hydrazi —NHNH—
1,2-hydrazinediylidene =NN=
hydrazino H_2NNH—
(hydrazinocarbonyl) H_2NNHCO—
(hydrazinoiminomethyl) $H_2NNHC(=NH)$—
(hydrazinosulfinyl) H_2NNHSO—
(hydrazinosulfonyl) H_2NNHSO_2—
(hydrazinothioxomethyl) H_2NNHCS—
1-hydrazinyl-2-ylidene —NHN—
hydrazo —NHNH—
hydrazono H_2NN=
hydroperoxy HOO—
(hydroperoxycarbonyl) HOOCO—
(hydroperoxyiminomethyl) HOOC(=NH)—
(hydroperoxysulfinyl) HOOS(=O)—
(hydroperoxysulfonyl) $HOOS(=O)_2$—
(hydroperoxythioxomethyl) HOOCS—
hydroxy HO—
(hydroxyamino) HONH—
(hydroxyimino) HON=
(hydroxyiminomethyl) HOC(=NH)—
hydroxyl HO—
(hydroxyphosphinyl) HOPH(O)—

imidocarbonyl —C(=NH)—
(imidocarbonylamino) HN=C=N—
imino HN=
(iminomercaptomethyl) HSC(=NH)—
[imino(mercaptooxy)methyl] HSOC(=NH)—
(iminomethyl) HN=CH—
(iminonitrilo) —NHN=
(iminophosphoranyl) $H_2P(=NH)$—
(iminosulfenomethyl) HOSC(=NH)—
iodo I—
(iodocarbonyl) ICO—
iodosyl OI—
iodyl O_2I—
isocyanato OCN—
(isocyanatocarbonyl) OCNCO—
(isocyanatosulfonyl) $OCNSO_2$—
isocyano CN—
(isocyanocarbonyl) CNCO—
isonitro HON(O)=
isonitroso HON=
isosemicarbazido $H_2NC(OH)=NNH$—
isothiocyanato SCN—
(isothiocyanatocarbonyl) SCNCO—
(isothiocyanatosulfonyl) $SCNSO_2$—
isothiocyano SCN—

keto O=

mercapto HS—
(mercaptoamino) HSNH—
(mercaptooxy) HSO—
[(mercaptooxy)carbonyl] HSOCO—
[(mercaptooxy)sulfinyl] HSOS(=O)—
[(mercaptooxy)sulfonyl] $HSOS(=O)_2$—
[(mercaptooxy)thioxomethyl] HSOCS—
(mercaptotelluro) HSTe—

nitramino O_2NNH—
aci-nitramino HON(O)=N—
nitrilio HN^+≡
nitrilo N≡
(nitrilophosphoranyl) HP(=N)—
nitro O_2N—
aci-nitro HON(O)=
(nitroamino) O_2NNH—
(*aci*-nitroamino) HON(O)=N—
(nitrooxy) O_2NO—
nitroso ON—
(nitrosoamino) ONNH—
(nitrosoimino) ONN=
(nitrosooxy) ONO—
(nitrothio) O_2NS—

oximido HON=
oxo O=
(oxoboryl) OB—
oxy —O—

1,3-pentazadienyl $H_2NN=NN=N$—
perchloryl O_3Cl—
perseleno Se=Se=
perthio S=S=
phosphinico HOP(O)=
phosphinidene HP=
phosphinidyne P≡
phosphinimyl $H_2P(=NH)$—
phosphino H_2P—
phosphinothioyl $H_2P(S)$—
phosphinothioylidene HP(S)=
phosphinyl $H_2P(O)$—
phosphinylidene HP(O)=
phosphinylidyne P(O)≡
phospho O_2P—
phophono $(HO)_2P(O)$—
(phosphonocarbonyl) $(HO)_2P(O)CO$—
phosphononitridyl HP(=N)—
(phosphonooxy) $(HO)_2P(O)O$—
phosphoranyl H_4P—
phosphoranylidene H_3P=
phosphoranylidyne H_3P≡
phosphoro —P=P—
phosphoroso OP—
plumbanetetrayl =Pb=
plumbyl H_3Pb—
plumbylene H_2Pb=
plumbylidyne HPb≡

seleneno HOSe—
selenino HOSe(O)—
seleninoselenoyl Se=Se=
seleninyl OSe=
seleno —Se—
selenocyanato NCSe—
selenono $(HO)SeO_2$—
selenonyl O_2Se=
selenoxo Se=
selenyl HSe—
semicarbazido $H_2NCONHNH$—
semicarbazono $H_2NCONHN$=
silanetetrayl =Si=
silyl H_3Si—
silylene H_2Si=
silylidyne HSi≡
(silyloxy) H_2SiO—
stannanetetrayl =Sn=
stannono HOSn(O)—
stannyl H_3Sn—
stannylene H_2Sn=
stannylidyne HSn≡

stibinico HOSb(O)=
stibino H_2Sb—
stibo O_3Sb—
stibono $(HO)_2Sb(O)$—
(stibonooxy) $(HO)_2Sb(O)O$—
stiboso OSb—
stibyl H_2Sb—
stibylene HSb=
stibylidyne Sb≡
sulfamino $HOSO_2NH$—
sulfamoyl H_2NSO_2—
sulfamyl H_2NSO_2—
sulfeno HOS—
(sulfenocarbonyl) HOSCO—
(sulfenosulfinyl) HOSS(=O)—
(sulfenosulfonyl) $HOSS(=O)_2$—
(sulfenothioxomethyl) HOSCS—
sulfhydryl HS—
sulfinimidoyl HN=S=
sulfino HOS(O)
(sulfinooxy) HOS(O)O—
sulfinothioyl S=S=
sulfinyl OS=
sulfo HO_3S—
(sulfoamino) $HOSO_2NH$—
sulfonimidoyl HN=S(O)=
sulfonodiimidoyl $(HN=)_2S$=
sulfonyl $—SO_2—$
(sulfooxy) HO_3SO—
sulfuryl $—SO_2—$

telluro —Te—
telluroxo Te=
telluryl HTe—
1,4-tetraphosphinediyl $—(Ph)_4—$
1,7-tetrasiloxanediyl $—SiH_2(OSiH_2)_2OSiH_2—$
tetrathio—SSSS—
1,4-tetrazanediyl $—(NH)_4—$
1,4-tetrazanediylidene $=N(NH)_2N=$
1-tetrazenyl $H_2NNHN=N—$
thio —S—
(thioarsenoso) S=As—
(thiocarbamoyl) $H_2NCS—$
thiocarbamyl $H_2NCS—$
(thiocarbonyl) —CS—
(thiocarboxy) HOSC—
thiocyanato NCS—
thiocyano NCS—
(thioformyl) HCS—
thiohydroperoxy HOS— or HSO—
(thiohydroxy) HS—
(thionitroso) SN—
thionyl —SO—
thioseleneno HSSe—
(thiosulfeno) HSS—
(thiosulfo) (HO_2S_2)—
thioxo S=
(thioxoarsino) S=As—
(thioxomethyl) HCS—
thiuram $H_2NCS—$
triazanyl $H_2NNHNH—$
1-triazene-1,3-diyl $—NHN=N—$
1-triazenyl $H_2NN=N—$
triseleno —SeSeSe—
1,3-trisilanediyl $—SiH_2)_3—$
1,3,5-trisiloxanetriyl $—SiH(OSiH_2—)_2$
trithio —SSS—

uramino $H_2NCONH—$
ureido $H_2NCONH—$
ureylene $—NHCONH—$

Proposed Forms for Premanufacture Notification

The following are the proposed reporting forms for premanufacture notification.

[6560-01-C]

PREMANUFACTURE NOTICE

CERTIFICATION STATEMENT: I hereby certify that, to the best of my knowledge and belief: (1) I intend to manufacture for a commercial purpose the chemical substance for which this notice is submitted, other than in small quantities for research and development, and that the substance is not excluded from premanufacture notification (40 CFR 720.13); (2) All information entered on the Premanufacture Notice Form is complete and truthful as of the date of submittal; and (3) I am submitting with this form all test data in my possession or control concerning effects of the substance on health or the environment and a description of any other data known to or reasonably ascertainable by me, in accordance with 40 CFR 720.23. I agree to permit access to, and the copying of records by, a duly authorized representative of the EPA Administrator in accordance with the Toxic Substances Control Act and any regulations issued thereunder, to document any information reported in this form.

Signature of Authorized Official _____

Date _____

When completed, send this notice to:

Document Control Officer
Office of Toxic Substances
TS-793
U.S.E.P.A.
401 M Street, S.W.
Washington, D.C. 20460

CONFIDENTIALITY INSTRUCTIONS: If you are asserting a claim of confidentiality for any data or information contained in this notice you should place a check in the box in the left hand margin immediately adjacent to the data or information entry. If you do not assert a claim of confidentiality on this form at the time of submission of the information, EPA may make the information public without further notice to you. Claims of confidentiality must be made in accordance with 40 CFR 720, Subpart E. Confidentiality claims related to chemical identity or to health and safety data must be substantiated in accordance with 40 CFR 720.40(c).

FOR EPA USE ONLY
Date of receipt _____

GENERAL INSTRUCTIONS

These instructions are intended to assist the submitter of a premanufacture notice in the use of the following forms:

Premanufacture Notice Form

Processing and Consumer Use Form

The submitter must complete the mandatory parts of the Premanufacture Notice Form to the extent the information required is known to or reasonably ascertainable by him. In addition, the submitter must contact certain other persons and request them to complete the Processing and Consumer Use Form as discussed below.

Premanufacture Notice Form

The Premanufacture Notice Form consists of the three parts listed below. Each part consists of two or more sections.

Part I - General Information

Part II - Risk Assessment Data

Part III - Risk Analysis and Optional Data

All sections of Parts I and II must be completed by the submitter as appropriate in accordance with Section 720.20 of the Premanufacture Notification Rules. Section B of Part II must be completed for each site where the new chemical substance will be manufactured. The submitter must complete Section C of Part II for each site where he will process the new chemical substance and Section D of Part II if he intends to produce consumer products that contain the new chemical substance. In addition, the submitter must complete Section C of Part II for processing operations which will be conducted by other persons and Section D of Part II if other persons will produce consumer products that contain the new chemical substance.

The Premanufacture Notification Rules do not require the submission of Part III. This part, or selected sections, may be completed at the discretion of the submitter.

In completing Parts I and II, the submitter must provide all of the information and data requested that are known to or reasonably ascertainable by him. Thus he must answer all questions to the best of his ability, including reasonable estimates where he does not know with factual certainty the answers to particular questions. In cases where the submitter cannot provide a reasonable estimate (i.e., the information is unknown and is not reasonably ascertainable), he should enter NA (not available).

Processing and Consumer Use Form

In accordance with 40 CFR 720.20(e) the submitter must contact certain other persons and request them to complete the Processing and Consumer Use Form concerning their own processing and use of the new chemical substance. He must send them copies of this form and state that the recipient is not under a legal obligation to provide the requested information. He must also offer them the option either to provide the requested information to him for inclusion in his notice, or to provide the information directly to EPA. The submitter must certify below his compliance with these procedures, and provide a summary of those whom he contacted and the disposition of their responses.

For further information on these procedures, including the persons that must be contacted and exceptions to these requirements, see 40 CFR 720.20(e).

Certification

I hereby certify that I have contacted the persons listed below and requested them to complete the Processing and Consumer Use Form in accordance with the requirements of 40 CFR 720.20(e). If no persons were contacted or if a representative sample of persons was contacted I have attached an explanation in accordance with the provisions of 40 CFR 720.20(e).

Signature of Authorized Official _____

List those persons you have contacted (if appropriate) and check if you have attached their responses to this notice, if you expect them to send information directly to EPA or if you do not know whether the information will be supplied.

Name	Address	Response Attached	Response To Be Sent To EPA	Response Unknown
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]

Part 1

GENERAL INFORMATION

All data requested in this Part must be provided insofar as they are known to or reasonably ascertainable by the submitter. A notice is not valid unless the chemical identity is reported. In cases where the requested data are unknown and not reasonably ascertainable enter NA (not available).

Section A. Manufacturer Identification

1. Person Filing Notice

[ ] Name of Authorized Official _____

[ ] Title _____

[ ] Organization _____

[ ] Mailing Address _____

_____

_____

_____

[ ] 2. Incorporation Information

[ ] Legal Title of Organization _____

_____

Place of Incorporation

Street _____

City _____

State _____

[ ] 3. Principal Place of Business

Street _____

City _____

State _____

4. Technical Contact

[ ] Name/Title _____

[ ] Address _____

[ ] Telephone Number _____

5. Related Companies

a. Other Persons Authorized to Manufacture Chemical

(i) Identify any other persons who may manufacture the chemical substance in the U.S. or import the chemical substance to the U.S. within five years after you commence manufacture, by virtue of an existing or planned business arrangement (e.g., contract, license, or other form of legal permission) between you and the person.

	Name	Address	Business Arrangement	Anticipated Date of Manufacture or Import
[ ]				
[ ]				
[ ]				

(ii) If such a business arrangement exists or is planned, do the responses on this form include production volume, uses, and exposure information concerning the activities of these persons?

Yes [ ] No [ ]

If no, estimate the production or import volumes expected during the first 5 years after you commence manufacture.

[ ] b. Parent Company

Name _____

Address _____

_____

_____

[ ] c. List any subsidiary companies that are or hav been associated with research, development, test marketing or other commercialization activities involving the new chemical substance.

	Name	Address
[ ]		
[ ]		
[ ]		

[ ] 6. Intended date of commencement of manufacture for commercial purposes.
Month _____ Year _____

If the intended date of commencement of manufacture is more than 3 years after the date of this notice, submit evidence of intent to manufacture in accordance with 40 CFR 720.20(h).

Section B Chemical Identity

Complete either 1, 2, or 3 as appropriate. Complete 4. If chemical identity is claimed confidential also complete 5.

1. Class 1 chemical substance (other than polymers)

[ ] a. CAS Registry No. (if known) _____

[ ] b. Specific Chemical Name _____

[ ] c. Molecular Formula _____

[ ] d. Synonyms _____

[ ] e. Trademarks _____

[ ] Structural Diagram

2. Class 2 chemical substance.

[ ] a. CAS Registry No. (if known) _____

_____

b. Specific Chemical Name _____

_____

[ ] c. Synonyms _____

[ ] d. Trademarks _____

[ ] e. List the immediate precursor substance(s) and/or reactants with their respective CAS Registry Number(s) and the nature of the reaction. Also provide a partial or incomplete chemical structure diagram (where appropriate). Indicate the range of composition.

3. Polymers

a. (1) Provide the specific chemical name and the CAS Registry Number of those monomers and other reactants used at greater than two percent (by weight) in the manufacture of the polymer. Monomers used at two percent (by weight) or less need not be listed as part of the polymer description; (2) Provide the intended range of composition of the polymer in terms of monomer percent (by weight). Calculate the percent based on the composition of the polymer formed. If your notice is for any copolymer of the listed monomers, enter "any" under Range of Composition; (3) For each monomer, indicate the maximum amount (weight percent) that may be present as a residual in the polymer as distributed in commerce.

	(1) Monomers and CAS Registry #	(2) Range of Composition	(3) Maximum Residual (Weight Percent)
[ ]			
[ ]			
[ ]			

[ ] b. List any monomers used at 2% (by weight) or less in the manufacture of the polymer which are not listed in 3(a) above. For each such monomer indicate the maximum amount (weight percent) that may be present as a residual in the polymer as distributed in commerce.

[ ] c. Indicate the minimum molecular weight, compositional restrictions or other restrictions of the polymeric compositions to which this notice applies.

4. Impurities

List the identities and estimate the maximum percent (by weight) of those impurities which may reasonably be anticipated to be present in the chemical substance as it will be manufactured for commercial purposes. Consider information developed during

R&D activities, your knowledge of manufacturing process chemistry and anticipated quality control operations. Check if the concentration of an impurity will be specifically controlled based upon your knowledge of potential adverse health or environmental effects. Estimate the maximum total percent (by weight) of the impurities that may be present.

Total Percent _____

	Identity	Maximum Percent	Specifically Controlled
[ ]	_____	_____	[ ]
[ ]	_____	_____	[ ]
[ ]	_____	_____	[ ]

5. Chemical Identity Claimed Confidential

a. If claimed for period prior to commencement of manufacture:

Proposed Generic Name: _____

b. If claimed for period following commencement of manufacture:

Proposed Generic Name: _____

Substantiation and other materials required to be submitted with a claim of confidentiality must be attached in accordance with 40 CFR 720.40(c).

Section C Production and Marketing Data

1. Estimated Production and Sales Volume (See ranges in Support Document)

		Production	Sales
[ ]	a. First Year		
[ ]	b. Third Year		
[ ]	c. Maximum Annual Demand (fifth year or beyond)		

2. Basis of Production Estimate

	% of First Year	% of Third Year	% of Maximum Annual Demand
[ ] Firm Order			
[ ] Forecast			
[ ] Speculative	_____	_____	_____
	100%	100%	100%

3. Chemical Use Assumptions Used in Production Estimate

In the following questions, list each use by function, and as specific an application as possible. (Example: function-solvent; application-paint used in automotive finishes.) List partial information if complete information is not known. (Example: function-solvent; application-unknown.) Uses reported elsewhere in this form should also be reported here.

a. List those uses on which your production estimates are based. List uses in descending order of the anticipated production volume devoted to each use.

	Function	Application
[ ]	_____	_____
[ ]	_____	_____
[ ]	_____	_____

b. List any other uses that you believe the chemical substance could have.

	Function	Application
[ ]	_____	_____
[ ]	_____	_____
[ ]	_____	_____

c. Do you intend or expect the new chemical substance to be used to treat water or drinking water supplies or to be used in coatings, paints, liners, pipes or other products that will come in contact with drinking water?

[ ] Yes [ ] No [ ]

[ ] d. Will the new chemical substance be distributed from its site of manufacture?

Yes [ ] No [ ]

4. Historical Production Information

a. Has the new chemical substance been manufactured before?

Yes [ ] No [ ] Don't Know [ ]

If yes, estimate the average annual domestic production or import volume and the number of years it was produced or imported. (see Support Document for production ranges).

b. Was production or use of this chemical restricted because of governmental action, litigation, or voluntarily because of adverse health or environmental effects?

[ ] Yes [ ] No [ ] Don't Know [ ]

If yes, cite references or attach information or data.

5. Hazard Warnings

[ ] Attach to this notice a copy or reasonable facsimile of any hazard warning statement, labels, labeling or instructions, technical data sheet, Material Safety Data Sheet and any other information which will be provided to purchasers regarding the safe handling, use, disposal, treatment upon accidental exposure, or recommendations concerning the formulation, construction or labeling of products containing the chemical substance.

Section D Federal Register Notice

Information provided in this section will be published in the Federal Register in accordance with Section 5(d)(2) of the TSCA. Separate sections are provided for presentation of data related to confidential information where appropriate. Do not enter any information in this section which you consider confidential.

1. Chemical Identity

a. If chemical identity was not claimed confidential in Section B, enter the specific chemical name which you reported in Section B. For polymers enter those monomers which were listed in Section B(3)(a).

_____

b. If chemical identity was claimed confidential in Section B, enter the proposed generic name which you reported in Section B(5).

_____

2. Use Data

a. If use data were not claimed confidential in Section C, list the proposed uses of the chemical substance by function and as specific an application as known. List industrial uses and consumer uses separately.

Industrial Uses

Function	Application
_____	_____
_____	_____
_____	_____

Consumer Uses

Function	Application

b. If use data were claimed confidential in Section C, report a generic description of the proposed industrial and consumer use(s) of the chemical substance. This description should be as specific as possible without revealing confidential information.

Industrial Uses

Consumer Uses

3. Check below the populations that will be exposed to the new chemical substance during manufacture, processing or use, and estimate the maximum number of persons exposed during a one year period (see Support Document for ranges). Base your estimate on the maximum annual production and use rate anticipated within the first 5 years of production, and include all uses, processing and manufacturing operations.

Population	Exposure Yes	Exposure No	Numbers Exposed
Workers			
manufacturing	[ ]	[ ]	
processing	[ ]	[ ]	
Consumers (through use of a product(s))	[ ]	[ ]	
General Population (in the vicinity of manufacturing, processing operations)	[ ]	[ ]	

4. For each population group listed in question 3, describe the maximum level, duration and frequency of exposures expected.

5. Estimate the percent of the total manufactured volume, for the first 5 years of production that will be released to the environment under normal conditions of manufacture, processing, use and disposal.

Activity	Percent Release
Manufacturing/Processing Operations	
Industrial Disposal	
Consumer Use	
Consumer Disposal	

6. Test Data

List all data that are being submitted, described or cited as part of this notice in accordance with §720.23 of the premanufacture notification rules. Identify whether the data relate to the new chemical substance or to substances associated with the new chemical substance (e.g., byproducts, co-products, feedstocks, intermediates, degradation products). For all data that are submitted in accordance with 720.23(a), 720.20(j) and data that are submitted for any other tests you have performed concerning health and the environment, provide a brief abstract of the results.

[ ] Section E Schematic Flow Diagram

For each manufacturing or processing operation you conduct, attach to this notice a schematic flow diagram. This diagram must graphically illustrate (1) each manufacturing step and the type of equipment involved; (2) the major components of the process streams at each step; (3) the points of environmental release to the air, water or land; and (4) the manufacturing and processing steps that account for release of the new chemical substance into the workplace. In addition, provide a mass balance around the entire process and list the major chemical reactions and significant side reactions which account for the chemical substances listed in Section B(4)(b) of Part II.

Section F

Provide a list of all attachments which are submitted with this form.

Part II

RISK ASSESSMENT DATA

All the data requested in this Part must be provided insofar as they are known to or reasonably ascertainable by the submitter. In cases where the requested data are unknown and not reasonably ascertainable enter NA (not available).

Section A Chemical Properties, Environmental Fate Characteristics, and Human and Ecological Effects Data

Under Section 5(d)(1)(B) and (C) of TSCA and 40 CFR 720.23, a manufacturer must submit all test data in his possession and control and a description of any other data which are reasonably ascertainable and are related to the effect of any manufacture, processing, distribution in commerce, use, or disposal of the chemical substance on health or the environment. The regulations detail which data must be submitted with the notice and which data may be referenced by a literature citation. In addition, the regulations prescribe formats for data concerning certain effects.

Table 1 lists what EPA considers to be the most important basic physical and chemical properties and potential effects that should be considered in an assessment of risk. This section of the form requires additional information concerning the relationship of the test data and information submitted with this form to the properties and effects listed in Table 1.

[ ] 1. Using Table 1, check the property(ies), characteristic(s) or effect(s) for which you have submitted: (1) data, (2) a description of data, and/or (3) a literature citation. Enter the name of the specific technique or methodology of those tests for which you have submitted data next to the property(ies), characteristic(s) or effect(s) to which each pertains. (A given test may be pertinent to two or more properties, characteristics or effects.)

[ ] 2. Discuss any conclusions, evaluations or assessments which you have made concerning the implications of the test data results or descriptions of other data you have submitted for each particular property, characteristic or effect.

[ ] 3. Have you evaluated the health or environmental risks associated with the manufacture, processing, distribution in commerce, use or disposal of the chemical substance?

Yes [ ] No [ ]

If yes, explain your evaluations.

[ ] 4. Have you evaluated the health or environmental risks presented by substances associated with the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance (e.g., byproducts, co-products, feedstocks, intermediates, degradation products)?

Yes [ ] No [ ]

If yes, explain your evaluations.

[ ] 5. Have you evaluated whether the data you have submitted are sufficient to assess the risk associated with the property(ies), characteristics(s) or effect(s) to which they pertain?

Yes [ ] No [ ]

If yes, explain your evaluations. Provide references to any factors discussed in other sections of this notice.

If you have not reported any information for a particular property or effect listed in Table 1 because you believe that such information is either unnecessary or impractical, or if data you are submitting may indicate adverse health or environmental effects, you may wish to provide additional information or explanation to EPA. Section A of Part III is an optional section which provides a format for the presentation of such information.

Table 1

CONFIDENTIALITY: The information that is required to be entered in this table is limited to the identification of: (1) the physical/chemical properties and health and environmental effects for which data or a description of data have been submitted with this notice and (2) the specific technique or methodology used to develop such data. If you are asserting a claim of confidentiality for any of these data you must mark the attached document(s) which contain(s) the data in accordance with Section 720.40(b) of the Premanufacture Notification Rules.

PHYSICAL/CHEMICAL PROPERTIES

(1) data submitted
(2) description submitted
(3) literature citation

Property	(1)	(2)	(3)	Test Methodology or Technique
Spectra (ultraviolet, visible, infrared)	[ ]	[ ]	[ ]	_____
Density	[ ]	[ ]	[ ]	_____
Solubility in water	[ ]	[ ]	[ ]	_____
Melting point	[ ]	[ ]	[ ]	_____
Boiling point	[ ]	[ ]	[ ]	_____
Sublimation point	[ ]	[ ]	[ ]	_____
Vapor pressure	[ ]	[ ]	[ ]	_____
Dissociation constant	[ ]	[ ]	[ ]	_____
Particle size distribution	[ ]	[ ]	[ ]	_____

Table 1 continued

Property	(1)	(2)	(3)	Test Methodology or Technique
pH	[ ]	[ ]	[ ]	_____
Other physical/chemical or fate characteristics tests (specify)	[ ]	[ ]	[ ]	_____
Chemical Reactivity:				
Photochemical degradation	[ ]	[ ]	[ ]	_____
Hydrolysis	[ ]	[ ]	[ ]	_____
Chemical oxidation	[ ]	[ ]	[ ]	_____
Chemical reduction	[ ]	[ ]	[ ]	_____
Chemical incompatibility	[ ]	[ ]	[ ]	_____
Flammability	[ ]	[ ]	[ ]	_____
Explodability	[ ]	[ ]	[ ]	_____
Other	[ ]	[ ]	[ ]	_____
Biodegradation	[ ]	[ ]	[ ]	_____
Adsorption/desorption characteristics	[ ]	[ ]	[ ]	_____
Formation of persistent transformation products	[ ]	[ ]	[ ]	_____

Table 1 continued

HEALTH AND ENVIRONMENTAL EFFECTS DATA

(1) data submitted
(2) description submitted
(3) literature citation

Effect	(1)	(2)	(3)	Test Methodology or Technique
Acute animal effects	[ ]	[ ]	[ ]	_____
Genetic effects	[ ]	[ ]	[ ]	_____
Subchronic	[ ]	[ ]	[ ]	_____
Teratogenicity	[ ]	[ ]	[ ]	_____
Reproductive effects	[ ]	[ ]	[ ]	_____
Oncogenicity	[ ]	[ ]	[ ]	_____
Other health effects (chronic or latent animal effects)	[ ]	[ ]	[ ]	_____
Microbial effects	[ ]	[ ]	[ ]	_____
Aquatic invertebrate effects	[ ]	[ ]	[ ]	_____
Plant effects	[ ]	[ ]	[ ]	_____
Fish effects	[ ]	[ ]	[ ]	_____

Table 1 continued

Effect	(1)	(2)	(3)	Test Methodology or Technique
Bioconcentration	[ ]	[ ]	[ ]	_____
Community or ecosystem level effects	[ ]	[ ]	[ ]	_____
Other environmental effects* (specify)	[ ]	[ ]	[ ]	_____

*"Other environmental effects" refer to any direct or indirect effect on any environmental entity, process, function, or amenity not specifically included in another category. Example: weather modification, stratospheric ozone depletion, property damage, agricultural or silvicultural damage, or aesthetic effects.

Section B Exposure From Manufacture

This section must be completed for each site where the new chemical substance will be manufactured. If more than one manufacturing site will be used, attach supplementary sections.

[ ] Site Name _____

[ ] Address _____

_____

_____

1. Worker Exposure

[ ] a. Check the routes of exposure to the new chemical substance that may occur at the manufacturing site during normal operation. For each route checked, estimate the maximum number of workers exposed to the new chemical substance during a one-year time period in the first 5 years (see Support Document for ranges).

Exposure Route		Maximum Number Exposed
Inhalation	[ ]	
Ingestion	[ ]	
Skin contact	[ ]	

[ ] Describe the magnitude, duration and frequency of the exposures that may occur through ingestion or skin contact. Include a description of inhalation exposure if the information in question b is unknown and not reasonably ascertainable.

b. State the maximum level of the new chemical substance in the workplace air that workers are expected to be exposed to during normal operations in the first 5 years. If appropriate, include levels for the following types of exposure situations (1) direct exposure that occurs in close proximity to manufacturing equipment and/or from direct handling of the chemical substance and (2) exposure to ambient workplace concentrations that may be experienced by any worker normally in the general vicinity of the manufacturing operation.

		Levels	
		Direct	Ambient Workplace Air
[ ]	(i) Time-weighted average concentration in air for an 8-hour day, 40-hour work week schedule ([ ] ppm or [ ] mg/m^3)	_____	_____
[ ]	(ii) Peak concentration in air for 15 minutes ([ ] ppm or [ ] mg/m^3)	_____	_____

[ ] c. Explain how the workplace exposure estimates in questions a and b were derived.

[ ] d. Based on your analytical and instrument capabilities, what is the minimum level of the new chemical substance which you can detect in the workplace air? Describe the analytical and sampling techniques on which you have based the minimum detectable level.

[ ] e. Estimate the maximum number of workers exposed to the levels of the new chemical substance in the workplace air reported in question b during a one-year time period in the first 5 years as listed below (see Support Document for ranges). Estimate the maximum number of days per year and hours per day that any person may be exposed to the chemical substance.

Exposure	Maximum Number Exposed	Maximum Hours/Day	Maximum Days/year
[ ] Direct			
[ ] Ambient Workplace			

2. Environmental Release

a. Indicate, as required in Table 2, the maximum amount of the new chemical substance intended to be manufactured at the site to one significant figure (kg/yr), the hours of operation, the type of manufacturing operation and the estimated average and maximum environmental release rates and concentrations of the new chemical substances at the manufacturing site during normal operation. Enter the minimum level of the new chemical substance that you have analytical and sampling capability to detect in air emission streams and water effluent streams and describe your method of detection. Enter the specified stack parameters for each air process emission point listed. Place the following letters in the appropriate range estimates to indicate the range of the maximum and average release rates or concentration expected. Base your estimates on the year of maximum release during the first 5 years.

A - average discharge rate or average hourly concentration in air emission streams, average daily concentration in water effluent streams.

M - maximum discharge rate or concentration

TABLE 2

ENVIRONMENTAL RELEASE FROM MANUFACTURING SITES

Amount Manufactured kg/yr _____ Hours of Operation/Yr. _____

Type of Operation [ ] Batch [ ] continuous Hours/day _____

	Type of Level	Range					
Air							
[ ] a.	estimated discharge to the air from an entire site (kg/hr)	<.1 [ ]	.1-1 [ ]	1-10 [ ]	10-100 [ ]	>100 [ ]	
[ ] b.	hourly concentration in process emission streams [ ] ppm [ ] mg/m_3	<10	10-100	100-1,000	1,000-10,000	10,000-100,000	>100,000

	Stack	Stack Dia.	Stack height	Velocity	Temp						
[ ]	1.	_____	_____	_____	___	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	2.	_____	_____	_____	___	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	3.	_____	_____	_____	___	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

[ ] c. minimum detectable level in process emission streams [ ] ppm [ ] mg/m^3 _____ Method of Detection: _____.

WATER [ ] POTW[1] [ ] Navigable Waterway or Tributary [ ] Other

[ ] a.	estimated discharge rate in effluent streams (kg/day)		<1 [ ]	1-10 [ ]	10-100 [ ]	100-1,000 [ ]	>1,000 [ ]
[ ] b.	daily concentration in effluent streams [ ] ppm [ ] ppb		<1	1-10	10-100	100-1,000	>1,000
[ ]	1. _____	flow rate GPD[2]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	2. _____	flow rate GPD	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	3. _____	flow rate GPD	[ ]	[ ]	[ ]	[ ]	[ ]

[ ] c. minimum detectable level in effluent streams [ ] ppm [ ] ppb _____ Method of Detection: _____.

1-POTW - Publicly Owned Treatment Works
2-GPD - gallons per day

b. Enter the name of the receiving water body(ies) or name and location of the POTW listed in Table 2 to which you will be discharging.

c. If the concentration levels listed in Table 2 result from treatment of the wastewater stream or use of air pollution control equipment, describe the type of treatment or control equipment, identify the air emission stream or water effluent stream it serves, and state the expected efficiency of the equipment (i.e., the percent of emission or effluent reduction).

d. Explain how the environmental release estimates in Table 2 were derived.

e. List any degradation products that may be formed as a result of the release of the new chemical substance to the environment for which you have knowledge of data indicating the potential for adverse health and/or environmental effects.

3. Disposal

[ ] a. Describe any material(s) known to you that are associated with the manufacture of the new chemical substance and which require disposal. Include the new chemical substance itself, byproducts, unreacted feedstocks, intermediates, or other chemical substances. Estimate the maximum amount to be disposed of in a one-year period in the first 5 years (see Support Document for ranges), the percent of the new chemical substance contained in the materials(s) requiring disposal and indicate the anticipated method of disposal. Also enter the name of the commercial disposer (if applicable) and location of the site of disposal if known.

	Material Requiring Disposal	Amount (kg/yr)	Percent of New Chemical Substance	Anticipated Method of Disposal	Name and Site Location
[ ]					
[ ]					
[ ]					
[ ]					

[ ] b. If substances containing the new chemical substance that require disposal are incinerated or otherwise treated to destroy or remove the chemical substance, indicate the efficiency of this operation.

[ ] c. Attach to this notice a copy or reasonable facsimile of any warning statement, labels, labeling or instructions that will be provided by you to persons who may dispose of the new chemical substance in order to inform them of disposal procedures you recommend.

[ ] d. Estimate the maximum number of workers that may be exposed to the new chemical substance during normal disposal operations (see Support Document for ranges) and characterize the magnitude, duration and frequency of such exposures.

4. Byproducts, Co-products, Feedstocks and Intermediates

a. List any other substances (e.g. byproducts, co-products, feedstocks and intermediates) associated with the manufacture of the chemical substance that may be present in the workplace which (1) are listed on the NIOSH Registry of Toxic Effects of Chemical Substances, or (2) for which you have submitted data related to health effects. Estimate the maximum number of workers exposed to these substances at the industrial site in a one-year time period (see Support Document for ranges).

	Substance	CAS Reg. Number	NIOSH Registry	Data Submitted	Max. Number Exposed
[ ]			[ ]	[ ]	
[ ]			[ ]	[ ]	

b. Identify the byproducts, co-products, feedstocks and intermediates of manufacturing that may be reasonably anticipated to be in any water effluent stream or air emission stream based upon a consideration of process chemistry, pollution control safeguards and information acquired during R&D activities. As a minimum, you should identify and provide the information requested for substances (1) for which you have attached data concerning health or environmental effects or (2) which EPA

has indicated should be reported (see Support Document). Provide the CAS Registry Number, if known. Estimate the maximum amount of each substance released to the environment during the year of maximum production of the new chemical substance during the first 5 years (see Support Document for ranges). Check those substances for which you have reported data concerning health or environmental effects.

	Substance	Amount Released	CAS Registry No.	Data Submitted
[ ]	_____	_____	_____	[ ]
[ ]	_____	_____	_____	[ ]
[ ]	_____	_____	_____	[ ]

c. Using the concentration ranges for effluent streams in Table 2, estimate the concentration (ppm) of the substances (byproducts, co-products, feedstocks and intermediates) listed in question b that are expected to be in water effluent streams. Estimate the flow rate (GPD) associated with those concentrations.

	Substance	Conc. (ppm)	Flow Rate (GPD)
[ ]	_____	_____	_____
[ ]	_____	_____	_____
[ ]	_____	_____	_____

d. Using the ranges in Table 2 for discharge to the air, estimate the amount of the substances (byproducts, co-products, feedstocks and intermediates) listed in question b that will be emitted to the air (kg/hr) and estimate the maximum number of days per year that the releases will occur.

	Substance	Days/Year	Kg/hr
[ ]	_____	_____	_____
[ ]	_____	_____	_____
[ ]	_____	_____	_____

5. Transport

Complete this section if the new chemical substance will be transported.

a. Enter the DOT hazard class and shipping name of your chemical substance (if applicable).

[ ] Shipping Name _____

[ ] Hazard Class _____

The DOT criteria for hazardous materials are found in 49 CFR Section 171.8 and Part 173. For listing of proper shipping name see 49 CFR 172.101. For more information, call the U.S. Department of Transportation at (202) 426-9280.

[ ] b. Indicate the mode(s) of transport which you believe will be used for the new chemical substance.

Truck [ ]

Railcar [ ]

Barge/Vessel [ ]

Pipeline [ ]

Plane [ ]

Other, specify

For each mode of transport:

[ ] c. Describe the potential hazards to operators exposed to the new chemical substance during handling and/or loading operations.

[ ] d. Describe the potential hazards in the event of spill or accident. Indicate the maximum amount that may be transported in a single transportation unit (e.g., rail tank car, tank truck, etc.) and estimate the magnitude of a potential spill.

[ ] e. Describe any safeguards taken to prevent or reduce these hazards.

Section C. Exposure From Processing Operations

This section must be completed by the submitter for each site where the submitter or certain other persons (as specified in Section 720.20(e) of the Premanufacture Notification Rules) intend to process the new chemical substance. If more than one processing site will be used attach supplementary sections.

[ ] Site Name _____

[ ] Address _____

_____

_____

[ ] Technical Contact _____

The information in this section is for:

[ ] submitter's processing site [ ]

[ ] other person's processing site [ ]

1. Worker Exposure

a. Check the routes of exposure to the new chemical substance that may occur at the processing site during normal operations. For each route checked, estimate the maximum number of workers exposed to the new chemical substance during a one-year time period in the first 5 years (see Support Document for ranges).

	Exposure Route	Maximum Number Exposed
[ ]	Inhalation	[ ]
[ ]	Ingestion	[ ]
[ ]	Skin contact	[ ]

[ ] Describe the magnitude, duration and frequency of the exposures that may occur through ingestion or skin contact. Include a description of inhalation exposures if the information in question b is unknown and not reasonably ascertainable.

b. State the maximum levels of the new chemical substance in the workplace air that workers are expected to be exposed to during normal operations at the processing site during the first 5 years. If appropriate, include levels for the following types of exposure situations: (1) direct exposure that occurs in close proximity to processing equipment and/or from direct handling of the chemical substance and (2) exposure to ambient workplace concentrations that may be experienced by any worker normally in the general vicinity of a processing operation.

		Levels	
		Direct	Ambient Workplace Air
[ ] (i)	Time weighted average concentration in air for an 8 hour day, 40 hour work week schedule ([ ] ppm or [ ] mg/m^3)		
[ ] (ii)	Peak concentration in air for 15 minutes ([ ] ppm or [ ] mg/m^3)		

[ ] c. Explain how the workplace exposure estimates in questions a and b were derived.

[ ] d. Based on your analytical and instrument capabilities enter the minimum level of the new chemical substance which you can detect in the workplace air. Describe the analytical and sampling techniques on which you have based the minimum detectable level.

[ ] e. Estimate the maximum number of workers exposed to the levels of the new chemical substance in the workplace air reported in question b during a one-year time period in the first 5 years as listed below (see Support Document for ranges). Estimate the maximum number of days per year and hours per day that any person may be exposed to the chemical substance.

Exposure	Maximum Number Exposed	Maximum Hours/day	Maximum Days/year
[ ] Direct			
[ ] Ambient Workplace			

f. Describe the use(s) of the new chemical substance at this site by function and application and estimate the amount devoted to each use to one significant figure.

	Uses		
	Function	Application	Amount
[ ]	_____	_____	_____
[ ]	_____	_____	_____
[ ]	_____	_____	_____

g. Describe any products produced by your processing operations which intentionally contain the chemical substance and are intended for use at industrial sites only.

2. Environmental Release

[ ] a. Indicate, as required in Table 3, the maximum amount of the new chemical substance intended to be processed at the site to one significant figure (kg/yr), the hours of operation, and the estimated average and maximum environmental release rates and concentrations of the chemical substance at the processing site during normal operation. Enter the minimum level of the new chemical substance that you have analytical and sampling capability to detect in air emission streams and water effluent streams and describe your method of detection. Enter the specified stack parameters for each air process emission point listed. Place the following letters in the appropriate range estimates to indicate the range of the maximum and average release rates or concentrations expected. Base your estimates on the year of maximum release during the first 5 years.

A - average discharge rate or average hourly concentration in air emission streams, average daily concentration in water effluent streams.

M - maximum discharge rate or concentration.

[ ] b. Enter the name of the receiving water body(ies) or name and location of the POTW listed in Table 3 to which you will be discharging.

[ ] c. If the concentration levels listed in Table 3 result from treatment of the wastewater stream or use of air pollution control equipment, describe the type of control equipment, identify the air emission stream or water effluent stream it serves, and state the expected efficiency of the equipment (i.e., the percent of emission or effluent reduction).

[ ] d. Explain how the environmental release estimates in Table 3 were derived.

3. Disposal

[ ] a. Describe any materials associated with the processing operation that contain the new chemical substance and require disposal. Estimate the maximum amount of each material to be disposed of in a one-year period during the first 5 years (see Support Document for ranges), the percent of the new chemical substance contained in the

TABLE 3

ENVIRONMENTAL RELEASE FROM PROCESS SITES

Amount Manufactured kg/yr _____ Hours of Operation/Yr. _____
Hours/day _____

Type of Level		Range					
Air							
[ ] a.	estimated discharge to the air from an entire site (kg/hr)	<.1 [ ]	.1-1 [ ]	1-10 [ ]	10-100 [ ]	>100 [ ]	
[ ] b.	hourly concentration in process emission streams [ ] ppm [ ] mg/m^3	10	10-100	100-1,000	1,000-10,000	10,000-100,000	>100,000
	Stack / Stack Dia. / Stack height / Velocity / Temp						
[ ]	1. _____ _____ _____ _____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	2. _____ _____ _____ _____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	3. _____ _____ _____ _____	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ] c.	minimum detectable level in process emission streams [ ] ppm [ ] mg/m^3 _____	Method of Detection: _____					
WATER	[ ] POTW[1] [ ] Navigable Waterway or Tributary [ ] Other						
[ ] a.	estimated discharge rate in effluent streams (kg/day)	<1 [ ]	1-10 [ ]	10-100 [ ]	100-1000 [ ]	>1000 [ ]	
[ ] b.	daily concentration in effluent streams [ ] ppm [ ] ppb	<1	1-10	10-100	100-1000	>1000	
[ ]	1. _____ flow rate [ ] GPD[2]	[ ]	[ ]	[ ]	[ ]	[ ]	
[ ]	2. _____ flow rate [ ] GPD	[ ]	[ ]	[ ]	[ ]	[ ]	
[ ]	3. _____ flow rate [ ] GPD	[ ]	[ ]	[ ]	[ ]	[ ]	
[ ] c.	minimum detectable level in effluent streams [ ] ppm [ ] ppb _____	Method of Detection: _____					

1-POTW - Publicly Owned Treatment Works
2-GPD - gallons per day

materials requiring disposal and enter the anticipated method of disposal. Also enter the name of the commercial disposer (if applicable) and the location of the site of disposal if known.

	Material Requiring Disposal	Amount (kg/yr)	Percent of New Chemical Substance	Anticipated Method of Disposal	Name and Site Location
[ ]					
[ ]					
[ ]					

[ ] b. If substances containing the new chemical substance that require disposal are incinerated or otherwise treated to destroy or remove the chemical substance, indicate the efficiency of this removal.

[ ] c. Attach to this notice a copy or reasonable facsimile of any warning statement, labels, labeling or instructions that will be provided by you to persons who may dispose of the new chemical substance in order to inform them of disposal procedures you recommend.

[ ] d. Estimate the maximum number of workers that may be exposed to the new chemical substance during normal disposal operations and characterize the magnitude, duration, and frequency of such exposures (see Support Document for ranges).

Section D. Exposure From Consumer Use

Complete this section if you or certain other persons (as specified in 40 CFR 720.20(e)) will manufacture a product(s) that contains the new chemical substance and that will be distributed for use by the general population or for use in products to which the general population may be exposed. A separate section should be completed for products intended to be produced by the submitter and products the submitter believes other persons intend to produce.

The information in this section is for:

products produced by the submitter [ ]

products produced by other persons [ ]

[ ] 1. Using Table 4, list the anticipated products by function and application and the total amount of the new chemical substance devoted to each product to one significant figure. Estimate the consumer market population which will be exposed to the product (see Support Document for ranges), the route of exposure and the frequency and duration of exposure based on each use. For products which are mixtures indicate the maximum percent by weight of the chemical substance in the product. Check those products which are constructed or formulated so as to limit potential exposure.

[ ] 2. Describe the level of human exposure that may occur through use of products that contain the new chemical substance. Where possible provide quantitative estimates of exposure levels such as the maximum concentration of the substance in air during normal use.

[ ] 3. Describe how the estimates in question 2 were derived.

[ ] 4. For each article checked in Table 4 explain those aspects of its construction or formulation which will affect the potential for exposure to the new chemical substance.

[ ] 5. Attach to this notice a copy or reasonable facsimile of any hazard warning statement, labels, labeling or instructions which will be provided with each product regarding the prevention of adverse health and/or environmental effects upon use or disposal.

TABLE 4

CONSUMER EXPOSURE

	Product Function/ Application	Amount For each Use	Consumer Market Population for each use	Frequency of Exposure	Duration of Exposure	Exposure Route Through Use Inhal.	Ingest.	Derm.	% in formulated Mixture	Controlled Exposure Construction
[ ]	_____	_____	_____	_____	_____	[ ]	[ ]	[ ]	_____	[ ]
[ ]	_____	_____	_____	_____	_____	[ ]	[ ]	[ ]	_____	[ ]
[ ]	_____	_____	_____	_____	_____	[ ]	[ ]	[ ]	_____	[ ]

Part III

Risk Analysis and Optional Data

(Optional)

A reasonable evaluation of the health and environmental effects of a chemical substance requires basic data relating to the primary factors of health effects, ecological effects, chemical properties (transport and persistence), and exposure. Information on such factors is required in Part II of this form.

Other factors can affect the magnitude of human and environmental risk from chemicals or influence the analysis of risk. These additional factors include structure/activity relationships, engineered safeguards, industrial hygiene programs, and consideration of intended restrictions on chemical use. This part of the form (Part III) is optional and provides the form and manner in which data and information pertaining to these factors can be submitted to EPA. The submitter may complete any section or portion of a section in this Part. In addition to this part the submitter may attach any information which he believes EPA should consider in assessing this notice.

Section A Risk Analysis

[ ] 1. Describe your overall testing/evaluation scheme and discuss the scientific rationale underlying your scheme.

[ ] 2. If no data are submitted concerning a particular effect or property listed in Table 1 (pages 15 through 18 of Part II) explain why the development of additional data concerning such properties or effects are unnecessary for the chemical substance. In the absence of such data explain why you believe the information which you have submitted allows a reasoned evaluation of the health and environmental effects of the new chemical substance. Provide references to any mitigating factors discussed in the other sections of this notice (e.g., structure/activity relationships, safeguards, etc.).

[ ] 3. For each of the properties, characteristics, or effects listed in Table 1 (pages 15 through 18 of Part II), if any of the applicable data indicate a potential for adverse health or environmental risk, alone or in combination with other data, discuss any information which you feel mitigates such risk.

[ ] 4. If testing for any effect or property listed in Table 1 was not done because of economic impracticality, explain why you reached such a conclusion.

[ ] 5. One common approach utilized in risk assessment methodology consists of identifying conditions of maximum exposure or susceptible segments of the population in order to identify maximum potential for risk. You may assist EPA by providing estimates of maximum exposure (considering or speculating upon new uses, expanded production, accidental exposure, misuse of the chemical, etc.) or identifying those uses that affect the most susceptible segments of the population (e.g., children, the infirm, etc.). Further, you may wish to provide EPA with your own analysis of risk under these same conditions.

Section B Structure/Activity Relationships

[ ] 1. Have you attached a description of any data or information to this notice concerning properties or effects of chemical substances or classes of substances that are related to the new chemical substance on the basis of structural similarity, chemical reactivity or other characteristics and that relate to an evaluation of the risks posed by the new chemical substance? [ ] Yes [ ] No

If yes, identify the related chemical(s) and explain what makes these related chemicals similar (e.g. functional group, characteristic chemical reactivity, other chemical or physical property).

[ ] 2. Explain why you concluded that this similarity presents a valid basis for evaluating the activity of the new chemical substance.

[ ] 3. Explain how properties or effects of these related chemical substances affect the risk associated with the new chemical substance.

[ ] 4. Are there other structurally related chemical substances which you have not discussed here? [ ] Yes [ ] No

If yes, explain why.

Section C Industrial Hygiene

The establishment of safe working conditions and industrial hygiene practices can result in substantial reductions in chemical concentrations and worker exposure in the workplace environment. Prudence dictates the use of such practices for any chemical, but in the case of toxic chemical substances and substances for which there are limited health effects data, the establishment of sound industrial hygiene programs is one essential way of reducing risk to workers from chemical hazards. This section permits a response by the manufacturer in cases where an industrial hygiene program is thought to be an important control strategy which should be considered in EPA's risk assessment. If more than one manufacturing site will be used, attach supplementary forms.

[ ] Site Name _____

[ ] Address _____

_____

_____

1. Industrial Hygiene Considerations

Will you have an industrial hygiene program?

[ ] Yes [ ] No

If "yes",

[ ] a. Will you employ a full or part-time hygienist?
[ ] Yes [ ] No

[ ] b. Will you provide periodic instruction and training of workers on chemical hazards, and proper use of personal protective equipment?
[ ] Yes [ ] No

[ ] c. Will you provide information to workers on the chemical identity and toxicity at their work stations?
[ ] Yes [ ] No

[ ] d. Will you post workplace instructions for workers on how to handle and cope with chemical hazards routinely and in emergencies?

[ ] Yes [ ] No

[ ] e. Will you establish procedures and personnel responsibilities for chemical emergency evacuations?

[ ] Yes [ ] No

[ ] f. Will you have a respiratory protection program?

[ ] Yes [ ] No

[ ] g. Is knowledge of the chemical hazards in your plant communicated to local fire/police authorities?

[ ] Yes [ ] No

[ ] h. Will periodic inspections of production facilities be performed by an industrial hygienist or other knowledgeable personnel?

[ ] Yes [ ] No

2. Control of Worker Exposure

[ ] a. Have you established an action level (air concentration level, particulate level, etc.) for the new chemical substance or other chemical substances associated with its manufacture for purposes of worker protection?

[ ] Yes [ ] No

b. If 'yes' to question (a), identify the chemical substances and levels.

	Chemical	Concentration
[ ]	_____	_____
[ ]	_____	_____
[ ]	_____	_____

c. Will you monitor to assure that concentration levels for the new chemical substance or other chemicals identified in question (b) are not exceeded?

[ ] Yes [ ] No

If yes, provide the information in the table below.

	Chemical	Sampling Frequency	Instrument or Analytical Procedure	Monitoring Locations
[ ]	_____	_____	_____	_____
[ ]	_____	_____	_____	_____
[ ]	_____	_____	_____	_____

d. Check what procedures will be taken when an action level is exceeded.

[ ] 1. Process shutdown pending correction. [ ]

[ ] 2. Protective equipment used pending correction. [ ]

[ ] 3. Alarm and personnel evacuation from plant. [ ]

[ ] 4. Corrections made during normal plant operations. [ ]

[ ] 5. Increased monitoring and medical surveillance activities. [ ]

[ ] 6. Other, describe:

e. Based on your experience or projections estimate the frequency of incidents that may occur during a one-year time period which would result in worker exposure at or above the action levels stated in question 2b of this section. Estimate the maximum number of workers exposed.

	Chemical	Frequency	Number Exposed
[ ]	_____	_____	_____
[ ]	_____	_____	_____
[ ]	_____	_____	_____

[ ] f. Characterize the duration and magnitude of the potential exposures you have reported in question e.

3. Worker Health Considerations

[ ] a. Will you establish a medical program with periodic medical examinations?

[ ] Yes [ ] No

[ ] b. If yes, will employee participation in the program be mandatory?

[ ] Yes [ ] No

[ ] c. How will medical examinations be used to detect or prevent occurrence of health effects related to the new chemical substance?

4. Other Considerations

[ ] a. Are there any other industrial hygiene considerations that EPA should be made aware of in its assessment of risk associated with production of the new chemical substance? For example, describe the relationship between action levels and risk to human health.

Section D Engineered Safeguards

The use of engineered safeguards can result in substantial reduction in worker exposure and environmental release of the chemical substance. Prudence dictates the use of these safeguards for any chemical, but in the case of toxic chemical substances and substances for which there are limited health and environmental effects data, these safeguards can mitigate the risk associated with a chemical. This section permits a response by the manufacturer in cases where engineered safeguards are considered to be important input into EPA's risk assessment. If more than one manufacturing site will be used, attach supplementary forms.

[ ] Site Name _____

[ ] Address _____

_____

_____

1. Workplace Safeguards

a. Check the safeguards that will be used to prevent or control worker exposure to the new chemical substance at the manufacturing site.

	Safeguards	
[ ]	(i) Production plant design features and maintenance procedures for production equipment which will contain the substance.	[ ]
[ ]	(ii) Explicit manufacturing, processing, and handling procedures concerning prevention of worker exposure.	[ ]
[ ]	(iii) Local ventilation of work area and/or selected activities.	[ ]
[ ]	(iv) Other, explain.	[ ]

[ ] b. Provide a flowchart depicting each safeguard's location in the manufacturing operation.

[ ] c. Describe the function of each safeguard.

[ ] d. Describe the efficiency and relative contribution to the reduction in exposure associated with each safeguard under normal operating conditions.

[ ] e. Describe how production or process equipment malfunctions may result in the release of the new chemical substance. Include instrumentation, mechanical and/or electrical failures.

[ ] f. Based on your experience, describe the potential frequency of manufacturing/processing accidents and the resultant worker exposure. If you have completed question 2e and 2f in Section C of this part, omit this question.

[ ] g. How are releases due to production or process malfunctions controlled? Include a description of redundant controls and emergency procedures. Describe what is done with that portion of the chemical substance that has been released.

2. Environmental Release Safeguards

a. Check the safeguards that will be used to prevent or control environmental release of the new chemical substance at the manufacturing site.

[ ] (i) Processes are designed to prevent environmental release of the new chemical substance. [ ]

[ ] (ii) Water and/or air pollution control equipment will control releases. [ ]

[ ] (iii) Production plant design features and maintenance procedures for production equipment will contain the new chemical substance to control fugitive emissions. [ ]

[ ] (iv) Operating procedures limit the frequency, concentration and/or amount of air and water releases. [ ]

[ ] (v) Emergency control procedures and equipment will contain spills due to process upsets or accidents. [ ]

[ ] (vi) Other, explain. [ ]

[ ] b. Describe the function of each safeguard.

[ ] c. Describe the efficiency and relative contribution to the reduction in release associated with each safeguard under normal operation conditions.

[ ] d. Discuss the possible adverse effects if the equipment malfunctions. Describe redundant controls and emergency procedures that are used to prevent or control release of the chemical substance in the event of malfunctions.

[ ] e. Describe the emergency procedures and redundant controls that are used to prevent or control release of the chemical substance during startups, shutdowns, and in the event of an accident.

[ ] f. Describe how the new chemical substance is disposed of during maintenance procedures.

[ ] g. Will quality control sampling of production or processing streams containing the new chemical substance result in direct environmental release of the substance?

[ ] Yes [ ] No

If yes,

(a) Are the samples continuous, and

(b) Estimate the quantity of the release during a one-year time period.

[ ] h. Will measurement of any process parameter result in direct environmental release of the new chemical substance?

[ ] Yes [ ] No

If yes,

(a) Are the measurements continuous, and

(b) Estimate the quantity of the release during a one-year time period.

3. Environmental Release Action Levels

a. Will you establish action levels for plant releases to air, water, or land for new chemical substances?

[ ] Yes [ ] No

For other process related chemicals?

[ ] Yes [ ] No

b. If yes to (a), identify chemical, media, concentration level, and release rate, as appropriate.

	Chemical	Media land, air, water	Concentration Level	Rate
[ ]	_____	_____	_____	____
[ ]	_____	_____	_____	____
[ ]	_____	_____	_____	____

c. Will you monitor to assure that action levels are not exceeded?

[ ] Yes [ ] No

If yes, provide the information in the table below.

	Chemical	Sampling Frequency	Instrument/or Analytical Procedure	Media
[ ]	_____	_____	_____	_____
[ ]	_____	_____	_____	_____
[ ]	_____	_____	_____	_____

[ ] d. What procedures are taken when action levels are exceeded?

[ ] e. What is the frequency, maximum concentration, maximum release rate, and duration of periods when action levels are exceeded?

	Chemical	Frequency	Duration	Maximum Conc.	Maximum Release Rate
[ ]	_____	_____	_____	_____	_____
[ ]	_____	_____	_____	_____	_____
[ ]	_____	_____	_____	_____	_____

Section E Industrial Process and Use Restriction Data

Many chemical substances are manufactured for exclusive and highly specialized industrial use and consumption (e.g., chemical intermediates and catalysts). Other chemical substances are manufactured and processed under the exclusive control of the manufacturer. Because of the exclusive use and control within the industrial environment, these types of chemicals can present different risk considerations than other chemicals that are utilized by many processors and manufacturers for a diverse variety of industrial and consumer products and uses. The purpose of this section is to assist the manufacturer of highly specialized or industrially controlled chemicals in reporting any unique risk considerations. Complete this section only if your new chemical substance will be limited to exclusive and specialized industrial uses.

1. Describe those exclusive specialized industrial uses for which the new chemical substance will be used.

[ ] _____

[ ] _____

[ ] _____

[ ] 2. Explain any factor concerning restricted use or exclusive control of the chemical substance which is not addressed in other sections of this form and which should be considered by EPA in assessing the risk associated with the substance.

Section F Process Chemistry

[ ] An understanding of the actual process chemistry of the chemical substance may permit a conclusion that impurity or byproduct concentrations can be kept at safe levels by appropriate control of the process conditions. You may wish to provide information on the process chemistry in order to substantiate such a conclusion. For instance, the particular reaction may have been chosen so as to preclude the formation of toxic impurities or byproducts which would have been produced via an alternate route. Similarly, the dependence of the course of reaction upon temperature, pressure, or solvent may allow the minimization of toxic impurities through control of the reaction conditions. Also, direct monitoring of the composition of the reaction mixture for impurity concentrations may provide additional safeguards. Provide any information about the process chemistry which you believe will assist EPA in evaluating your submission.

Section G Non-Risk Factors: Economic and Non-Economic Benefits

The economic significance and benefits associated with a chemical substance are relevant to determining whether the risks associated with the manufacture, processing, distribution, use, and disposal of the chemical substance are unreasonable. This section assists the manufacturer in providing his assessment of certain economic and benefit factors that he believes EPA should consider when evaluating the chemical's risks and benefits.

1. Economic changes resulting from availability/production of the new chemical.

[ ] a. Estimate the total five-year projected gross market value of the new chemical.

[ ] b. What effect will production of the new chemical have on the price of any existing feedstocks, raw materials, intermediates, end-products or non-chemical products? Identify any affected products and indicate the expected effect by means of the appropriate price change symbol.

	Affected Product	Price Change	Current Price
[ ]	1.	[ ]	[ ]
[ ]	2.	[ ]	[ ]
[ ]	3.	[ ]	[ ]

Key: 1 = Decrease in excess of 25%
2 = Decrease between 10% and 25%
3 = Some decrease but less than 10%
4 = No change
5 = Some increase but less than 10%
6 = Increase between 10% and 25%
7 = Increase in excess of 25%

c. What effect will production of the new chemical have on the volume of production of any existing feedstocks, raw materials, intermediates, end-products or non-chemical products? Identify any affected products and indicate the expected effect by means of the appropriate production change symbol.

	Affected Product	Production Change
[ ]	1.	[ ]
[ ]	2.	[ ]
[ ]	3.	[ ]

Key: 1 = Decrease in excess of 50,000 pounds
2 = Decrease between 10,000 and 50,000 pounds
3 = Some decrease but less than 10,000 pounds
4 = No change
5 = Some increase but less than 10,000 pounds
6 = Increase between 10,000 and 50,000 pounds
7 = Increase in excess of 50,000 pounds

d. What employment effects will result from production of the new chemical? Indicate the source and magnitude of any employment change below, using the appropriate symbol.

	Affected Product	Employment Change
[ ]	A. Production of the chemical itself	[ ]
[ ]	B. Production of any raw materials, feedstocks, intermediates, end products or non-chemical products (Identify below)	
[ ]	_____	[ ]
[ ]	_____	[ ]
[ ]	_____	[ ]

Key: 1 = Decrease in excess of 25 people
2 = Decrease between 10 and 25 people
3 = Some decrease but less than 10 people
4 = No change
5 = Increase but less than 10 people
6 = Increase between 10 and 25 people
7 = Increase in excess of 25 people

[ ] e. Describe any significant regional or community effects resulting from production of the new chemical, such as a significant reduction in the rate of unemployment.

f. What effects on the balance of trade will result from production of the new chemical? Indicate the source and magnitude of export and import changes by the appropriate symbol.

Source		Changes in Exports	Changes in Imports
[ ]	A. Production of the new chemical itself	[ ]	[ ]
	B. Production of any feedstocks, raw materials, intermediates, end products or non-chemical products (Identify below)		
[ ]	_____	[ ]	[ ]
[ ]	_____	[ ]	[ ]
[ ]	_____	[ ]	[ ]

Key: 1 = Decrease in excess of $25 million annually
2 = Decrease between $10 million and $25 million annually
3 = Some decrease but less than $10 million annually
4 = No change
5 = Some increase but less than $10 million annually
6 = Increase between $10 million and $25 million annually
7 = Increase in excess of $25 million annually

g. Are any plant and equipment outlays planned in conjunction with production of the new chemical? Estimate the timing of investment, the amount of investment, and the production capacity created.

Year	Investment Amount	Production Capacity Created
[ ]		

[ ] h. What are the (unique) properties of this chemical that will be the basis of its value in the marketplace? (Include such factors as contribution to reliability or durability of intermediates or end products, increases in productivity, convenience factors, and aesthetic factors).

[ ] i. What existing substitute products or processes (if any) have any of the properties listed in 1h? In what ways do the properties of the new chemical exceed those of existing substitutes?

2. Non-economic benefits resulting from production of the new chemical.

[ ] a. Are there any uses for the new chemical which contribute directly or indirectly to human health or safety?

[ ] b. What existing substitute products or processes (if any) have any of the uses listed in 2a? In what ways do the use properties of the new chemical exceed those of existing substitutes?

[ ] c. Are there any uses for the new chemical which result in environmental benefits or conservation of energy or natural resources?

[ ] d. What existing substitute products or processes (if any) have any of the uses listed in 2c? In what ways do the use properties of the new chemical exceed those of existing substitutes?

PREMANUFACTURE NOTICE FOR IMPORTERS

CERTIFICATION STATEMENT: I hereby certify that, to the best of my knowledge and belief: (1) I intend to import for a commercial purpose the chemical substance for which this notice is submitted, other than in small quantities for research and development, and that the substance is not excluded from premanufacture notification (40 CFR 720.13); (2) All information entered on the Premanufacture Notice For Importers Form is complete and truthful as of the date of submittal; and (3) I am submitting with this form all test data in my possession or control concerning effects of the substance on health or the environment and a description of any other data known to or reasonably ascertainable by me, in accordance with 40 CFR 720.23. I agree to permit access to, and the copying of, records by a duly authorized representative of the EPA Administrator in accordance with the Toxic Substances Control Act and any regulations issued thereunder, to document any information reported in this form.

Signature of Authorized Official _____

Date _____

When completed, send this notice to:

Document Control Officer
Office of Toxic Substances
TS-793
U.S.E.P.A.
401 M Street, S.W.
Washington, D.C. 20460

CONFIDENTIALITY INSTRUCTIONS: If you are asserting a claim of confidentiality for any data or information contained in this notice you should place a check in the box in the left hand margin immediately adjacent to the data or information entry. If you do not assert a claim of confidentiality on this form at the time of submission of the information, EPA may make the information public without further notice to you. Claims of confidentiality must be made in accordance with 40 CFR 720, Subpart E. Confidentiality claims related to chemical identity or health and safety data must be substantiated in accordance with 40 CFR 720.40(c).

FOR EPA USE ONLY

Date of receipt _____

GENERAL INSTRUCTIONS

These instructions are intended to assist the submitter of a premanufacture notice in the use of the following forms:

Premanufacture Notice Form for Importers
Foreign Manufacturer/Supplier Form
Processing and Consumer Use Form

The submitter must complete the mandatory parts of the Premanufacture Notice Form to the extent the information required is known to or reasonably ascertainable by him. In addition, the submitter must contact certain other persons and request them to complete the Foreign Manufacturer/Supplier Form and the Processing and Consumer Use Form as discussed below.

Premanufacture Notice Form for Importers

The Premanufacture Notice Form consists of the three parts listed below. Each part consists of two or more sections.

Part I - General Information

Part II - Risk Assessment Data

Part III - Risk Analysis and Optional Data

All sections of Parts I and II must be completed by the submitter as appropriate in accordance with Section 720.20 of the Premanufacture Notification Rules. The submitter must complete Section B of Part II for each site where he will process the new chemical substance in the United States and Section C of Part II if he intends to produce consumer products that contain the new chemical substance. In addition, the submitter must complete Section B of Part II for processing operations which will be conducted by other persons and Section C of Part II if other persons will produce consumer products that contain the new chemical substance.

The Premanufacture Notice Rules do not require the submission of Part III. This part, or selected sections, may be completed at the discretion of the submitter.

In completing Parts I and II, the submitter must provide all of the information and data requested that are known to or reasonably ascertainable by him. Thus he must answer all questions to the best of his ability, including reasonable estimates where he does not know with factual certainty the answers to particular questions. In cases where the submitter cannot provide a reasonable estimate (i.e., the information is unknown and is not reasonably ascertainable), he should enter NA (not available).

Foreign Manufacturer/Supplier Form

In accordance with 40 CFR 720.21(c) the submitter must contact the foreign manufacturer(s) and supplier(s) of the new chemical substance, and request them to provide all test data in their possession or control which are related to the effects of the substance on health or the environment (in accordance with 40 CFR 720.23) and complete the Foreign Manufacturer/Supplier Form. The submitter must send them copies of this form and state that the recipient is not under a legal obligation to provide the requested information. He must also offer them the option either to provide the requested information to him for inclusion in his notice, or to provide the information directly to EPA. The submitter must certify below his compliance with these procedures, and provide a summary of those whom he contacted and the disposition of their responses.

For further information on these procedures see 40 CFR 720.21(c).

CERTIFICATION

I hereby certify that I have contacted the persons listed below and requested them to complete the Foreign Manufacturer/Supplier Form in accordance with the requirements of 40 CFR 720.21.

Signature of Authorized Official _____

List those persons you have contacted (if appropriate) and check if you have attached their responses to this notice, if you expect them to send information directly to EPA or if you do not know whether the information will be supplied.

Name	Address	Response Attached	Response To Be Sent To EPA	Response Unknown
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]

Processing and Consumer Use Form

In accordance with 40 CFR 720.20(d) the submitter must contact certain other persons and request them to complete the Processing and Consumer Use Form concerning their own processing and use of the new chemical substance. He must send them copies of this form and state that the recipient is not under a legal obligation to provide the requested information. He must also offer them the option either to provide the requested information to him for inclusion in his notice, or to provide the information directly to EPA. The submitter must certify below his compliance with these procedures, and provide a summary of those whom he contacted and the disposition of their responses.

For further information on these procedures, including the persons that must be contacted and exceptions to these requirements, see 40 CFR 720.20(e).

CERTIFICATION

I hereby certify that I have contacted the persons listed below and requested them to complete the Processing and Consumer Use Form in accordance with the requirements of 40 CFR 720.20(e). If no persons were contacted or if a representative sample of persons was contacted I have attached an explanation in accordance with the provisions of 40 CFR 720.20(e).

Signature of Authorized Official _____

List those persons you have contacted (if appropriate) and check if you have attached their responses to this notice, if you expect them to send information directly to EPA or if you do not know whether the information will be supplied.

Name	Address	Response Attached	Response To Be Sent To EPA	Response Unknown
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]
_____	_____	[ ]	[ ]	[ ]

Part 1

GENERAL INFORMATION

All data requested in this Part must be provided insofar as they are known to or reasonably ascertainable by the submitter. A notice is not valid unless the chemical identity is reported. In cases where the requested data are unknown and not reasonably ascertainable enter NA (not available).

Section A Importer Identification

1. Person Filing Notice

[ ] Name of Authorized Official _____

[ ] Title _____

[ ] Organization _____

[ ] Mailing Address _____

_____

_____

_____

[ ] 2. Incorporation Information

Legal Title of Organization _____

_____

Place of Incorporation

Street _____

City _____

State _____

[ ] 3. Principal Place of Business

Street _____

City _____

State _____

4. Technical Contact

[ ] Name/Title _____

[ ] Address _____

[ ] Telephone Number _____

5. Related Companies

a. Other Persons Authorized to Import Chemical

(i) Identify any other persons who may import the chemical substance to the U.S. within five years after you commence import, by virtue of an existing or planned business arrangement (e.g., contract, license, or other form of legal permission) between you and the person.

	Name	Address	Business Arrangement	Anticipated Date of Import
[ ]	_____	_____	_____	_____
[ ]	_____	_____	_____	_____
[ ]	_____	_____	_____	_____

(ii) If such a business arrangement exists or is planned, do the responses on this form include import volume, uses, and exposure information concerning the activities of these persons?

Yes [ ] No [ ]

If no, estimate the import volume expected during the first 5 years after you commence import of the chemical substance.

[ ] b. Parent Company

Name _____

Address _____

_____

_____

[ ] 6. Intended date of commencement of import (date of entry) to the U.S. for commercial purposes.

Month _____ Year _____

If the intended date of commencement of import is more than 3 years after the date of this notice, submit evidence of intent to manufacture in accordance with 40 CFR 720 Subpart C and 720.21(a).

Port of entry _____

Section B Chemical Identity

If chemical identity will be reported by the foreign manufacturer/supplier complete the certification statement below and do not complete the remainder of Section B.

CERTIFICATION STATEMENT: I hereby certify that the chemical identity of the chemical substance for which this notice is submitted will be reported by the foreign manufacturer/supplier designated below.

Name of foreign manufacturer/supplier _____

Signature of Authorized Official _____

Date _____

Complete either 1, 2 or 3 as appropriate. Complete 4. If chemical identity is claimed confidential, complete 5.

1. Class 1 chemical substance (other than polymers).

[ ] a. CAS Registry No. (if known) _____

[ ] b. Specific Chemical Name _____

[ ] c. Molecular Formula _____

[ ] d. Synonyms _____

[ ] e. Trademarks _____

[ ] f. Structural Diagram

2. Class II chemical substance.

[ ] a. CAS Registry No. (if known) _____

[ ] b. Specific Chemical Name _____

[ ] c. Synonyms _____

[ ] d. Trademarks _____

[ ] e. List the immediate precursor substance(s) and/or reactants with their respective CAS Registry Number(s) and the nature of the reaction. Also provide a partial or incomplete chemical structure diagram (where appropriate). Indicate the range of composition.

3. Polymers

a. (1) Provide the specific chemical name and the CAS Registry Number of those monomers and other reactants used at greater than two percent (by weight) in the manufacture of the polymer. Monomers used at two percent (by weight) or less need not be listed as part of the polymer description; (2) Provide the intended range of composition of the polymer in terms of monomer percent (by weight). Calculate the percent based on the composition of the polymer formed. If your notice is for any copolymer of the listed monomers, enter "any" under Range of Composition; (3) For each monomer, indicate the maximum amount (weight percent) that may be present as a residual in the polymer as distributed in commerce.

	(1) Monomers and CAS Registry #	(2) Range of Composition	(3) Maximum Residual (Weight Percent)
[ ]			
[ ]			
[ ]			

[ ] b. List any monomer used at 2% (by weight) or less in the manufacture of the polymer which is not listed in 3(a) above. For each such monomer indicate the maximum amount (weight percent) that may be present as a residual in the polymer as distributed in commerce.

c. Indicate the minimum molecular weight, compositional restrictions or other restrictions of the polymeric compositions to which this notice applies.

[ ] 4. Impurities

List the identities and estimate the maximum percent (by weight) of those impurities which may reasonably be anticipated to be present in the chemical substance as it will be manufactured for commercial purposes. Consider information developed during R&D activities, your knowledge of manufacturing process chemistry and anticipated quality control operations. Check if the concentration of an impurity will be specifically controlled based upon your knowledge of potential adverse health or environmental effects. Estimate the maximum total percent (by weight) of the impurities that may be present.

Total Percent: _____

	Identity	Maximum Percent	Specifically Controlled
[ ]	_____	_____	[ ]
[ ]	_____	_____	[ ]
[ ]	_____	_____	[ ]

5. Chemical Identity Claimed Confidential

a. If claimed for period prior to commencement of import:

Proposed Generic Name: _____

b. If claimed for period following commencement of import:

Proposed Generic Name: _____

Substantiation and other materials required to be submitted with a claim of confidentiality must be attached in accordance with 40 CFR 720.40(c).

Section C Import and Marketing Data

1. Estimate your import volume (see ranges in Support Document)

[ ] a. First year

[ ] b. Third year

[ ] c. Maximum Annual Demand (fifth year or beyond)

2. Basis of Import Estimate

	% of First Year	% of Third Year	% of Maximum Year
[ ] Firm Order			
[ ] Forecast			
[ ] Speculative	_____	_____	_____
	100%	100%	100%

3. Estimate the total amount of the chemical substance that others may import to the United States in the years following the date of entry reported in question 6, Section A of this Part (see ranges in Support Document).

[ ] a. First year

[ ] b. Third year

[ ] c. Maximum Annual Demand (fifth year or beyond)

4. Chemical Use Assumptions Used in Import Estimate

In the following questions, list each use by function, and as specific an application as possible. (Example: function-solvent; application-paint used in automotive finishes.) List partial information if complete information is not known. (Examples: function-solvent; application-unknown). Uses reported elsewhere in this from should also be reported here.

a. List those uses on which your import estimates are based. List uses in descending order of the anticipated import volume devoted to each use.

	Function	Application
[ ]	_____	_____
[ ]	_____	_____
[ ]	_____	_____

b. List any other uses that you believe the chemical substance could have.

	Function	Application
[ ]	_____	_____
[ ]	_____	_____
[ ]	_____	_____

c. Do you intend or expect the new chemical substance to be used to treat water or drinking water supplies or to be used in coatings, paints, liners, pipes or other products that will come in contact with drinking water?

[ ] Yes [ ] No [ ]

5. Production Information

a. Has the chemical substance been manufactured before?

Yes [ ] No [ ] Don't Know [ ]

If yes, estimate the average annual production and number of years it was produced (see Support Document for ranges).

b. Estimate the total annual production of the chemical substance outside of the United States in the years following the date of entry reported in question 6, Section A of this Part (see ranges in Support Document).

[ ] i. First year

[ ] ii. Third year

[ ] iii. Maximum Annual Demand (fifth year and beyond)

[ ] c. Was production of this chemical banned or restricted because of governmental action, litigation, or voluntarily because of adverse health or environmental effects?

Yes [ ] No [ ] Don't Know [ ]

If yes, cite references or attach information or data.

6. Hazard Warnings

[ ] Attach to this notice a copy or reasonable facsimile of any hazard warning statement, labels, labeling or instructions, technical data sheet, Material Safety Data Sheet and any other information which will be provided to purchasers regarding the safe handling, use, disposal, treatment upon accidental exposure, or recommendations concerning the formulation, construction or labeling of products containing the chemical substance.

Section D Federal Register Notice

Information provided in this section will be published in the Federal Register in accordance with Section 5(d)(2) of the TSCA. Separate sections are provided for presentation of data related to confidential information where appropriate. Do not enter any information in this section which you consider confidential.

1. Chemical Identity - If chemical identity will be reported by a foreign manufacturer/ supplier do not complete this question.

   a. If chemical identity was not claimed confidential in Section B, enter the specific chemical name which you reported in Section B. For polymers enter those monomers which were listed in Section B(3)(a).

   _____

   b. If chemical identity was claimed confidential in Section B, enter the proposed generic name which you reported in Section B(5).

   _____

2. Use Data

   a. If use data were not claimed confidential in Section C, list the proposed uses of the chemical substance by function and as specific an application as known. List industrial uses and consumer uses separately.

Industrial Uses

Function	Application
_____	_____
_____	_____
_____	_____

Consumer Uses

Function	Application
_____	_____
_____	_____
_____	_____

   b. If use data were claimed confidential in Section C, report a generic description of the proposed industrial and consumer use(s) of the chemical substance. This description should be as specific as possible without revealing confidential information.

Industrial Uses

_____

_____

_____

Consumer Uses

_____

_____

_____

3. Check below the populations that will be exposed to the new chemical substance during processing or use within the U.S., and estimate the maximum number of persons exposed during a one-year period (see Support Document for ranges). Base your estimate on the maximum annual import and use rate anticipated within the first 5 years of import and include all uses and processing operations.

Population	Exposure Yes	Exposure No	Number Exposed
Workers (processing)	[ ]	[ ]	_____
Consumers (through use of a product(s))	[ ]	[ ]	_____
General Population (in vicinity of processing operations)	[ ]	[ ]	_____

4. For each population group listed in question 3, describe the maximum level, duration and frequency of exposures expected.

5. Estimate the percent of the total import volume for the first 5 years of production that will be released to the environment under normal conditions of processing, use and disposal.

Activity	Percent Release
Processing Operations	
Industrial Disposal	
Consumer Use	
Consumer Disposal	

6. Test Data

List all data that are being submitted, described or cited as part of this notice in accordance with §720.23 of the Premanufacture Notification Rules. Identify whether the data relate to the new chemical substance or to substances associated with the new chemical substance (e.g., by-products, co-products, feedstocks, intermediates degradation products). For all data that are submitted in accordance with §720.23(a), §720.20(j) and data that are submitted for any other tests you have performed concerning health or the environment, provide a brief abstract of the results.

[ ] Section E Schematic Flow Diagram

For each processing operation you conduct, attach to this notice a schematic flow diagram. This diagram must graphically illustrate (1) each processing step and the type of equipment involved, (2) the major components of the process streams at each step, (3) the points of environmental release to the air, water or land, and (4) the processing steps that account for release of the new chemical substance into the workplace.

Section F

Provide a list of all attachments which are submitted with this form.

Section G Transport

[ ] 1. Indicate the means of transport which will be used for the chemical substance to enter the United States from a foreign country.

Truck [ ]

Railcar [ ]

Pipeline [ ]

Barge/Vessel [ ]

Plane [ ]

Other, specify

For each means of transport:

[ ] 2. Describe the potential hazards to operators exposed to the chemical substance during handling and/or loading operations.

[ ] 3. Describe the potential hazards in the event of a spill or accident. Indicate the magnitude of a potential spill.

[ ] 4. Describe any safeguards taken to prevent or reduce these hazards.

[ ] 5. Indicate the means of transport which will be used for the chemical substance within the United States.

Truck [ ]

Railcar [ ]

Pipeline [ ]

Barge/Vessel [ ]

Plane [ ]

Other, specify

For each means of transport:

[ ] 6. Describe the potential hazards to operators exposed to the chemical substance during handling and/or loading operations.

[ ] 7. Describe the potential hazards in the event of spill or accident. Indicate the maximum amount that may be transported in a single transportation unit (e.g., rail tank car, tank truck, etc.) and estimate the magnitude of a potential spill.

[ ] 8. Describe any safeguards taken to prevent or reduce these hazards.

[ ] 9. Enter the DOT hazard class and shipping name of your chemical substance (if applicable).

[ ] Shipping Name _____

[ ] Hazard Class _____

The DOT criteria for hazardous materials are found in 49 CFR Sections 171.8 and 173. For listing of proper shipping name see 49 CFR 172.101. For more information, call the U.S. Department of Transportation at (202)426-9280.

Part II

RISK ASSESSMENT DATA

All the data requested in this Part must be provided insofar as they are known to or reasonably ascertainable by the submitter. In cases where the requested data are unknown and not reasonably ascertainable enter NA (not available).

Section A Chemical Properties, Environmental Fate Characteristics, and Human and Ecological Effects Data

Under Section 5(d)(1)(B) and (C) of TSCA and 40 CFR 720.23, an importer must submit all test data in his possession and control and a description of any other data which are reasonably ascertainable and are related to the effect of any manufacture, processing, distribution in commerce, use, or disposal of the chemical substance on health or the environment. The regulations detail which data must be submitted with the notice and which data may be referenced by a literature citation. In addition, the regulations prescribe formats for data concerning certain effects.

Table 1 lists what EPA considers to be the most important basic physical and chemical properties and potential effects that should be considered in an assessment of risk. This section of the form requires additional information concerning the relationship of the test data and information submitted with this form to the properties and effects listed in Table 1.

[ ] 1. Using Table 1, check the property(ies), characteristic(s) or effect(s) for which you have submitted: (1) data, (2) a description of data and/or (3) a literature citation. Enter the name of the specific technique or methodology of those tests for which you have submitted data next to the property(ies), characteristic(s) or effect(s) to which each pertains. (A given test may be pertinent to two or more properties, characteristics or effects.)

[ ] 2. Discuss any conclusions, evaluations or assessments which you have made concerning the implications of the test data results or descriptions of other data you have submitted for each particular property, characteristic or effect.

[ ] 3. Have you evaluated the health or environmental risks associated with the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance?

Yes [ ] No [ ]

If yes, explain your evaluations.

[ ] 4. Have you evaluated the health or environmental risks presented by substances associated with the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance (e.g., byproducts, co-products, feedstocks, intermediates, degradation products)?

Yes [ ] No [ ]

If yes, explain your evaluations.

[ ] 5. Have you evaluated.whether the data you have submitted are sufficient to assess the risk associated with the property(ies), characteristic(s) or effect(s) to which they pertain?

Yes [ ] No [ ]

If yes, explain your evaluations. Provide references to any factors discussed in other sections of this notice.

If you have not reported any information for a particular property or effect listed in Table 1 because you believe that such information is either unnecessary or impractical, or if data you are submitting may indicate adverse health or environmental effects, you may wish to provide additional information or explanation to EPA. Section A of Part III is an optional section which provides a format for the presentation of such information.

Table 1

CONFIDENTIALITY: The information that is required to be entered in this table is limited to the identification of: (1) the physical/chemical properties and health and environmental effects for which data or a description of data has been submitted with this notice and (2) the specific technique or methodology used to develop such data. If you are asserting a claim of confidentiality for any of these data you must mark the attached document(s) which contains the data in accordance with Section 720.40(b) of the Premanufacture Notification Rules.

PHYSICAL/CHEMICAL PROPERTIES

(1) data submitted
(2) description submitted
(3) literature citation

Property	(1)	(2)	(3)	Test Methodology or Technique
Spectra (ultraviolet, visible, infrared)	[ ]	[ ]	[ ]	_____
Density	[ ]	[ ]	[ ]	_____
Solubility in water	[ ]	[ ]	[ ]	_____
Melting point	[ ]	[ ]	[ ]	_____
Boiling point	[ ]	[ ]	[ ]	_____
Sublimation point	[ ]	[ ]	[ ]	_____
Vapor pressure	[ ]	[ ]	[ ]	_____
Dissociation constant	[ ]	[ ]	[ ]	_____
Particle size distribution	[ ]	[ ]	[ ]	_____
pH	[ ]	[ ]	[ ]	_____
Other physical/chemical or fate characteristics tests (specify)	[ ]	[ ]	[ ]	_____
Chemical Reactivity:				
Photochemical degradation	[ ]	[ ]	[ ]	_____

Table 1 (continued)

Property	(1)	(2)	(3)	Test Methodology or Technique
Hydrolysis	[ ]	[ ]	[ ]	
Chemical oxidation	[ ]	[ ]	[ ]	
Chemical reduction	[ ]	[ ]	[ ]	
Chemical incompatibility	[ ]	[ ]	[ ]	
Flammability	[ ]	[ ]	[ ]	
Explodability	[ ]	[ ]	[ ]	
Other	[ ]	[ ]	[ ]	
Biodegradation	[ ]	[ ]	[ ]	
Adsorption/desorption characteristics	[ ]	[ ]	[ ]	
Formation of persistent transformation products	[ ]	[ ]	[ ]	

HEALTH AND ENVIRONMENTAL EFFECTS DATA

(1) data submitted
(2) description submitted
(3) literature citation

Property	(1)	(2)	(3)	Test Methodology or Technique
Acute animal effects	[ ]	[ ]	[ ]	
Genetic effects	[ ]	[ ]	[ ]	
Subchronic	[ ]	[ ]	[ ]	
Teratogenicity	[ ]	[ ]	[ ]	
Reproductive effects	[ ]	[ ]	[ ]	
Oncogenicity	[ ]	[ ]	[ ]	
Other health effects (chronic or latent animal effects)	[ ]	[ ]	[ ]	
Microbial effects	[ ]	[ ]	[ ]	

Effect	(1)	(2)	(3)	Test Methodology or Technique
Aquatic invertebrate effects	[ ]	[ ]	[ ]	
Plant effects	[ ]	[ ]	[ ]	
Fish effects	[ ]	[ ]	[ ]	
Bioconcentration	[ ]	[ ]	[ ]	
Community or ecosystem level effects	[ ]	[ ]	[ ]	
Other environmental effects* (specify)	[ ]	[ ]	[ ]	

*"Other environmental effects" refers to any direct or indirect effect on any environmental entity, process, function, or amenity not specifically included in another category. Example: weather modification, stratospheric ozone depletion, property damage, agricultural or silvicultural damage, or aesthetic effects.

Section B Exposure From Processing Operations

This section must be completed by the submitter for each site where the submitter or certain other persons (as specified in Section 720.20(e) of the Premanufacture Notification Rules) intend to process the new chemical substance within the United States. If more than one processing site will be used, attach supplementary sections.

[ ] Site Name _____

[ ] Address _____

_____

_____

[ ] Technical Contact _____

The information in this section is for:

[ ] submitter's processing site [ ]

[ ] other person's processing site [ ]

1. Worker Exposure

a. Check the routes of exposure to the new chemical substance that may occur at the processing site during normal operations. For each route checked, estimate the maximum number of workers exposed to the new chemical substance during a one-year time period in the first 5 years (see Support Document for ranges).

Exposure Route		Maximum Number Exposed
Inhalation	[ ]	[ ]
Ingestion	[ ]	[ ]
Skin contact	[ ]	[ ]

Describe the magnitude, duration and frequency of the exposures that may occur through ingestion, or skin contact. Include a description of inhalation exposures if the information in question b is not known and not reasonably ascertainable.

b. State the maximum levels of the new chemical substance in the workplace air that workers are expected to be exposed to during normal operations at the processing site during the first 5 years. If appropriate, include levels for the following types of exposure situations: (1) direct exposure that occurs in close proximity to processing equipment and/or from direct handling of the chemical substance and (2) exposure to ambient workplace concentrations that may be experienced by any worker normally in the general vicinity of a processing operation.

Levels

		Direct	Ambient Workplace Air
[ ]	1. Time-weighted average concentration in air for an 8-hour day, 40-hour work week schedule ([ ] ppm or [ ] mg/m^3)		
[ ]	2. Peak concentration in air for 15 minutes ([ ] ppm or [ ] mg/m^3)		

[ ] c. Explain how the workplace exposure estimates in question a and b were derived.

[ ] d. Based on your analytical and instrument capabilities enter the minimum level of the new chemical substance you can detect in the workplace air. Describe the analytical and sampling techniques on which you have based the minimum detectable level.

[ ] e. Estimate the maximum number of workers exposed to the levels of the new chemical substance in the workplace air reported in question b during a one-year time period in the first 5 years as listed below (see Support Document for ranges). Estimate the maximum number of days per year and hours per day that any person may be exposed to the chemical substance.

	Exposure	Maximum Number Exposed	Maximum Hours/day	Maximum Days/year
[ ]	Direct			
[ ]	Ambient workplace			

f. Describe the use(s) of the new chemical substance at this site by function and application and estimate the amount devoted to each use.

Uses

	Function	Application	Amount
[ ]			
[ ]			
[ ]			

g. Describe any products produced by your processing operations which intentionally contain the chemical substance and are intended for use at industrial sites only.

2. Environmental Release

[ ] a. Indicate, as required in Table 2, the maximum amount of the new chemical substance intended to be processed at the site (kg/yr), the hours of operation, and the estimated average and maximum environmental release rates and concentrations of the chemical substance at the processing site during normal operation. Enter the minimum level of the new chemical substance that you have analytical and sampling capability to detect in air emission streams and water effluent streams and describe your method of detection. Enter the specified stack parameters for each air process emission point listed. Place the following letters in the appropriate range estimates to indicate the range of the maximum and average release rates or concentrations expected. Base your estimates on the year of maximum release during the first 5 years.

A - average discharge rate or average hourly concentration in air emission streams, average daily concentration in water effluent streams.

M - maximum discharge rate or concentration.

TABLE 2

ENVIRONMENTAL RELEASE FROM PROCESS SITES

Amount Manufactured kg/yr _____ Hours of Operation/Yr. _____
Hours/day _____

Type of Level		Range				
Air						
[ ] a.	estimated discharge to the air from an entire site (kg/hr)	<.1 [ ]	.1-1 [ ]	1-10 [ ]	10-100 [ ]	>100 [ ]
[ ] b.	hourly concentration in process emission streams [ ] ppm [ ] mg/m^3	10	10-100	100-1,000	1,000-10,000	10,000-100,000

Stack	Stack Dia.	Stack height	Velocity	Temp					
[ ] 1.	_____	_____	_____	____	[ ]	[ ]	[ ]	[ ]	[ ]
[ ] 2.	_____	_____	_____	____	[ ]	[ ]	[ ]	[ ]	[ ]
[ ] 3.	_____	_____	_____	____	[ ]	[ ]	[ ]	[ ]	[ ]

[ ] c. minimum detectable level in process emission streams [ ] ppm [ ] mg/m^3 _____ Method of Detection: _____

WATER [ ] POTW[1] [ ] Navigable Waterway or Tributary [ ] Other

[ ] a.	estimated discharge rate in effluent streams (kg/day)	<1 [ ]	1-10 [ ]	10-100 [ ]	100-1000 [ ]	>1000 [ ]
[ ] b.	daily concentration in effluent streams [ ] ppm [ ] ppb	<1	1-10	10-100	100-1000	>1000
[ ]	1. _____ flow rate [ ] GPD[2]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	2. _____ flow rate [ ] GPD	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	3. _____ flow rate [ ] GPD	[ ]	[ ]	[ ]	[ ]	[ ]

[ ] c. minimum detectable level in effluent streams [ ] ppm [ ] ppb _____ Method of Detection: _____

1-POTW - Publicly Owned Treatment Works
2-GPD - gallons per day

[ ] b. Enter the name of the receiving water body(ies) or name and location of the POTW listed in Table 2 to which you will be discharging.

[ ] c. If the concentration levels listed in Table 2 result from treatment of the wastewater stream or use of air pollution control equipment, describe the type of control equipment, identify the air emission stream or water effluent stream it serves, and state the expected efficiency of the equipment (i.e., the percent of emission or effluent reduction).

[ ] d. Explain how the environmental release estimates in Table 2 were derived.

3. Disposal

[ ] a. Describe any materials associated with the processing operation that contain the new chemical substance and require disposal. Estimate the maximum amount of each material to be disposed of in a one-year period during the first 5 years (see Support Document for ranges), the percent of the new chemical substance contained in the materials requiring disposal and enter the anticipated method of disposal. Also enter the name of the commercial disposer (if applicable) and the location of the site of disposal if known.

	Material Requiring Disposal	Amount (kg/yr)	Percent of New Chemical Substance	Anticipated Method of Disposal	Name and Site Location
[ ]					
[ ]					
[ ]					

[ ] b. If substances containing the new chemical substance that require disposal are incinerated or otherwise treated to destroy or remove the chemical substance indicate the efficiency of this removal.

[ ] c. Attach to this notice a copy or reasonable facsimile of any warning statement, labels, labeling or instructions that will be provided by you to persons who may dispose of the new chemical substance in order to inform them of disposal procedures you recommend.

[ ] d. Estimate the maximum number of workers that may be exposed to the new chemical substance during normal disposal operations and characterize the magnitude, duration, and frequency of such exposures (see Support Document for ranges).

Section C Exposure From Consumer Use

Complete this section if you or certain other persons (as specified in 40 CFR 720.20(e)) will manufacture a product(s) that contains the new chemical substance and that will be distributed for use by the general population or for use in products to which the general population may be exposed. A separate section should be completed for products intended to be produced by the submitter and products the submitter believes other persons intend to produce.

The information in this section is for:

products produced by the submitter [ ]

products produced by other persons [ ]

[ ] 1. Using Table 3, list the anticipated products by function and application and the total amount of the new chemical substance devoted to each product to one significant figure. Estimate the consumer market population which will be exposed to the product (see Support Document for ranges), the route of exposure and the frequency and duration of exposure based on each use. For products which are mixtures indicate the maximum percent by weight of the chemical substance in the product. Check those products which are constructed or formulated so as to limit potential exposure.

[ ] 2. Describe the level of human exposure that may occur through use of products that contain the new chemical substance. Where possible provide quantitative estimates of exposure levels such as the maximum concentration of the substance in air during normal use.

[ ] 3. Describe how the estimates in question 2 were derived.

[ ] 4. For each article checked in Table 3 explain those aspects of its construction or formulation which will affect the potential for exposure to the new chemical substance.

[ ] 5. Attach to this notice a copy or reasonable facsimile of any hazard warning statement, labels, labeling or instructions which will be provided with each product regarding the prevention of adverse health and/or environmental effects upon use or disposal.

TABLE 3

CONSUMER EXPOSURE

	Product Function/ Application	Amount For each Use	Consumer Market Population for each use	Frequency of Exposure	Duration of Exposure	Exposure Route Through Use			% in formulated Mixture	Controlled Exposure Construction
						Inhal.	Ingest.	Derm.		
[ ]	_____	_____	_____	_____	_____	[ ]	[ ]	[ ]	_____	[ ]
[ ]	_____	_____	_____	_____	_____	[ ]	[ ]	[ ]	_____	[ ]
[ ]	_____	_____	_____	_____	_____	[ ]	[ ]	[ ]	_____	[ ]

Part III

Risk Analysis and Optional Data

(Optional)

A reasonable evaluation of the health and environmental effects of a chemical substance requires basic data relating to the primary factors of health effects, ecological effects, chemical properties (transport and persistence), and exposure. Information on such factors is required in Part II of this form.

Other factors can affect the magnitude of human and environmental risk from chemicals or influence the analysis of risk. These additional factors include structure/activity relationships, engineered safeguards, industrial hygiene programs, and consideration of intended restrictions on chemical use. This part of the form (Part III) is optional and provides the form and manner in which data and information pertaining to these factors can be submitted to EPA. The submitter may complete any section or portion of a section in this Part. In addition to this part the submitter may attach any information which he believes EPA should consider in assessing this notice.

Section A Risk Analysis

[ ] 1. Describe your overall testing/evaluation scheme and discuss the scientific rationale underlying your scheme.

[ ] 2. If no data are submitted concerning a particular effect or property listed in Table 1 (pages 16 through 18 of Part II) explain why the development of additional data concerning such properties or effects is unnecessary for the chemical substance. In the absence of such data explain why you believe the information which you have submitted allows a reasoned evaluation of the health and environmental effects of the new chemical substance. Provide references to any mitigating factors discussed in the other sections of this notice (e.g., structure/activity relationships, safeguards, etc.).

[ ] 3. For each of the properties, characteristics, or effects listed in Table 1 (pages 16 through 18 of Part II), if any of the applicable data indicate a potential for adverse health or environmental risk, alone or in combination with other data, discuss any information which you feel mitigates such risk.

[ ] 4. If testing for any effect or property listed in Table 1 was not done because of economic impracticality, explain why you reached such a conclusion.

[ ] 5. One common approach utilized in risk assessment methodology consists of identifying conditions of maximum exposure or susceptible segments of the population in order to identify maximum potential for risk. You may assist EPA by providing estimates of maximum exposure (considering or speculating upon new uses, expanded production, accidental exposure, misuse of the chemical, etc.) or identifying those uses that affect the most susceptible segments of the population (e.g., children, the infirm, etc.). Further, you may wish to provide EPA with your own analysis of risk under these same conditions.

Section B Structure/Activity Relationships

[ ] 1. Have you attached a description of any data or information to this notice concerning properties or effects of chemical substances or classes of substances that are related to the new chemical substance on the basis of structural similarity, chemical reactivity or other characteristics and that relate to an evaluation of the risks posed by the new chemical substance?
[ ] Yes [ ] No

If yes, identify the related chemical(s) and explain what makes these related chemicals similar (e.g., functional group characteristic chemical reactivity, other chemical or physical property).

[ ] 2. Explain why you concluded that this similarity presents a valid basis for evaluating the activity of the new chemical substance.

[ ] 3. Explain how properties or effects of these related chemical substances affect the risk associated with the new chemical substance.

[ ] 4. Are there other structurally related chemical substances which you have not discussed here?
[ ] Yes [ ] No

If yes, explain why.

Section C Non-Risk Factors: Economic and Non-Economic Benefits

The economic significance and benefits associated with a chemical substance are relevant to determining if the risks associated with the importation, processing, use, or disposal of the chemical substance are unreasonable. This section assists the importer in providing his assessment of certain economic and benefit factors which he believes EPA should consider when evaluating the chemical's risks and benefits.

1. Economic changes resulting from importation of the new chemical.

[ ] a. Estimate the total five-year projected gross market value of the new chemical.

b. What effect will importation of the new chemical have on the price of any domestically produced feedstocks, intermediates, end products or non-chemical products? Identify any affected products and indicate by means of the appropriate price change symbol.

		Affected Product	Price Change	Current Price
[ ]	1.		[ ]	[ ]
[ ]	2.		[ ]	[ ]
[ ]	3.		[ ]	[ ]

Key: 1 = Decrease in excess of 25%
2 = Decrease between 10% and 25%
3 = Some decrease but less than 10%
4 = No change
5 = Some increase but less than 10%
6 = Increase between 10% and 25%
7 = Increase in excess of 25%

c. What effect will importation of the new chemical have on the volume of production of any domestically produced feedstocks, intermediates, end products or non-chemical products? Identify any affected products and indicate by means of the appropriate production change symbol.

	Affected Product	Production Change
[ ]	1.	[ ]
[ ]	2.	[ ]
[ ]	3.	[ ]

Key:
1 = Decrease in excess of 50,000 pounds
2 = Decrease between 10,000 and 50,000 pounds
3 = Some decrease but less than 10,000 pounds
4 = No change
5 = Some increase but less than 10,000 pounds
6 = Increase between 10,000 and 50,000 pounds
7 = Increase in excess of 50,000 pounds

d. What employment effects will result from importation of the new chemical? Indicate the source and magnitude of any employment change below, using the appropriate symbol.

	Affected Product	Employment Change
[ ]	A. Importation of the chemical itself	[ ]
	B. Domestic production of any feedstock, intermedates, end products or non-chemical products (Identify below)	
[ ]	_____	[ ]
[ ]	_____	[ ]
[ ]	_____	[ ]

Key:
1 = Decrease in excess of 25 people
2 = Decrease between 10 and 25 people
3 = Some decrease but less than 10 people
4 = No change
5 = Increase but less than 10 people
6 = Increase between 10 and 25 people
7 = Increase in excess of 25 people

[ ] e. Describe any significant regional or community effects resulting from importation of the new chemical, such as a significant reduction in the rate of unemployment.

f. What effects on the balance of trade will result from importation of the new chemical? Indicate the source and magnitude of export and import changes by the appropriate symbol.

Source	Changes in Exports	Changes in Imports
[ ] A. Importation of the new chemical itself	[ ]	[ ]
[ ] B. Domestic production of any feedstocks, intermediates, end products or non-chemical products (Identify below)	[ ]	[ ]

Key:
1 = Decrease in excess of $25 million annually
2 = Decrease between $10 million and $25 million annually
3 = Some decrease but less than $10 million annually
4 = No change
5 = Some increase but less than $10 million annually
6 = Increase between $10 million and $25 million annually
7 = Increase in excess of $25 million annually

[ ] g. Are any plant and equipment outlays planned in conjunction with importation of the new chemical? Describe the nature of the investment, the timing, and the amount of the investment.

Year	Investment Amount	Production Capacity Created

[ ] h. What are the (unique) properties of this chemical that will be the basis of its value in the marketplace? (Include such factors as contribution to reliability or durability of intermediates or end products, increases in productivity, convenience factors, and aesthetic factors).

[ ] i. What existing substitute products or processes (if any) have any of the properties listed in 1(h)? In what ways do the properties of the new chemical exceed those of existing substitutes?

2. Non-economic benefits resulting from production of the new chemical.

[ ] a. Are there any uses for the new chemical which contribute directly or indirectly to human health or safety?

[ ] b. What existing substitute products or processes (if any) have any of the uses listed in 2(a)? In what ways do the use properties of the new chemical exceed those of existing substitutes?

[ ] c. Are there any uses for the new chemical which result in environmental benefits or conservation of energy or natural resources?

[ ] d. What existing substitute products or processes (if any) have any of the uses listed in 2(c)? In what ways do the use properties of the new chemical exceed those of existing substitutes?

FOREIGN MANUFACTURERS/SUPPLIERS FORM

CERTIFICATION STATEMENT: I hereby certify that, to the best of my knowledge and belief, all information entered on this form is complete and truthful as of the date of submittal.

Signature of Authorized Official _____

Date _____

GENERAL INSTRUCTIONS

Section 720.21(c) of the rules for Premanufacture Notification for New Chemical Substances requires an importer of a new chemical substance submitting a premanufacture notice to request the manufacturer and supplier of the substance to complete this form. You have been selected because an importer has indicated that you intend to manufacture or supply the substance(s) for which premanufacture notification has been or will be submitted. If you do not intend to manufacture or supply this substance, you should not complete this form. If you do intend to manufacture or supply the substance, you are requested to complete this form, but you are not under a legal obligation to do so. However, if you have been authorized to report the chemical identity on behalf of the importer, failure to do so will invalidate the importer's notice.

If this form is completed, it may be returned to the person who sent it to you, or sent directly to EPA at the following address:

Document Control Officer
Office of Toxic Substances
TS-793
U.S.E.P.A.
401 M Street, S.W.
Washington, D.C. 20460

CONFIDENTIALITY INSTRUCTIONS: You may assert a claim of confidentiality with respect to any data or information submitted on this form. If you are asserting such a claim, you should place a check in the box in the left hand margin immediately adjacent to the data or information entry. If you do not assert a claim of confidentiality on this form at the time of submission of the information, EPA may make the information public without further notice to you. Claims of confidentiality must be made in accordance with 40 CFR 720, Subpart E, and EPA's Public Information provisions in 40 CFR Part 2. Information submitted to EPA, and subject to a claim of confidentiality, will be treated in accordance with 40 CFR 720, Subpart E, and 40 CFR Part 2.

Part 1

GENERAL INFORMATION

Section A Manufacturer Identification

[ ] 1. Person Completing Form

Name of Authorized Official _____

Title _____

Organization _____

Address _____

2. Incorporation Information

Legal Title of Organization _____

_____

Place of Incorporation

Street _____

City _____

State _____

[ ] 3. Principal Place of Business

Street _____

City _____

State _____

[ ] 4. Technical Contact

Name/Title _____

Address _____

Telephone Number _____

5. Related Companies

a. Other Persons Authorized to Manufacture and Export Chemical to U.S.

1) Identify any other persons that may manufacture or export this chemical substance to the United States by virtue of an existing or planned business arrangement (e.g., contract, license, or other form of legal permission) between you and the person.

	Name	Address	Business Arrangement	Anticipated Date of Export
[ ]				
[ ]				
[ ]				

[ ] 2) If such a business arrangement exists will the responses on this form include export volume and use information resulting from the activities of these other persons?

Yes [ ] No [ ]

[ ] If no, provide export volumes expected for the next five years.

[ ] b. Parent Company

Name _____

Address _____

_____

_____

Section B Chemical Identity

If chemical identity will be reported by the importer who sent you this form, check this box and do not complete the remainder of this section [ ]. If you have been authorized to report the chemical identity for the importer, failure to do so will invalidate the importer's notice.

Complete either 1, 2, or 3 as appropriate. Complete 4. If chemical identity is claimed confidential also complete 5.

1. Class 1 chemical substance (other than polymers).

[ ] a. CAS Registry No. (if known) _____

[ ] b. Specific Chemical Name _____

[ ] c. Molecular Formula _____

[ ] d. Synonyms _____

[ ] e. Trademarks _____

[ ] f. Structural Diagram

2. Class 2 chemical substance.

[ ] a. CAS Registry No. (if known) _____

[ ] b. Specific Chemical Name _____

[ ] c. Synonyms _____

[ ] d. Trademarks _____

[ ] e. List the immediate precursor substance(s) and/or reactants with their respective CAS Registry Number(s) and the nature of the reaction. Also provide a partial or incomplete chemical structure diagram (where appropriate). Indicate the range of composition.

3. Polymers

a. (1) Provide the specific chemical name and the CAS Registry Number of those monomers and other reactants used at greater than two percent (by weight) in the manufacture of the polymer. Monomers used at two percent (by weight) or less need not be listed as part of the polymer description; (2) Provide the intended range of composition of the polymer in terms of monomer percent (by weight). Calculate the percent based on the composition of the polymer formed. If your notice is for any copolymer of the listed monomers, enter "any" under Range of Composition; (3) For each monomer, indicate the maximum amount (weight percent) that may be present as a residual in the polymer as distributed in commerce.

	(1) Monomers and CAS Registry #	(2) Range of Composition	(3) Maximum Residual (Weight Percent)
[ ]			
[ ]			
[ ]			

b. List any monomers used at 2% (by weight) or less in the manufacture of the polymer which are not listed in 3(a) above. For each such monomer indicate the maximum amount (weight percent) that may be present as a residual in the polymer as distributed in commerce.

c. Indicate the minimum molecular weight, compositional restrictions or other restrictions of the polymeric compositions to which this notice applies.

4. Impurities

List the identity and estimate the maximum percent (by weight) of those impurities which may reasonably be anticipated to be present in the chemical substance as it will be manufactured for commercial purposes. Consider information developed during R&D activities,

your knowledge of manufacturing process chemistry and anticipated quality control operations. Check if the concentration of an impurity will be specifically controlled based upon your knowledge of potential adverse health or environmental effects. Estimate the maximum total percent (by weight) of the impurities that may be present. Total percent _____.

	Identity	Maximum Percent	Specifically Controlled
[ ]			[ ]
[ ]			[ ]
[ ]			[ ]

5. Chemical Identity Claimed Confidential

a. If claimed for period prior to commencement of export to the U.S.:

Proposed Generic Name _____

b. If claimed for period following commencement of export to the U.S.:

Proposed Generic Name: _____

Substantiation and other materials required to be submitted with a claim of confidentiality must be attached in accordance with 40 CFR 720.40(c).

Section C Production and Marketing Data

1. Estimate your past total annual production of the new chemical substance for the following years (see ranges in Support Document).

[ ] a. One year ago

[ ] b. Three years ago

[ ] c. Five years ago

2. Estimate the past total annual production of the new chemical substance by others for the following years (see ranges in Support Document).

[ ] a. One year ago

[ ] b. Three years ago

[ ] c. Five years ago

3. Has the chemical substance been manufactured more than five years ago?

Yes [ ] No [ ] Don't Know [ ]

If yes, estimate the average annual production and the number of years it was produced (see ranges in Support Document).

4. Estimate your total annual production volume for the years following submittal of this notice (see ranges in Support Document).

[ ] a. First year

[ ] b. Third year

[ ] c. Maximum annual demand (fifth year or beyond)

5. Export Volumes

a. Estimate the total amount of the chemical substance that you will sell for export to the United States for the following years (see ranges in Support Document).

[ ] (i) First year

[ ] (ii) Third year

[ ] (iii) Maximum annual sales (fifth year or beyond)

6. Basis of Export Estimate

	% of First Year	% of Third Year	% of Maximum Annual Demand
[ ] Firm Orders			
[ ] Forecast			
[ ] Speculative			
	%100	%100	%100

7. Chemical Use Assumptions Used in Production Estimate

In the following questions, list each use by function, and as specific an application as possible. (Example: function-solvent; application-paint used in automotive finishes.) List partial information if complete information is not known. (Examples: function-solvent; application-unknown.) Uses reported elsewhere in this form should also be reported here.

a. List those uses on which your export estimates are based. List uses in descending order of the anticipated production volumes devoted to each use.

	Function	Application
[ ]		
[ ]		
[ ]		

b. List any other uses that you believe the chemical substance could have. Identify those uses for which the chemical substance was manufactured prior to the date of this notice.

	Function	Application	Prior Use
[ ]			[ ]
[ ]			[ ]
[ ]			[ ]

c. Do you intend or expect the new chemical substance to be used within the United States to treat water or to be used in drinking water supplies or to be used in coatings, paints, liners, pipes or other products that will come in contact with drinking water?

[ ] Yes [ ] No [ ]

[ ] 8. Was production of this chemical banned or restricted because of governmental action, litigation, or voluntarily because of adverse health or environmental effects?

Yes [ ] No [ ] Don't Know [ ]

If yes, cite references or attach information or data.

9. Hazard Warnings

Attach to this notice a copy or reasonable facsimile of any hazard warning statement, labels, labeling or instructions, technical data sheet, Material Safety Data Sheet and any other information which will be provided to purchasers regarding the safe handling, use, disposal, treatment upon accidental exposure, or recommendations concerning the formulation, construction or labeling of products containing the chemical substance.

Section D Federal Register Notice

Information provided in this section will be published in the Federal Register in accordance with Section 5(d)(2) of the TSCA. Separate sections are provided for presentation of data related to confidential information where appropriate. Do not enter any information in this section which you consider confidential.

1. Chemical Identity - If chemical identity will be reported by the importer who sent you this form do not complete this question.

a. If chemical identity was not claimed confidential in Section B, enter the specific chemical name which you reported in Section B. For polymers enter those monomers which were listed in Section B(3)(a).

_____

b. If chemical identity was claimed confidential in Section B, enter the proposed generic name which you reported in Section B(5).

_____

2. Use Data

a. If use data were not claimed confidential in Section C, list the proposed uses of the chemical substance in the United States by function and as specific an application as known. List industrial uses and consumer uses separately.

Industrial Uses

Function	Application

Consumer Uses

Function	Application

b. If use data were claimed confidential in Section C, report a generic description of the proposed industrial and consumer use(s) of the chemical substance in the United States. This description should be as specific as possible without revealing confidential information.

Industrial Uses

_____

_____

_____

Consumer Uses

_____

_____

_____

Part II

RISK ASSESSMENT DATA

Section A — Chemical Properties, Environmental Fate Characteristics, and Human and Ecological Effects Data

Under Section 5(d)(1)(B) and (C) of TSCA and 40 CFR 720.23, a manufacturer within the United States must report all test data in his possession or control and a description of any other data which is reasonably ascertainable related to the effect of any manufacture, processing, distribution in commerce, use or disposal of the chemical substance. The regulations detail which data must be submitted with the notice and which data may be referenced by a literature citation. In addition, the regulations prescribe a format for data on certain effects.

Foreign manufacturers/suppliers are not under a legal obligation to report any test data in their possession or control, or a description of any other data. However, the submission of such data or a description of data will aid EPA in assessing the risk associated with the chemical substance. In addition, in some cases (such as when significant human exposure to the chemical substance is expected and the importer possesses little or no data), voluntary reporting of health or environmental effects data by you may reduce the chance of a delay in importation of the chemical substance due to inadequate data.

Table 1 lists what EPA considers to be the most important basic chemical properties and potential effects that should be considered in an assessment of risk. You are urged to attach to this notice all health and environmental effects and physical/chemical properties data concerning the effects and properties listed in this Table. This section of the form requires additional information concerning the relationship of the test data and information submitted with this form to the properties and effects listed in Table 1. If such data are reported, you are also requested to complete this section.

[ ] 1. Using Table 1, check those property(ies), characteristic(s) or effect(s) for which you have submitted: (1) data, (2) a description of data and/or (3) a literature citation. Enter the name of the specific technique or methodology of those tests for which you have submitted data next to the property(ies), characteristic(s) or effect(s) to which each pertains. (A given test may be pertinent to two or more properties, characteristics or effects.)

[ ] 2. Discuss any conclusions, evaluations or assessments which you have made concerning the implications of the test data results or descriptions of other data you have submitted for each particular property, characteristic or effect.

[ ] 3. Have you evaluated the health or environmental risks associated with the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance?

Yes [ ] No [ ]

If yes, explain your evaluations.

[ ] 4. Have you evaluated the health or environmental risks presented by substances associated with the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance (e.g., by-products, co-products, feedstocks, intermediates, degradation products)?

Yes [ ] No [ ]

If yes, explain your evaluations.

[ ] 5. Have you evaluated whether the data you have submitted are sufficient to assess the risk associated with the property(ies), characteristic(s) or effect(s) to which they pertain?

Yes [ ] No [ ]

If yes, explain your evaluations. Provide references to any factors discussed in other sections of this notice.

If you have not reported any information for a particular property or effect listed in Table 1 because you believe that such information is either unnecessary or impractical, or if data you are submitting may indicate adverse health or environmental effects, you may wish to provide additional information or explanation to EPA. Section C provides a format for the presentation of such information.

Table 1

CONFIDENTIALITY: The information that is required to be entered in this table is limited to the identification of (1) the physical/chemical properties and health and environmental effects for which data or a description of data has been submitted with this notice and (2) the specific technique or methodology used to develop such data. If you are asserting a claim of confidentiality for any of this data you must mark the attached document(s) which contain the data in accordance with Section 720.40(b) of the Premanufacture Notification Rules.

PHYSICAL/CHEMICAL PROPERTIES

(1) data submitted
(2) description submitted
(3) literature citation

Property	(1)	(2)	(3)	Test Methodology or Technique
Spectra (ultraviolet, visible, infrared)	[ ]	[ ]	[ ]	_____
Density	[ ]	[ ]	[ ]	_____
Solubility in water	[ ]	[ ]	[ ]	_____
Melting point	[ ]	[ ]	[ ]	_____
Boiling point	[ ]	[ ]	[ ]	_____
Sublimation point	[ ]	[ ]	[ ]	_____
Vapor pressure	[ ]	[ ]	[ ]	_____
Dissociation constant	[ ]	[ ]	[ ]	_____
Particle size distribution	[ ]	[ ]	[ ]	_____
pH	[ ]	[ ]	[ ]	_____
Other physical/chemical or fate characteristics tests (list)	[ ]	[ ]	[ ]	_____

Table 1 (continued)

Property	(1)	(2)	(3)	Test Methodology or Technique
Chemical Reactivity:				
Photochemical degradation	[ ]	[ ]	[ ]	_____
Hydrolysis	[ ]	[ ]	[ ]	_____
Chemical oxidation	[ ]	[ ]	[ ]	_____
Chemical reduction	[ ]	[ ]	[ ]	_____
Chemical incompatibility	[ ]	[ ]	[ ]	_____
Explodability	[ ]	[ ]	[ ]	_____
Other	[ ]	[ ]	[ ]	_____
Biodegradation	[ ]	[ ]	[ ]	_____
Adsorption/desorption characteristics	[ ]	[ ]	[ ]	_____
Formation of persistent transformation products	[ ]	[ ]	[ ]	_____

HEALTH AND ENVIRONMENTAL EFFECTS DATA

(1) data submitted
(2) description submitted
(3) literature citation

Effect	(1)	(2)	(3)	Test Methodology or Technique
Acute animal effects	[ ]	[ ]	[ ]	_____
Genetic effects	[ ]	[ ]	[ ]	_____
Subchronic	[ ]	[ ]	[ ]	_____

Table 1 (continued)

Effect	(1)	(2)	(3)	Test Methodology or Technique
Teratogenicity	[ ]	[ ]	[ ]	_____
Reproductive effects	[ ]	[ ]	[ ]	_____
Oncogenicity	[ ]	[ ]	[ ]	_____
Other health effects (chronic or latent animal effects)	[ ]	[ ]	[ ]	_____
Microbial effects	[ ]	[ ]	[ ]	_____
Aquatic invertebrate effects	[ ]	[ ]	[ ]	_____
Plant effects	[ ]	[ ]	[ ]	_____
Fish effects	[ ]	[ ]	[ ]	_____
Bioconcentration	[ ]	[ ]	[ ]	_____
Community or ecosystem level effects	[ ]	[ ]	[ ]	_____
Other environmental effects* (specify)	[ ]	[ ]	[ ]	_____

*"Other environmental effects" refers to any direct or indirect effect on any environmental entity, process, function, or amenity not specifically included in another category. Example: weather modification, stratospheric ozone depletion, property damage, agricultural or silvicultural damage, and aesthetic effects.

Section B Risk Analysis

[ ] 1. Describe your overall testing/evaluation scheme and discuss the scientific rationale underlying your scheme.

[ ] 2. If no data are submitted concerning a particular effect or property listed in Table 1 (pages 13 through 15 of Part II) explain why the development of additional data for such properties or effects is unnecessary for your chemical substance. In the absence of such data explain why you believe the information which has been submitted allows a reasoned evaluation of the health and environmental effects of your new chemical substance. Provide references to any mitigating factors discussed in the other sections of this notice (e.g., structure activity relationships, safeguards, etc.).

[ ] 3. For each of the properties, characteristics, or effects listed in Table 1 (pages 13 through 15 of Part II), if any of the applicable data indicate a potential for adverse health or environmental risk, alone or in combination with other data, discuss any information which you feel mitigates such risk.

[ ] 4. If testing for any effect or property listed in Table 1 was not done because of economic impracticality explain why you reached such a conclusion.

[ ] 5. One common approach utilized in risk assessment methodology consists of identifying conditions of maximum exposure or susceptible segments of the population in order to identify maximum potential for risk. You may assist EPA by providing estimates of maximum exposure (considering or speculating upon new uses, expanded production, accidental exposure, misuse of the chemical, etc.) or identifying those uses that affect the most susceptible segments of the population (e.g., children, infirm, etc.). Further, you may wish to provide EPA with your own analysis of risk under these same conditions.

Section C Structure/Activity Relationships

[ ] 1. Have you attached a description of any data or information to this notice concerning properties or effects of chemical substances or classes of substances that are related to the new chemical substance on the basis of structural similarity, chemical reactivity or other characteristics and that relate to an evaluation of the risks posed by your new chemical substance?

Yes [ ] No [ ]

If yes, identify the related chemical(s) and explain what makes these related chemicals similar (e.g., functional group, characteristic chemical reactivity, other chemical or physical property).

[ ] 2. Explain why you concluded that this similarity presents a valid basis for evaluating the activity of the new chemical substance.

[ ] 3. Explain how properties or effects of these related chemical substances affect the risk associated with the new chemical substance.

[ ] 4. Are there other structurally related chemical substances which you have not discussed here?

Yes [ ] No [ ]

If yes, explain why.

PROCESSING AND CONSUMER USE FORM

CERTIFICATION STATEMENT: I hereby certify that, to the best of my knowledge and belief, all information entered on this form is complete and truthful as of the date of this submittal.

Signature of Authorized Official _____

Date: _____

GENERAL INSTRUCTIONS

Section 720.20(e) of the Premanufacture Notification Rules for New Chemical Substances requires each person who submits a premanufacture notice to request certain other persons to complete this form. You have been selected because of an indication that you may process or use the substance(s) for which a premanufacture notice has been or will be submitted. If you do not intend to process or use this substance, you should not complete this form. If you do intend to process or use the substance, please complete this form. However, you are not under a legal obligation to do so.

If you complete this form, it may be returned to the person who sent it to you, or sent directly to EPA at the following address:

Document Control Officer
Office of Toxic Substances
TS-793
U.S.E.P.A.
401 M Street, S.W.
Washington, D.C. 20460

CONFIDENTIALITY INSTRUCTIONS

You may assert a claim of confidentiality with respect to any data or information submitted on this form. If you are asserting such a claim, you should place a check in the box in the left hand margin immediately adjacent to the data or information entry. If you do not assert a claim of confidentiality at the time of submission of the information, EPA may make the information public without further notice to you. Claims of confidentiality must be made in accordance with 40 CFR 720, Subpart E, and EPA's Public Information provisions, in 40 CFR Part 2.

Information submitted to EPA, and subject to a claim of confidentiality, will be treated in accordance with 40 CFR 720, Subpart E, and 40 CFR Part 2.

Person Completing Form

Name of Authorized Official _____
Title _____
Organization _____
Mailing Address _____

Part I

PROCESSING OPERATIONS

The risk which a chemical substance presents to health or the environment depends upon two factors: effects (toxicity) and exposure. Further, exposure has two aspects: (1) the type and magnitude of exposure to humans and ecological populations and (2) the probability that such exposure will occur. To perform assessments of risks presented by new chemical substances, EPA needs information on both aspects. This section is intended to identify the levels of exposure to workers, the general population, and the environment resulting from processing of the chemical substance.

Sections A, B and C should be completed for each site where you intend to process the new chemical substance. If more than one processing site will be used attach supplementary sections.

[ ] Site Name _____

[ ] Address _____

_____

_____

Section A Worker Exposure

1. Check the routes of exposure to the new chemical substance that may occur at the processing site during normal operations. For each route checked, estimate the maximum number of workers exposed to the new chemical substance during a one-year time period in the first 5 years (see Support Document for ranges).

	Exposure Route	Maximum Number Exposed
[ ]	Inhalation	[ ]
[ ]	Ingestion	[ ]
[ ]	Skin contact	[ ]

Describe the magnitude, duration and frequency of the exposures that may occur through ingestion or skin contact. Include a description of inhalation exposures if the information in Question 2 is unknown and not reasonably ascertainable.

2. State the maximum levels of the new chemical substance in the workplace air that workers are expected to be exposed to during normal operations at the processing site in the first 5 years. If appropriate, include levels for the following types of exposure situations: (1) direct exposure that occurs in close proximity to manufacturing equipment and/or from direct handling of the chemical substance and (2) exposure to ambient workplace concentrations that may be experienced by any worker normally in the general vicinity of a processing operation.

		Levels	
		Direct	Ambient Workplace Air
[ ]	a. Time-weighted average concentration in air for an 8-hour day, 40-hour work week schedule ([ ] ppm or [ ] mg/m3)		
[ ]	b. Peak concentration in air for 15 minutes ([ ] ppm or [ ] mg/m3)		

[ ] 3. Explain how the workplace exposure estimates in Questions 1 and 2 were derived.

[ ] 4. Based on your analytical and instrument capabilities enter the minimum level of the new chemical substance that you can detect in the workplace air. Describe the analytical and sampling techniques on which you have based the minimum detectable level.

[ ] 5. Estimate the maximum number of workers exposed to the levels of the new chemical substance in the workplace air reported in Question 2 during a one-year time period in the first 5 years as listed below (see Support Document for ranges). Estimate the maximum number of days per year and hours per day that any person may be exposed to the chemical substance.

	Exposure	Maximum Number Exposed	Maximum Hours/day	Maximum Days/Year
[ ]	Direct			
[ ]	Ambient workplace			

6. Describe the use(s) of the new chemical substance at this site by function and application and estimate the amount devoted to each use to one significant figure.

	Uses		
	Function	Application	Amount
[ ]	_____	_____	_____
[ ]	_____	_____	_____
[ ]	_____	_____	_____

7. Describe any products produced by your processing operations which intentionally contain the chemical substance and are intended for use at industrial sites only.

Section B Environmental Releases

[ ] 1. Indicate, as required in Table 1, the maximum amount of the new chemical substance intended to be processed at the site to one significant figure (kg/yr), the hours of operation, the estimated average and maximum environmental release rates and concentration of the chemical substance at the processing site during normal operation. Enter the minimum level of the new chemical substance that you have analytical and sampling capability to detect in air emission streams and water effluent streams and describe your method of detection. Enter the specified stack parameters for each air process emission point listed. Place the following letters in the appropriate range estimates to indicate the range of the maximum and average release rates or concentrations expected. Base your estimates on the year of maximum release during the first 5 years.

A - average discharge rate or average hourly concentration in air emission streams, average daily concentration in water effluent streams.

M - maximum discharge or concentration.

[ ] 2. Enter the name of the receiving water body(ies) or name and location of the POTW listed in Table 1 to which you will be discharging.

[ ] 3. If the concentration levels listed in Table 1 result from treatment of the wastewater stream or use of air pollution control equipment, describe the type of control equipment, identify the air emission stream or water effluent stream it serves, and state the expected efficiency of the equipment (i.e., the percent of emission or effluent reduction).

[ ] 4. Explain how the environmental release estimates in Table 1 were derived.

TABLE 1

ENVIRONMENTAL RELEASE FROM PROCESS SITES

Amount Manufactured kg/yr _____ Hours of Operation/Yr. _____

Hours/day _____

Type of Level		Range					
Air							
[ ] a.	estimated discharge to the air from an entire site (kg/hr)	<.1 [ ]	.1-1 [ ]	1-10 [ ]	10-100 [ ]	>100 [ ]	
[ ] b.	hourly concentration in process emission streams [ ] ppm [ ] mg/m^3	10	10-100	100-1,000	1,000-10,000	10,000-100,000	>100,000

Stack		Stack Dia.	Stack height	Velocity	Temp						
[ ]	1.	_____	_____	_____	___	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	2.	_____	_____	_____	___	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]
[ ]	3.	_____	_____	_____	___	[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

[ ] c. minimum detectable level in process emission streams [ ] ppm [ ] mg/m^3 _____ Method of Detection: _____.

WATER [ ] POTW[1] [ ] Navigable Waterway or Tributary [ ] Other

[ ] a.	estimated discharge rate in effluent streams (kg/day)	<1 [ ]	1-10 [ ]	10-100 [ ]	100-1000 [ ]	>1000 [ ]	
[ ] b.	daily concentration in effluent streams [ ] ppm [ ] ppb	<1	1-10	10-100	100-1000	>1000	
[ ]	1. _____ flow rate [ ] GPD[2]	[ ]	[ ]	[ ]	[ ]	[ ]	
[ ]	2. _____ flow rate [ ] GPD	[ ]	[ ]	[ ]	[ ]	[ ]	
[ ]	3. _____ flow rate [ ] GPD	[ ]	[ ]	[ ]	[ ]	[ ]	
[ ] c.	minimum detectable level in effluent streams [ ] ppm [ ] ppb	_____ Method of Detection: _____.					

1-POTW - Publicly Owned Treatment Works
2-GPD - gallons per day

Section C Disposal

[ ] 1. Describe any materials associated with the processing operation that contain the new chemical substance and require disposal. Estimate the maximum amount of each material to be disposed of in one year during the first 5 years (see Support Document for ranges), the percent of the new chemical substance contained in the substances requiring disposal and enter the anticipated method of disposal. Also enter the name of the commercial disposer (if applicable) and the location of the site of disposal if known.

	Material Requiring Disposal	Amount (kg/yr)	Percent of New Chemical Substance	Anticipated Method of Disposal	Name and Site Location
[ ]					
[ ]					
[ ]					

[ ] 2. If substances containing the new chemical substance that require disposal are incinerated or otherwise treated to destroy or remove the chemical substance indicate the efficiency of this removal.

[ ] 3. Attach to this notice a copy or reasonable facsimile of any warning statement, labels, labeling or instructions that will be provided by you to persons who may dispose of the new chemical substance in order to inform them of disposal procedures you recommend.

[ ] 4. Estimate the maximum number of workers that may be exposed to the new chemical substance during normal disposal operations and characterize the magnitude, duration, and frequency of such exposures (see Support Document for ranges).

Section D Federal Register Notice

Information provided in this section will be published in the Federal Register in accordance with Section 5(d)(2) of the TSCA. Separate sections are provided for presentation of data related to confidential information where appropriate. Do not enter any information in this section which you consider confidential.

1. If use data were not claimed confidential, list the proposed uses of the chemical substance by function and as specific an application as known. List industrial uses and consumer uses separately.

Industrial Uses

Function	Application

Consumer Uses

Function	Application

2. If use data were claimed confidential provide a generic description of the proposed industrial and consumer use(s) of the chemical substance. This description should be as specific as possible without revealing confidential information.

Industrial Uses

_____

_____

_____

Consumer Uses

_____

_____

_____

Part II

GENERAL POPULATION EXPOSURE/CONSUMER PRODUCTS

Complete this part if you will manufacture a product(s) that intentionally contains the new chemical substance and that will be distributed for use by the general population or for use in products to which the general population may be exposed.

[ ] 1. Using Table 2 list the anticipated products by function and application and the total amount of the new chemical substance devoted to each product to one significant figure. Estimate the consumer market population which will be exposed to the product (see Support Document for ranges), the route of exposure and the frequency and duration of exposure based on each use. For products which are mixtures indicate the maximum percent by weight of the chemical substance in the product. Check those products which are constructed or formulated so as to limit potential exposure.

[ ] 2. Describe the level of human exposure that may occur through use of products that contain the new chemical substance. Where possible provide quantitative estimates of exposure levels such as the maximum concentration of the substance in air during normal use.

[ ] 3. Describe how the estimates in Question 2 were derived.

[ ] 4. For each article checked in Table 2 explain those aspects of its concentration or formulation which will affect the potential for exposure to the new chemical substance.

[ ] 5. Attach to this notice a copy or reasonable facsimile of any hazard warning statement, labels, labeling or instructions, which will be provided with each product regarding the prevention of adverse health and/or environmental effects upon use or disposal.

TABLE 2

CONSUMER EXPOSURE

	Product Function/ Application	Amount For each Use	Consumer Market Population for each use	Frequency of Exposure	Duration of Exposure	Exposure Route Through Use			% in formulated Mixture	Controlled Exposure Construction
						Inhal.	Ingest.	Derm.		
[ ]	_____	_____	_____	_____	_____	[ ]	[ ]	[ ]	_____	[ ]
[ ]	_____	_____	_____	_____	_____	[ ]	[ ]	[ ]	_____	[ ]
[ ]	_____	_____	_____	_____	_____	[ ]	[ ]	[ ]	_____	[ ]

[FR Doc. 79-394 Filed 1-9-79; 8:45 am]

federal register

WEDNESDAY, JANUARY 10, 1979
PART III

DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

[4710-09-M]

DEPARTMENT OF STATE

[Public Notice 645]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (P.L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the FEDERAL REGISTER.

Individual vessel applications for fishing during 1979 have been received from the Governments of Japan and Korea and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634-7265).

Dated: January 2, 1979.

LARRY L. SNEAD,
Acting Director,
Office of Fisheries Affairs.

[4710-09-C]

FISHERY CODES AND DESIGNATION OF REGIONAL COUNCILS WHICH REVIEW APPLICATIONS FOR INDIVIDUAL FISHERIES ARE AS FOLLOWS:

CODE	FISHERY	REGIONAL COUNCIL
ABS	Atlantic Billfishes and Sharks	New England Mid-Atlantic South Atlantic Gulf of Mexico Caribbean
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet	North Pacific
CRB	Crab (Bering Sea)	North Pacific
GOA	Gulf of Alaska	North Pacific
NWA	Northwest Atlantic	New England Mid-Atlantic
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific
SNL	Snails (Bering Sea)	North Pacific
WOC	Washington, Oregon, California Trawl	Pacific

ACTIVITY CODES SPECIFY CATEGORIES OF FISHING OPERATIONS APPLIED FOR AS FOLLOWS:

ACTIVITY CODE	FISHING OPERATIONS
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
KOREA			
*SOO GONG NO. 51 LARGE STERN TRAWLER	KS-79-0042	GOA	2
*BOOK NEUNG LARGE STERN TRAWLER	KS-79-0079	GOA	2
*TAE YANG 12 MEDIUM STERN TRAWLER	KS-79-0081	GOA	3
JAPAN			
KEIKO MARU FACTORY SHIP	JA-79-0701	BSA,CRB,GOA, NWA,SNA	2
DAIKICHI MARU NO. 33 LONGLINER	JA-79-0702	CRB	1
FUKUYO MARU NO. 18 LONGLINER	JA-79-0703	CRB	1
HOKKO MARU NO. 12 LONGLINER	JA-79-0704	CRB	1
RYUHO MARU NO. 25 LONGLINER	JA-79-0705	CRB	1
TAIKI MARU NO. 81 LONGLINER	JA-79-0706	CRB	1
KEIYO MARU NO. 28 LONGLINER	JA-79-0710	CRB	1
KEIYO MARU NO. 38 LONGLINER	JA-79-0711	CRB	1
FUKUYO MARU NO. 8 LONGLINER	JA-79-0713	CRB	1
KAIUN MARU NO. 21 LONGLINER	JA-79-0717	CRB	1
DAIAN MARU NO. 88 LONGLINER	JA-79-0718	CRB	1
KOYO MARU FACTORY SHIP	JA-79-0720	BSA,CRB,GOA, NWA,SNA	2
BENTEN MARU NO. 58 LONGLINER	JA-79-0731	CRB	1
TOMI MARU NO. 18 LONGLINER	JA-79-0732	CRB	1
OTOBE MARU LONGLINER	JA-79-0734	CRB	1
KOYO MARU NO. 3 LONGLINER	JA-79-0812	CRB	1
HOKO MARU NO. 36 LONGLINER	JA-79-0813	SNA	1
KYOWA MARU NO. 7 LONGLINER	JA-79-0815	CRB,SNA	1
EIKYU MARU LONGLINER	JA-79-0817	CRB	1
EIWA MARU NO. 28 LONGLINER	JA-79-0820	CRB,SNA	1
MATSUEI MARU NO. 72 LONGLINER	JA-79-0821	CRB	1
EITAN MARU LONGLINER	JA-79-0830	SNA	1
HAKUYO MARU LONGLINER	JA-79-0837	CRB	1
CHOSEI MARU NO. 78 LONGLINER	JA-79-0838	SNA	1
KOHOKU MARU NO. 18 LONGLINER	JA-79-0839	SNA	1
HOYO MARU NO. 68 LONGLINER	JA-79-0840	SNA	1
HOEUSEN MARU NO. 2 LONGLINER	JA-79-0841	SNA	1
TAISAN MARU NO. 1 LONGLINER	JA-79-0851	CRB, SNA	1
TAKASHIRO MARU NO. 31 LONGLINER	JA-79-0856	CRB,SNA	1
MARUNAKA MARU NO. 68 LONGLINER	JA-79-0860	CRB,SNA	1
HOYO MARU NO. 63 LONGLINER	JA-79-0862	SNA	1
AZUMA MARU NO. 11 LONGLINER	JA-79-0871	SNA	1
HAKKAI MARU NO. 11 LONGLINER	JA-79-0872	SNA	1
HIGO MARU LONGLINER	JA-79-0873	SNA	1
RYOUN MARU NO. 2 LONGLINER	JA-79-0877	SNA	1
RYUSHO MARU NO. 1 LONGLINER	JA-79-0878	SNA	1
TAKIMARU NO. 2 LONGLINER	JA-79-0879	SNA	1
KAIYO MARU NO. 8 LONGLINER	JA-79-1137	CRB	1
WAKASHIO MARU NO. 58 LONGLINER	JA-79-1223	ABS	1
DAIKICHI MARU NO. 77 LONGLINER	JA-79-1317	ABS	1
KOYO MARU NO. 11 LONGLINER	JA-79-1318	ABS	1
TENRYO MARU CARGO/TRANSPORT VESSEL	JA-79-2024	BSA,CRB,GOA	3

*These vessels are applying for authorization to conduct activities in support of U.S. fishing vessels. Specifically, the request is to purchase fish for processing and shipment to Korea from U.S. fishing vessels in the Gulf of Alaska during 1979. A total of 130,000 metric tons of pollock including incidental species of pacific ocean perch, flounders, rockfish, pacific cod and other species is requested.

[FR Doc. 79-808 Filed 1-9-79; 8:45 am]

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(Revised as of July 1, 1978)

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